

# University of Kent

## Student Code of Conduct and Student Non-academic Discipline Procedure

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## 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 Kent Students' Union 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 Kent 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.

# Student Non-academic Discipline Procedure

## 1. Introduction and purpose

- 1.1 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.
- 1.2 This procedure applies to all registered students (undergraduate and postgraduate) of the University. This procedure does not apply to applicants, offer holders, graduates of the University or a student that withdraws or interrupts from their course. Where a Reported Party withdraws or interrupts from the University during a stage of an investigation, the investigation will be paused. If they subsequently re-apply following a withdrawal or return after an interruption to their studies, the investigation will recommence upon their return to study.
- 1.3 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.
- 1.4 Students are expected to adhere to all relevant regulations, policies, and procedures, as well as the Student Code of Conduct. Students are expected to always conduct themselves in a manner that supports the University's commitment to creating a safe and supportive community for all and respect the right of others to freedom of speech within the law. Failure to do so will be considered a breach of this procedure that may result in disciplinary action.
- 1.5 All members of the University community have a shared responsibility to maintain an environment which respects human dignity and human rights, whilst allowing discussion of ideas and opinions that are within the law, no matter how unwelcome, distasteful, or offensive those ideas and opinions may seem. The University will not act against a student under the Discipline Procedure on the grounds that a student has exercised their right to freedom of speech within the law or (in the case of research students) their right to academic freedom within the law but may act where the behaviour complained of otherwise constitutes a breach of the Student Discipline Procedure.

- 1.6 Students will 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.
- 1.7 The University recognises its responsibility to comply with the law and, where necessary, to co-operate with 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.
- 1.8 Non-academic misconduct is defined as 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.
- 1.9 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 Appeals, Conduct and Complaints Office. If the complaint is received by any other member of University staff, it should be sent to the Appeals, Conduct and Complaints Office in the first instance.
- 1.10 Disciplinary action may be taken when it is considered necessary to protect the interests and reputation of the University, its students, staff, and members.
- 1.11 Where the student is also a member of staff, guidance will be sought from the Human Resources Department and the appropriate Line Manager as to whether any allegation might be considered under a separate specific procedure, or an agreed amended procedure; for example, a procedure may be paused whilst another is completed, or the constitution of a panel hearing may be amended.

## 2. Student support

- 2.1 Students subjected to this procedure are encouraged to seek advice and support from the Kent Students' Union advisory services [Advice Service | Kent Students' Union](#)
- 2.2 All students involved in the investigation process have the right to attend any meetings accompanied by a member of the University community, for example, a member of staff, a Kent Students' Union Advice Centre 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, except for reasonable adjustments.

- 2.3 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.

### 3. Kent Students' Union

- 3.1 Kent Students' 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, within student societies, is not tolerated and is dealt with by the Kent Students' Union Student Discipline Procedure. This process is separate from the University of Kent Student Disciplinary Procedure. However, if appropriate, the case may be referred to the University on a case-by-case basis for consideration under the Student Disciplinary Procedure.
- 3.2 Student members are responsible for ensuring that Kent Students' Union activities operate within the law and within the guidelines set out in Kent Students' Union's policies and procedures. Kent Students' Union undertakes to deal with anti-social or inappropriate behaviour undertaken by members of Kent Students' Union student groups or activities swiftly and effectively using their internal disciplinary processes when appropriate to do so.
- 3.3 If a case is referred to the University for consideration, the outcome of the investigation may be shared with Kent Students' Union in line with the Student Conduct and Complaints Privacy notice and the Data sharing agreement between the University and Kent Students' Union. Where appropriate, students will be advised if the case outcome is to be shared with the Kent Students' Union.

### 4. Arrangements relating to Criminal Procedure

- 4.1 The University recognises its responsibility to comply with the law and, where necessary, to cooperate with the appropriate agencies in any investigations into alleged criminal activity.

- 4.2 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.
- 4.3 On receiving a report that a student is under police investigation or is subject to criminal proceedings, the Appeals, Conduct and Complaints Officer/Adviser will inform the Head of Appeals, Conduct and Complaints or nominee who will undertake any immediate action to mitigate risk and then submit a Risk Management Plan to the Risk Management Panel (please see managing risk below).
- 4.4 Following the 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. 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).
- 4.5 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, facilities, or activities.

## 5. Managing risk

- 5.1 The Head of Appeals, Conduct and Complaints or nominee will complete a Risk Management Plan for a Risk Management Panel 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.
  - Ensure that confidentiality is maintained as appropriate.
  - Determine whether any precautionary measures need to be put in place to ensure that a full and proper investigation can be conducted (either by the police or University) and/or implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation conducted by the police or University. Precautionary measures may include:

- Imposing conditions on the Reported Student (for example, requiring the Reported Student not to contact certain witnesses, 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 excluding 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, including sharing limited information regarding restrictions with the Kent Students' Union.

5.2 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 Appeals, Conduct and Complaints, Head of Student Engagement and Head of Campus Security (or nominees).

