



# **GENERAL REGULATIONS 3b: Student Disciplinary Guidance**

**2016 - 2017**

**This document is available in hard copy and on the University intranet and internet sites. Please contact the Student Life Centre (John Galsworthy Building, Penrhyn Road campus) or the Union of Kingston Students Student Support Centre if you have any difficulty in obtaining a copy that you can read, or find any aspect of these regulations difficult to understand.**

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## 1. INTRODUCTION

The Student Disciplinary Guidance is to be read in conjunction with the Student Disciplinary Procedure. The Guidance is designed to provide assistance and support to both staff investigating allegations of student misconduct and to students whose alleged behaviour is being investigated under the Student Disciplinary Procedure.

## 2. GUIDANCE FOR STAFF DEALING WITH INAPPROPRIATE BEHAVIOUR

All staff have a responsibility to address inappropriate student behaviour by ensuring that students comply with rules and regulations within their areas of work, and taking appropriate action should students fail to comply.

### Proactive Strategies

- Make students aware of how they are expected to behave, and where possible involve them in this process, e.g. devising ground rules in lectures, setting out expectations in course handbooks:
- Stress the benefits of behaving appropriately and complying with rules and regulations, e.g. create a productive learning environment;
- Remind students periodically of rules and behavioural expectations, e.g. at the beginning of each term

### When confronted with inappropriate behaviour

- Remind the student of the relevant rules and regulations relating to behavioural expectations; set the limits by defining permissible behaviour and consequences
- Stay calm, don't be drawn into an argument
- Recognise when to draw a line, don't take abuse
- Be aware that the behaviour could be the result of a mental health difficulty or disability
- Minimise the opportunity for other students to get involved, maintain eye contact with the student involved and move the scene of conflict away from other students or try and see the student after class
- If the student refuses to leave and/or continues to exhibit inappropriate behaviour, seek the assistance of a colleague or ask the student to leave
- Call Security if a student refuses to leave and/or continues to exhibit inappropriate behaviour despite warnings to desist from such conduct; academic staff may consider suspending the class
- Call Security immediately on 020 8417 6666 if a student's behaviour is perceived to pose a threat to the health and safety of others or to themselves, then move away from the area of conflict and await the arrival of Security
- Make a factual record of events and actions taken
- Seek advice – please refer to Section 7 of this Guidance.

### Mental Health/Disability and Student Behaviour

If you are concerned about the student's behaviour, but it does not pose any immediate health and safety concerns, contact the Student Life Advisors (Mental Health) or (disabilities and Specific Learning Differences) for advice and guidance on 020 8417 7314.

Where a student's behaviour poses a threat to the health and safety of others, or to the student themselves, alert the police on 999 and Security immediately on 020 8417 6666.

Contact the Student Life Advisors (Mental Health) or (Disabilities and Specific Learning Differences) for advice and guidance regarding the Mental Health Procedure on 020 8417 7314.

### **3. GUIDANCE FOR REPORTING INSTANCES OF MISCONDUCT**

If you believe that there has been an instance of misconduct on the part of a student at Kingston University, this should be reported for consideration under the Student Disciplinary Procedure. As advised in the Procedure, allegations of student misconduct should be reported to the relevant Faculty/Directorate within 15 days of the incident/series of incidents that have given rise to the allegation.

You will note that some examples of misconduct appear in more than one category. When deciding upon the level of misconduct, the nature and severity of the allegations will be considered. If you are unsure which category an offence falls within, please contact the Compliance Advisors for advice.

The categories of misconduct are as follows:

#### Level 1 Misconduct

Any allegations of Level 1 misconduct should be reported to the relevant Faculty or Directorate for investigation. Allegations should be reported to the student's Head of School or Head of section in the first instance who shall determine the appropriate staff member to investigate the alleged misconduct. You may be asked by the Faculty or Directorate Representative to provide further information, evidence (if appropriate), or a written statement for consideration as part of the process.

