



GENERAL REGULATIONS 3a:

Student Disciplinary Procedure

2016 - 2017

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INTRODUCTION

Purpose and Scope

- 1.1 Students are expected to behave considerately at all times as a member of the University and local community, and to respect the rights of other students, staff and members of the public, both on and off campus.
- 1.2 This Student Disciplinary Procedure applies to any Kingston University student enrolled on a programme of study and studying at the University. For information on students at Partner Institutions, please refer to Section 6 of this Procedure.
- 1.3 The Student Disciplinary Procedure outlines the process for dealing with allegations of inappropriate student behaviour. The flowchart in Section 10 summarises the process. The Procedure is to be read in conjunction with the Student Disciplinary Guidance which provides help and guidance to both staff and students when using the Student Disciplinary Procedure.
- 1.4 All reported allegations of misconduct against current students will be considered. If a student has deferred their studies, the matter will normally be considered upon their return to the course. If a student is due to graduate, only allegations reported before the last day of the summer term will be investigated; this will be done as quickly as possible. However, the University reserves the right to delay a graduation where necessary. The University additionally reserves the right to pursue disciplinary action after the end of the summer term for graduating students. The University's decision in this regard is final.
- 1.5 The Procedure will be followed in accordance with the University's strategy for Equality, Diversity and Inclusion.
- 1.6 Student expenses for attending a meeting, Disciplinary Interview or Student Disciplinary Committee in relation to their conduct will not be reimbursed by the University, regardless of the subsequent outcome.

Categories of Misconduct

- 1.7 There are three categories of misconduct, which reflect the different levels of student misbehaviour:
 - Level 1 misconduct (see Section 2);
 - Level 2 misconduct (see Section 3); and
 - Level 3 misconduct (see Section 4).

Guiding Principles

- 1.8 When considering the case before them, the Interview Panel/Committee Members should decide on the balance of probabilities whether misconduct has occurred. Staff determining penalties or reviewing appeals should also consider proportionality and any mitigating factors; consideration may be given to the student's record in terms of any previous instances of misconduct.
- 1.9 Staff making decisions in disciplinary matters shall, at all times, be independent and impartial.

Accompaniment and Representation

- 1.10 A student can seek advice from the Union of Kingston Students ('the Students' Union') when the subject of a complaint about their conduct. However, this Procedure is an internal one, and it is appropriate for students to represent themselves with any necessary permitted support as outlined below:

Accompaniment:

- 1.11 Students invited to attend a meeting, Disciplinary Interview or Student Disciplinary Committee may be accompanied by a friend, family member, staff member from the Students' Union, or a Trade Union or professional association staff member. The individual accompanying is not permitted to make representations, ask or answer questions on behalf of the student, or attend in any legal capacity.

Non-legal Representation:

- 1.12 Non-legal representation by any third party will only be permitted where there is a compelling reason, such as disability and where reasonable adjustments are required to allow a student to access the process. In such circumstances, representation must be agreed with the staff member responsible for that stage of the process, and the student must provide signed, written consent for the representation.

Legal Representation

- 1.13 Legal representation will not be permitted at Interviews, Committees or Appeal Panels. At any other stage of the procedure, it may only be permitted in exceptional circumstances, and if considered necessary by the University. The University's decision in this regard is final.

Student Engagement and Absence

- 1.14 Students are required to engage with the disciplinary process at all times. This will include responding to correspondence when appropriate, and attending

meetings, Disciplinary Interviews or Student Disciplinary Committees when requested to do so.

Mediation

- 1.15 In order to maintain professional relationships, the University offers free mediation, led by trained mediators. Mediation is an impartial and voluntary process designed to help resolve difficulties.
- 1.16 Although mediation is not always applicable in disciplinary issues, it may be considered as an option where deemed appropriate by Kingston University, such as rebuilding working relationships. This may be particularly applicable at the end of the disciplinary process, as appropriate.
- 1.17 Further information about the University's Mediation Scheme can be found at: <http://law.kingston.ac.uk/services/centre-dispute-resolution>

Disabled Students or Students with Mental Health Difficulties

- 1.18 The Mental Health Procedure sets out the course of action for staff to follow in cases where a student's behaviour may be attributable to a disability or mental health difficulty. If it appears to those considering an allegation of misconduct that the student in question may have a disability or mental health difficulty, then the advice of the Student Life Centre Disability/Mental Health Advisors and the Head of Student Wellbeing should be sought.
- 1.19 Where appropriate, any disciplinary action may be adjourned for the preparation of a medical report. If there is medical evidence that the student has a disability or mental health difficulty which may have contributed to their misconduct, the disciplinary process may be suspended or terminated by the Compliance Advisors, as appropriate.
- 1.20 It may be made a condition of suspension or termination of the proceedings, that the student seeks medical advice. If the student does not cooperate with the University in relation to the investigation of health matters (e.g. by refusing to obtain medical reports, or refusing to seek medical advice) the matter may be referred for consideration under the Student Disciplinary Procedure.
- 1.21 All decisions in relation to the application of the Mental Health Procedure and the Student Disciplinary Procedure will be made following consultation with the Student Life Centre Disability/Mental Health Advisors and the Head of Student Wellbeing. The University's decision on such matters is final.