5.3 The Appeals, 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. Risk Management Plans will be reviewed once every two weeks as a minimum. Additional reviews may be arranged, if necessary, e.g., at any point where a change in the situation occurs.

## 6. Reporting student non-academic misconduct

6.1 Any incident of non-academic 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 University.

**If a student is in any immediate danger, they should contact the Police, or Campus Security on 01227 823333, or activate the SafeZone App.**

## 7. Complaints regarding serious staff misconduct

7.1 Complaints from students regarding serious staff misconduct or sexual misconduct by University staff towards students or imbalances of power within staff/student relationships should be reported through the [Report+Support](#) tool in the first instance. This is to allow students the opportunity to receive support and information on reporting mechanisms available to them. Students who wish to report incidents anonymously or wish to report historical incidents regarding staff are also encouraged to do so via [Report+Support](#). Complaints regarding staff are considered under the [Student Complaints Procedure](#)

## 8. Complaints regarding sexual misconduct

8.1 Current or historical allegations of sexual misconduct from students regarding current University students will be considered under the Sexual Misconduct Procedure set out in Appendix A of this procedure.

8.2 Details of incidents such as harassment, relationship abuse, bullying, stalking, spiking or hate incidents can also be reported via [Report+Support](#). These incidents may also be referred by a Specialist Adviser in Student Support and Wellbeing, to the Appeals, Conduct and Complaints Office for investigation, with the permission of the student. This service gives students access to the support that is available to them in the aftermath of an incident and gives them the option to record an incident either giving their name or choosing to remain anonymous.

8.3 Alternatively, a student can report directly to the Appeals, Conduct and Complaints Office. Reports can be submitted using a [Discipline Reporting Form](#) and submitted to [acco@kent.ac.uk](mailto:acco@kent.ac.uk). The report will be acknowledged within **3 working days**. Reports can also be made in person to any member of staff and can be made directly to an Appeals, Conduct and Complaints Officer by making an appointment by emailing [acco@kent.ac.uk](mailto:acco@kent.ac.uk).

8.4 Reports of possible breaches of the Student Discipline Procedure can also be provided to the Appeals, Conduct and Complaints Office by Campus Security.

## 9. Anonymous reporting

9.1 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 fairly and reasonably 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 the arguments and documents given by the other. This entitles the student who is subject to disciplinary proceedings to have a fair hearing.

9.2 Students concerned about anonymity can contact [acco@kent.ac.uk](mailto:acco@kent.ac.uk) or Student Support and Wellbeing, Specialist Advisers for further information.

## 10. Group reports

10.1 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 an Appeals, Conduct and Complaints Officer/Adviser separate to the group meeting, if requested.

10.2 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.

10.3 Reporting Students will be advised of what aspects of the report have been upheld and any appropriate actions that relate to them specifically, such as no contact requests. Specific details of the outcome of any formal investigation will not usually be given to the Reporting Student unless it is deemed necessary or appropriate to do so and in compliance with Data Protection and GDPR.

## 11. Confidentiality

11.1 Information disclosed during, or resulting from, disciplinary proceedings will be treated with the appropriate degree of confidentiality. If any details of the report are required to be shared more widely than the Appeals, Conduct and Complaints Office or Risk Management Panel, the student will be advised prior to the information being shared.

11.2 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 or Suitability to Practise procedures. Students will be informed of this decision in writing.

## 12. Investigation into alleged breaches

- 12.1 On receipt of a report, an Appeals, Conduct and Complaints Officer/Adviser (Investigating Officer) will invite the Reporting Student(s) 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.
- 12.2 In cases where a report received about a student involves possible violations of criminal law, the Investigating Officer will consult with the Head of Appeals, Conduct and Complaints, who will refer to paragraph 4 above on criminal procedures.
- 12.3 The Investigating Officer will meet with the Reported Student (s) about whom the complaint has been made. Meetings with witnesses and/or other members of the University community will be arranged, as necessary.
- 12.4 Meetings with an investigating officer take precedence over all other academic or non-academic engagements and it is mandatory to attend. If a student is unable to attend the meeting, they should contact the Appeals, Conduct and Complaints Office to reschedule as soon as possible. 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 2 above.
- 12.5 The disciplinary procedure is not a legal process; however, this does not prevent a student seeking legal counsel. A student wishing to be accompanied by a legal representative during meetings to discuss the allegation(s) can only do so with express agreement from the University. Requests for a legal representative to be present should be submitted to [acco@kent.ac.uk](mailto:acco@kent.ac.uk) as soon as is practicably possible. Please note that the appointment of a legal representative may delay the timeframes set out in the discipline process.
- 12.6 Notes from all meetings and discussions will be provided to the students, with copies retained by the Appeals, Conduct and Complaints Office. Digital recordings or online capture of meetings are not normally permitted except for reasonable adjustments and agreed in advance. No such recordings should be shared via social media or by other means. Covert recordings of any disciplinary meetings are not permitted and may result in further disciplinary action.

