

UNIVERSITY OF KENT

Student Discipline Procedure

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UNIVERSITY OF KENT
Student Code of Conduct

Student Code of Conduct

1. As a University of Kent student, you are expected to adhere to this Student Code of Conduct and the [Student Charter](#):
 - respect and observe University rules and regulations
 - behave respectfully towards groups or individuals, regardless of gender, age, ethnic origin, disability, sexual orientation, religion or belief, marriage or civil partnership, gender identity and pregnancy or maternity.
 - respect the rights and privacy of others
 - behave in an orderly manner in your academic and recreational activities on and off campus, in university accommodation, and in your daily life
 - be a proud ambassador for the University and the Students' Unions and represent them in a manner that best promotes their respective reputations
 - take shared responsibility for your guests when on university premises
 - take appropriate action when you see others acting inappropriately, for example by bringing it to the attention of the University, Campus Security or Students' Union rather than intervening yourself
 - follow the relevant standards when undertaking professional training and undertaking organised sporting activities.
 - act professionally when working on placements or other work experience
2. The University will not tolerate inappropriate behaviour against a student, University employee or others visiting, working, or studying at the University. The University sets out what the University considers inappropriate in our Student Discipline Procedure.
3. The University may discipline a student for inappropriate behaviour to protect the interests and reputation of the University and its members.
4. Students on programmes or placements leading to a professional qualification need to behave in a manner suitable for that profession. Where there is unprofessional behaviour, the University may act using alternative procedures, such as the Fitness to Practise Procedure.
5. Education and Student Experience Board approved the Student Code of Conduct and Student Discipline Procedure on 27 October 2021.

University of Kent
Student Discipline Procedure

Student Discipline Procedure

Introduction and Purpose

1. This procedure outlines the process which will be followed by the University in relation to student misconduct. For the purposes of this document 'the University' will refer to the University of Kent and all nominated partners.
2. The University is a community and expects all students to conduct themselves with appropriate care and respect for all its members (student, staff, or visitor), and to show proper concern for the reputation and environment of the University community.
3. Students are expected to adhere to all relevant regulations, policies, and procedures as well as the Student Code of Conduct and are expected to conduct themselves at all times in a manner that supports the University's commitment to create a safe and supportive community for all. Failure to do so will be considered a breach of this procedure that may result in disciplinary action.
4. Students will also be held responsible, where appropriate, for the conduct of their guests and for any damage caused by their guests whilst they are on university campuses or in on-campus accommodation.
5. The University recognises its responsibility to comply with the law, and, where necessary, to co-operate with the appropriate agencies such as the police in any investigation into alleged criminal activity. This procedure does not replace criminal law and nothing in this procedure prevents a crime being reported to the police.
6. This procedure is reviewed every three years by the Education and Student Experience Board and approved by Senate.
7. **Non-academic misconduct** is defined as a behaviour which interferes with activities or functions of the University, with those who work or study at the University or as an action which otherwise damages the reputation of the University in the community and more widely.
8. Any student, member of the University community, or a member of the public may report an instance of non-academic misconduct. Such reports should be made to the Student Conduct and Complaints Office. If the complaint is received by any other member of university staff it should be sent to the Student Conduct and Complaints Office in the first instance.
9. Disciplinary action may also be taken when it is considered necessary to protect the interests and reputation of the University and its students, staff, and members.

Student Support

10. Students subjected to this procedure are encouraged to seek advice and support from the Students' Union advisory services ([Kent Union](#)).
11. All students involved in the investigation process have the right to attend any meetings accompanied by a member of the University community, such as a member of staff, by a Students' Union representative, a fellow student, a family member, or friend. The accompanier is there to provide moral support and may not be a legal representative or advocate. The student is expected to speak on their own behalf; there is no automatic right for an accompanier to speak on the student's behalf and it is at the University's discretion as to whether the accompanier is permitted to do so.
12. If a student is receiving support through Student Support and Wellbeing (SSW), they may also be accompanied by their SSW Adviser if they wish. The University will make reasonable adjustments to this procedure where it is reasonable to do so to prevent a student from experiencing less favourable treatment because of a disability or impairment. In such cases, the University's Student Support and Wellbeing team will be consulted.

Kent Union

13. Kent Union is committed to providing high quality services to its members and customers and to protecting its staff, members, customers, and visitors from unacceptable behaviour. Inappropriate behaviour is not tolerated and is dealt with by the Kent Union Student Discipline Procedure. This process is separate to the University of Kent Student Disciplinary Procedure. However, further disciplinary action may be taken by the University and will be considered on a case-by-case basis.
14. Student members are responsible for ensuring that Kent Union activities operate within the law and within the guidelines set out in Kent Union's policies and procedures. Kent Union undertakes to deal with anti-social or inappropriate behaviour undertaken by members of Kent Union Societies or activities swiftly and effectively.

Arrangements relating to criminal procedures

15. The University recognises their 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.
16. The University will not normally take any action (except to mitigate risk) against a student in respect of any alleged offence which breaches criminal law and on which police action is under consideration, in hand or pending.
17. On receiving a report that a student is under police investigation or is subject to criminal proceedings, the Student Conduct and Complaints Officer will inform the Head of Student Conduct and Complaints or nominee who will undertake any

immediate action to mitigate risk and then submit a Risk Assessment to the Risk Management Panel (please see managing risk below).

18. Following completion of police enquiries and criminal proceedings, any disciplinary action under this procedure will consider any penalties imposed by the courts or by the police.
19. The decision on whether and when to commence disciplinary proceedings under this procedure is likely to depend on several considerations which may include the following:
 - The seriousness of the alleged offence(s)
 - The outcome of the criminal proceedings
 - Where appropriate, the wishes of both the victim(s) and the offender(s)
 - Where appropriate, the availability of the alleged offender(s)
20. Precautionary measures may include imposing conditions such as no-contact agreements, requiring students to move accommodation, suspension from studies, or temporary exclusion from all or part of university campuses or facilities.