2. LEVEL 1 MISCONDUCT

Definition

- 2.1 Level 1 misconduct includes persistent disruptive behaviour, behaviour which causes a disturbance or nuisance to others, or behaviour which may impact on health and safety.
- 2.2 The following are examples of the type of behaviour categorised as Level 1 misconduct, although this list is not exhaustive or designed to be prescriptive: -
- Repeated use of mobile phones in classes and/or Quiet Zones of the LRCs
 - Refusal to comply with local level regulations
 - Addressing staff or fellow students in an impolite, inappropriate or offensive manner
 - Misuse or inappropriate use of University facilities or property
 - Bringing the University into disrepute (e.g. through noise and/or anti-social behaviour in the local community)
 - Obstruction or disruption of University processes and procedures, or roles, responsibilities and activities of members of the University community
 - Failure to evacuate following a fire alarm activation
 - Persistent late arrival for appointments and classes
 - Petty theft
 - Non-compliance with ground rules for acceptable behaviour

Process

Reporting of Allegations

- 2.3 Any staff member or student should report allegations of Level 1 misconduct to the relevant University Faculty or Directorate within 15 days of the incident, or the last in a series of incidents. Allegations will only be considered outside this timeframe in exceptional circumstances.

Investigation

- 2.4 The Faculty or Directorate representative will collate evidence from staff and students involved and determine the level of misconduct. If the allegations are deemed to constitute either Level 2 or Level 3 misconduct, they will refer the matter in accordance with Sections 3 and 4 of this Procedure. The decision of the Compliance Advisor in determining the level of misconduct is final.

- 2.5 If the allegations are considered to be Level 1 misconduct, the Representative will arrange a Disciplinary Interview with the student. This Interview will normally be held within 5 days of the Representative's receipt of the allegations.
- 2.6 The Interview will be conducted by the Faculty or Directorate Representative, with a staff member present to make a record of the discussions.

Outcome and Penalties

- 2.7 If determined that misconduct has occurred, one or more of the following penalties may be applied for instances of Level 1 misconduct:
- Formal written warning;
 - Suspended fine of up to £200 applicable for the duration of a student's studies;
 - Payment of replacement costs to the value of the damage done for loss/damage to University and/or student property (Damage of a value greater than £250 should be considered as Level 2 misconduct);
 - A reflective piece of work of up to 2,000 words (please seek advice from the Student Life Disability Advisors before issuing this to a student with a Summary of Support Needs); and/or
 - A written apology to the aggrieved party.

This list is not exhaustive

- 2.8 On completion of the investigation, the Representative may deem the alleged misconduct more serious than initially thought. In such circumstances, the Representative will refer the matter to a Compliance Advisor for consideration in a higher category of misconduct.
- 2.9 The student will normally be notified of the outcome in writing within 5 days of the Disciplinary Interview. The Representative will retain a copy of the outcome letter and forward a copy to the Compliance Advisors and the student's Head of School and Personal Tutor, to be placed on the student's record.
- 2.10 The aggrieved party/parties will be notified by the Representative that the investigation has been concluded, but the outcome of the process will not be disclosed.

Appeal

Grounds of Appeal

2.11 If the student is dissatisfied with the conclusion of the Level 1 investigation, they may submit an appeal to the Compliance Advisors on one or more of the following grounds:

- There were procedural irregularities in the Level 1 investigation and the irregularities would have made a material difference to the outcome;
- Based on the evidence available at the time, the outcome is unreasonable; and/or
- New evidence has come to light which the student was unable, for valid reasons, to provide earlier in the process and which would have made a material difference to the outcome

2.12 A letter of appeal, in addition to any supporting documentation, must be submitted by the student within 5 days of the date of the Level 1 misconduct outcome letter

2.13 Appeals which do not meet the above grounds or which are submitted late and do not provide exceptional circumstances will not be considered. The student will be notified accordingly and issued with a Completion of Procedures letter. The University's decision in this regard is final.

Process

2.14 The appeal will be considered by a Compliance Advisor, a Faculty or Directorate Representative with no prior involvement in the case, and a representative from the Students' Union. The Appeal Panel will normally be convened within 10 days of receipt of the student's appeal.

2.15 The documentation considered by the Panel will comprise the student's letter of appeal, any supporting documentation, and a written response to the appeal from the Representative who dealt with the case. The student is not required to attend the Panel in person, unless they wish to do so and have indicated this in their letter of appeal.

2.16 Whilst the appeal is being considered, any disciplinary penalty imposed by the Faculty or Directorate will be suspended, pending the outcome of the appeal.

Outcome

2.17 On the basis of the evidence submitted (and the student's representations, if applicable), the Panel shall determine whether the appeal should be upheld or

dismissed. Should the appeal be dismissed, the penalty imposed by the Faculty or Directorate shall be applied immediately. If the appeal is upheld, the Panel must decide whether to:

- Dismiss the disciplinary case against the student;
- Request that the Faculty or Directorate reconsiders the case; or
- Impose a lesser penalty.

2.18 The student will normally be notified of the outcome in writing within 5 days of their appeal being considered. This decision is final and as such the student will be issued with a Completion of Procedures letter.

