

KMMS Student Discipline Procedure

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KMMS Student Discipline Procedure

Introduction and Purpose

1. This procedure outlines the process which will be followed by the Kent and Medway Medical School (KMMS) in relation to student misconduct. For the purposes of this document 'the University' will refer to the University of Kent and Canterbury Christ Church University.
2. Due to the nature of the programs undertaken within KMMS there may be occasions where issues raised are required to be considered via the Low-Level Concerns and [Fitness to Practise procedures](#). In such cases the Head of Student Conduct and Complaints will liaise with the KMMS Academic Lead for Student Life and Wellbeing.
3. The University is a community and expects all students to conduct themselves with appropriate care and respect for all its members (student, staff, Patient, or visitor), and to show proper concern for the reputation and environment of the University community.
4. Students are expected to adhere to all relevant regulations, policies, and procedures and are expected to always conduct themselves in a manner that supports the University's commitment to create a safe and supportive community for all and respect the right of others to freedom of speech within the law, and the right of academic staff and research students to academic freedom within the law. Failure to do so will be considered a breach of this procedure that may result in disciplinary action.
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 take action against a student under the Student Discipline Procedure on the grounds that a student has exercised their right of 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.
6. Students will also be held responsible, where appropriate, for the conduct of their guests and for any damage caused by their guests whilst they are on University campuses, using facilities and on-campus or nominated partner accommodation.
7. The University recognises its responsibility to comply with the law, and, where necessary, to co-operate with the appropriate agencies such as the police in any investigation into alleged criminal activity. This procedure does not replace criminal law and nothing in this procedure prevents a crime being reported to the police.
8. This procedure is reviewed every three years by the KMMS Universities Joint Quality Committee and is owned by Student Services.
9. **Non-academic misconduct** is defined as a behaviour which interferes with activities of 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.

How to report

10. Any student, member of the University community, or a member of the public may report an instance of non-academic misconduct. Disciplinary action may also be taken when it is considered necessary to protect the interests and reputation of the University and its students, staff, and members.
11. Such reports should be made using an [Alert Form](#) or directly to the Student Conduct and Complaints Office at sccoffice@kent.ac.uk. If the complaint is received by any other member of University staff, it should be sent to the Student Conduct and Complaints Office in the first instance. Reports of possible breaches of the Student Discipline Procedure can also be provided to the Student Conduct and Complaints Office by Campus Security.
12. Details of incidents such as sexual misconduct, harassment, relationship abuse or hate incidents can be reported via [Report and Support](#). This service also gives a student access to the support that is available to them in the aftermath of an incident. Report and Support also gives a student the option to record an incident and give their name or choose to remain anonymous. Such cases will then, if appropriate, be confidentially referred to the Head of Student Conduct and Complaints who will discuss the appropriate procedure with the Academic Lead Student Life and Wellbeing.
13. At each stage of the procedure the University reserves the right to take no further action if there is insufficient evidence to support an allegation.
14. The University does all it can to ensure that students who raise concerns are supported appropriately. However, it is important to note that the University will not normally be able to act on complaints that are made anonymously. This is because the University is under an obligation to deal with allegations in a fair and reasonable way and in accordance with the rules of natural justice. Natural justice means that adjudication is unbiased and given in good faith, and that each party is aware of arguments and documents given by the other. This entitles the student who is subject to [Low Level Concerns and Fitness to Practise](#) or disciplinary proceedings to have a fair hearing.
15. Students concerned about anonymity can contact the Student Conduct and Complaints Office at sccoffice@kent.ac.uk for further information.
16. Reports made about a group of students may be dealt with as a single process or via a group meeting. Students will be provided with the opportunity to speak with a Conduct and Complaints Officer separate to the group meeting, if requested.

Confidentiality

17. Information disclosed during, or resulting from, disciplinary proceedings will be treated with the appropriate degree of confidentiality.
18. 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 will be reported to the relevant professional bodies and be subject to [fitness to practise procedures](#). Students will be informed of this decision in writing.
19. Details of the outcome of any formal investigation will not usually be given to the reporting party unless it is deemed necessary or appropriate to do so.