Managing risk

21. The Head of Student Conduct and Complaints or nominee will undertake a Risk Assessment to identify and take any steps necessary to:
 - Ensure that the students involved receive appropriate academic and pastoral support
 - Safeguard the health, safety, and welfare of members of the University community; and
 - Ensure that confidentiality is maintained as appropriate
22. A Risk Management Panel will review the Risk Assessment to determine whether any precautionary measures need to be put in place to:
 - Ensure that a full and proper investigation can be carried out (either by the police or University) and/or
 - Implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation carried out by the Police or University.
23. The membership of the Risk Management Panel will depend on the nature of the allegation, but typically will consist of the Deputy Director of Student Services/ Head of Student Support and Wellbeing, Head of Student Conduct and Complaints and Head of College and Community Life.
24. Precautionary measures may include:
 - Imposing conditions on the Reported Student (for example, requiring the Reported Student not to contact certain witnesses or requiring the Reported Student to move accommodation or prohibiting the Reported Student from going to certain places within the University at certain times of the day).
 - Temporarily suspending the Reported Student in whole or part from the University, campus, or facilities (in line with the Student Discipline Procedure)
 - Identifying the members of staff within the University with responsibility for supporting the Reporting Student and Reported Student and, where

appropriate, informing them of any actions required to mitigate risk. This will only be done on a need-to-know basis.

- Where it is required to protect the safety of either Student or any witness on campus, informing Campus Security of any precautionary measures.
- Considering any other actions relevant to the alleged incident

25. The Student Conduct and Complaints Office will be responsible for ensuring that any decisions or recommendations made by the Risk Management Panel are recorded and acted upon.

26. Risk Assessments will be reviewed once every two weeks. Additional reviews may be arranged, if necessary, e.g., at any point where a change to the situation occurs.

Examples of what is considered unacceptable behaviour (not exhaustive)

27. The examples of behaviours below are unacceptable and could lead to disciplinary action. **The given examples of unacceptable behaviour are not exhaustive** and disciplinary action may be taken in relation to other unacceptable behaviour.

28. Example behaviours are divided into two categories:

(a) Behavior considered to be examples of misconduct of a Category 1 nature

(b) Behavior considered to be examples of misconduct of a Category 2 nature.

29. Misconduct will be dealt with on a case-by-case basis. Depending on the nature of the misconduct a 'Category 2' offence or repeated 'Category 2' offences may lead to them being classed as 'Category 1'.

Table of examples of disciplinary offences (not exhaustive)

| Disciplinary offence | | Examples of what the University considers unacceptable behavior | Examples of sanctions that can be issued |
|---|--|---|---|
| Misconduct in relation to people | | | |
| 1 | Physical misconduct | Category 1 <ul style="list-style-type: none"> • Punching • Kicking • Slapping • Pulling Hair • Biting • Use or threatening use of weapons, including knives | <ul style="list-style-type: none"> • Restrictions/conditions, such as temporary exclusion or suspension • Formal warning • Written apology • Expulsion |
| | | Category 2 <ul style="list-style-type: none"> • Pushing • Shoving | <ul style="list-style-type: none"> • Formal warning • Written apology |
| 2 | Sexual misconduct (where action is taken by the University separate from criminal investigation) Students should refer to the sexual misconduct | Category 1 <ul style="list-style-type: none"> • Engaging in a sexual act without consent • Attempting to engage in sexual intercourse and/or a sexual act without consent • Sharing, including by electronic means, private sexual materials about another person without consent • Kissing without consent | <ul style="list-style-type: none"> • Restrictions/conditions, such as no contact, temporary exclusion, or suspension • Formal warning • Written apology • Expulsion |

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| | <p>procedure set out in Appendix A</p> | <ul style="list-style-type: none"> • Touching people inappropriately through their clothes • Touching people inappropriately under their clothes • Inappropriately showing sexual organs to another person, including by electronic means • Stalking including repeatedly following another person • Making unwanted remarks of a sexual nature, including by electronic means | |
| <p>3</p> | <p>Unacceptable/ abusive behavior</p> | <p>Category 1</p> <ul style="list-style-type: none"> • Threats to harm another person, including threats to spread malicious or false information about an individual • Abusive comments relating to an individual's sex, sexual orientation, religion or belief, race or nationality, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability, or age, including unacceptable behavior committed by electronic means • Acting and/or speaking in an intimidating and/or hostile manner • Bullying or harassment, including by electronic means • Disorderly behavior, for example behavior that could/does cause offence, alarm, or the disturbance of others. • Acts that threaten the rights and privacy of any member of the University, including repeatedly taking photos of someone without their consent • Honor based violence • Domestic abuse • Contacting another person by phone, email, text or on social networking sites, against the wishes of the other person | <ul style="list-style-type: none"> • Written apology • Restrictions/conditions, such as no contact, temporary exclusion, or suspension • Requirement for a student to attend an educational program • Expulsion |
| <p>4</p> | <p>Hate incidents</p> <p><i>Hate incidents are similar to harassment/bullying, however, hate incidents are motivated by prejudice based on protected characteristics such as disability, race, religion, sexual orientation, or transgender identity.</i></p> | <p>Category 1</p> <ul style="list-style-type: none"> • Hate speech, for example abuse threats intended to harass, alarm, or distress a person because of hatred of a person's race or ethnicity, religion or belief, sexual orientation, gender identity or disability • Offensive images, either recirculated or created by an individual(s) including via internet social networks or similar sites • Threats or actual harm to another person • Bullying or harassment or other inappropriate behavior towards | <ul style="list-style-type: none"> • Restrictions/conditions, such as no contact, temporary exclusion, or suspension • Formal Warning • Written apology • Requirement for a student to attend an educational program • Expulsion |

