

Document title	KMMS Non-Academic Discipline Procedure
Version	4
Effective Date	September 2025
Date for review	Academic Year 2028/29
Policy Owner	Kent Student Services
Developing committee/board	Student Life and Wellbeing Board/ Undergraduate Programme Board
Approved by/date	KMMS Education and Research Board/June 2025

KMMS Student Non-Academic Discipline Procedure

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1. Introduction and Purpose

- 1.1. 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.
- 1.2. This Procedure applies to all registered students (undergraduate and postgraduate) of KMMS. This Procedure does not apply to applicants, offer holders, graduates, or a student that withdraws or interrupts from their course. When a student interrupts from the University during any stage of an investigation, the investigation may be paused. If they subsequently return to their studies after an interruption, the investigation will recommence. If a student withdraws from study the investigation will not continue under this procedure.
- 1.3. 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.
- 1.4. 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 Study and Fitness to Practise procedures](#). In such cases the Head of Appeals, Conduct and Complaints will liaise with Deputy Dean for Student and Staff Affairs.
- 1.5. 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.
- 1.6. Students are expected to adhere to all relevant regulations, policies, and procedures and 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.

- 1.7. All members of the University community have a shared responsibility to maintain an environment which respects human dignity and human rights, whilst allowing discussion of ideas and opinions that are within the law, no matter how unwelcome, distasteful, or offensive those ideas and opinions may seem. The University will not act against a student under this 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 otherwise constitutes a breach of the Procedure.
- 1.8. 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.
- 1.9. This procedure is reviewed every three years by the KMMS Education and Research Board and is owned by University of Kent Student Services.
- 1.10. Non-academic misconduct is defined as a behaviour which interferes with activities or functions of the University, with those who work or study at the University or as an action which otherwise damages the reputation of the University in the community and more widely.

2. How to report

- 2.1. 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 safety, interests and reputation of the University, its students, staff, and members.

- 2.2. Such reports should be made using an [Notification Form](#) or directly to the Appeals, Conduct and Complaints Office at acco@kent.ac.uk. Reports of alleged breaches of the KMMS Student Non-Academic Discipline Procedure can also be provided to the Appeals, Conduct and Complaints Office by Campus Security.
- 2.3. Where the student is also a member of staff, guidance will be sought from the Human Resources Department and the KMMS Deputy Dean for Academic Staffing and Student Affairs as to whether any allegation might be considered under a separate specific procedure, or an agreed amended procedure; for example, a procedure may be paused whilst another is completed or the constitution of a Panel hearing may be amended.
- 2.4. **Complaints regarding serious staff misconduct:** Student complaints regarding staff should be reported through the [Student Complaints Procedure](#)
- 2.5. **Complaints regarding sexual misconduct:** Current or historical allegations of sexual misconduct from students regarding current university students will be considered under KMMS Investigating Student Sexual Misconduct Procedure set out in Appendix A.
- 2.5.1. Details of incidents such as harassment, relationship abuse, bullying, stalking, spiking or hate incidents can also be reported via [Report+Support](#). These incidents will be acknowledged in 3 working days by a Specialist Wellbeing Adviser in Student Support and Wellbeing, and may be referred to the Appeals, Conduct and Complaints Office for investigation, with the permission of the student. This service gives students access to the support that is available to them in the aftermath of an incident and gives them the option to record an incident anonymously.

- 2.5.2. Alternatively, a student can report directly to the Appeals, Conduct and Complaints Office. Reports can be submitted using a Discipline Reporting Form and submitted to acco@kent.ac.uk . The report will be acknowledged within **3 working days**. Reports can also be made in person to any member of staff and can be made directly to an Appeals, Conduct and Complaints Officer by making an appointment by emailing acco@kent.ac.uk.
- 2.6. 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 to all parties 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, Fitness to Study and Fitness to Practise](#) or disciplinary proceedings to have a fair hearing.
- 2.7. Students concerned about anonymity can contact the Appeals Conduct and Complaints Office at acco@kent.ac.uk for further information.
- 2.8. Reports made about a group of students may be dealt with as a single process or via a group meeting. Students will be provided with the opportunity to speak with an Appeals, Conduct and Complaints Officer/Adviser separate to the group meeting, if requested.
- 2.9. At each stage, the University reserves the right to take no further action if it is deemed appropriate. Examples include insufficient evidence to support an allegation of misconduct, or where a legal process is underway or has been completed.