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

12.8 Covert recordings: There are no general rules around covert recordings being submitted and accepted as evidence in a conduct or complaint case and in certain cases, such recordings may be vital to the investigation. However, if the recording is obtained without another person knowing there is a possibility that the content may be manipulated or taken out of the context it was intended. The investigating officer will determine if such evidence is admissible and will take into consideration the relevance of the recording or video, fairness and if the recording can be probed or questions asked regarding the content. A transcript of the recording may be shared with individuals as part of the investigation to determine the validity of the recording and allow for comment or rebuttal.

12.9 Once the investigation is complete, the investigating officer will produce a report. The investigating officer will determine whether, on 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.**

Or

- **The evidence may indicate a serious breach of the Student Disciplinary Procedure that requires consideration by a Student Disciplinary Panel.** In these circumstances, evidence will be provided to the Panel to determine if a breach has occurred and, if so, what sanctions to apply. If a student is to be referred to a Student Discipline Panel, the Head of Appeals, Conduct and Complaints will review the recommendation prior to a decision being issued to the student.

## 13. Right of Appeal against a sanction

- 13.1 An appeal of an investigating officer's decision may be submitted by a Reported Student who has received a sanction on one or more of the following grounds:
- 13.2 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.
- 13.3 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 Appeals, Conduct and Complaints Office at [acco@kent.ac.uk](mailto:acco@kent.ac.uk) within **10 working days** from the date of the letter notifying the student of the decision.
- 13.4 The Head of Appeals, Conduct and Complaints, or a nominee, will determine whether the appeal is made on appropriate grounds.
- 13.5 Where no appropriate grounds are identified, the appeal will be dismissed, and a Completion of Procedures Letter will be issued within 28 calendar days.
- 13.6 Where there are appropriate grounds identified, the Head of Appeals, Conduct and Complaints, or nominee, will determine whether the appeal is upheld and therefore whether the allegations against the student should be dismissed or a lesser sanction applied.
- 13.7 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.

## 14. Student Disciplinary Panel

14.1 Student Disciplinary Panels consider the most serious disciplinary issues. A Student Disciplinary Panel will normally be formed within **20 working days** of the recommendation being agreed by the Head of Appeals, Conduct and Complaints.

14.2 If a Student Disciplinary Panel is agreed, an Appeals, Conduct and Complaints Adviser, or nominee, will function 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, if appropriate, a member of the Kent Students' Union. All panel members will have had no prior involvement in the case.
- Inform the student of the panel composition to ensure no conflict of interest.
- 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 submit a written statement, 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.

14.3 The Reported 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 [Kent Students Union Advice Centre](#) or [Greenwich Students' Union \(greenwichsu.co.uk\)](#) for Medway Students.

14.4 There may be circumstances in which a Reporting Student is able to attend all or part of a Student Disciplinary Panel. The Reporting Student will be supported by Student Support and Wellbeing and arrangements will be made through the Appeals, Conduct and Complaints Office.

- 14.5 The Panel will consider the evidence and determine if a breach of the Student Discipline Procedure has occurred. If it has not, the case will be dismissed. If the student is found to be in breach of the procedure the Disciplinary Panel may apply a sanction. The panel will not take the student's previous disciplinary history into account until it has reached a decision on the alleged breach(es). It will be appropriate, however, to take previous disciplinary matters into account when deciding upon the appropriate sanction(s) to be imposed.
- 14.6 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. The panel also has the authority to make a recommendation to a Deputy Vice-Chancellor to permanently exclude a student from the University.
- 14.7 The outcome of the Student Disciplinary Panel will be provided to the student within **5 working days** of the panel taking place or alternatively the outcome may be advised verbally ahead of being received in writing. Where appropriate, and to ensure that any recommendations are actioned, the outcome may be shared with the appropriate Head of School or Director of Professional Services. A high-level summary of the outcome of the meeting may be provided to other appropriate staff and the student will be advised in advance and the decision to do so documented.
- 14.8 The relevant details of the outcome, without specific details, will be provided to the Reporting Student. If any restrictions or conditions apply to the individual, the Reporting Student will be advised of these, if appropriate.
- 14.9 Students are advised that the appropriate degree of confidentiality will be taken during the Student Disciplinary Panel hearing, including if there are professional conduct/Fitness to Practise implications, complaints involving potential crime, or risk to self or others.

## 15. Appeal against a Student Disciplinary Panel decision

- 15.1 A student who is subject to a Disciplinary Panel may appeal against the outcome 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.**

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 Appeals, Conduct and Complaints Office at [acco@kent.ac.uk](mailto:acco@kent.ac.uk) within **10 working days** from the date of the letter notifying the student of the outcome.

15.2 The Deputy Vice-Chancellor (Education and Student Experience), 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**.

15.3 Where there are valid grounds identified, the Deputy Vice-Chancellor (Education and Student Experience), or nominee, will determine whether the appeal is upheld and therefore whether the allegations against the student should be dismissed or a lesser sanction applied. Should procedural errors be determined the Deputy Vice-Chancellor can refer the case for reconsideration by an alternative Student Disciplinary Panel.

15.4 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.

## 16. The Office of the Independent Adjudicator for Higher Education

16.1 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 a student disciplinary case 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.