| | | | |
|---|---|---|--|
| | | staff or students including via email, telephone and writing or through use of social networks or similar sites | |
| Misconduct in relation to property | | | |
| 5 | Damage to Property | Category 1 <ul style="list-style-type: none"> Causing or attempting to cause significant damage to university property of students, staff, or visitors to the University. The damage can be either caused by intentional action or negligent behavior | <ul style="list-style-type: none"> Expulsion Temporary exclusion Restrictions/conditions Payment to cover cost of damaged items |
| | | Category 2 <ul style="list-style-type: none"> Causing or attempting to cause minor damage to university property or to the property of students, employees of the University or visitors to the University Minor abuse of university facilities | <ul style="list-style-type: none"> Formal warning Written apology Payment to cover cost of damaged items |
| 6 | Unauthorised taking or use of property | Category 1 <ul style="list-style-type: none"> Unauthorised entry or use of university premises Fraud, deceit, deception, theft, dishonesty in relation to the University, its staff, or its students, nominated partners or its visitors Misuse of University property (for example computers or equipment) | <ul style="list-style-type: none"> Restrictions/conditions Formal warning Written apology Payment to cover cost of stolen items Expulsion Temporary exclusion |
| | | Category 2 <ul style="list-style-type: none"> Minor misuse of university property (for example computers or equipment) Borrowing without permission | <ul style="list-style-type: none"> Formal warning Written apology |
| 7 | Causing a Health and Safety concern | Category 1 <ul style="list-style-type: none"> Act/omission that did cause or could have caused serious harm on university premises or during university activities (for example disabling fire extinguishers and/or smoke detectors) Act/omission that did cause or could have caused a health and safety concern on university premises (for example disabling fire detection equipment, smoking cigarettes or e-cigarettes in non-designated areas) Unwarranted sounding or raising | <ul style="list-style-type: none"> Restrictions/conditions, such as no contact, temporary exclusion, or suspension Written apology Formal Warning Financial sanction (please see table in paragraph 38) Requirement for a student to attend an educational program Recommendation that an accommodation agreement is terminated Expulsion |

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| | | <p>of the fire alarm(s).</p> <ul style="list-style-type: none"> • Intentional or reckless interference with mechanical, electrical, or other services or installations. • Non-compliance with safety notices, restricted areas, instructions, or directions including notices regarding Covid-19. • Possession or use of explosives, weapons and use or possession of poisons. • Hosting parties or large gatherings in University Accommodation or nominated partners accommodation that are disruptive | |
| | | <p>Category 2</p> <ul style="list-style-type: none"> • Unacceptable noise on or off campus • Anti-social noise or persistent noise in University Accommodation • Non-compliance with any noise bans in place on campus | <ul style="list-style-type: none"> • Formal warning • Written apology |
| Misconduct in relation to the University | | | |
| 8 | <p>Disruption of the work of the University and its members</p> | <p>Category 1</p> <ul style="list-style-type: none"> • Acts/omissions/statements intended to deceive the University • Deliberate or malicious disruption of the activities of the University (including academic, administrative, safety, sporting and social) excluding a student's right to peaceful protest • Deliberate or malicious disruption of the functions, duties, or activities of students, employees, or authorised visitors to the University, excluding a student's right to peaceful protest • Failure by a student to provide their name, or ID when requested by a member of staff. • Obstruction of staff in the performance of their duties or the normal business of the University (this includes non-compliance with a request to attend a meeting called under these regulations) • Impersonation/conspiracy to impersonate or attempting to influence an officer improperly in relation to matters covered by these Regulations (including bribery and corruption as stated in the University's Anti-Bribery and Corruption Policy) • Misuse of email from a university | <ul style="list-style-type: none"> • Restrictions/conditions, such as no contact, temporary exclusion, or suspension • Formal warning • Written apology • Expulsion |

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| | | <p>account or an account accessed via the University network</p> | |
| | | <p>Category 2</p> <ul style="list-style-type: none"> Improper interference with the activities of the University (including academic, administrative, timetabled events on university premises or elsewhere) Improper interference with the functions, duties or activities of any student or employee of the University or any authorised visitor to the University Breaches of the Regulations for IT use, including social media Unfounded and malicious complaints brought against a member of the University under the University of Kent Student Complaints Procedure | <ul style="list-style-type: none"> Restrictions/conditions, such as restricted use of IT equipment Formal warning Written apology |
| 9 | Illegal and unlicensed substances including illegal drugs | <p>Category 1</p> <ul style="list-style-type: none"> Use and/or possession of illegal substances with intent to supply (evidence of a large quantity and/or particular class of drug), supply or offer to supply illegal substances (including giving them away for free or sharing with others), produce illegal substances, import or export illegal substances or allow a house, flat or office to be used by people to undertake any of these unlawful activities Use of Nitrous Oxide or other substances not licenced for human consumption. | <ul style="list-style-type: none"> Restrictions/conditions, such as temporary exclusion or suspension Financial sanction (see table in paragraph 39) Requirement for a student to attend an educational program Expulsion Recommendation that the student accommodation agreement is terminated |
| 10 | Reputational damage | <p>Category 1</p> <ul style="list-style-type: none"> Behavior which has caused serious damage to the reputation of the University | <ul style="list-style-type: none"> Expulsion Temporary exclusion Restrictions/conditions |
| | | <p>Category 2</p> <ul style="list-style-type: none"> Behavior which could have damaged the reputation of the University if action had not been taken to avoid the potential for reputational damage | <ul style="list-style-type: none"> Formal warning Written apology |
| 11 | Initiation ceremonies | <p>Category 1</p> <ul style="list-style-type: none"> Organisation of initiation type behaviors including coercion to undertake activities against a person's will, forced consumption of alcohol, humiliation of a person, forced acts of nudity/nakedness, victimisation of individuals described as "freshers", consumption of abnormal/unpleasant substances, bullying; discrimination; harassment, | <ul style="list-style-type: none"> Expulsion Temporary exclusion Restrictions/conditions, such as no contact, temporary exclusion, or suspension |