3. LEVEL 2 MISCONDUCT

Definition

3.1 Level 2 misconduct includes threatening behaviour and bullying or harassment of staff or students. It also includes a failure to comply with a penalty imposed for Level 1 misconduct.

3.2 The following are examples of the type of behaviour categorised as Level 2 misconduct, although this list is not exhaustive or designed to be prescriptive:

- Abusive/threatening behaviour towards a member of staff and/or a student
- Bullying or harassment of a member of staff and/or a student via any means, this includes the publishing of offensive material about an individual
- Damage to or defacement of University property or the property of other members of the University community caused intentionally or recklessly
- Theft of University property or the property of a member of the University community
- Fraud, deceit or dishonesty in relation to the University or its staff, or in relation to being a student at the University
- Tampering with fire equipment
- Malicious or fabricated allegations against staff that may have been raised initially as part of the Student Complaints Procedure
- Bringing the University into disrepute (e.g. damaging the good name or reputation of the University)
- Obstruction or disruption of University processes and procedures, or roles, responsibilities and activities of members of the University community

- Conduct which constitutes a criminal offence, where that conduct took place on University premises, affected other members of the University community, or damages the good name of the University
- Non-compliance with a disciplinary penalty issued by a Faculty or Directorate Representative
- Non co-operation with a disciplinary investigation conducted by a Faculty or Directorate Representative

Process

Reporting of Allegations

- 3.3 Any Representative, staff member or student should report allegations of Level 2 misconduct to the Compliance Advisors within 15 days of the incident, or the last in a series of incidents. Allegations will only be considered outside this timeframe in exceptional circumstances.

Investigation

- 3.4 The Compliance Advisor will, in conjunction with the Faculty or Directorate Representative, collate evidence from staff and students involved and determine the level of misconduct. If the allegations are deemed to constitute either Level 1 or Level 3 misconduct, they will refer the matter in accordance with Sections 2 and 4 of this Procedure. The decision of the Compliance Advisor in determining the level of misconduct is final.
- 3.5 If the allegations are considered to be Level 2 misconduct, the Compliance Advisor will arrange a Disciplinary Interview with the student. This Interview will normally be held within 5 days of the Compliance Advisor's receipt of the allegations.
- 3.6 The Interview will be conducted by the Compliance Advisor with a staff member present to make a record of the discussions. An appropriate representative from the affected Faculty or Directorate may also form part of the Interview Panel. However the Faculty/Directorate representative will not be a directly aggrieved party.

Outcome and Penalties

- 3.7 If determined that misconduct has occurred, one or more of the following penalties may be applied for instances of Level 2 misconduct:
- Formal written warning;

- Suspended fine of up to £1,000 applicable for the duration of a student's studies;
- Payment of replacement costs for loss/damage to University and /or student property
- Compensation for wasting staff time as a direct result of the student's misconduct. (This is at the rate of £25 per hour);
- Issuing a Notice to Quit on a student resident in Halls of Residence or a Headed Tenancy property, where misconduct has taken place within such property;
- A written apology to the aggrieved party; and/or
- Suspension from specific facilities or premises for a maximum of 30 days, where a student has caused a major disruption to the facility or premises.

This list is not exhaustive.

- 3.8 On completion of the investigation, the Compliance Advisor may deem the alleged misconduct more serious than initially thought. In such circumstances, the Compliance Advisor will request a Student Disciplinary Committee be convened in accordance with the procedures for the consideration of allegations of Level 3 misconduct.
- 3.9 The student will normally be notified of the outcome in writing within 5 days of the Disciplinary Interview. Penalties involving the suspension of the use of facilities will normally be applied 5 days after the student has been advised of the outcome. The Compliance Advisors will retain a copy of the outcome letter and forward a copy to the student's Faculty (e.g. Course Director and/or Head of School), to be placed on the student's record.
- 3.10 The aggrieved party/parties will be notified by the Compliance Advisor that the investigation has been concluded, but the outcome of the process will not be disclosed.

Appeal

Grounds of Appeal

- 3.11 If the student is dissatisfied with the conclusion of the Level 2 investigation, they may submit an appeal to the Vice-Chancellor's Advisory and Support Directorate ('VCASD') on one or more of the following grounds:
- There were procedural irregularities in the Level 2 investigation and the irregularities would have made a material difference to the outcome;

- Based on the evidence available at the time, the outcome is unreasonable; and/or
 - New evidence has come to light which the student was unable, for valid reasons, to provide earlier in the process and which would have made a material difference to the outcome.
- 3.12 A letter of appeal, in addition to any supporting documentation, must be submitted by the student within 5 days of the date of the Level 2 misconduct outcome letter.
- 3.13 Appeals which do not meet the above grounds or which are submitted late and do not provide exceptional circumstances will not be considered. The student will be notified accordingly and issued with a Completion of Procedures letter. The University's decision in this regard is final.