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

## 17. Student records

- 17.1 The Appeals, 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 on the electronic case management system (currently Target Connect).
- 17.2 The student's record will be kept for the length of time that they are a student at the University and will be archived and destroyed in line with the Record Retention Policy.
- 17.3 Full access to the secure central record will be limited to the Appeals, Conduct and Complaints Officers and Advisers, Head of Appeals, Conduct and Complaints, and the Deputy Director of Student Services. Limited access will be provided to other senior colleagues on a case-by-case basis.
- 17.4 A biannual report, which includes anonymised data regarding student discipline cases will be submitted to the appropriate Boards.

## 18. Examples of what is considered unacceptable behaviour (not exhaustive)

- 18.1 The examples of behaviours in the below tables are unacceptable and could lead to disciplinary action. The examples given of unacceptable behaviour are not exhaustive and disciplinary action may be taken in relation to other unacceptable behaviour. Misconduct will be dealt with on a case-by-case basis. Depending on the nature of the misconduct.
- 18.2 The University takes health and safety concerns very seriously. Examples of sanctions for Health and Safety misconduct are described below:

## 19. Health and Safety breaches

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

Disciplinary offence	First Offence	Second Offence	Third Offence
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 a £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 a 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 a 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.	A financial sanction of £50.  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.

Disciplinary offence	First Offence	Second Offence	Third Offence
Non-compliance with safety notices, restricted areas, instructions, or directions.	<p>Depending on the severity of the incident:</p> <p>A financial sanction of £50.</p> <p>Advice and guidance on restrictions and/or Formal warning.</p>	<p>Financial sanction of £100.</p> <p>If the incident occurred in University (or a nominated partner) accommodation a recommendation that the Accommodation Agreement is terminated.</p>	<p>Referral to a Student Disciplinary Panel which has a full range of the sanctions set out in this procedure.</p> <p>A financial sanction of up to £500 may be issued.</p>
Hosting parties or large gatherings in University Accommodation or nominated partners accommodation.		<p>Depending on the severity of the incident:</p> <p>Formal Warning.</p> <p>A recommendation that a student's accommodation agreement is terminated may be made.</p>	<p>Referral to a Student Disciplinary Panel which has a full range of the sanctions set out in this procedure.</p> <p>A financial sanction of up to £500 may be issued and/or</p> <p>a recommendation that a student's accommodation agreement is terminated may be made.</p>

## 20. Illegal substances including nitrous oxide and/or other substances not licensed for human consumption

20.1 The University takes a harm reduction approach to the use or possession of illegal substances. A harm reduction stance does not, however, mean anti-social or criminal behaviour is acceptable. Any such misconduct will continue to be addressed robustly through the Student Discipline Procedure. The use of, or possession of, illegal substances is not to be regarded as the same as being involved in the supply of illegal substances. Any student found to be involved in the supply of illegal substances will be referred to the Police for consideration of criminal prosecution. 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.

Disciplinary offence	First Offence	Second Offence	Third offence
Possession or use of illegal substances, Nitrous Oxide and/or other substances not licensed for human consumption.	A financial sanction of £50.	A financial sanction of £100. A recommendation may be made to Kent Hospitality or the nominated partner that the student's Accommodation Agreement is terminated.	Referral to a Student Disciplinary Panel which has a 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 depends 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 a full range of the sanctions set out in this procedure.  A financial sanction of up to £500 may be issued.

## 21. Physical misconduct

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"><li>• Punching</li><li>• Kicking</li><li>• Slapping</li><li>• Pulling hair</li><li>• Biting</li><li>• Pushing or shoving</li><li>• Use or threatening use of weapons, including knives</li></ul>	<ul style="list-style-type: none"><li>• Restrictions/conditions, such as temporary exclusion or suspension</li><li>• Formal warning</li><li>• Written apology</li><li>• Expulsion</li></ul>

## 22. Hate incidents

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"><li>• Hate speech, for example, abuse threats intended to harass, alarm, or distress a person because of hatred or a person's race or ethnicity, religion or belief, sexual orientation, gender identity, or disability.</li><li>• Offensive images, either recirculated or created by an individual(s) including via internet social networks or similar sites</li><li>• Threats or actual harm to another person</li><li>• Bullying or harassment or other inappropriate behaviour towards staff or students, including via email, telephone, and writing, or through use of social networks or similar sites</li></ul>	<ul style="list-style-type: none"><li>• Restrictions/conditions, such as no contact, temporary exclusion or suspension</li><li>• Formal warning</li><li>• Written apology</li><li>• Expulsion</li><li>• Requirement for a student to attend an educational programme</li></ul>

## 23. Sexual misconduct where action is taken by the University

23.1 Any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual engagement or harassment within or outside of a relationship. It covers behaviours such as grooming, coercion, the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship, and it violates the principle that the parties involved have given informed consent to behaviours. It may constitute a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident and can occur in person, or by letter, telephone, text, email and/or other electronic or social media platforms and includes but is not limited to the examples in this table.