#### Level 2 Misconduct

Any allegations of Level 2 misconduct should be reported to the relevant Faculty or Directorate for referral to the Compliance Advisors, or to the Compliance Advisors directly. You may be asked by the Faculty or Directorate Representative, or by a Compliance Advisor, to provide further information, evidence (if appropriate), or a written statement for consideration as part of the process. On occasion, Compliance may request that a Faculty or Directorate Representative attends the student interview in order to communicate the impact on the respective area or staff. The representative will not be the aggrieved party or parties.

### Level 3 Misconduct

Any allegations of Level 3 misconduct should be reported to the relevant Faculty or Directorate for referral to the Compliance Advisors, or to the Compliance Advisors directly. You may be asked by the Faculty or Directorate Representative, or by a Compliance Advisor, to provide further information, evidence (if appropriate), or a written statement for consideration as part of the process. You may be invited to present your evidence to a Student Disciplinary Committee.

## **4. GUIDANCE ON THE ARRANGEMENT AND PROCEEDINGS OF INTERVIEWS, PANELS AND COMMITTEES**

### Initial Steps

The incident should be assessed to determine whether it is appropriate to address the alleged behaviour under the Student Disciplinary Procedure. If not, the student should be reminded of the expected level of conduct in a particular setting, or in more general terms, as a student of the University. Ideally, this should be addressed by the affected member of staff directly with the student. Alternatively, a letter or email could be sent to the student reminding them of their expected conduct. Reference can be made to the Student Disciplinary Procedure if appropriate or if the behaviour persists.

### Disciplinary Interview (Levels 1 and 2 Misconduct)

If allegations are confirmed as Level 1 misconduct (for Faculty or Directorate Representatives) or Level 2 misconduct (for Compliance Advisors), evidence should be collated relating to the incident, e.g. witness statements and CCTV stills. The student should then be invited to a Disciplinary Interview in writing by email/letter as part of the investigation. This will normally take place within 5 days of the allegations having been received, though consideration should be given to any assessments the student may have and to those with caring or other responsibilities. For allegations of misconduct occurring during an examination period for a student and/or student witnesses involved, it may be necessary to defer the disciplinary process until after those parties involved have completed their exams. Such a decision will need to take into account the nature of the incident and if there are any health and safety considerations.

The written invitation to the student should include: -

- Details of the allegations;
- Reference to the available support (Students' Union);
- Date/time/venue of the Interview and details of who will be present (an independent staff member should be present to take notes of the Interview as a record)

- A request for the student to make the organiser aware of any reasonable adjustments to be made. If a student requires reasonable adjustments, the Disability/Mental Health Advisors should be contacted for advice and guidance;
- Reference to the fact that a student's attendance is required, and that the matter may be considered in their absence and reference to the fact that a student can bring witnesses (though not an individual also being interviewed in relation to the incident), witness statements or evidence in support of their account.

Audio recordings of interviews will not be permitted unless this is a part of a student's reasonable adjustment. The interviewer's decision in this regard is final.

During the Interview, the student should be introduced to those present and the process summarised. The interviewer will ask a series of questions to the attendee. In order to ensure a balanced account is obtained, the student should be given the opportunity to respond to the allegations and present any supporting evidence.

When reaching a decision, the interviewer should determine on the balance of probabilities, whether misconduct has taken place. If a penalty is issued, this should be appropriate for and proportionate to the offence, taking into account any mitigating factors. The student should normally receive written notification of the outcome of the Interview within 5 days. This letter should also include the reasoning for the decision, and inform the student of their right to appeal, as well as information about the appeal process.

A record of this should be kept on the student's file, and collated centrally within the Faculty or Directorate for inclusion in the Compliance Advisors' annual report.

There should be consistency in the treatment of students accused of similar offences.

### Engagement and Absence

Students are required to engage with the disciplinary process. Should a student not be able to attend an appointment at the specified date and time, they are required to contact the staff member responsible for the disciplinary proceedings as soon as possible and provide a valid reason for their inability to attend (e.g. examination). If such a reason is provided, the meeting, Interview or Committee will normally be rescheduled.