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| | | physical acts perpetrated against a person's body, psychological torment, isolation or ostracising someone | |
| 12 | Repeated breaches of these regulations | <p>Category 1</p> <ul style="list-style-type: none"> Repeated or multiple breaches of any of the regulations above | <ul style="list-style-type: none"> Expulsion Temporary exclusion Restrictions/conditions, such as no contact, temporary exclusion, or suspension Financial sanction up to £500 (issued by a Student Disciplinary Panel) |

Definitions

30. **Exclusion/temporary exclusion** means prohibiting a student from taking part in university activities, using University and Student Union facilities and/or entering University grounds or premises. The University may put in place a permanent or partial exclusion. The Vice-Chancellor has responsibility for good order in the University. If they deem it to be in the interest of the University (or the interest of an individual member of the University), they may decide to exclude/temporarily exclude a student from the University (or part thereof) and/or suspend the student from attendance in any academic or other activities.
31. In the absence of the Vice-Chancellor these powers may be exercised by a member of the University's Executive Group or the Director of Student Services.
32. Notification of an exclusion/temporary exclusion will include details of a right of appeal and allow the student a further opportunity to ask for their position to be reviewed after one month of the original appeal decision. The student will have opportunities to request a review every two months while a temporary exclusion remains in place.
33. **Expulsion** means terminating a student's registration at the University and withdrawing the student from both their degree programme and the University.
34. **Restrictions/conditions** may be placed on a student permitted to either return to, or continue with, their degree programme.
35. **Formal Warning** means a written warning to a student indicating the consequences of future misconduct. Details will be added to the student's University record.
36. **Written apology** is a statement that a student makes to any individual containing an admission of error or discourtesy, accompanied by an expression of regret.
37. **No contact** means stopping direct or indirect contact with an individual(s) immediately, including by electronic means such as email, messaging services or social media.

Health and Safety Breaches

38. The University takes health and safety concerns very seriously. Examples of sanctions for Health and Safety misconduct are described below:

| | | | |
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| Tampering with fire safety equipment, including covering or disabling a smoke detector in residences, removing, or setting off fire extinguishers without good reason | A financial sanction of £200 Cost to replace or repair fire safety equipment | A financial sanction of £200 fine and a recommendation to Kent Hospitality or nominated partner that the student's Accommodation Agreement is terminated. Cost to replace or repair fire safety equipment | Referral to a Student Disciplinary Panel which has full range of the sanctions set out in this procedure. A financial sanction of up to £500 may be issued |
| Setting off the fire alarm deliberately without good reason | Formal warning | Formal warning Where appropriate, a recommendation to Kent Hospitality or nominated partner that the student's Accommodation Agreement is terminated | Referral to a Student Disciplinary Panel which has full range of the sanctions set out in this procedure. A financial sanction of up to £500 may be issued |
| Smoking cigarettes or vaping in non-designated areas, open flames without setting off the fire alarm (including candles and joss sticks), careless unattended cooking | Formal warning Cost of putting right any damage | A financial sanction of £100 Cost of putting right any damage. | A financial sanction of £200 Putting right the cost of any damage A recommendation to Kent Hospitality or nominated partner that the student's Accommodation Agreement is terminated |
| Non-compliance with safety notices, restricted areas, instructions, or directions. | Depending on the severity of the incident: Advice and guidance on restrictions Formal warning | Financial sanction of £100 if the incident occurred in university (or a nominated partner) accommodation a recommendation that the Accommodation Agreement is terminated. | Referral to a Student Disciplinary Panel which has full range of the sanctions set out in this procedure A financial sanction of up to £500 may be issued |
| Hosting parties or large gatherings in University Accommodation or nominated partners accommodation. | | Depending on the severity of the incident: Formal Warning A recommendation that a student's accommodation agreement is terminated may be made | Referral to a Student Disciplinary Panel which has full range of the sanctions set out in this procedure A financial sanction of up to £500 may be issued and/or A recommendation that a student's accommodation agreement is terminated may be made |

Illegal substances Nitrous Oxide and/or other substances not licenced for human consumption

39. The University has a zero-tolerance approach to illegal substances. Examples of sanctions for misconduct relating to illegal substances are described below:

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| Possession or use of illegal substances, Nitrous Oxide and/or other substances not licenced for human consumption. | A financial sanction of £50 | A financial sanction of £100 A recommendation may be made to Kent Hospitality or nominated partner that the student's Accommodation Agreement is terminated | Referral to a Student Disciplinary Panel which has full range of the sanctions set out in this procedure A financial sanction of up to £500 may be issued |
| Possess illegal substances with intent to supply (evidence of a large quantity and/or particular class of drug), supply or offer to supply illegal substances (including giving them away for free or sharing with others), produce illegal substances, import or export illegal substances or allow a house, flat or office to be used by people to undertake any of these unlawful activities | | Temporary Exclusion depending on the severity of the offence or whilst an investigation is conducted Incidents of trading or distributing illegal substances may be reported to the police | Referral to a Student Disciplinary Panel which has full range of the sanctions set out in this procedure A financial sanction of up to £500 may be issued and/or |

40. The sanctions described in the table above are indicative only, and other sanctions may be imposed to take account of the particular circumstances of the offence and/or a student's previous disciplinary record. If a student is found to have committed an offence described in the table above, they may, in appropriate circumstances, be referred to the University's Student Support and Wellbeing services.

Reporting Student Non-academic Misconduct

41. Any incident of misconduct which occurs on university property or campuses, at a university event (including events held off University property or campuses), or which impacts on the harmony of the University community, can be reported to the Student Conduct and Complaints Office.
42. Reports should be submitted using a Discipline Reporting Form and submitted to sccoffice@kent.ac.uk wherever possible. The report will be acknowledged within **three working days**.
43. Reports can also be made in person to any member of staff and can be made directly to a Student Conduct and Complaints Officer by making an appointment with Student Conduct and Complaints Office (sccoffice@kent.ac.uk).