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"> <li>• Sexually explicit remarks, innuendos, or banter</li> <li>• Unwanted or inappropriate physical contact</li> <li>• Engaging in a sexual act/or sexual intercourse without consent</li> <li>• Unwanted requests to engage in, attempt to engage in or discuss sexual activity</li> <li>• Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating or offensive environment for others.</li> <li>• Recording and/or sharing intimate images or recordings of another person without informed consent</li> <li>• Inappropriate showing of sexual organs to another person, including by electronic means</li> <li>• Intrusive questions around a person's private/sex life or a person discussing their own sex life</li> <li>• Basing decisions affecting a person's career, or future, on their acceptance or rejection of sexual advances</li> <li>• Domestic abuse and coercive or controlling behaviour – any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence, or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to psychological, physical, sexual, financial and/or emotional abuse.</li> <li>• Stalking</li> <li>• Complicity- any act that knowingly helps, promotes, or encourages any form of sexual misconduct and violence by another individual</li> <li>• Retaliation – may constitute any words or actions, including intimidation, threats, or coercion made in response to disclosures or reports made under the Sexual Violence and Misconduct Policy by any individual. This includes both the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.</li> </ul>	<ul style="list-style-type: none"> <li>• Restrictions/conditions, such as no contact, temporary exclusion or suspension</li> <li>• Formal warning</li> <li>• Written apology</li> <li>• Expulsion</li> <li>• Requirement for a student to attend an educational programme</li> </ul>

## 24. Unacceptable/abusive behaviour

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"> <li>• Threats to harm another person, including threats to spread malicious or false information about an individual.</li> <li>• 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 behaviour committed by electronic means.</li> <li>• Acting and/or speaking in an intimidating and/or hostile manner.</li> <li>• Abusive comments aimed at an individual because they have exercised their right to freedom of speech or academic freedom, including unacceptable behaviour committed by electronic means.</li> <li>• Bullying – Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either: offensive, intimidating, malicious or insulting, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.</li> <li>• Harassment is an umbrella term and can apply to harassment and bullying. However, it is noted that there is a clear distinction between bullying, harassment and sexual harassment.</li> <li>• Disorderly behaviour, for example behaviour that could/does cause offence, alarm, or the disturbance of others.</li> <li>• Acts that threaten the rights and privacy of any member of the University, including repeatedly taking photographs of someone without their consent.</li> <li>• Honor-based violence.</li> <li>• Domestic abuse and coercive or controlling behaviour.</li> <li>• Contacting another person by phone, email, text or on social networking sites, against the wishes of the other person</li> </ul>	<ul style="list-style-type: none"> <li>• Restrictions/conditions, such as no contact, temporary exclusion or suspension</li> <li>• Formal warning</li> <li>• Written apology</li> <li>• Expulsion</li> <li>• Requirement for a student to attend an educational programme</li> </ul>

## 25. Damage to property

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"><li>• 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 behaviour.</li><li>• Causing or attempting to cause minor damage to university property or to the property of students, staff or visitors to the University</li><li>• Minor or major abuse of university facilities</li></ul>	<ul style="list-style-type: none"><li>• Expulsion</li><li>• Temporary exclusion</li><li>• Restrictions/conditions</li><li>• Payment to cover cost of the damaged items</li><li>• Formal warning</li><li>• Written apology</li></ul>

## 26. Unauthorised taking or use of property

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"><li>• Unauthorised entry or use of university premises.</li><li>• Fraud, deceit, deception, theft, dishonesty in relation to the University, staff, or students, nominated partners or visitors.</li><li>• Misuse of University property, for example, computers or equipment.</li><li>• Minor misuse of university property, for example, computers or equipment.</li><li>• Borrowing without permission.</li></ul>	<ul style="list-style-type: none"><li>• Expulsion</li><li>• Temporary exclusion</li><li>• Restrictions/conditions</li><li>• Payment to cover cost of the damaged items</li><li>• Formal warning</li><li>• Written apology</li></ul>

## 27. Causing a Health and Safety concern

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Unwarranted sounding or raising of the fire alarm.</li> <li>• Intentional or reckless interference with mechanical, electrical, or other services or installations.</li> <li>• Non-compliance with safety notices, restricted areas, instructions or directions, including notices regarding Covid-19.</li> <li>• Possession or use of explosives, weapons, and use or possession of poison.</li> <li>• Hosting parties or large gatherings in university accommodation or nominated parties' accommodation that are disruptive.</li> <li>• Use, storage or charging of e-Scooters in University accommodation or on campuses.</li> <li>• Unacceptable noise on or off campus.</li> <li>• Anti-social noise or persistent noise in university accommodation.</li> <li>• Non-compliance with any noise bans in place on campus.</li> </ul>	<ul style="list-style-type: none"> <li>• Restrictions/conditions, such as no contact, temporary exclusion, or suspension</li> <li>• Written apology</li> <li>• Formal warning</li> <li>• Financial sanction</li> <li>• Requirement for a student to attend an educational programme</li> <li>• Recommendation that the accommodation agreement is terminated</li> <li>• Expulsion</li> </ul>