- 2.10. KMMS students 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. The KMMS Deputy Dean for Student and Staff Affairs will be advised of any investigations taking place and outcomes to protect patient safety.

3. Confidentiality

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

4. Student Support

- 4.1. Students subjected to this procedure are encouraged to seek advice and support from the Students' Union advisory services ([Kent Union](#) and [CCSU](#)).
- 4.2. 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, except for reasonable adjustments.
- 4.3. If a student is receiving support through Student Support and Wellbeing (SSW) they may also be accompanied by their SSW Adviser if they wish. The University will make reasonable adjustments to this procedure where it is

reasonable to do so to prevent a student from experiencing less favourable treatment because of a disability or impairment. In such cases, the University's Student Support and Wellbeing team will be consulted.

5. Students' Unions

- 5.1. Students' Unions are committed to providing high quality services to its members and customers, and to protecting its staff, members, customers, and visitors from unacceptable behaviour. Inappropriate behaviour within student societies is not tolerated and is dealt with by the Students' Union Student Discipline Procedures. This process is separate from this procedure. However, if appropriate, the case may be referred to the University on a case-by-case basis.
- 5.2. Student members are responsible for ensuring that Students' Union activities operate within the law and within the guidelines set out in the appropriate Students' Union's policies and procedures. Students' Unions undertake to deal with anti-social or inappropriate behaviour undertaken by members of student groups or activities, swiftly and effectively using their internal disciplinary processes when appropriate to do so.
- 5.3. If a case is referred to the University for consideration, the outcome of the investigation may be shared with the appropriate Students' Union in line with the Student Conduct and Complaints Privacy notice and the Data sharing agreement between the University and Kent Students' Union. Where appropriate, students will be advised if the case outcome is to be shared.

6. Arrangements relating to criminal procedures

- 6.1. 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.
- 6.2. The University will not normally take any action (except to mitigate risk)

against a student in respect of any alleged offence which breaches criminal law and on which police action is under consideration, in hand or pending.

- 6.3. On receiving a report that a student is under police investigation or is subject to criminal proceedings, the Head of Appeals, Conduct and Complaints or nominee who will discuss the case with the Deputy Dean for Student and Staff Affairs and undertake any immediate action to mitigate risk, including referral to a stage 4 fitness to practise and then submit a Risk Management Plan to the Risk Management Panel (Please see managing risk below).
- 6.4. Following completion of police enquiries and criminal proceedings, any University fitness to practise or disciplinary action will consider any penalties imposed by police investigation or criminal proceedings. Following this the decision on whether to and when to commence disciplinary proceedings under this procedure is likely to depend on several considerations which may include the following:
- The seriousness of the alleged offence(s)
 - The outcome of the criminal proceedings
 - Where appropriate, the wishes of both the victim(s) and the offender(s)
 - Where appropriate, the availability of the alleged offender(s)
- 6.5. If a KMMS student receives a caution or any adverse outcomes following police or Criminal proceedings, they will automatically be referred to the Fitness to Practice Procedure.
- 6.6. Precautionary/interim measures may be imposed. These include (but are not restricted to) 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.

7. Managing risk

- 7.1. The Head of Appeals, Conduct and Complaints or nominee will complete a Risk Management Plan for a Risk Management Panel to identify and take

any steps necessary to:

- Ensure that the students involved receive appropriate academic and pastoral support.
- Safeguard the health, safety, and welfare of members of the University community
- Ensure that confidentiality is maintained as appropriate
- Determine whether any precautionary/interim measures need to be put in place to ensure that a full and proper investigation can be conducted (either by the police or University) and/or implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation conducted by the police or University.

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7.2. The membership of the University Risk Management Panel will depend on the nature of the allegation but typically will consist of the Deputy Director of Student Services/ Head of Student Support and Wellbeing, Head of Appeals, Conduct and Complaints and Deputy Dean for Student and Staff Affairs.

7.3. Precautionary/interim risk 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 this Procedure)
- Identifying the members of staff within the University with responsibility for supporting the Reporting 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

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

7.4.1. Where a student has been suspended under this policy, KMMS will inform the students Clinical Academic Tutor/Personal Academic Tutor, Head of Year, the KMMS SLG team, and, for students in years 3-5, their placement trust Director of Undergraduate Education.