If a student does not attend a Disciplinary Interview/Committee or fails to provide a valid reason for being unable to attend, the Panel has the final decision on whether to adjourn or proceed in the student's absence. If the Panel decide the student has been duly notified of events, and that they have sufficient evidence to make a decision, the matter will be considered without the student. If the Panel decide otherwise, the following action can be taken:

Level 1 misconduct: reschedule Disciplinary Interview; if the student does not attend a second interview, the original issue and the non-attendance will be escalated and considered by the Compliance Advisors at Level 2 misconduct.

Level 2 misconduct: reschedule Disciplinary Interview; if the student does not attend a second interview, the student may be suspended pending attendance at a rescheduled interview, or the original issue and the non-attendance may be escalated to a Student Disciplinary Committee.

Level 3 misconduct: reschedule Student Disciplinary Committee; the student will be suspended pending attendance at a rescheduled Committee.

#### Appeal Panel (Level 1 Misconduct)

The student has the right to appeal to the Compliance Advisors against the decision of the Faculty or Directorate Representative, providing they submit their appeal within 5 days, and meet at least one of the grounds of appeal outlined in the Student Disciplinary Procedure. If an appeal is received late, or does not relate to the prescribed grounds, it will not be considered and should be rejected. The student will then be issued with a Completion of Procedures letter and informed about the Office of the Independent Adjudicator.

Otherwise, the Compliance Advisor will be responsible for convening an Appeal Panel. This will normally take place within 10 days of receipt of the appeal.

The paperwork for consideration by the Panel shall comprise the student's letter of appeal and supporting evidence, and a written response from the Faculty or Directorate Representative. The student is not required to attend the Panel, unless they indicate their wish to do so in their appeal letter.

The Panel will focus solely on the grounds of appeal, and will not rehear the previous disciplinary matter.

The Panel can dismiss the appeal, uphold it by dismissing the disciplinary case against the student, refer the matter back to the Faculty or Directorate for reconsideration, or impose a lesser penalty.

The student should receive written notification of the outcome of the Panel within 5 days.

#### Appeal Panel (Level 2 Misconduct)

The student has the right to appeal to the Vice-Chancellor's Advisory and Support Directorate ('VCASD') against the decision of the Compliance Advisor, providing they submit their appeal within 5 days, and meet at least one of the grounds of appeal. If an appeal is received late, or does not relate to the prescribed grounds, it will not be considered and should be rejected with the student being informed about the Office of the Independent Adjudicator.



Otherwise, the VCASD will be responsible for convening an Appeal Panel; this will normally take place within 25 days of receipt of the appeal.

The paperwork for consideration by the Panel shall comprise the student's letter of appeal and supporting evidence, and a written response from the Compliance Advisor. All paperwork will be circulated to the Panel at least 5 days prior to its meeting. The student is not required to attend the Panel, unless they indicate their wish to do so in their appeal letter.

The Panel will focus solely on the grounds of appeal and will not rehear the previous disciplinary matter.

The Panel can dismiss the appeal, or uphold it by dismissing the disciplinary case against the student, referring the matter back to the Compliance Advisors for reconsideration, or impose a lesser penalty.

The student should receive written notification of the outcome of the Panel within 5 days.

### Student Disciplinary Committee

If allegations are confirmed as Level 3 misconduct, the Compliance Advisors and Faculty or Directorate Representatives should collate evidence relating to the incident, e.g. witness statements and CCTV stills, and submit it to VCASD, who are responsible for the ensuing administrative arrangements. The student should then be invited to a Student Disciplinary Committee as part of the investigation; this will normally take place within 25 days of VCASD having received the allegation of Level 3 misconduct, though consideration should be given to any assessments the student may have and to those with caring or other responsibilities. The written invitation to the student should include: -

- Details of the allegations;
- Reference to the available support (Students' Union );
- Date/time/venue of the Committee and details of who will be present (an independent staff member should be present to take notes of the interview as a record);
- A request for the student to make the organiser aware of any reasonable adjustments to be made;
- Reference to the fact that a student's attendance is required, and that the matter may be considered in their absence;
- Reference to the fact that the student should provide a written response (including any supporting evidence) to the allegations which should be submitted to VCASD at least 5 days prior to the Committee; and
- Reference to the fact that a student can call witnesses (though not an individual also being interviewed in relation to the incident), in support of their account, the names of whom must be submitted to VCASD at least 5 days prior to the Committee.