## 28. Illegal and unlicensed substances including illegal drugs

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"> <li>• Use and/or possession of illegal substances, with intent to supply (evidence of a large quantity and/or particular class of drug), offer to supply illegal substances (including giving them away for free or sharing with others), produce illegal substances, import or export 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.</li> <li>• Use or possession of nitrous oxide and/or other substances not licensed for human consumption.</li> </ul>	<ul style="list-style-type: none"> <li>• Restrictions/conditions, such as temporary exclusion or suspension</li> <li>• Financial sanction (see table in paragraph 18)</li> <li>• Requirement for a student to attend an educational programme</li> <li>• Expulsion</li> <li>• Recommendation that the student accommodation agreement is terminated</li> </ul>

## 29. Disruption of the work of the University and its members

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"> <li>• Acts/omissions/statements intended to deceive the University.</li> <li>• 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 or the exercise of their right to freedom of speech or academic freedom.</li> <li>• 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 or the exercise of their right to freedom of speech or academic freedom.</li> <li>• Failure by a student to provide their name, or ID when requested by a member of staff.</li> <li>• Obstruction of staff in the performance of their duties of the normal business of the University, including non-compliance with a request to attend a meeting called under these regulations.</li> <li>• Impersonation/conspiracy to impersonate or attempt 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 (<a href="https://www.kent.ac.uk/governance/downloads/policies-procedures/Anti_Bribery_and_Corruption_Policy.pdf">https://www.kent.ac.uk/governance/downloads/policies-procedures/Anti_Bribery_and_Corruption_Policy.pdf</a>)</li> <li>• Misuse of email from a university account or an account accessed via the University network.</li> <li>• Improper interference with the activities of the University, including academic, administrative, or timetabled events on university premises or elsewhere.</li> <li>• Improper interference with the functions, duties or activities of any student or employee of the University or any visitor to the University</li> <li>• Breaches of the Regulations for IT use, including social media (<a href="#">Full IT Regulations</a>)</li> <li>• Unfounded and malicious complaints brought against a member of the University under the University of Kent Students Complaints Procedure.</li> </ul>	<ul style="list-style-type: none"> <li>• Restrictions/conditions, such as no contact, temporary exclusion, or suspension</li> <li>• Written apology</li> <li>• Formal warning</li> <li>• Expulsion</li> <li>• Restrictions/conditions, such as restricted use of IT equipment</li> </ul>

### 30. Reputational damage

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"><li>• Behaviour which has caused or could cause serious damage to the reputation of the University.</li><li>• Organisation of initiation type behaviours 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, physical acts perpetrated against a person's body, psychological torment, isolation or ostracising someone</li></ul>	<ul style="list-style-type: none"><li>• Expulsion</li><li>• Temporary exclusion</li><li>• Restriction/conditions, such as no contact, temporary exclusion, or suspension</li><li>• Financial sanction up to £500 (issued by a Student Disciplinary Panel)</li></ul>

### 31. Repeated breaches of these regulations

Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
<ul style="list-style-type: none"><li>• Repeated or multiple breaches of any of the regulations above</li></ul>	<ul style="list-style-type: none"><li>• Expulsion</li><li>• Temporary exclusion</li><li>• Restriction/conditions, such as no contact, temporary exclusion, or suspension</li><li>• Financial sanction up to £500 (issued by a Student Disciplinary Panel)</li></ul>

## 32. Definitions of sanctions

- Exclusion/temporary exclusion/conditional exclusion means prohibiting a student from taking part in University activities, using University and Kent Students' 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.

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. 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 one month after the original appeal decision. The student will have the opportunity to request a review every two months while a temporary exclusion remains in place.

- Expulsion means terminating a student's registration at the University and withdrawing the student from both their degree programme and the University.
- Restrictions/conditions may be placed on a student permitted to either return to, or continue with, their degree programme.
- A 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.
- A 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.
- 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.

## 33. Definitions

33.1 For the purposes of this procedure the following definitions apply. These have been separated into explanations of the types of behaviour captured within this document which amount to breaches and clarification of the terminology.

### Types of Behaviour

- Sexual misconduct and sexual harassment - any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual engagement or harassment within or outside a relationship. It covers behaviours such as grooming, coercion, the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship, and it violates the principle that the parties involved

have given informed consent to behaviours. It may constitute a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident and can occur in person, or by letter, telephone, text, email and/or other electronic or social media platforms and includes, but is not limited to, the following behaviour:

- sexually explicit remarks, innuendos, or banter.
- unwanted or inappropriate physical contact.
- unwanted requests to engage in, attempt to engage in or discuss sexual activity.
- conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating or offensive environment for others.
- recording and/or sharing intimate images or recordings of another person without their informed consent.
- intrusive questions around a person's private/sex life or a person discussing their own sex life.
- basing decisions affecting a person's career, or future, on their acceptance or rejection of sexual advances; and
- stalking.
- Domestic abuse and coercive or controlling behaviour – any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence, or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to psychological, physical, sexual, financial and/or emotional abuse.
- Complicity – any act that knowingly helps, promotes, or encourages any form of sexual misconduct and violence by another individual.
- Retaliation – may constitute any words or actions, including intimidation, threats, or coercion made in response to disclosures or reports made under the Sexual Violence and Misconduct Policy by any individual. This includes both the Reported Party and the Reporting Party, as well as witnesses, friends, or relatives.