Student Support

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

Arrangements relating to criminal procedures

23. The University recognises their responsibility to comply with the law, and, where necessary, to co-operate with the appropriate agencies in any investigations into alleged criminal activity.
24. 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.
25. On receiving a report that a student is under police investigation or is subject to criminal proceedings, the Head of Student Conduct and Complaints or nominee who will discuss the case with the Academic Lead Student Life and Wellbeing and undertake any immediate action to mitigate risk, including referral to a stage 3 [fitness to Practise](#). (Please see managing risk below).
26. Following completion of police enquiries and criminal proceedings, any [Fitness to Practise](#) or disciplinary action will consider any penalties imposed by the courts or by the police.
27. 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
 - The outcome of [Fitness to Practise](#) Stage 3
 - Where appropriate, the wishes of both the victim(s) and the offender(s)
 - Where appropriate, the availability of the alleged offender(s)
28. Precautionary measures may include imposing conditions such as no-contact agreements, requiring students to move accommodation, suspension from studies, or temporary exclusion from all or part of University campuses or facilities.

Managing risk

29. The Head of Student Conduct and Complaints or nominee will consider risk and if appropriate undertake a Risk Management Plan to identify and take any steps necessary to:
- Ensure that the students involved receive appropriate academic and pastoral support.
 - Safeguard the health, safety, and welfare of members of the University community; and
 - Ensure that confidentiality is maintained as appropriate.
30. A Risk Management Panel will review the Risk Management Plan to determine whether any precautionary measures need to be put in place to:
- Ensure that a full and proper investigation can be carried out (either by the police or University) and/or
 - Implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation carried out by the Police or University.
31. The membership of the Risk Management Panel will depend on the nature of the allegation, but typically will consist of the Deputy Director of Student Services/ Head of Student Support and Wellbeing, Head of Student Conduct and Complaints and Academic Lead Student Life and Wellbeing.
32. Precautionary measures may include:
- Neutral withdrawal from study pending the outcome of an investigation
 - Imposing conditions on the Reported Student (for example, requiring the Reported Student not to contact certain witnesses or requiring the Reported Student to move accommodation or prohibiting the Reported Student from going to certain places within the University at certain times of the day).
 - Temporarily suspending the Reported Student in whole or part from the University, campus, or facilities (in line with the Student Discipline Procedure)
 - Identifying the members of staff within the University with responsibility for supporting the Reporting Student and Reported Student and, where appropriate, informing them of any actions required to mitigate risk. This will only be done on a need-to-know basis.
 - Where it is required to protect the safety of either Student or any witness on campus, informing Campus Security at University of Kent and Canterbury Christ Church University of any precautionary measures.
 - Considering any other actions relevant to the alleged incident
33. The Student Conduct and Complaints Office will be responsible for ensuring that any decisions or recommendations made by the Risk Management Panel are recorded and acted upon.
34. Risk Assessments will be reviewed once every two weeks. Additional reviews may be arranged, if necessary, e.g., at any point where a change in the situation occurs.

Examples of what is considered unacceptable behaviour (not exhaustive)

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

36. Example behaviours are divided into two categories:

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

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

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

Table of examples of disciplinary offences (not exhaustive)

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

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

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

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

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

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

Definitions

38. **Neutral withdrawal/ Exclusion/temporary exclusion** means prohibiting a student from taking part in University activities, using University and Student Union facilities and/or entering University grounds or premises. The University may put in place a permanent or partial exclusion. The Vice-Chancellor has responsibility for good order in the University. If they deem it to be in the interest of the University (or the interest of an individual member of the University), they may decide to Neutrally withdraw/exclude/temporarily exclude a student from the University (or part thereof) and/or suspend the student from attendance in any academic or other activities. Student referred to Stage 3 [Fitness to Practise](#) are automatically Neutrally withdrawn pending an outcome.
39. Notification of a Neutral withdrawal/ exclusion/temporary exclusion will include details of a right of appeal and allow the student a further opportunity to ask for their position to be reviewed after one month of the original appeal decision. The student will have the opportunity to request a review every two months while a temporary exclusion remains in place.
40. **Expulsion** means terminating a student's registration at the University and withdrawing the student from both their degree programme and the University.
41. **Restrictions/conditions** may be placed on a student permitted to either return to, or continue with, their degree programme.
42. **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.
43. **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.
44. **No contact** means stopping direct or indirect contact with an individual(s) immediately, including by electronic means such as email, messaging services or social media.