All paperwork should be circulated to the members of the Committee, the student and the Compliance Advisor (presenting the case against the student) at least 5 days prior to the Committee. The Compliance Advisor will contact all staff and students who have been subject to alleged Level 3 misconduct to confirm whether they wish to attend the Committee or not. If not, their written statements will be considered.

The proceedings for the Committee shall be as follows: -

- The Chair shall open proceedings, introduce all present and outline the process;
- The Chair will summarise the allegations against the student, and ask the Compliance Advisor to confirm their accuracy;
- The Compliance Advisor will present the allegations of Level 3 misconduct on behalf of the University and call any witnesses as appropriate;
- The Committee and the student will have the opportunity to ask questions of the Compliance Advisor and the witnesses called;
- The student will have the opportunity to respond to the allegations against them and to call any witnesses in support of their case;
- The Committee and the Compliance Advisor will have the opportunity to ask questions of the student and the witnesses called and
- The student and Compliance Advisor will be able to make any concluding statements, as they wish, before the end of the Committee.

When reaching a decision, the Committee should determine on the balance of probabilities whether misconduct has taken place. If a penalty is issued, this should be appropriate for and proportionate to the offence, taking into account any mitigating factors. The Committee's decision will be sent to the Vice-Chancellor by VCASD in the form of a recommendation, along with a summary of the incident and the rationale for its decision, for consideration.

The student should receive written notification of the outcome of the Committee within 5 days of the Vice-Chancellor receiving the Committee's recommendations. This letter should also include the reasoning for the decision, and inform the student of their right to appeal, as well as information about the appeal process.

A record of this should be kept on the student's file, and collated centrally within the Faculty or Directorate for inclusion in the Compliance Advisors' annual monitoring of disciplinaries. Additional copies of this should also be sent to the University Secretary, the Chair of the Committee and the Compliance Advisors.

There should be consistency in the treatment of students accused of similar offences.

### Governors' Appeal Committee

The student has the right to appeal to VCASD against the decision of the Vice-Chancellor, providing they submit their appeal within 5 days, and meet at least one of the grounds of appeal. If an appeal is received late, or does not relate to the prescribed grounds, it will not be considered and should be rejected with the student being informed about the Office of the Independent Adjudicator.

Otherwise, VCASD will be responsible for convening a Governor's Appeal Committee; this will normally take place within 25 days of receipt of the appeal, though consideration should be given to any assessments the student may have and to those with caring or other responsibilities. The written invitation to the student should include:

- Details of the allegations;
- Reference to the available support (Students' Union );
- Date/time/venue of the Committee and details of who will be present (an independent staff member should be present to take notes of the Interview as a record)
- A request for the student to make the organiser aware of any reasonable adjustments to be made
- Reference to the fact that a student's attendance is required, and that the matter may be considered in their absence and
- Reference to the fact that a student can call witnesses (though not an individual also being interviewed in relation to the incident), in support of their account, the names of whom must be submitted to VCASD at least 5 days prior to the Committee.

The paperwork for consideration by the Committee shall comprise the student's letter of appeal and supporting evidence, a written response from a University Representative (usually the Chair of the Student Disciplinary Committee) and the Vice-Chancellor's outcome letter. All paperwork will be circulated to the Committee at least 5 days prior to its meeting.

The Committee will focus solely on the grounds of appeal and will not rehear the previous disciplinary matter. The proceedings for the Committee shall be as follows:

- The Chair shall open proceedings, introduce all present and outline the process;
- The student will present their appeal and call any witnesses in support of their case;
- The Committee and the University Representative will have the opportunity to ask questions of the student and the witnesses called;
- The University Representative will respond to the appeal and call any witnesses as appropriate;

The Committee and the student will have the opportunity to ask questions of the University Representative and the witnesses called; and

- The University Representative and the student will be able to make any concluding statements, as they wish, before the end of the Committee.