44. Reports of possible breaches of the Student Discipline Procedure can also be provided to the Student Conduct and Complaints Office by Campus Security.
45. The University does all it can to ensure that students who raise concerns are supported appropriately. However, it is important to note that the University will not normally be able to act on complaints that are made anonymously. This is because the University is under an obligation to deal with allegations in a fair and reasonable way and in accordance with the rules of natural justice. Natural justice means that adjudication is unbiased and given in good faith, and that each party is aware of arguments and documents given by the other. This entitles the student who is subject to disciplinary proceedings to have a fair hearing.
46. Students concerned about anonymity can contact the Student Conduct and Complaints Office at sccoffice@kent.ac.uk for further information.
47. Details of incidents such as sexual misconduct, harassment, relationship abuse or hate incidents can be reported via [Report and Support](#)). This service also gives a student access to the support that is available to them in the aftermath of an incident. Report and Support also gives a student the option to record an incident and give their name or choose to remain anonymous.
48. Incidents regarding sexual misconduct will be investigated in line with the Sexual Misconduct Procedure set out in appendix A of this procedure.
49. Reports made about a group of students may be dealt with as a single process or via a group meeting. Students will be provided with the opportunity to speak with a Conduct and Complaints Officer separate to the group meeting, if requested.
50. At each stage, the University reserves the right to take no further action if it is deemed appropriate. Examples include insufficient evidence to support an allegation of misconduct or where a legal process is underway or has been completed.
51. Details of the outcome of any formal investigation will not usually be given to the reporting party unless it is deemed necessary or appropriate to do so.

Confidentiality

52. Information disclosed during, or resulting from, disciplinary proceedings will be treated with the appropriate degree of confidentiality.
53. Students on courses leading to a professional qualification should be aware that initiation of, and findings from, investigations that could have a bearing on their course of study may be reported to the relevant professional bodies and be subject to local fitness to practise procedures. Students will be informed of this decision in writing.

Investigation

54. On receipt of a report, a Student Conduct and Complaints Officer (Investigating Officer) will invite the reporting student to attend a meeting (this can be undertaken online if required). During this meeting the investigation procedure will be explained, and the details of the report confirmed. A note of the initial meeting will be sent to the

student, who will be asked to confirm whether it is an accurate summary of the discussion.

55. In cases where a report received about a student involves possible violations of criminal law, the Head of Student Conduct and Complaints will refer to paragraph 15 onwards of this procedure.
56. The Investigating Officer will meet with the reported student(s) about whom the complaint has been made. The invite will normally **allow 5 working days'** notice of the meeting, however, in Category 1 incidents, less notice of the meeting may be given. Meetings with witnesses and/or other members of the University community will be arranged as necessary.
57. Meetings with an Investigating Officer takes precedence over all other non-academic engagements. If a student is unable to attend the meeting, they should contact the Student Conduct and Complaints Office to request to reschedule the meeting. Failure to attend more than one requested meeting without good reason, will result in the investigation proceeding in the student's absence. Students can have support during any meeting as set out in paragraph 11 above.
58. The disciplinary procedure is not a legal process. A student may only be accompanied by a legal representative if they have received express agreement from the University. Requests for a legal representative to be present should be submitted to sccoffice@kent.ac.uk as soon as is practicably possible. Please note that legal representation may delay the discipline process.
59. Notes of all meetings and discussions will be made and where appropriate individuals will be asked to confirm that it is an accurate record. Copies of the notes, with any amendments will be retained by the Student Conduct and Complaints Office. Digital recordings or online capture of meetings are not permitted except for reasonable adjustments.
60. Where there is other evidence available e.g., photographs, copies of social media, emails etc. these may be included in the investigation and may be shared with the student prior to any formal meeting. See the University's [CCTV Policy](#) for information on the use of CCTV evidence.
61. Where relevant, the Investigating Officer may consult with additional parties to obtain any evidence required.
62. Once the investigation is complete, the Investigating Officer will produce a report. The Investigating Officer will determine whether, on the balance of probabilities, the evidence indicates a breach of the Student Discipline Procedure. The Investigating Officer can find:
 - **The evidence does not indicate a breach of the Student Discipline Procedure and therefore no further action is required.** The case is dismissed, but continued support is available to all parties.Or
 - **The Evidence does indicate a breach of the Student Discipline Procedure and a sanction/ further disciplinary action is required.** If a

student is to be referred to a Student Discipline Panel the Head of Student Conduct and Complaints will review the report prior to a decision being referred to the Director of Student Services and the decision being issued to the student.

Right of Appeal

63. An appeal of a Student Conduct and Complaints Officer's decision may be submitted on one or more of the following grounds:

- That there is evidence of a failure to follow the procedures set out in this procedure or other administrative error which casts reasonable doubt on the reliability of the decision.

and/or

- 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.

64. To be considered, the appeal must:

- Provide the grounds for the appeal and the remedial action sought.
- Be submitted, with all necessary documentary evidence substantiating the grounds of the appeal.
- Be submitted in writing to the Head of the Student Conduct and Complaints Office at sccoffice@kent.ac.uk within **10 working days** from the date of the letter notifying the student of the decision.

65. The Head of Student Conduct and Complaints or nominee will determine whether the appeal is made on appropriate grounds. Where no appropriate grounds are identified, the appeal will be dismissed, and a Completion of Procedures Letter will be issued within 28 calendar days.

66. Where there are appropriate grounds identified, the Head of Student Conduct and Complaints will determine whether the appeal is upheld and therefore whether the allegations against the student should be dismissed or referred for reconsideration by an alternative Conduct and Complaints Officer.

67. The outcome of the appeal will be communicated to the student within **10 working days** of the appeal being received. The student will be advised of the right to bring a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) once the University's internal procedures have been exhausted.

Student Disciplinary Panel

68. Student Disciplinary Panels deal with the most serious disciplinary issues. A Student Disciplinary Panel will be formed, normally within **20 working days** of the recommendation being agreed by the Director of Student Services.