Health and Safety Breaches

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

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

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

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

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 nominated partner that the student's Accommodation Agreement is terminated	Referral to a Student Disciplinary Panel which has full range of the sanctions set out in this procedure A financial sanction of up to £500 may be issued
Possess illegal substances with intent to supply (evidence of a large quantity and/or particular class of drug), supply or offer to supply illegal substances (including giving them away for free or sharing with others), produce illegal substances, import or export illegal substances or allow a house, flat or office to be used by people to undertake any of these unlawful activities		Temporary Exclusion depending on the severity of the offence or whilst an investigation is conducted Incidents of trading or distributing illegal substances may be reported to the police	Referral to a Student Disciplinary Panel which has full range of the sanctions set out in this procedure A financial sanction of up to £500 may be issued and/or

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

Investigation

48. The University of Kent's Head of Student Conduct and Complaints is responsible for the co-ordination of all reports of student misconduct and for assigning Investigating Officers (with no prior involvement and from either University) to investigate allegations of misconduct. They are the central contact for all formal student disciplinary matters.

49. An Investigating Officer will meet with the reporting party and the student about whom the complaint has been within 5 working days to ascertain key facts. Meetings with witnesses and/or other members of either or both University communities will be arranged, as necessary. These enquiries could lead to dismissing the case summarily or referring the case to a Student Disciplinary

Panel.

50. Meetings with an Investigating Officer take precedence over all other non-academic engagements and attendance is mandatory. Failure to attend more than one requested meeting, without good reason, will also result in the investigation proceeding in the student's absence.
51. Where there is other evidence available e.g., photographs, copies of social media, emails etc. these will be included in the investigation and shared with the student prior to any formal meeting. See the University's [CCTV Policy](#) for information on the use of CCTV evidence.
52. Notes of all meetings and discussions will be made and where appropriate individuals will be asked to confirm that it is an accurate record. Copies of the notes, with any amendments will be retained by the Student Conduct and Complaints Office. Digital recordings or online capture of meetings are not permitted except for reasonable adjustments.
53. Where relevant, the Investigating Officer may consult with additional parties to obtain any evidence required.
54. Once the investigation is complete, the Investigating Officer will produce a report. The Investigating Officer will determine whether, on the balance of probabilities, the evidence indicates a breach of the Student Discipline Procedure. The Investigating Officer can find:

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

Or

- **The Evidence does indicate a breach of the Student Discipline Procedure and a sanction/ further disciplinary action is required.** If a student is to be referred to a Student Discipline Panel the Head of Student Conduct and Complaints will review the report prior to a decision being referred to the Director of Student Services and the decision being issued to the student.

Right of Appeal

55. An appeal of a Student Conduct and Complaints Officer's decision may be submitted on one or more of the following grounds:
 - That there is evidence of a failure to follow the procedures set out in this procedure or other administrative error which casts reasonable doubt on the reliability of the decision.

and/or

- That fresh evidence can be presented which could not reasonably have been made available before the original decision was made, and which casts reasonable doubt on the reliability of that decision.

56. To be considered, the appeal must:

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

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

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

59. 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.

Joint Student Disciplinary Panel

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

61. A Joint Student Disciplinary Panel is agreed by the Chair. The Head of Student Conduct and Complaints or Head of Early Resolution and Case Handling (or nominee) will act as secretary and:

- Appoint the members of the Joint Student Disciplinary Panel. A Disciplinary Panel will normally be chaired by the Dean of the Medical School or nominee and will include two other trained members of academic or non-academic staff from either the University of Kent and/or Canterbury Christ Church University and an appropriate member of the Students Union. All Panel members will have had no prior involvement in the case.
- Inform the Panel members and the student at least 5 working days before the meeting of the date and time of the meeting, matters to be considered by the Joint Disciplinary Panel, and provide a copy of all supporting documentation and evidence that will be considered by the Panel.
- Inform the students of their right to submit a written statement,

representation and required attendance at the Panel meeting.

- Inform the students 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.

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

- Receive copies of all documents used in consideration of their case prior to the meeting.
- Hear and examine any evidence presented for consideration in their case
- Receive support and guidance from the Students' Union.