#### Terminology

- Disclosure – where an individual chooses to communicate an experience of sexual violence or misconduct.
- Report – the sharing of information with a Staff member of the University regarding an incident of sexual violence and misconduct for the purposes of initiating an investigation process by the University.
- Reporting Student – the person(s) who is reporting the alleged incident. This may be the individual who has experienced the alleged misconduct or a third party.
- Reported Student – the person(s) whose behaviour it is alleged amounted to misconduct.
- Third Party – any visitor(s) to campus and/or person(s) providing services to the University, including employed staff (who may submit a

report on behalf of another individual), in addition to agency staff, persons employed by a partner institution, casual staff, self-employed staff or contractors (this list is not exhaustive).

- Informed Consent – the agreement by choice where the individual has both the freedom and capacity to make that choice. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, or from the absence of complaint. Consent may be withdrawn at any point.
- Coercion – unreasonable pressure which may include manipulation. This may include physical or emotional harm, or the threat of emotional or physical harm, which would reasonably place an individual in fear of immediate or future harm with the result that they are compelled to enter into a situation against their will.
- Grooming - is a term that is used to describe how a person builds a relationship with a child or vulnerable adult in order to manipulate, exploit or abuse them. The exploitation is often sexual, and people can be “trafficked” during this process.
- Alcohol and/or drug use – incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual. Intoxication is never a defence for committing an act of sexual violence and misconduct, or for failing to obtain informed consent.
- Sexual misconduct and harassment is an umbrella term and can apply to harassment and bullying. However, it is noted that there is a clear distinction between bullying and harassment:
  - Harassment – The Equality Act defines sexual harassment as one form of sexual misconduct. It includes conduct by A of a sexual nature which has the effect of violating B’s dignity or creating an intimidating, hostile, degrading or offensive environment for B, even if A did not intend this. Whether conduct constitutes sexual harassment will depend on both B’s perception and whether it could reasonably be considered for B to have perceived A’s conduct that way. It may also be sexual harassment by A if A treats B less favourably because B did not submit to A’s sexual advances. Some forms of sexual misconduct may also constitute criminal offences under a range of legislation, including but not limited to, the Sexual Offence Act 2003 and the Protection from Harassment Act 1997. Potential criminal offences include sexual assault, rape, stalking, or disclosing private sexual images to cause distress (“revenge pornography”). Further guidance around bullying and harassment can be found within the University’s Code of Conduct and Dignity at Work Policies and should be investigated and managed through the misconduct process.
  - Bullying – Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that

is either: offensive, intimidating, malicious or insulting, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

- Victimisation - Fear of victimisation is a major barrier that can prevent individuals from seeking support or resolution. The University prohibits staff from engaging in any form of victimisation, or encouraging others to victimise someone who has made, or has supported someone else in making, a report/complaint or has cooperated in the investigation of a report/complaint.

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Amendments since approval	Detail of Revision:	Date of Revision	Approved by:

# **Appendix A – Appeals, Conduct and Complaints Office: Procedure for investigating allegations of sexual misconduct by students**

## **1. Introduction**

- 1.1 This procedure sets out how the University of Kent will respond to allegations of sexual misconduct by students against other students. The procedure is part of the University's Student Discipline Procedure.
- 1.2 If the Reported Party is a member of University staff, students are encouraged to report via [Report+Support](#) and will be supported and advised of appropriate processes that will be followed if the student wishes to make a formal report.

## **2. Support**

- 2.1 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.
- 2.2 The Reporting Student and the Reported Student will both have access to support services provided by the Student Support and Wellbeing team, who will reach out to the students. Separate members of staff will support each party to ensure independence of any investigation process. Staff are trained specifically to support students during this type of investigation. Supporting staff are not involved in any aspect of decision making relating to ongoing investigations/disciplinary outcomes.
- 2.3 The Specialist Wellbeing team can support a student and help with signposting to external organisations including Sexual Assault Referral Centre's (SARC) and local specialist charities.
- 2.4 The Reporting and Reported Students can also be signposted to Kent Students' Union Advice Centre to access free, impartial, and confidential advice.

## **3. Police investigations and judicial proceedings**

- 3.1 The University may receive a report of sexual misconduct alongside a police investigation or judicial proceedings. In the interest of not impeding these proceedings, the University will normally not commence an internal investigation and may suspend any ongoing investigation, pending the outcome of those proceedings. In all instances. the

University will take any necessary precautionary action.

- 3.2 Following a police investigation or Court proceedings, a student can proceed forward with a University investigation should they wish to do so.
- 3.3 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.
- 3.4 In all cases, the Reporting Student will be informed that an internal investigation is focused 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.
- 3.5 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. The University reserves the right to apply sanctions as set out in the Student Non-academic Discipline Procedure.