The Committee can dismiss the appeal, uphold it by dismissing the disciplinary case against the student, refer the matter back to a Student Disciplinary Committee for reconsideration, or impose a lesser penalty.

The student should receive written notification from the University Secretary's Directorate of the outcome of the Committee within 5 days.

## **5. GUIDANCE FOR STUDENTS BEING INVESTIGATED UNDER THE STUDENT DISCIPLINARY PROCEDURE**

### Mediation

The University offers mediation, led by trained mediators, as a means of attempting to resolve issues at an early stage. Although mediation is not always applicable in disciplinary matters, it may be considered as an option where deemed appropriate, such as rebuilding working relationships.

Further information about the University's Mediation Scheme can be found at: <http://law.kingston.ac.uk/services/centre-dispute-resolution>

### Engagement and Absence

You are required to engage with the disciplinary process at all times, respond to correspondence as required, and attend Interviews or Committees when requested to do so. If you are unable to attend such a meeting, you should contact the staff member who has issued the invite as soon as possible with a valid reason for your unavailability, in order to reschedule the proceedings. You may be required to provide written evidence of your unavailability. If you do not notify the staff member, the Panel may proceed in your absence, or escalate the matter to a higher stage of the Procedure.

### Accompaniment and representation

As the Student Disciplinary Procedure is internal to the University, it is appropriate for you to represent yourself, whilst seeking advice and support from the Students' Union.

If you are invited to attend a meeting, Disciplinary Interview or Student Disciplinary Committee, you may be accompanied by a friend, family member, or 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 your behalf or attend in any legal capacity.

Non-legal representation will only be permitted where there is a compelling reason, such as disability and as a reasonable adjustment. In such circumstances, this must be agreed with the staff member responsible for that stage of the process, and you must provide signed, written consent for this representation. 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.

### Disciplinary Interview

If you are invited to a Disciplinary Interview, you will receive a letter from the Faculty or Directorate Representative (for Level 1 misconduct) or the Compliance Advisors (for Level 2 misconduct) informing you of the allegations against you, the Interview arrangements and of your right to be accompanied. You are allowed to bring any witnesses, evidence and witness statements with you to the Interview, if they support your account. However, the witnesses cannot have been involved in the incident or be subject to disciplinary proceedings.

The Interview will last for approximately 30 minutes, although if the allegations are complex, or there are discrepancies in the accounts provided, it may take longer. The Interview will be conducted by one or two staff members, with a note taker present to record proceedings. Audio recordings are not permitted unless as part of a reasonable adjustment request due to a disability and this should be made in advance. Any staff members or students who reported the incident of misconduct will not be allowed to attend the Interview.

The Faculty or Directorate Representative or the Compliance Advisor will summarise the information that has been provided about the incident(s) and allow you to explain what happened. A Disciplinary Interview is your opportunity to respond to the allegations against you, as part of the investigation into the reported incident(s)-there is no presumption of guilt. You will be asked questions for clarity and to ensure the staff member has fully understood the account you have presented.

At the end of the Interview, the decision as to whether you have committed misconduct or not, and any penalty as appropriate, will be made in private. You will receive a letter notifying you of the decision. If you are found to have committed misconduct, a copy of the letter will be placed on your student file.

### Appeal Panel

If you are found to have committed Level 1 or Level 2 misconduct, you have the right to appeal against the decision. An appeal must be made on at least one of the grounds of appeal, which are detailed in the Student Disciplinary Procedure. A letter of appeal, along with any supporting documentation, should be submitted within 5

days of the outcome letter. For Level 1 misconduct, this should be submitted to the Compliance Advisors, and for Level 2 misconduct this is to VCASD.