69. If a Student Disciplinary Panel is agreed by the Director of Student Services or nominee, the Head of Student Conduct and Complaints or nominee will act as secretary and:

- Appoint the members of the Student Disciplinary Panel. A Disciplinary Panel will normally be chaired by a senior member of university staff and include two other members of academic or non-academic staff and an appropriate member of Kent Union. All Panel members will have had no prior involvement in the case.
- Inform the Panel members and the student at least 10 working days before the meeting of the date and time of the meeting, matters to be considered by the Disciplinary Panel, and provide a copy of all supporting documentation and evidence.
- Inform the student of their right to representation and required attendance at the Panel meeting.
- Inform the student of their right to call witnesses. The student must give prior notice of any witnesses attending a panel meeting. It is the student's responsibility to arrange for their witnesses to attend at the correct time and location.

70. The student can provide a written statement of their case and other relevant supporting documents. The student is also entitled to:

- Receive copies of all documents used in consideration of their case prior to the meeting
- Hear and examine any evidence presented for consideration in their case
- Receive support and guidance from the Students' Union ([Kent Union](#) or [GKSU](#)).

The Panel will not take the student's previous disciplinary history into account until it has reached a decision on the alleged breach(s). It will be appropriate, however, to take previous disciplinary matters into account when deciding upon the appropriate sanction(s) to be imposed. The Student Disciplinary Panel can impose any sanction described in the Student Disciplinary Procedure and is able to issue a financial sanction of up to £500.

71. The outcome of the Student Disciplinary Panel will be provided to the student within 5 working days of the Panel taking place. A high-level summary of the outcome of the meeting will be provided to the appropriate Director of Division and copied to the Director of Student Services. The Deputy Director of Student Services and Head of Student Support and Wellbeing, Head of College and Community Life, Head of Campus Security, Accommodation Manager, Kent Union Managing Director may also be informed, as is deemed appropriate and may wish to arrange a further meeting with the student to determine if support should be made available to them and to consider the impact of any outcome on a student's course of study or accommodation.

72. Students are advised that the appropriate degree of confidentiality will be taken during the Student Disciplinary Panel including if there are professional conduct/Fitness to Practise implications, complaints involving crime, or risk to self

and others.

Appeal against a Student Disciplinary Panel decision

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

- That there is evidence of a failure to follow the procedures set out in this procedure or other administrative error which casts reasonable doubt on the reliability of the decision.

and/or

- 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.

74. To be considered, the appeal must:

- Provide the grounds for the appeal and the remedial action sought.
- Be submitted, with all necessary documentary evidence substantiating the grounds of the appeal.
- Be submitted in writing to the Head of the Student Conduct and Complaints Office at sccoffice@kent.ac.uk within **10 working days** from the date of the letter notifying the student of the decision.

75. The Director of Student Services or nominee will determine whether the appeal is made on appropriate grounds. Where no appropriate grounds are identified, the appeal will be dismissed, and a Completion of Procedures Letter will be issued within **28 calendar days**.

76. Where there are appropriate grounds identified, the matter will be referred to an appropriate member of the Executive Group, who will determine whether the appeal is upheld and therefore whether the allegations against the student should be dismissed or referred for reconsideration by a Student Disciplinary Panel.

77. The outcome of the appeal will be communicated to the student within **10 working days** of the appeal being received. The student will be advised of the right to bring a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) once the University's internal procedures have been exhausted.

The Office of the Independent Adjudicator for Higher Education

78. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. When all the University's internal stages for dealing with student disciplinary cases have been exhausted, the University will issue a Completion of Procedures letter. Students wishing to request 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.

79. Further information about the Office of the Independent Adjudicator for Higher Education may be obtained from the OIA's [website](#).

Student records

80. The Student Conduct and Complaints Office will keep a secure central record of misconduct reports, investigations, and Disciplinary Panel decisions in compliance with Data Protection Law and GDPR.
81. The student's record will be kept for the length of time that they are a student at the University and will be deleted six years after the student has left or graduated.
82. Full access to the secure central record will be limited to the Student Conduct and Complaints Officers, Head of Student Conduct and Complaints and the Director of Student Services. Limited access will be provided to other senior colleagues on a case-by-case basis.
83. A biannual report, which includes anonymised data regarding student discipline cases will be submitted to the appropriate Boards.

Student Discipline reporting form

This form is for you to report an incident, or incidents, which may constitute a breach of the University of Kent's Disciplinary Procedure.

Complete as much of this form as you can. Please attach any evidence (such as emails or screenshots) which you have.

| | |
|---|--|
| Your Full Name: | |
| Your Email Address: | |
| Your Kent Login or Student ID (if applicable): | |

| | | |
|--|---|---|
| Date of Incident: (This may be several dates or a time period) | Time of Incident: (approximate) | Location of Incident: (This may be several locations or online) |
| | | |

| | |
|---|--|
| Name and contact details of Witness/es (if not you): | |
|---|--|

| | |
|---|--|
| Name and ID Number of Student who caused the incident: (If known) | |
|---|--|

| | |
|---|--|
| Any other information that may help identify the student who caused the incident: e.g.: address, car registration, Kent login | |
|---|--|

| |
|--|
| Please describe the incident below: |
|--|

| |
|--|
| |
|--|

Declaration and Data Protection

I declare that the information given on this Student Disciplinary Reporting Form is a true statement of the facts to the best of my knowledge and that I would be willing, if required, to answer further questions related to it. I agree to the University using my personal data to process the report, in accordance with Data Protection and GDPR legislation. This may include securely sharing it with the Student Conduct and Complaints Officer, Risk Management Panel and/or relevant external partners, for the purpose of protecting my safety and/or the safety of others.

<https://www.kent.ac.uk/applicants/policies/privacy-notice.html>

I Understand that it is a disciplinary offence under the University of Kent's Student Disciplinary procedure to provide statements intended to deceive the University.