63. The Joint Student Disciplinary Panel will not take the student's previous disciplinary history into account until it has reached a decision on the alleged breach(s). It will be appropriate, however, to take previous disciplinary matters into account when deciding upon the appropriate sanction(s) to be imposed.

64. The outcome of the Student Disciplinary Panel will be provided to the student normally within 5 working days of the Panel taking place. A high-level summary of the outcome of the meeting will be provided, where it is necessary to the Director of Division and copied to the Director of Student Services. Other appropriate staff may be advised, and the student will be advised in advance and the decision to do so documented.

65. If the outcome of the Joint Student Disciplinary Panel is exclusion of the student from the Medical School and/or the Universities, the appropriate Deputy Vice-Chancellor at both Universities will be notified. The Programme Director at KMMS will also be informed to enable notification of external regulatory bodies.

Appeal against a Joint Student Disciplinary Panel decision

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

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

and/or

- That fresh evidence can be presented which could not reasonably have been made available before the original decision was made, and which casts reasonable doubt on the reliability of that decision.

67. 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 Student Conduct and Complaints at sccoffice@kent.ac.uk within **10 working days** from the date of the letter notifying the student of the outcome.
68. The Director of Student Services or nominee will determine whether the appeal is made on appropriate grounds. Where no appropriate grounds are identified, the appeal will be dismissed, and a Completion of Procedures Letter will be issued within **20 working days**.
69. Where there are valid grounds, the matter will be referred to an appropriate member of the Executive Group, who will determine the outcome of the appeal, for example (not exhaustive): upheld, not upheld, convene a fresh panel/refer to panel.
70. The outcome of the appeal will be communicated to the student within **10 working days** of the appeal being received. The student will be advised of the right to bring a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) once the University's internal procedures have been exhausted.

The Office of the Independent Adjudicator for Higher Education

71. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. When all the University's internal stages for dealing with student disciplinary cases have been exhausted, the University will issue a Completion of Procedures letter. Students wishing to request an independent review by the OIA must submit their application to the OIA within **12 months** of the issue of the Completion of Procedures letter. Full details of the scheme will be enclosed with the Completion of Procedures letter.
72. Further information about the Office of the Independent Adjudicator for Higher Education may be obtained from the OIA's [website](#).

Student records

73. The Student Conduct and Complaints Office will keep a secure central record of misconduct reports, investigations, and Disciplinary Panel decisions in compliance with Data Protection Law and GDPR.
74. The student's record will be kept for the length of time that they are a student at the University and will be deleted six years after the student has left or graduated.
75. Full access to the secure central record will be limited to the Student Conduct and Complaints Officers, Head of Student Conduct and Complaints and the Director of Student Services. Limited access will be provided to other senior colleagues on a case-by-case basis. Information may be shared with regulatory bodies to comply

with institutional obligations in line with the KMMS Privacy notice.

76. A biannual report, which includes anonymised data regarding student discipline cases will be submitted to the appropriate Boards.

Appendix A - KMMS Sexual Misconduct Procedure

Introduction

1. This procedure sets out how the University will respond to incidents of sexual misconduct against students. The procedure is part of the KMMS Student Discipline Procedure and should be read in conjunction with the University's pledge regarding sexual misconduct.
2. Due to the nature of the programs undertaken within KMMS there may be occasions where issues raised are required to be considered via the [Low level concerns Fitness to Practise procedures](#). In such cases the Head of Student Conduct and Complaints will liaise with the KMMS Academic Lead for Student Life and Wellbeing to determine the appropriate procedure to be followed.

Scope of Procedure

3. This procedure is designed to support a Reporting Student to disclose incidents of sexual misconduct to the University, and to support the Reporting Student when they choose and assess the course of action that is most appropriate for them.
4. This procedure applies to all alleged incidents of sexual misconduct between University Students. It does not cover incidents of allegations regarding non-sexual harassment, as the University has separate procedures in place for these types of incidents such as the main Student Discipline Procedure.
5. If the Reported Party is a member of staff; the case will be referred to the KMMS Student Complaints procedure and action will be taken in accordance with the Protocol for managing allegations of misconduct made by students against members of University staff.
6. If the decision is taken not to deal with a case under this procedure, then the Reporting Student can request a review of that decision in accordance with the review process set out in section 7 of this appendix.