Should your appeal be submitted out of time (i.e. outside of the 5 day deadline), or not meet any of the grounds of appeal, it will be dismissed and a Completion of Procedures letter issued. Otherwise, it will be considered by an Appeal Panel of three individuals.

You are not required to attend the Panel; but if you do wish to do so, you must state this in your letter of appeal. The Panel will consider your appeal letter and supporting documentation, as well as a written response from the Faculty or Directorate Representative or the Compliance Advisor who dealt with the case.

You will receive a letter notifying you of the outcome of your appeal within 5 days of the Panel meeting. This letter will represent the final decision of the University in regard to your case.

### Student Disciplinary Committee

If the incident has been deemed to be Level 3 misconduct, you will be invited to a Student Disciplinary Committee, by VCASD. The letter you receive setting out the allegations will invite you to respond in writing, attaching any witness statements, and inform you of the Committee arrangements and your right to be accompanied. You must ensure that VCASD has received all hard copy documents you are relying on, and the names of any witnesses you intend to call, at least 5 days before the Committee is meeting. However, the witnesses cannot have been involved in the incident and be subject to respective disciplinary proceedings.

The Committee will be made up of three individuals, VCASD will be present to act as clerk to the Committee and to advise on any matters of procedure. The Compliance Advisor will attend the Committee to present the case against you, before calling any witnesses as appropriate. They will then be asked questions for clarity, and to ensure the Committee have fully understood the case. You will then have the opportunity to respond and present your case, calling any relevant witnesses that you wish, before answering questions from the Committee. Any witnesses unable to attend will have their written statements considered as evidence.

Before the Committee ends, both you and the Compliance Advisor have the opportunity to make concluding statements.

At the end of the Committee, the recommendation as to whether you have committed misconduct or not, and any penalty as appropriate, will be made in private. VCASD will communicate this recommendation, as well as a summary of the case to the Vice-Chancellor for consideration. You will receive a letter notifying you of the Vice-Chancellor's decision. If you are found to have committed misconduct, a copy of the letter will be placed on your student file.

### Governors' Appeal Committee

If you are found to have committed Level 3 misconduct you have the right to appeal against the decision. An appeal must be made on at least one of the grounds of appeal, which are detailed in the Student Disciplinary Procedure. A letter of appeal, along with any supporting documentation, should be submitted to VCASD within 5 days of the date of the outcome letter.

Should your appeal be submitted out of time, or not meet any of the grounds of appeal, it will be dismissed and a Completion of Procedures letter issued. Otherwise, it will be considered by a Governors' Appeal Committee comprised of three individuals. VCASD will be present to act as a clerk to the Committee and to advise on any matters of procedure. There will be a University Representative in attendance, who will be a member of the Student Disciplinary Committee who dealt with your case originally. You must ensure that VCASD has all hard copy documents, and the names of any witnesses you intend to call, at least 5 days before the Committee is meeting. However, the witnesses cannot have been involved in the incident and be subject to the respective disciplinary proceedings.

The Committee will consider your appeal letter and supporting documentation, as well as a written response from the University Representative. At the Committee, you will have the opportunity to present your case and call any witnesses as appropriate, before answering any questions from the Committee for clarity and to ensure that the Committee members have understood the account you have presented to them. The University Representative will respond and present their case, calling any relevant witnesses that they wish, before answering any questions from the Committee.

You will receive a letter notifying you of the outcome of your appeal within 5 days of the Committee meeting. This letter will represent the final decision of the University in regard to your case.

#### Office of the Independent Adjudicator ('OIA')

When all internal procedures have been completed, following consideration of your appeal against a misconduct decision, you will be issued with a Completion of Procedures letter. This confirms that the University has made its final decision on your case. Should you be dissatisfied with this, you can make a complaint to the OIA, who are the Ombudsman for Higher Education. Further information about the OIA can be found on their website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

#### Suspension

The University reserves the right to suspend you whilst investigating any alleged misconduct on your part, if you are the subject of a police investigation or criminal proceedings, or whilst you are making an appeal. Suspension is not a penalty, but a health and safety measure.