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

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

9. Definitions

10. Investigation

10.1. The University of Kent's Appeals, Conduct and Complaints Advisers are responsible for the co-ordination of all reports of student misconduct and for assigning Investigating Officers (with no prior involvement) to investigate allegations of misconduct. They are overseen by the Head of Appeals, Conduct and Complaints and the office is the central contact for all formal student disciplinary matters.

10.2. On receipt of a report, an Appeals, Conduct and Complaints Officer/Adviser (Investigating Officer) will invite the reporting student(s) to attend a meeting, within 5 working days, (this can be undertaken online if required). During this

meeting, the investigation procedure will be explained, and the details of the report confirmed. A note of the initial meeting will be sent to the student, who will be asked to confirm whether it is an accurate summary of the discussion.

- 10.3. In cases where a report received about a student involves possible violations of criminal law, the Investigating Officer will consult with the Head of Appeals, Conduct and Complaints, who will refer to paragraph 4 above on criminal procedures
- 10.4. An Investigating Officer will meet with the reported party about whom the complaint has been made within 5 working days of the report being received 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.
- 10.5. Meetings with an Investigating Officer take precedence over all other non-academic engagements and it is mandatory to attend. If a student is unable to attend the meeting, they should contact the Appeals, Conduct and Complaints Office to reschedule as soon as possible. Failure to attend more than one requested meeting, without good reason, will also result in the investigation proceeding in the student's absence.
- 10.6. The disciplinary procedure is not a legal process; however, this does not prevent a student seeking legal counsel. A student wishing to be accompanied by a legal representative during meetings to discuss the allegation(s) can only do so with express agreement from the University. Requests for a legal representative to be present should be submitted to acco@kent.ac.uk as soon as is practicably possible. Please note that the appointment of a legal representative may delay the timeframes set out in the discipline process
- 10.7. Accurate notes of all meetings and discussions will be provided to the

student. Copies of the notes, with any amendments, will be retained by the Appeals, Conduct and Complaints Office. Digital recordings or online capture of meetings are not normally permitted except for reasonable adjustments and agreed in advance. No such recordings should be shared via social media or by other means. Covert recordings of any disciplinary meetings are not permitted and may result in further disciplinary action.

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

10.9. 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.

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

10.11. 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 KMMS Student Non-Academic Discipline Procedure. The Investigating Officer can find:

- **The evidence does not indicate a breach of the 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 Procedure, and a sanction/ further disciplinary action is required.** If a student is to be referred to a Student Discipline Panel the Head of Appeals, 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.

Or

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

11. Right of Appeal

11.1. An appeal of the Investigating 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.

11.2. 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 Appeals Conduct and

Complaints Office at acco@kent.ac.uk within 10 working days from the date of the letter notifying the student of the decision.

- 11.3. The Head of Appeals, 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.
- 11.4. Where there are appropriate grounds identified, the Head of Appeals, Conduct and Complaints, or nominee, will determine whether the appeal is upheld and therefore whether the allegations against the student should be dismissed or a lesser sanction applied.
- 11.5. 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.

12. Student Disciplinary Panel

- 12.1. Student Disciplinary Panels consider the most serious disciplinary issues. A Student Disciplinary Panel will be formed, normally within **20 working days** of the recommendation being agreed by the Head of Appeals, Conduct and Complaints.
- 12.2. The Appeals, Conduct and Complaints Adviser, or nominee, will function as secretary and:
- Appoint the Chair and members of the Student Disciplinary Panel. A Disciplinary Panel will normally be chaired by the KMMS Deputy Dean of Student and Staff Affairs 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, if appropriate a 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 10 working days before the meeting of the date and time of the meeting, matters to be considered by the Student Disciplinary Panel, and provide a copy of all supporting documentation and evidence that will be considered by the Panel.
- Inform the reported student of their right to submit a written statement, representation and required attendance at the Panel meeting.
- Inform the student of their right to call witnesses. The student must give prior notice of any witnesses attending a panel meeting. It is the student's responsibility to arrange for their witnesses to attend at the correct time and location.

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

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

12.4. There may be circumstances in which a Reporting Student can attend an appropriate part of a Student Disciplinary Panel. The reporting student will be supported by Student Support and Wellbeing, and arrangements will be made through the Appeals, Conduct and Complaints Office. The Reported Student will be advised of these arrangements if necessary and all parties advised of expectations of attendees.

12.5. The Panel will consider the evidence and determine if a breach of the Procedure has occurred. If it does not, the case will be dismissed.