Support

7. 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.
8. The Reporting Student and Reported Student will both have access to support services at the University including the Student Support and Wellbeing Team. Specialist Wellbeing staff will reach out to the students. Separate members of staff will support both parties to ensure independence of any investigation process. Staff are trained specifically to support students during this type of procedure. Supporting staff are not involved in any aspect of decision making relating to ongoing investigations/disciplinary outcomes.
9. The Reporting Student will also be signposted to external support services such as a Sexual Assault Referral Centre (SARC) as set out in the guidance for students.

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

Police Investigations and Judicial proceedings

11. The University may receive a report of sexual misconduct alongside any police investigations or judicial proceedings. In the interest of not impeding these proceedings, the University will not normally commence an internal investigation and may suspend any ongoing investigation. In all instances the University will take any necessary precautionary action.
12. 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 [Fitness to Practise](#) or this procedure and does not mean the Reporting Student has made a vexatious or malicious report.
13. In all cases, the Reporting Student will be informed that an internal investigation is focused exclusively on whether a breach of the KMMS Student Discipline Procedure OR [Fitness to Practise](#) has occurred. The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.
14. 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 KMMS Student Discipline Procedure/[Fitness to Practise Procedure](#), the conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the University (except for any necessary precautionary action).

Procedure following a Disclosure/Report

Disclosure

15. 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.
16. A student can also disclose via [Report + Support](#)
17. On receipt of a Disclosure by the University, in the first instance the student will be referred to a Specialist Wellbeing Adviser (Sexual Assault and Harassment). A Disclosure does not automatically result in a Report to KMMS being made under this procedure. KMMS respects the right of the Reporting Student to choose how to take forward a Disclosure, however there may be times when action is required to safeguard patients, students, and staff.
18. The Reporting Student will be given the option and support to do one or more of the following:
 - Report to the Police.
 - Report to the Student Conduct and Complaints Office/KMMS under this procedure.

- Make no report of the incident.
- Receive advice on the support that is available.

Report

19. To make a Report, the Reporting Student may submit a Report and Support form, Alert form or a statement of the allegation to the Head of Student Conduct and Complaints at sccoffice@kent.ac.uk. If the student has already made a disclosure to a Specialist Wellbeing Adviser or Campus Security, this statement may be shared with the Student Conduct and Complaints Office, with the student's consent. For an investigation to be undertaken the statement should indicate the name (if known) of the Reported Student and any witnesses.
20. A Report cannot be investigated if the Reporting Student does not wish the substance of the allegation to be made known to the Reported Student. All reports will be acknowledged within **2 working days**.
21. 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.
22. The Reporting Student will be invited to attend a meeting with a Student Conduct and Complaints Officer (Investigating Officer). During the meeting, the procedure will be explained, and the details of the Reported Student confirmed. A note of the initial meeting will be sent to the Reporting Student who will be asked to confirm whether it is an accurate summary of the discussion and confirm whether they agree to participate in an investigation. A Reporting Student is not required to attend the meeting for an investigation to commence.

Managing risk

23. The Head of Student Conduct and Complaints will undertake a Risk Assessment to identify and take any steps necessary to:
 - Ensure that the students involved receive appropriate academic and pastoral support.
 - Safeguard the health, safety, and welfare of members of the University community and members of the public; and
 - Ensure that confidentiality is maintained as appropriate.
24. A Risk Management Panel will review the Risk Assessment to determine whether any precautionary measures need to be put in place to:
 - Ensure that a full and proper investigation can be carried out (either by the police or University) and/or
 - Implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation carried out by the Police or University.
25. The membership of the Risk Management Panel will depend on the nature of the allegation, but typically will consist of the Deputy Director of Student Services/ Head of Student Support and Wellbeing, Head of Student Conduct

and Complaints, Head of College and Community Life and Academic Lead
Student Life and Wellbeing

26. Precautionary measures may include:

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

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

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

Investigating a report

29. All Student Conduct and Complaints Officers (Investigating Officers) investigating incidents of sexual misconduct are trained to do so and will seek to gather evidence as to whether or not a breach of the University 's Student Discipline Procedure has occurred.
30. 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.
31. 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
32. 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, by a Students' Union representative, a fellow student, a family member, or friend. The accompanier is there to provide moral support and may not be a legal representative or advocate. The student is expected to speak on their own behalf; there is no automatic right for an accompanier to speak on the student's behalf and it is at the University's discretion as to whether the accompanier is permitted to.