If you are suspended, you will be told whether it is a total or partial prohibition, and whether there are any qualifications to it, e.g. attendance at examinations. If you are unclear as to the terms of your suspension, please contact the Compliance Advisors for advice.

Whilst suspended, you should contact your Faculty's Student Support Officer for guidance on how this will affect your studies, and the support that can be provided. Additionally, you may wish to contact the Students' Union for information and advice on the Student Disciplinary Procedure. Such contact should take place via email or telephone. If the terms of a suspension permit you to access certain areas of the University campus, you may be able to request a face to face appointment with the Students' Union. Should this be requested, the Students' Union will contact the Compliance Advisors whose decision in such matters is final.

You have the right to respond to a suspension, and will need to contact the Vice-Chancellor's office within 5 days in order to do this.

Suspensions are reviewed periodically by the Vice Chancellor, on the advice of the Compliance Advisors and any other relevant staff, e.g. the Accommodation Manager, or a Faculty or Directorate Representative. You are responsible for informing the Compliance Advisors of any changes in your circumstances or developments in your case which may impact upon the terms of your suspension, so that these can be considered as part of the review.

### Criminal offences

#### *Misconduct which is also a criminal offence*

In the instance where the police are involved in allegations of misconduct occurring under the Student Disciplinary Procedure, 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. You are responsible for informing the Compliance Advisor of any updates concerning police or court action.

If you are sentenced by a court, this penalty will be taken into account when the University considers your case under the Student Disciplinary Procedure. If you receive a custodial sentence of 21 calendar days or more, you will be deemed to have withdrawn from the University. Should you wish to return, you need to contact the Compliance Advisors with this request, and reapply to the University through the normal application process.

#### *The duty to disclose a criminal offence*

If you are the subject of a police investigation or criminal proceedings for a relevant criminal conviction, or an offence which has affected a member of the University or



local community, you are required to inform the Compliance Advisors of this as early as possible, and to provide regular updates on the case.

Relevant criminal convictions are defined in the UCAS Admissions Guide.

The Compliance Advisor will determine whether any action needs to be taken following disclosure. See the Student Disciplinary Procedure for additional information.

## **6. STUDENT MISCONDUCT SUBJECT TO OTHER PROCEDURES**

### Fraudulent documentation/Failure to disclose criminal convictions

Applicants who submit fraudulent documentation or who fail to disclose criminal convictions on application or enrolment will be investigated under the Fraudulent Applications policy. For returning students, these cases may be referred to the Student Disciplinary Procedure. The University's decision in this regard is final.

### Academic Misconduct

The University defines academic misconduct as an attempt by a student to gain an unfair advantage in assessments, or to aid another to gain such an advantage. Any suspected academic misconduct will be investigated under the University's Academic Misconduct Regulations.

### Fitness to Practise

Fitness to practise is a student's ability to demonstrate the requirements and responsibilities of the professions related to their course of study. Any alleged misconduct which is deemed to be contrary to requirements laid down by the associated professional body will be investigated under the University's Fitness to Practise Procedure.

### Halls Licence/Headed Tenancy Agreements

Misconduct by students living in Halls of Residence and Headed Tenancy properties may be addressed under the Halls Licence, Headed Tenancy Agreement or the Student Disciplinary Procedure. The University's decision in this regard is final. Serious incidents relating to Level 2 and Level 3 misconduct will automatically be considered under the Student Disciplinary Procedure.

### Mental Health Procedure

The Procedure sets out the process for staff 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 Advisors (Mental Health) or (Disabilities and Specific Learning Differences) should be sought.

### Misconduct involving students employed as staff

Instances of such misconduct will normally be dealt with under the terms and conditions of the student's employment. However, any misconduct that may have implications on an individual's status as a student at Kingston University will be dealt with under the Student Disciplinary Procedure.