Name:

Date:

Signature:

Appendix A - University of Kent Sexual Misconduct Procedure

1. Introduction

1.1 This procedure sets out how the University of Kent will respond to incidents of sexual misconduct against students. The procedure is part of the University's Student Discipline Procedure and should be read in conjunction with the University's pledge regarding sexual misconduct.

2. Scope of Procedure

2.1 This procedure is designed to support a Reporting Student to disclose incidents of sexual misconduct to the University, and to support the Reporting Student when they choose and assess the course of action that is most appropriate for them.

2.2. This procedure applies to all alleged incidents of sexual misconduct between University of Kent Students. It does not cover incidents of allegations regarding non-sexual harassment, as the University has separate procedures in place for these types of incidents such as the Respect at Kent Policy and Student Discipline Procedure.

2.3 In the event that the Reported Party is a member of staff; action will be taken in accordance with the Protocol for managing allegations of misconduct made by students against members of university staff.

2.4 If the decision is taken not to deal with a case under this procedure, then the Reporting Student can request a review of that decision in accordance with the review process set out in section 7 of this procedure.

3. Support

3.1 The University is committed to supporting all members of its community affected by these issues. Specialist support resources are available to students who disclose an incident regardless of their decision to report to the University or the police. Support remains for all parties involved, regardless of the investigation outcome.

3.2 The Reporting Student and Reported Student will both have access to support services at the University and the Student Support and Wellbeing Team will reach out to the students. Separate members of staff will support both parties to ensure independence of any investigation process. Staff are trained specifically to support students during this type of procedure. Supporting staff are not involved in any aspect of decision making relating to ongoing investigations/disciplinary outcomes.

3.3 The Reporting Student will also be signposted to external support services such as a Sexual Assault Referral Centre (SARC) as set out in the guidance for students.

3.4 The Reporting and Reported Student may be signposted to the Students' Union Advice Centre to access free, impartial, and confidential advice.

4. Police Investigations and Judicial proceedings

4.1 The University may receive a report of sexual misconduct alongside any police investigations or judicial proceedings. In the interest of not impeding these proceedings, the University will not normally commence an internal investigation and may suspend any

ongoing investigation. In all instances the University will take any necessary precautionary action.

4.2 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter or an acquittal at a trial does not preclude the University from acting under this procedure and does not mean the Reporting Student has made a vexatious or malicious report

4.3 In all cases, the Reporting Student will be informed that an internal investigation is focussed exclusively on whether a breach of the University's Student Discipline Procedure has occurred. The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.

4.4 Where a student has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of the University's Student Discipline Procedure, the conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the University (except for any necessary precautionary action).

5. Procedure following a Disclosure/Report

Disclosure

5.1 It is important to note that disclosing and reporting an incident are separate actions. The University recognises the importance of minimising the number of times the Reporting Student must disclose an incident of sexual misconduct.

5.2 A student can also disclose via [Report + Support](#)

5.3 On receipt of a Disclosure by the University, in the first instance the student will be referred to a Specialist Wellbeing Adviser (Sexual Assault and Harassment). A Disclosure does not automatically result in a Report to the University being made under this procedure. The University respects the right of the Reporting Student to choose how to take forward a Disclosure.

5.4 The Reporting Student will be given the option and support to do one or more of the following:

- Report to the Police.
- Report to the Student Conduct and Complaints Office under this procedure.
- Make no report of the incident.
- Receive advice on the support that is available.

Report

5.5 To make a Report to the University, the Reporting Student may submit a statement of the allegation to the Head of Student Conduct and Complaints at sccoffice@kent.ac.uk . If the student has already made a disclosure to a Specialist Wellbeing Adviser, this statement may be shared with the Student Conduct and Complaints Office, with the student's consent. For an investigation to be undertaken the statement should indicate the name (if known) of the Reported Student and any witnesses.

5.6 A Report cannot be investigated if the Reporting Student does not wish the substance of the allegation to be made known to the Reported Student. All reports will be acknowledged within **2 working days**.

5.7 An investigation can only be undertaken at the request of the Reporting Student. University staff **should not** investigate the incident or inform the Reported Student or any other student of the report without the Reporting Student's consent to proceed. At any point in the procedure the Reporting Student reserves the right to withdraw their report.

5.8 The Reporting Student will be invited to attend a meeting with a Student Conduct and Complaints Officer (Investigating Officer). During the meeting the procedure will be explained, and the details of the Reported Student confirmed. A note of the initial meeting will be sent to the Reporting Student who will be asked to confirm whether it is an accurate summary of the discussion and confirm whether they agree to participate in an investigation. A Reporting Student is not required to attend the meeting for an investigation to commence.

Managing risk

5.9 The Head of Student Conduct and Complaints will undertake a Risk Assessment to identify and take any steps necessary to:

- Ensure that the students involved receive appropriate academic and pastoral support.
- Safeguard the health, safety, and welfare of members of the University community; and
- Ensure that confidentiality is maintained as appropriate

5.10 A Risk Management Panel will review the Risk Assessment to determine whether any precautionary measures need to be put in place to:

- Ensure that a full and proper investigation can be carried out (either by the police or University) and/or
- Implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation carried out by the Police or University.

5.11 The membership of the Risk Management Panel will depend on the nature of the allegation, but typically will consist of the Deputy Director of Student Services/ Head of Student Support and Wellbeing, Head of Student Conduct and Complaints and Head of College and Community Life.

5.12 Precautionary measures may include:

- Imposing conditions on the Reported Student (for example, requiring the Reported Student not to contact certain witnesses or requiring the Reported Student to move accommodation or prohibiting the Reported Student from going to certain places within the University at certain times of the day).
- Temporarily suspending the Reported Student in whole or part from the University, campus, or facilities (in line with the Student Discipline Procedure)
- Identifying the members of staff within the University with responsibility for supporting the Reporting Student and Reported Student and, where appropriate, informing them of any actions required to mitigate risk. This will only be done on a need-to-know basis.
- Where it is required to protect the safety of either student or any witness on campus, informing Campus Security of any precautionary measures.
- Considering any other actions relevant to the alleged incident

5.13 The Student Conduct and Complaints Office will be responsible for ensuring that any decisions or recommendations made by the Risk Management Panel are recorded and acted upon.