33. Following the initial meeting with the Reporting Student, the Reported Student will be required to attend a meeting with the Investigating Officer. Prior to the meeting the Reported student will receive a copy of the report and any supporting documentation (redacted, if appropriate). The Reported Student will be asked to submit a written response in reply to the documentation provided at least **two working days** before their scheduled investigation meeting. During the meeting, the procedure will be explained and any further details of the 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.
34. 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.
35. All relevant evidence must be submitted at the time of the investigation and all evidence submitted will be shared with all parties.
36. Notes of all meetings and discussions will be made and where appropriate individuals will be asked to confirm that it is an accurate record. Copies of the notes, with any amendments will be retained by the Student Conduct and Complaints Office. Digital recordings or online capture of meetings is not permitted except for reasonable adjustments.
37. Where relevant, the Investigating Officer may consult with additional parties to obtain any evidence required.
38. Once the investigation is complete, the Investigating Officer will produce a report for the Head of Student Conduct and Complaints. The Head of Student Conduct and Complaints will determine whether the evidence indicates, on the balance of probabilities, a breach of the Student Discipline Procedure. The Head of Student Conduct and Complaints can find:

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 further disciplinary action is required. The case will be considered under the Student Discipline Procedure and appropriate action will be taken.

Request for review

39. Following the conclusion of the investigation, the Reporting Student and/or Reported Student may request a review of the determination reached by the Student Conduct and Complaints Office in writing to the Director of Student Services (or nominee) within **10 working days** of notification of the investigation findings.
40. A request for review can be made on the following grounds only and should include any supporting evidence:
- Evidence that the Conduct and Complaints Office did not follow appropriate procedure in investigating the report and that this had a material effect on the investigation outcome.
- and/or
- Substantial and relevant new information which the Reporting Student or Reported Student was unable to provide previously for a good reason and that this had a material effect on the investigation outcome.
41. A request for review should be made in writing to directorstudentservices@kent.ac.uk all review requests will be acknowledged within **5 working days**.
42. Should a Reported Student be referred to further disciplinary actions, such as Student Disciplinary Panel, then the appropriate appeal process will be followed.
43. 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.
44. If the Director of Student Services (or nominee) decides the review is upheld for one or more reasons, they may decide to either:
- To refer the case back to the original Investigating Officer for continued investigation considering new evidence or in a procedurally correct manner.
 - Require a new investigation by a new Investigating Officer
- or
- To specify appropriate recommendations to annul, amend, confirm, or reduce the sanctions/conditions imposed by the Student Conduct and Complaints Office.
45. If the Director of Student Services 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.
46. 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.
47. In all instances, the decision reached by the Director of Student Services is final. In the event the Director of Student Services determines that a new investigation is required by an Investigating Officer, an additional review request will not be

available to the student(s). This procedure provides all parties a single opportunity to request a review.

The Office of the Independent Adjudicator for Higher Education

48. 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](#).

Kent and Medway Medical School

Appendix 2: Student Discipline Reporting Form

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

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

Your Full Name:	
Your Email Address:	
Your Kent Login or Student ID (if you have one):	

Date of Incident: (This may be several dates or a time)	Time of Incident: (approximate)	Location of Incident: (this may be several locations or online)
Name and contact details of Witness/es (if not you):		
Name and ID Number of Student who caused the incident:		

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

Please describe the incident below:

If you want us to treat this report in confidence, please explain why below:

If we cannot fairly investigate the situation you have reported without breaching your confidentiality, we will write to you to explain why we may not be able to investigate and discuss with you alternative reporting routes, for example the Police.

The Investigating Officer will never share your personal information with any third party (including family members), without seeking your explicit consent, other than in circumstances allowed within Data Protection Law.

Where we have concerns about the safety of a student, limited information may be shared with Campus Security, Risk Management Panel and/or relevant external partners, for the purpose of protecting your safety and/or the safety of others.

Declaration and Data Protection

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

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

I understand that it is a disciplinary offence under the Kent and Medway Medical School's Student Disciplinary to provide statements intended to deceive the University.