Process

- 3.14 The appeal will be considered by a Dean of Faculty, Professor, Head of School, Director, Section Head, or Head of Service as Chair, a senior member of academic staff or professional staff, and a representative from the Students' Union. VCASD shall be in attendance throughout the proceedings to provide procedural advice to the Panel and to act as a Clerk to the Panel. The Appeal Panel will normally be convened within 25 days of receipt of the student's appeal.
- 3.15 The documentation considered by the Panel will comprise the student's letter of appeal, any supporting documentation, and a written response to the appeal from the Compliance Advisor who dealt with the case. The student is not required to attend the Panel in person, unless they wish to do so and have indicated this in their letter of appeal.
- 3.16 Whilst the appeal is being considered, any disciplinary penalty imposed by the Compliance Advisor will be suspended, pending the outcome of the appeal.

Outcome

- 3.17 On the basis of the evidence submitted (and the student's representations, if applicable), the Panel shall determine whether the appeal should be upheld or dismissed. Should the appeal be dismissed, the penalty imposed by the Compliance Advisor shall be applied immediately. If the appeal is upheld, the Panel must decide whether to:
- Dismiss the disciplinary case against the student;

- Request that the Compliance Advisor reconsiders the case; or
- Impose a lesser penalty.

3.18 The student will normally be notified of the outcome in writing within 5 days of their appeal being considered. This decision is final, and as such the student will be issued with a Completion of Procedures letter.

4. LEVEL 3 MISCONDUCT

Definition

4.1 Level 3 misconduct is behaviour which calls into question a student's registration at the University. It also includes a failure to comply with a penalty imposed for Level 2 misconduct.

4.2 The following are examples of the type of behaviour categorised as Level 3 misconduct, although this list is not exhaustive or designed to be prescriptive:

- Dealing in illegal substances
- Physical assault on a member of staff and/or a student
- Use of, or threat to use, a weapon
- Offences against the person of a violent or sexual nature
- Fraud, deceit or dishonesty in relation to the University or its staff, or in relation to being a student at the University
- Theft of University property or the property of a member of the University community
- Criminal convictions for any of the above
- Malicious activation of fire alarms
- Non-compliance with a disciplinary penalty issued by a Compliance Advisor
- Non co-operation with a disciplinary investigation conducted by a Compliance Advisor

Process

Reporting of Allegations

4.3 Any Representative, staff member or student should report allegations of Level 3 misconduct to the Compliance Advisors within 15 days of the incident, or the last in a series of incidents. Allegations will only be considered outside this timeframe in exceptional circumstances.

Investigation

- 4.4 The Compliance Advisor will, in conjunction with the Faculty or Directorate Representative, collate evidence from staff and students involved and determine the level of misconduct. If the allegations are deemed to constitute either Level 1 or Level 2 misconduct, they will refer the matter in accordance with Sections 2 and 3 of this Procedure. The decision of the Compliance Advisor in determining the level of misconduct is final.
- 4.5 If the allegations are considered to be Level 3 misconduct, the Compliance Advisor will consider whether the student poses a health and safety risk to the University community, given the nature of the allegations. If a suspension is deemed appropriate, the Compliance Advisor will make a recommendation to the Vice-Chancellor that the student be suspended from the University, or excluded from specified premises/campuses of the University pending the completion of the disciplinary proceedings (Section 7).
- 4.6 The Compliance Advisor will forward the documentation and an overview of the case to VCASD, requesting that a Student Disciplinary Committee be convened to hear the case. This Committee will normally be held within 25 days of VCASD's receipt of the allegation of Level 3 misconduct.
- 4.7 The student will be invited to submit a written response to the allegations against them, and to call witnesses at the Committee. Any written response, relevant witness statements and a list of names of witnesses attending the Committee should be submitted to VCASD no less than 5 days before the Committee.
- 4.8 The Committee will be comprised of a Dean of Faculty, Professor, Head of School, Director, Section Head, or Head of Service as Chair, a senior member of academic staff or professional staff, and a representative from the Students' Union. VCASD shall be in attendance throughout the proceedings to provide procedural advice to the Panel and to act as a Clerk to the Panel.
- 4.9 Students and staff who have been subject to Level 3 misconduct may choose to attend the Committee to present their account in person or submit a written statement for consideration.

Outcome and Penalties

- 4.10 If determined that misconduct has occurred, one or more of the following penalties may be applied for instances of Level 3 misconduct:
- Final written warning;

- Suspended fine of between £1,000 - £2,000;
- A fine or financial penalty (In cases where a student has been found to have submitted fraudulent documentation to gain a financial advantage, s/he shall be required to pay back any difference in amounts);
- Payment of replacement costs for loss/damage to University and/or student property;
- Compensation for wasting staff time as a direct result of the student's misconduct (this is at the rate of £25 per hour);
- Issuing a Notice to Quit on a student resident in Halls of Residence or a Headed Tenancy property, where misconduct has taken place within such property;
- A written apology to the aggrieved party;
- Suspension from specific facilities or premises for a maximum of 30 days, where a student has caused a major disruption to the facility or premises;
- Suspended expulsion for the remainder of the current academic year, or the duration of student's studies; and/or
- Expulsion with immediate effect.

This list is not exhaustive.