5.14 Risk Assessments will be reviewed once every two weeks. Additional reviews may be arranged, if necessary, e.g., at any point where a change to the situation occurs.

6. Investigating a report

6.1 All Student Conduct and Complaints Officers (Investigating Officers) investigating incidents of sexual misconduct are trained to do so and will seek to gather evidence as to whether or not a breach of the University 's Student Discipline Procedure has occurred.

6.2 The Investigation will be undertaken as quickly as possible and will normally be completed within **28 working days** from the initial meeting with the Reporting Student. All parties involved will be expected to maintain appropriate levels of confidentiality. The Reporting Student and Reported Student will be informed that they must not make any contact with each other during the investigation.

6.3 The Investigating Officer will take appropriate measures to provide a safe, comfortable, and supportive environment in which to discuss the report with the Reporting Student, Reported Student, and any witnesses during investigation meetings. The Investigating Officer may consult internal or external parties to seek specialist advice as required while maintaining confidentiality.

6.4 The purpose of the investigation is to provide each Student with the opportunity to explain their versions of events.

6.5 All students involved in the investigation process have the right to attend any meetings accompanied for support by a member of the University community, such as a member of staff, by a Students' Union representative, a fellow student, a family member, or friend. The accompanier is there to provide moral support and may not be a legal representative or advocate. The student is expected to speak on their own behalf; there is no automatic right for an accompanier to speak on the student's behalf and it is at the University's discretion as to whether the accompanier is permitted to.

6.6 Following the initial meeting with the Reporting Student, the Reported Student will be required to attend a meeting with the Investigating Officer. Prior to the meeting the Reported student will receive a copy of the report and any supporting documentation (redacted, if appropriate). The Reported Student will be asked to submit a written response in reply to the documentation provided at least **two working days** before their scheduled investigation meeting. During the meeting, the procedure will be explained and any further details of the allegation against them will be confirmed. The Reported Student will be given a full and fair opportunity to explain or present their version of events in response to the allegation.

6.7 The Reported Student will be provided with the opportunity to identify any witnesses for the Investigating Officer to contact. Witnesses (in all cases, willing) will be required to submit a written statement for the investigation and may be asked to attend an investigation meeting at the discretion of the Investigating Officer. The witnesses' statements will be provided to the Reporting and Reported Parties.

6.8 All relevant evidence must be submitted at the time of the investigation and all evidence submitted will be shared with all parties.

6.9 Notes of all meetings and discussions will be made and where appropriate individuals will be asked to confirm that it is an accurate record. Copies of the notes, with any amendments will be retained by the Student Conduct and Complaints Office. Digital recordings or online capture of meetings is not permitted except for reasonable adjustments.

6.10 Where relevant, the Investigating Officer may consult with additional parties to obtain any evidence required.

6.11 Once the investigation is complete, the Investigating Officer will produce a report for the Head of Student Conduct and Complaints. The Head of Student Conduct and Complaints will determine whether the evidence indicates, on the balance of probabilities, a breach of the Student Discipline Procedure. The Head of Student Conduct and Complaints can find:

6.11.1 The evidence does not indicate a breach of the Student Discipline Procedure and therefore no further action is required. The case is dismissed, but continued support is available to all parties.

Or

6.11.2 The Evidence does indicate a breach of the Student Discipline Procedure and further disciplinary action is required. The case will be considered under the Student Discipline Procedure and appropriate action will be taken.

7. Request for review

7.1 Following the conclusion of the investigation, the Reporting Student and/or Reported Student may request a review of the determination reached by the Student Conduct and Complaints Office in writing to the Director of Student Services (or nominee) within **10 working days** of notification of the investigation findings.

7.2 A request for review can be made on the following grounds only and should include any supporting evidence:

- Evidence that the Conduct and Complaints Office did not follow appropriate procedure in investigating the report and that this had a material effect on the investigation outcome.
and/or
- Substantial and relevant new information which the Reporting Student or Reported Student was unable to provide previously for a good reason and that this had a material effect on the investigation outcome.

7.3 A request for review should be made in writing to directorstudentservices@kent.ac.uk all review requests will be acknowledged within **5 working days**.

7.4 Should a Reported Student be referred to further disciplinary actions, such as Student Disciplinary Panel then the appropriate appeal process will be followed.

7.5 The review is confined to consideration of the whether the grounds for the review are demonstrated or not. The review will not re-investigate the case.

7.6 If the Director of Student Services (or nominee) decides the review is upheld for one or more reasons, they may decide to either:

- To refer the case back to the original Investigating Officer for continued investigation considering new evidence or in a procedurally correct manner.
- Require a new investigation by a new Investigating Officer

or

- To specify appropriate recommendations to annul, amend, confirm, or reduce the sanctions/conditions imposed by the Student Conduct and Complaints Office.

7.7 If the Director of Student Services determines that the review does not meet the grounds stated in 7.6 or the outcome of the investigation is considered reasonable, based on the evidence, the review will be dismissed.

7.8 The outcome of the review request and any associated timelines will be communicated to all relevant parties. within **10 working days** of the review being acknowledged.

In all instances, the decision reached by the Director of Student Services is final. In the event the Director of Student Services determines that a new investigation is required by an Investigating Officer, an additional review request will not be available to the student(s). This procedure provides all parties a single opportunity to request a review.

8. The Office of the Independent Adjudicator for Higher Education

8.1 The Office of the Independent Adjudicator for Higher Education (OIA) 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 request 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.

8.1.1 Further information about the Office of the Independent Adjudicator for Higher Education may be obtained from the OIA's [website](#).