12.6. If the student is found to be in breach of the procedure the Panel may apply for a sanction. The Panel will not take the student's previous disciplinary history into account until it has reached a decision on the alleged breach(es). It will be

appropriate, however, to take previous disciplinary matters into account when deciding upon the appropriate sanction(s) to be imposed.

12.6.1. The Joint Student Disciplinary Panel can impose any sanction described in this Procedure and is able to issue a financial sanction of up to £500. The Panel also has the authority to make a recommendation to a Deputy Vice-Chancellor to permanently exclude a student from the University.

12.7. The outcome of the Student Disciplinary Panel will be provided to the student normally within 5 working days of the Panel taking place.

12.8. The relevant details of the outcome, without specific details, will be provided to the reporting student. If any restrictions or conditions apply to the individual, the reporting student will be advised of these.

12.9. Students are advised that the appropriate degree of confidentiality will be taken during the Student Disciplinary Panel hearing, including where information may need to be shared such as with professional conduct/Fitness to Practise implications, complaints involving potential crime, or risk to self or others.

12.10. If the outcome of the 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, following any right of appeal

13. Appeal against a Student Disciplinary Panel decision

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

- That there is evidence of a failure to follow the procedures set out in this procedure or other administrative error which casts reasonable doubt on the reliability of the decision, and/or
- That fresh evidence can be presented which could not reasonably have been made available before the original decision was made, and which

casts reasonable doubt on the reliability of that decision.

13.2. To be considered, the appeal must:

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

13.3. The Deputy Vice-Chancellor, Education and Student Experience, or nominee, will determine whether the appeal is made on appropriate grounds. Where no appropriate grounds are identified, the appeal will be dismissed, and a Completion of Procedures Letter will be issued within 20 working days.

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

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

14. Student records

14.1. The Appeals, Conduct and Complaints Office will keep a secure central record of misconduct reports, investigations, and Disciplinary Panel decisions in compliance with Data Protection Law and GDPR on the electronic case management system (currently Target Connect).

- 14.2. The student's record will be kept for the length of time that they are a student at the University and will be archived and destroyed in line with the Record Retention Policy
- 14.3. Full access to the secure central record will be limited to the Appeals, Conduct and Complaints Officers, Head of Appeals Conduct and Complaints and the Deputy Director of Student Services. Limited access will be provided to other senior colleagues on a case-by-case basis. Information may be shared with regulatory bodies to comply with institutional obligations in line with the KMMS Privacy notice.
- 14.4. A biannual report, which includes anonymised data regarding student discipline cases will be submitted to the appropriate Boards.

15. The Office of the Independent Adjudicator for Higher Education

- 15.1. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. When all the University's internal stages for dealing with student disciplinary 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.
- 15.2. Further information about the Office of the Independent Adjudicator for Higher Education may be obtained from the OIA's [website](#).

Appendix A - KMMS Investigating Student Sexual Misconduct Procedure

1. Introduction

- 1.1. This procedure is designed to support a Reporting Student to disclose incidents of sexual misconduct to the University, and to support the Reporting Student when they choose and assess the course of action that is most appropriate for them.
- 1.2. This procedure applies to all alleged incidents of sexual misconduct between University students or staff reporting student misconduct to the University.
- 1.3. This procedure applies to students who are University of Kent Students or staff. If the student or member of staff belongs to Canterbury Christ Church University the reporting party will be directed to the appropriate reporting mechanism.
- 1.4. It does not cover incidents of students reporting allegations against University staff or reporting non-sexual misconduct or harassment, as the University has separate procedures in place for these types of incidents, such as the main KMMS Student Non-Academic Discipline Procedure
 - 1.4.1. 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.
- 1.5. 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 Study, and Fitness to Practise procedures](#). In such cases the Head of Appeals, Conduct and Complaints will liaise with the Deputy Dean for Student and Staff Affairs to determine the appropriate procedure to be followed.

- 1.6. If the Reported Party is a member of University staff; students are encouraged to report via Report+Support and will be supported and advised of appropriate processes that will be followed in the student wishes to make a formal report.

2. Support

- 2.1. The University is committed to supporting all members of its community affected by these issues. Specialist support resources are available to students who disclose an incident regardless of their decision to report to the University or the police. Support remains for all parties involved, regardless of the investigation outcome.
- 2.2. The Reporting Student and Reported Student will both have access to support services provided by 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.
- 2.3. The Specialist Wellbeing team can support a student and can help with signposting to external organisations including Sexual Assault Referral Centres (SARC) and local specialist charities.
- 2.4. The Reporting and Reported Student can also be signposted to the Students' Union Advice Centre to access free, impartial, and confidential advice.