- 4.11 VCASD, on behalf of the Committee, will inform the Vice-Chancellor of the Committee's recommendations and provide a case summary report and the rationale for the Committee's decision. The Vice-Chancellor can either approve the Committee's recommendations or may impose a lesser penalty.
- 4.12 The student will normally be notified of the outcome in writing within 5 days of the Vice-Chancellor receiving the Committee's recommendations. Penalties involving the suspension of the use of facilities will normally be applied 5 days after the student has been advised of the outcome. The Vice-Chancellor will send copies of the outcome letter to VCASD, the Chair of the Committee and the Compliance Advisor, who will forward a copy to the student's Faculty, to be placed on the student's record.
- 4.13 The aggrieved party/parties will be notified by the Compliance Advisor that the investigation has been concluded, but the outcome of the process will not be disclosed.

Appeal

Grounds of Appeal

- 4.14 If the student is dissatisfied with the conclusion of the Level 3 investigation, they may submit an appeal to VCASD on one or more of the following grounds:
- There were procedural irregularities in the Level 3 proceedings and the irregularities would have made a material difference to the outcome;
 - Based on the evidence available at the time, the outcome is unreasonable; and/or
 - New evidence has come to light which the student was unable, for valid reasons, to provide earlier in the process and which would have made a material difference to the outcome.
- 4.15 A letter of appeal, in addition to any supporting documentation, must be submitted by the student within 5 days of the date of the Vice-Chancellor's outcome letter.
- 4.16 Appeals which do not meet the above grounds or which are submitted late and do not provide exceptional circumstances will not be considered. The student will be notified accordingly and issued with a Completion of Procedures letter. The University's decision in this regard is final.

Process

- 4.17 The appeal will be considered by a Governor's Appeal Committee. This will be comprised of one member of the Board of Governors (other than the Vice-Chancellor, Staff or Student Governors) as Chair, one Staff Governor or member of Executive Board, and a representative from the Students' Union. VCASD shall be in attendance throughout the proceedings to provide procedural advice to the Committee and to act as a Clerk to the Panel. The Appeal Panel will normally be convened within 25 days of receipt of the student's appeal.
- 4.18 The documentation considered by the Panel will comprise the student's letter of appeal, any supporting documentation, the Vice-Chancellor's outcome letter, and a written response to the appeal from a Representative of the Student Disciplinary Committee who considered the case. Both the student and this Representative will be invited to attend the Panel.
- 4.19 Whilst the appeal is being considered, any disciplinary penalty imposed by the Vice-Chancellor will be suspended, pending the outcome of the appeal. This

does not, however, include any suspensions made on health and safety grounds (Section 7).

Outcome

4.20 On the basis of the evidence submitted (and the student's representations, if applicable), the Panel shall determine whether the appeal should be upheld or dismissed. Should the appeal be dismissed, the penalty imposed by the Compliance Advisor shall be applied immediately. If the appeal is upheld, the Panel must decide whether to:

- Dismiss the disciplinary case against the student;
- Request that a further Student Disciplinary Committee be convened to reconsider the case; or
- Impose a lesser penalty.

4.21 The student will normally be notified of the outcome in writing within 5 days of their appeal being considered. This decision is final, and as such the student will be issued with a Completion of Procedures letter.

5. THE OFFICE OF THE INDEPENDENT ADJUDICATOR ('OIA')

5.1 The OIA provides a free and independent scheme for the review of student complaints, which includes the right to appeal against a final decision by a University. Where a student has completed all of the available processes under the Student Disciplinary Procedure, the University will issue a 'Completion of Procedures' letter. Any application to the OIA will need to be made within 12 months of the date of this letter.

5.2 Further information about submitting a complaint to the OIA can be found on their website: www.oiahe.org.uk

6. PARTNER INSTITUTIONS

6.1 Students studying at partner institutions, who are enrolled on Kingston University courses, will be subject to the disciplinary procedure of the partner institution. In the absence of such regulations, this procedure will apply for investigating allegations of student misconduct, as appropriate. Relevant staff from the partner institution shall undertake the respective roles as outlined, with the exception of the final appeal stage, which will instead be convened by VCASD.

- 6.2 If any instances of misconduct occur when a student from a partner institution is in attendance at Kingston University, the student will be subject to the disciplinary proceedings of the partner institution. Kingston University reserves the right to take action in the interests of health and safety, or where it would be expedient to do so for the purposes of investigating allegations of misconduct.

7. SUSPENSION

- 7.1 A student who is the subject of an allegation of misconduct, is making an appeal under this Procedure, or is the subject of a police investigation or criminal proceedings may be suspended from the University by the Vice-Chancellor, pending the completion of these respective processes. The suspension is not a penalty, but a measure taken on health and safety grounds where this is a potential risk to members of the University community or its premises.
- 7.2 Suspension involves a total or partial prohibition from attendance at, or access to University premises, and from any participation in University activities. It may be subject to qualification, such as providing the student with permission to attend examinations, or a requirement that the student should have no contact of any kind with a named person or persons.
- 7.3 The Compliance Advisor will recommend the suspension of a student from the University to the Vice-Chancellor where there is deemed to be a health and safety risk posed by the student's presence on campus, or where necessary in exercising a duty of care towards staff and students. If suspension from University managed accommodation or a professional course (e.g. Nursing) is considered necessary, this recommendation may be made by an Accommodation Manager or a Faculty or Directorate Representative, respectively.
- 7.4 If the Vice-Chancellor approves the recommendation to suspend, the student will be notified of the decision in writing, and the suspension will take immediate effect. The letter will advise the student of their right to make a written representation to the Vice-Chancellor within 5 days of notification of the suspension.
- 7.5 All relevant Faculties and Directorates will be informed of the suspension and asked to monitor the situation. Should the student be attending classes or using facilities, this should be reported to the Compliance Advisors for further action.