### Misconduct in Students' Union of Kingston Students ('the Students' Union')

Any misconduct occurring in the Students' Union will be subject to the Students' Union's Disciplinary Procedures. However, the University reserves the right to consider an incident arising on the Students' Union premises under the Student Disciplinary Procedure. The University's decision in this regard is final. Any allegations of misconduct regarding the Full-time Officers will be considered under the Students' Union's Disciplinary Procedures.

### Misconduct on University campuses/controlled properties

Instances of such misconduct will be considered under the Student Disciplinary Procedure. This may include non-residents involved in an instance of misconduct at a Hall of Residence or in a Headed Tenancy property.

## **7. SOURCES OF GUIDANCE AND SUPPORT FOR STUDENTS AND STAFF**

The following points of contact can provide sources of guidance and support for students and staff, as appropriate, who are involved with investigations under the Student Disciplinary Procedure.

### Compliance Advisors

- Provide procedural information to students and advice and guidance to staff about the Student Disciplinary Procedure
- Consider appeals against outcomes issued for Level 1 misconduct
- Investigate cases of Level 2 misconduct and issue penalties as appropriate
- Refer incidents of Level 3 misconduct to the Vice-Chancellor's Advisory and Support Directorate, and attend the Student Disciplinary Committee to present the University's case

Contact details: Katie Sparks – [k.sparks@kingston.ac.uk](mailto:k.sparks@kingston.ac.uk) 020 8417 7529 or  
Julia McGrath – [j.mcgrath@kingston.ac.uk](mailto:j.mcgrath@kingston.ac.uk) 020 8417 7522; Student Life Centre,  
John Galsworthy Building, Kingston University, Penrhyn Road, Kingston upon  
Thames, Surrey, KT1 2EE

### Harassment Contacts

- Provide advice, support and guidance to students and staff who feel they are experiencing inappropriate behaviour that could be harassment or bullying
- The Harassment Contact volunteers listen to the issue and experience, and help to consider how the problem can be resolved

Contact details: [Harassment Contacts](#) /020 8417 4087, Equality Unit, Kingston University, 53 Portland Road, Kingston upon Thames, Surrey, KT1 2SH

### Health and Wellbeing

- Provide a number of services to promote student wellbeing, such as stress workshops and counselling, as well as health advice, medical services and complementary therapies.

Contact details: [health@kingston.ac.uk](mailto:health@kingston.ac.uk) / 020 8417 2172

### Students' Union

- Provide advice and guidance to students going through the Student Disciplinary Procedure
- Accompany students to Disciplinary Interviews, Student Disciplinary Committees and Appeal Panels
- Provide advice and guidance to students who are making complaints about the behaviour of other students

Contact details: [support@kingston.ac.uk](mailto:support@kingston.ac.uk) / 020 8417 2974. Union of Kingston Students, Kingston University, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2EE

### Personal Academic Tutors/Faculty Student Support Officers

All students are assigned a Personal Tutor when they join Kingston University. Personal Tutors provide advice and guidance on academic matters, and support students by referring them to expert student services where appropriate. Faculty Student Support Officers located in Faculty Student Offices can also provide the above support and assistance to students.

### Trade Unions and Relevant Professional Associations

These are professional bodies which look after the interests of their members and relevant professional practitioners. They can provide advice and support to these individuals when required.

In addition, the Employee Assistance Programme (Care First) and The College and University Support Network can provide advice on supporting staff who are the subject of a complaint, or directly support staff who are the subject of a complaint.

### Vice-Chancellor's Advisory and Support Directorate

- Provide procedural information to students and advice and guidance to staff about the Student Disciplinary Procedure
- Convene Appeal Panels to hear appeals against outcomes issued for Level 2 misconduct
- Convene Student Disciplinary Committees to investigate cases of Level 3 misconduct and recommend penalties as appropriate
- Inform the Vice-Chancellor of the Student Disciplinary Committee's recommendations
- Convene Governor Appeal Committees to hear appeals against outcomes issued for Level 3 misconduct

Contact details: Vice-Chancellor's Advisory and Support Directorate, Kingston University, River House, 55-57 High Street, Kingston upon Thames, Surrey, KT1 1LQ / 020 8417 3026