3. Police Investigations and criminal proceedings

- 3.1. The University may receive a report of sexual misconduct alongside any

police investigations or judicial proceedings. In the interest of not impeding these proceedings, the University will not normally commence an internal investigation and may suspend any ongoing investigation. In all instances the University will take any necessary precautionary action.

- 3.2. A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter or an acquittal at a trial does not preclude the University from acting under Fitness to Practise or this procedure and does not mean the Reporting Student has made a vexatious or malicious report.
- 3.3. Following a police investigation or Court proceedings, a reporting student can proceed forward with a university investigation should they wish to do so.
- 3.4. In all cases, the Reporting Student will be informed that an internal investigation is focused exclusively on whether a breach of the KMMS Student Non-Academic Discipline Procedure has occurred. The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.
- 3.5. Where a student has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of the KMMS Student Non-Academic Discipline Procedure the conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the University (except for any necessary precautionary action). The University reserves the right to apply sanctions as set out in the KMMS Student Non-Academic Discipline Procedure.

4. Procedure following a Disclosure/Report

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

misconduct.

4.2. A student is encouraged to disclose any report via [Report + Support](#)

4.3. On receipt of a Disclosure to the University, in the first instance the student will be referred to a Specialist Wellbeing Adviser (Sexual Assault and Harassment). This is done automatically if a named report is received through [Report+Support](#). The University 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.

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

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

4.5. To make a Report, the Reporting Student may submit a Report and Support form. If the student has already made a disclosure to a Specialist Wellbeing Adviser or Campus Security, this statement may be shared with the Appeals, Conduct and Complaints Office, with the student's consent. For an investigation to be undertaken the statement should indicate the name (if known) of the Reported Student and any witnesses.

4.6. A Report cannot be investigated if the Reporting Student does not wish the substance of the allegation to be made known to the Reported Student. All reports will be acknowledged within 3 working days.

4.7. An investigation can only be undertaken at the request of the Reporting Student. University staff should not investigate the incident or inform the

Reported Student or any other student of the report without the Reporting Student's consent to proceed. At any point in the procedure the Reporting Student reserves the right to withdraw their report. Third party reports will not be taken forward without the reporting students' express permission, however signposting to support and information will be provided to the reporting party. However, there may be occasions where the University will be required to continue an investigation without the express wish of the reporting student for the safety of the university community.

4.8. The Reporting Student will be invited to attend a meeting with an Appeals, Conduct and Complaints Officer/Adviser (Investigating Officer). During the meeting, the procedure will be explained, and the details of the Reported Student confirmed. A note of the initial meeting will be sent to the Reporting Student who will be asked to confirm whether 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 and will not be required to attend a meeting with the reported student or be in the same room as the reported student as part of the investigation if they do not wish to be.

5. Managing risk

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

6. Investigating a report

6.1. All Appeals, Conduct and Complaints Officers/Advisers (Investigating Officers) investigating incidents of sexual misconduct are trained to do so and will seek to gather evidence as to whether a breach of this procedure has occurred. If the investigation cannot be undertaken by the Appeals, Conduct and Complaints Office, or an alternative procedure is to be used, the student will be advised at the earliest opportunity.

- 6.2. The Investigation will be undertaken as quickly as possible and will normally be completed within 28 working days of the initial meeting with the Reporting Student. All parties involved will be expected to maintain appropriate levels of confidentiality. The Reporting Student and Reported Student will be informed that they must not make any contact with each other during the investigation.
- 6.3. The Investigating Officer will take appropriate measures to provide a safe, comfortable, and supportive environment in which to discuss the report with the Reporting Student, Reported Student, and any witnesses during investigation meetings. The Investigating Officer may consult internal or external parties to seek specialist advice as required while maintaining confidentiality
- 6.4. The purpose of the investigation is to provide each Student with the opportunity to explain their versions of events. 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, except for reasonable adjustments.
- 6.5. The Reported Student will be required to attend a meeting with the Investigating Officer. Prior to the meeting the Reported Student will receive a copy of the report and any supporting documentation (redacted, if appropriate). During the meeting, the procedure will be explained and any further details of the allegations against them will be confirmed. The Reported Student will be given a full and fair opportunity to explain or present their version of events in response to the allegation.