- 7.6 Should a student wish to make a written representation, they should submit a statement to the Vice-Chancellor's Office. The student can include a request in this document to meet the Vice-Chancellor in person; a decision will be taken as to whether such a meeting is warranted, taking into consideration the allegations, the information available, any health and safety concerns, and whether a meeting would be beneficial to the student. The Vice-Chancellor's decision in this regard is final.
- 7.7 The Vice-Chancellor will consider the student's representation (whether written and/or in person) and the advice received from the Compliance Advisor, Accommodation Manager, or Faculty or Directorate Representative, in making a decision. This may be to continue the suspension, to revise the qualifications of the suspension, or to find that the suspension is no longer necessary. The student will be notified of the decision in writing within 5 days of the meeting, or the Vice-Chancellor's receipt of the written response.
- 7.8 A suspension will be reviewed periodically by the Vice-Chancellor, on the advice of the Compliance Advisor, Accommodation Manager, or Faculty/Directorate Representative, as appropriate. The student will be responsible for informing the Vice-Chancellor's Office of any developments which may have implications for the terms of the suspension. In the event that no further information is presented and the suspension remains in place for a sustained period the University may advise the student that they should interrupt their studies.
- 7.9 Students whose studies have been interrupted due to a prolonged suspension should contact the Compliance Advisor should they wish to resume their studies. Students should notify the Compliance Advisors of the outcome of the police investigation or court case as appropriate. Compliance Advisors will contact Applicant Services with the information provided and the University will make an assessment regarding a student's suitability to return.
- 7.10 Students who remain suspended during the examination period will need to submit a request to attend their examinations to the Compliance Advisors who will refer the request to the Vice-Chancellor for a decision. The Compliance Advisor will notify the student of the Vice-Chancellor's decision in writing. Students should liaise with their respective Faculty Student Office regarding examination dates and times. If permitted to attend specific examinations, the University may deem it necessary put additional measures in place for the health and safety of the University community (e.g. requesting the assistance of Security to escort suspended student to the exam location and off University premises)

8. CRIMINAL OFFENCES

Misconduct which is also a criminal offence

- 8.1 For allegations of misconduct where the police are involved, any disciplinary action on the part of the University will normally be deferred pending the outcome of any police investigation or criminal proceedings, as appropriate. However, the University reserves the right to continue disciplinary action where it has been considered appropriate to do so once the police investigation or court action has been concluded. For allegations of misconduct where the police are not involved, the University may take disciplinary action under the Student Disciplinary Procedure.
- 8.2 The University may consider suspension pending the outcome of a disciplinary investigation under the Student Disciplinary Procedure, police investigations or criminal proceedings, if there are health and safety implications relating to the allegations (see Section 7 above regarding suspensions).
- 8.3 The Compliance Advisor will advise the student of the deferral of any disciplinary action by the University. The student will be responsible for informing the Compliance Advisor of any developments or updates concerning police or court action. Any suspension on health and safety grounds will be reviewed by the Vice-Chancellor in light of such developments or updates (see paragraph 7.8 above). The police may also share relevant information with the Compliance Advisor to inform any disciplinary action under the Student Disciplinary Procedure.
- 8.4 If a student is convicted of a criminal offence after enrolling at the University, they may be subject to an investigation under the Student Disciplinary Procedure to determine whether they are permitted to continue studying at the University. Where a student is undertaking a professional programme of study Fitness to Practice procedures may apply. Where the Fitness to Practice procedures apply, they will take precedence over the Student Disciplinary Procedure.
- 8.5 During the disciplinary investigation, the student will be required to provide evidence of their conviction and sentence, including any appropriate evidence from the relevant Criminal Justice Service, so that the University can conduct a risk assessment. If the student is unable to provide such evidence or is unable to provide it within a reasonable time, an unfavourable conclusion may be drawn. The University will conduct an assessment to determine risk to members of the University community and/or its premises based on the information available.

- 8.6 Where a student has been sentenced by a court, the court's penalty shall be taken into account when determining any penalty to be issued under the Student Disciplinary Procedure.
- 8.7 Students imprisoned for a period of 21 calendar days or more will be deemed to have withdrawn from the University.
- 8.8 In cases where a student has had their registration terminated due to a criminal conviction, they may be permitted to re-join their studies. In such an instance, the student should contact the Compliance Advisors with their request, and the reapplication will be considered by the University following the normal application process.