## Procedure following a disclosure/report

### 4. Disclosure

- 4.1 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.
- 4.2 A student is encouraged to make a disclosure via [Report+Support](#)
- 4.3 On receipt of a disclosure to the University, in the first instance the student will be referred to a Specialist Wellbeing Adviser (Sexual Assault and Harassment). This is automatically done if a named report is submitted via [Report+Support](#). A disclosure does not automatically result in a formal 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 and can just access support if they wish to. However there may be times when action is required to safeguard students and staff.

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

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

## 5. How to report an incident

5.1 To make a report to the University, the Reporting Student can submit a [Report+Support](#) form. If the student has already made a disclosure to a Specialist Wellbeing Adviser, this statement may be shared with the Appeals, 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.

5.2 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.

5.3 All reports will be acknowledged within **3 working days**.

5.4 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. Third party reports will not be taken forward without the Reporting Students' express permission, however signposting to support and information will be provided to the Reporting Student. However there may be occasions where the University will be required to continue an investigation without the express wish of the Reporting Student for the safety of the University community.

5.5 The Reporting Student will be invited to attend a meeting with an Appeals, Conduct and Complaints Officer/Adviser (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 they agree to participate in an investigation. A Reporting Student is not required to attend the meeting for an investigation to commence and will not be required to attend a meeting with the Reported Student or be in the same room as the Reported Student as part of the investigation if they do not wish to be.

## 6. Managing risk

- 6.1 Full details of how the University manages risk can be found in section 5 of the Student Non-academic Discipline Procedure.

## 7. Investigating a report

- 7.1 All Appeals, Conduct and Complaints Officers/Advisers (Investigating Officers) investigating incidents of sexual misconduct are trained to do so and will seek evidence as to whether or not a breach of the University Student Discipline Procedure has occurred. If the investigation cannot be undertaken by the Appeals, Conduct and Complaints Office, or an alternative procedure used, the student will be advised at the earliest opportunity.
- 7.2 The Investigation will be undertaken as quickly as possible and will normally be completed within **28 working days** of 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.
- 7.3 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.
- 7.4 The purpose of the investigation is to provide each student with the opportunity to explain their versions of events. 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, 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, with exception of reasonable adjustments.
- 7.5 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). During the meeting, the procedure will be explained and any further details of the allegations 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.

- 7.6 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.
- 7.7 All relevant evidence must be submitted at the time of the investigation and all evidence submitted by both parties, including where appropriate, statements, may be shared with all parties, with suitable redactions in line with Data Protection and GDPR.
- 7.8 Notes of all meetings and discussions will be made and the students will be provided with an accurate record. Copies of the notes, with any amendments, will be retained by the Appeals, Conduct and Complaints Office. Digital recordings or online capture of meetings is not permitted except for reasonable adjustments (please see evidence and covert recordings above).
- 7.9 Where relevant, the investigating officer may consult with additional parties to obtain any evidence required.
- 7.10 Once the investigation is complete, the investigating officer will produce a report for the Appeals, Conduct and Complaints Adviser, or nominee. It will then be determined whether the evidence indicates, on the balance of probability, that:
- **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.**
  - **Alternatively, the evidence may indicate a serious breach of the Student Disciplinary Procedure that requires consideration by a Student Disciplinary Panel.** In these circumstances evidence will be provided to the Panel to determine if a breach has occurred and if so what sanctions to apply. If a student is to be referred to a Student Discipline Panel, the Head of Appeals, Conduct and Complaints will review the recommendation prior to a decision being issued to the student.

## 8. Request for appeal or review

- 8.1 Following the conclusion of the investigation, the Reported Student may request an appeal of the determination reached by the Appeals, Conduct and Complaints Office as set out in section 11 of the Student Non-academic Discipline Procedure.
- 8.2 A Reporting Student may request a review but is unable to request a review that directly challenges the penalty applied to another student through a disciplinary procedure. Typical grounds for a Reporting Student requesting a review might include:
- Concerns about the fairness of the procedures followed at the formal stage, including bias or a reasonable perception of bias.
  - Concerns about whether the actions taken to support the Reporting Student going forward are reasonable.
  - Substantial and relevant new information which the Reporting Student or Reported Student was unable to provide previously for a good reason and that this may have a material effect on the investigation outcome.
  - A request for review should include all supporting evidence and should be made in writing to [headacco@kent.ac.uk](mailto:headacco@kent.ac.uk) all review requests will be acknowledged within **3 working days** and referred to an appropriate senior member of staff for consideration (normally the Director of Student Services, or nominee).
- 8.3 The review is confined to consideration of whether the grounds for the review are demonstrated or not. The review will not re-investigate the case.
- 8.4 If the Director of Student Services (or nominee) decides the review is upheld for one or more reasons, they may decide either:
- To refer the case back to the original investigating officer for continued investigation, considering new evidence.
  - Request a new investigation by a new investigating officer.
  - To specify appropriate recommendations to support the Reported/Reporting Student going forward.
- 8.5 If the Director of Student Services (or nominee) determines that the review does not meet the grounds stated above or the outcome of the investigation is considered reasonable, based on the evidence, the review will be dismissed.
- 8.6 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.

- 8.7 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 with a single opportunity to request a review.

## 9. The Office of the Independent Adjudicator for Higher Education

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