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

6.7. All relevant evidence must be submitted at the time of the investigation and all evidence submitted by both parties, including where appropriate statements, may be shared with all parties, with suitable redactions in line with Data Protection and GDPR

6.8. 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 Appeals, Conduct and Complaints Office. Digital recordings or online capture of meetings is not permitted except for reasonable adjustments (please see evidence and covert recordings above).

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

6.10. Once the investigation is complete, the Investigating Officer will produce a report for the Appeals, Conduct and Complaints Adviser, or nominee. It will then be determined whether the evidence indicates, on the balance of probabilities:

- that the evidence does not indicate a breach of this procedure and therefore no further action is required. The case is dismissed, but continued support is available to all parties.
- the evidence does indicate a breach of this procedure, and a sanction/ further disciplinary action is required.
- the evidence may indicate **a serious breach of the Student Disciplinary Procedure that requires consideration by a Joint**

Student Disciplinary Panel. In these circumstances evidence will be provided to the Panel to determine if a breach has occurred and if so what sanctions to apply. If a student is to be referred to a Joint Student Discipline Panel, the Head of Appeals, Conduct and Complaints will review the recommendation prior to a decision being issued to the student.

7. Request for appeal or review

7.1. Following the conclusion of the investigation, the Reported Student may request an appeal of the determination reached by the Appeals, Conduct and Complaints Office as set out in section 11 of the KMMS Student Non-Academic Discipline Procedure.

7.2. A reporting student may request a review but is unable to request a review that directly challenges the penalty applied to another student through a disciplinary procedure. Typical grounds for a reporting student requesting a review might include:

- Concerns about the fairness of the procedures followed at the formal stage, including bias or a reasonable perception of bias.
- Concerns about whether the actions taken to support the reporting student going forward are reasonable.
 - Substantial and relevant new information which the reporting student or reported student was unable to provide previously for a good reason and that this had a material effect on the investigation outcome.

A request for review should include all supporting evidence and should be made in writing to headacco@kent.ac.uk all review requests will be acknowledged within 5 working days and referred to an appropriate senior member of staff for consideration (normally the Director of Student Services or nominee).

7.3. The review is confined to consideration of whether the grounds for the review

are demonstrated or not. The review will not re-investigate the case.

7.4. 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
- To specify appropriate recommendations to support the Reported/Reporting Student going forward.

7.5. 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.

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

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

8. The Office of the Independent Adjudicator for Higher Education

8.1. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. When all the University's internal stages for dealing with student disciplinary appeals have been exhausted, the University will issue a Completion of Procedures letter. Students wishing to request an independent review by the OIA must submit their application to the OIA within 12 months

of the issue of the Completion of Procedures letter. Full details of the scheme will be enclosed with the Completion of Procedures letter.

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

Appendix B – Examples of what the University considers unacceptable behaviour

The examples of behaviours below are unacceptable and could lead to disciplinary action. **The examples given of unacceptable behaviour are not exhaustive** and disciplinary action may be taken in relation to other unacceptable behaviour. Misconduct will be dealt with on a case-by-case basis. Depending on the nature of the misconduct.

Health and Safety Breaches

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

	First Offence	Second Offence	Third Offence
Tampering with fire safety equipment, including covering, or disabling a smoke detector in residences, removing, or setting off fire extinguishers without good reason.	A financial sanction of £200. Cost to replace or repair fire safety equipment.	A financial sanction of a £200 fine and a recommendation to Kent Hospitality or nominated partner that the student's Accommodation Agreement is terminated. Cost to replace or repair fire safety equipment.	Referral to a Student Disciplinary Panel which has a full range of the sanctions set out in this procedure. A financial sanction of up to £500 may be issued.
Setting off the fire alarm deliberately without good reason.	Formal warning	Formal warning. Where appropriate, a recommendation to Kent Hospitality or nominated partner that the student's Accommodation Agreement is terminated.	Referral to a Student Disciplinary Panel which has a full range of the sanctions set out in this procedure. A financial sanction of up to £500 may be issued.