The duty to disclose a criminal offence

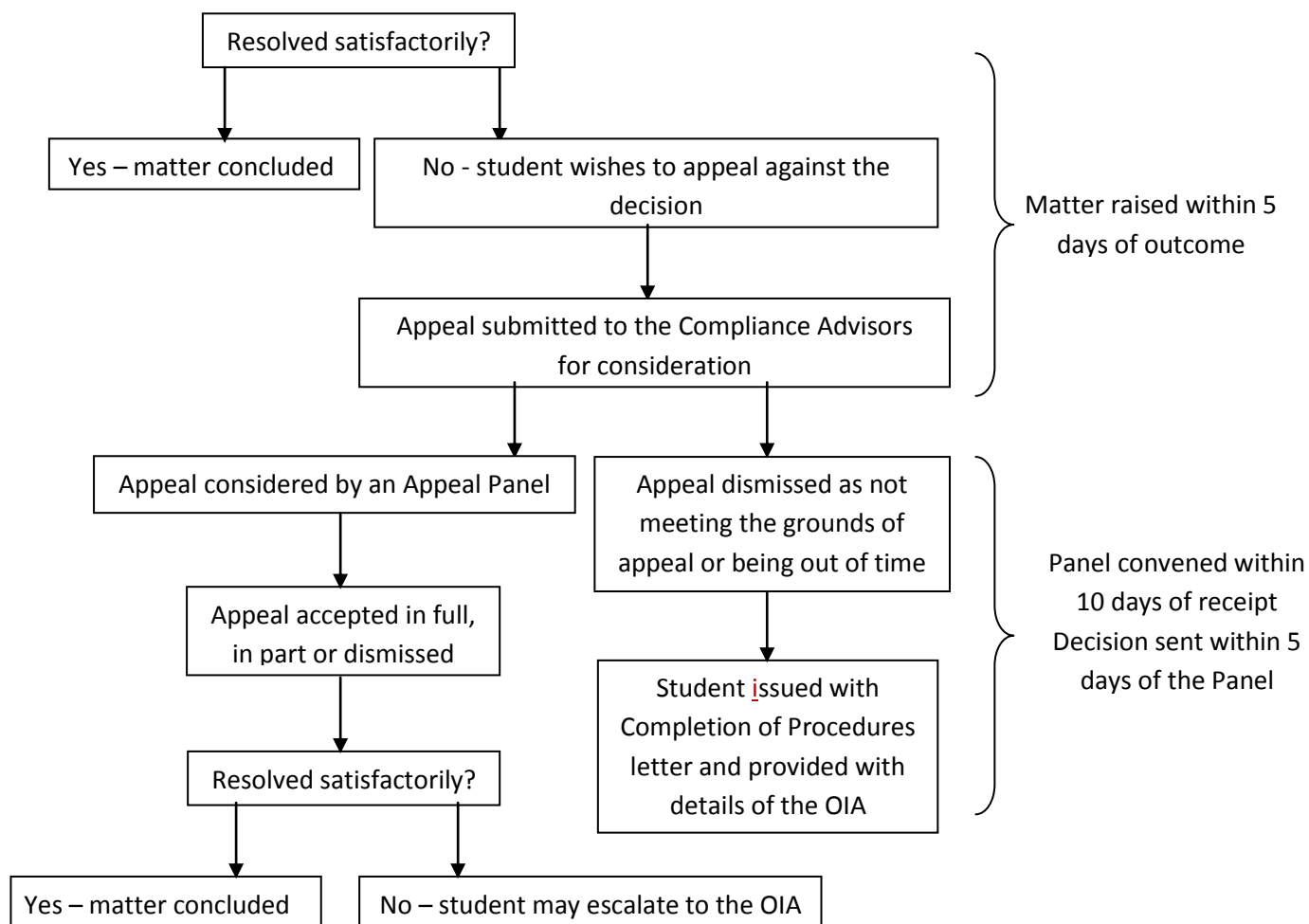
- 8.9 Any student who is the subject of a police investigation or criminal proceedings for a relevant criminal conviction (as defined in the UCAS Admissions Guide) or an offence which has affected a member of the University community or the local community, is under a duty to inform the Compliance Advisors of this at as early a stage as possible and to provide regular updates on the case.
- 8.10 Students who fail to disclose a relevant criminal conviction as part of the application and/or enrolment process will be investigated under the Fraudulent Applications policy.
- 8.11 New and continuing students will be asked to disclose any criminal convictions as part of the online enrolment process.
- 8.12 If a student fails to disclose a criminal conviction at application and/or enrolment stages but such conviction comes to light after they start their studies, the University reserves the right to suspend the student on health and safety grounds pending further investigation under the Fraudulent Applications policy, the Student Disciplinary Procedure, the Declaring Criminal Convictions policy and the Fitness to Practice Procedures.
- 8.13 Failure to disclose a relevant criminal conviction may lead to termination of a student's registration at the University and may also lead to the withdrawal of an award, even after graduation.
- 8.14 The Compliance Advisor will determine whether a matter needs to be pursued under the Student Disciplinary Procedure, or whether no further action will be taken. The Compliance Advisor's decision in this regard is final.

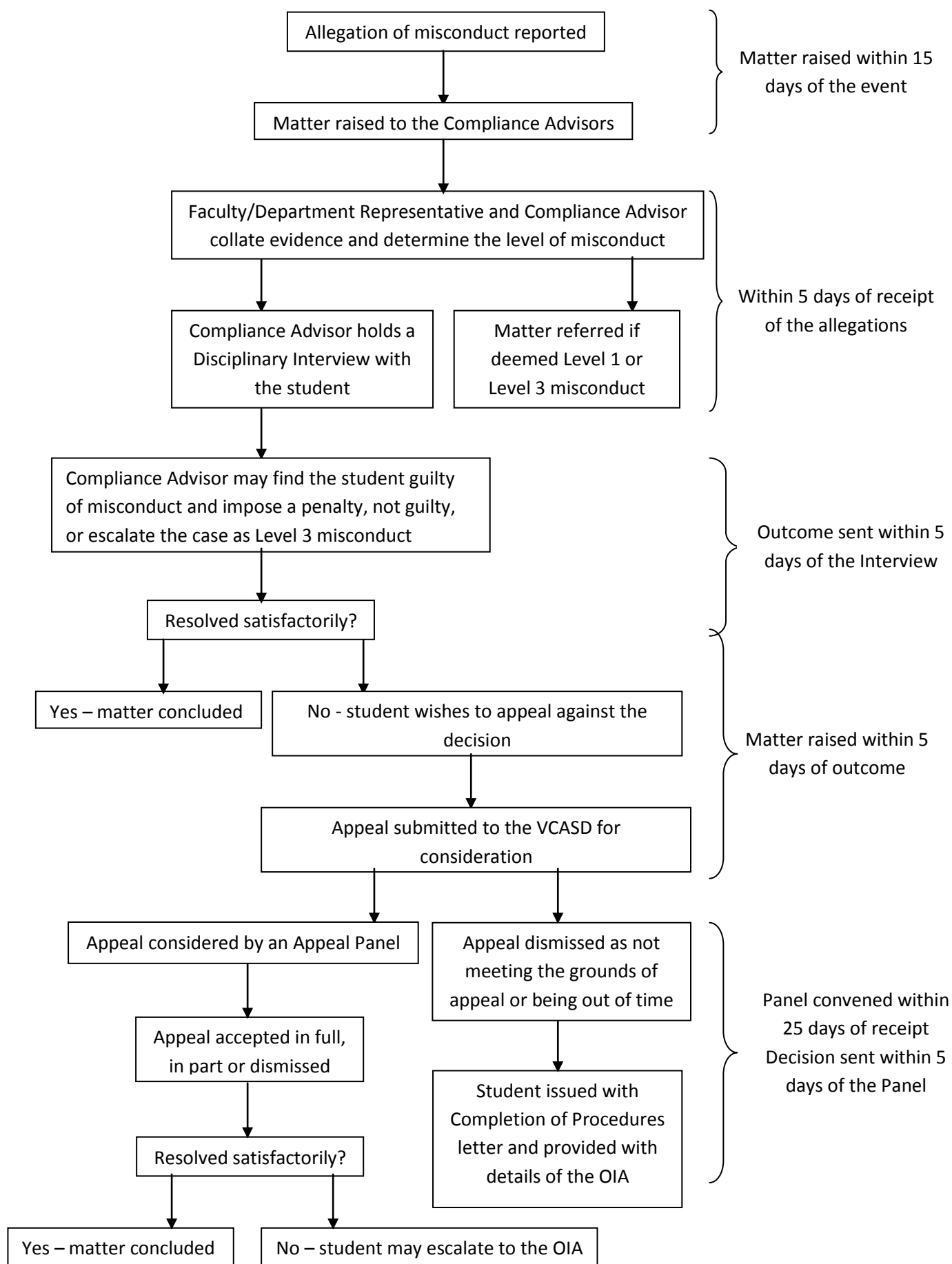
9. GLOSSARY OF TERMS

| Expression | Meaning |
|--|--|
| Bullying | Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient; may happen in public or private |
| Compliance Advisor(s) | Compliance Advisors in Student Services and Administration or such other person nominated to act on their behalf |
| Days | University working days (Monday-Friday) excluding Bank and Public Holidays, except where specific reference is made to 'calendar days' |
| Directorates | Central University Directorates, rather than Faculty Departments |
| Harassment | Unwanted conduct (intentional or unintentional) which has the effect of violating a person's dignity; the actions or comments are viewed as humiliating, degrading and unacceptable to the recipient and can create a hostile and intimidating environment; it may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident |
| In writing | Anything submitted in writing should take the form of either a written/typed letter, or an email from a Kingston University email account |
| Students' Union Support | A free, confidential and independent advice service for all Kingston University students, based in the Students' Union at Penrhyn Road; providing support on a range of issues including disciplinary matters |
| Office of the Independent Adjudicator | The Office of the Independent Adjudicator is the ombudsman for universities in England and Wales, it conducts free reviews of student complaints |
| Partner Institution | An institution which is jointly or wholly responsible for delivery of a Kingston University award |
| Representative of the Students' Union | A sabbatical or another Student Officer of the Students' Union |
| Staff | Members of University staff, including staff of the Kingston University Service Company ('KUSCO') or any other wholly owned subsidiary company of the University |
| Vice-Chancellor's Advisory and Support Directorate ('VCASD') | The Vice-Chancellor's Advisory and Support Directorate ('VCASD') or such other person nominated to act on their behalf |
| Vice-Chancellor | The Vice-Chancellor, or such other person nominated to act on his/her behalf |

10. FLOWCHART OF THE STUDENT DISCIPLINARY PROCEDURE

Level 1 Misconduct



Level 2 Misconduct

Level 3 Misconduct