Smoking cigarettes or vaping in non-designated areas, open flames without setting off the fire alarm (including candles and joss sticks), careless unattended cooking.	A financial sanction of £50. Cost of putting right any damage.	A financial sanction of £100. Cost of putting right any damage.	A financial sanction of £200. Putting right the cost of any damage. A recommendation to Kent Hospitality or nominated partner that the student's Accommodation Agreement is terminated.
Non-compliance with safety notices, restricted areas, instructions, or directions.	Depending on the severity of the incident: A financial sanction of £50. Advice and guidance on restrictions and/or Formal warning.	Financial sanction of £100. If the incident occurred in university (or a nominated partner) accommodation a recommendation that the Accommodation Agreement is terminated.	Referral to a Student Disciplinary Panel which has a full range of the sanctions set out in this procedure. A financial sanction of up to £500 may be issued.
Hosting parties or large gatherings in University Accommodation or nominated partners accommodation.		Depending on the severity of the incident: Formal Warning. A recommendation that a student's accommodation agreement is terminated may be made.	Referral to a Student Disciplinary Panel which has a full range of the sanctions set out in this procedure. A financial sanction of up to £500 may be issued and/or a recommendation that a student's accommodation agreement is terminated may be made.

Illegal Substances including Nitrous Oxide and/or Other Substances Not Licensed for Human Consumption

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

Examples of sanctions (not exhaustive) for misconduct relating to illegal substances and substances not licensed for human consumption are described below. 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.

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

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

	Disciplinary offence	Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
Misconduct in relation to People			
1	Physical Misconduct	<ul style="list-style-type: none"> • Punching • Kicking • Slapping • Pulling hair • Biting • Pushing or shoving • 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
2	Hate Incidents	<ul style="list-style-type: none"> • Hate speech, for example, abuse threats intended to harass, alarm, or distress a person because of hatred or a person's race or ethnicity, religion or belief, sexual orientation, gender identity, or disability 	<ul style="list-style-type: none"> • Restrictions/conditions, such as no contact, temporary exclusion or suspension

		<ul style="list-style-type: none"> • 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 behaviour 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"> • Formal warning • Written apology • Expulsion • Requirement for a student to attend an educational programme
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	Disciplinary offence	Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
Misconduct in relation to People			
3	Sexual Misconduct (where action is taken by the University separate from criminal investigation)	<p>Any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual engagement or harassment within or outside of a relationship. It covers behaviours such as grooming, coercion, the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship, and it violates the principle that the parties involved have given informed consent to behaviours. It may constitute a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident and can occur in person, or by letter, telephone, text, email and/or other electronic or social media platforms and includes but is not limited to the following behaviour:</p> <ul style="list-style-type: none"> • Sexually explicit remarks, innuendos, or banter • Unwanted or inappropriate physical contact • Engaging in a sexual act/or sexual intercourse without consent • Unwanted requests to engage in, attempt to engage in or discuss sexual activity • Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating or offensive environment for others. • Recording and/or sharing intimate images or recordings of another person without informed consent • Inappropriate showing of sexual organs to another person, 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 • Requirement for a student to attend an educational programme

		<ul style="list-style-type: none"> • Intrusive questions around a person's private/sex life or a person discussing their own sex life • basing decisions affecting a person's career, or future, on their acceptance or rejection of sexual advances • Domestic abuse and coercive or controlling behaviour – any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence, or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to psychological, physical, sexual, financial and/or emotional abuse. • Stalking • Complicity- any act that knowingly helps, promotes, or encourages any form of sexual misconduct and violence by another individual • Retaliation – may constitute any words or actions, including intimidation, threats, or coercion made in response to disclosures or reports made under the Sexual Violence and Misconduct Policy by any individual. This includes both the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives. 	
4	Unacceptable/ Abusive behaviour	<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 behaviour committed by electronic means • Acting and/or speaking in an intimidating and/or hostile manner • 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 	<ul style="list-style-type: none"> • Restrictions/conditions, such as no contact, temporary exclusion or suspension • Formal warning • Written apology • Expulsion • Requirement for a student to attend an educational programme

		<ul style="list-style-type: none"> • Bullying – Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either: offensive, intimidating, malicious or insulting, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone. • Harassment is an umbrella term and can apply to harassment and bullying. However, it is noted that there is a clear distinction between Bullying, Harassment and sexual harassment. • Disorderly behaviour, for example behaviour 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 photographs of someone without their consent • Honor-based violence • Domestic abuse and coercive or controlling behaviour • Contacting another person by phone, email, text or on social networking sites, against the wishes of the other person 	
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	Disciplinary offence	Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
Misconduct in relation to Property			
5	Damage to property	<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 behaviour • Causing or attempting to cause minor damage to university property or to the property of students, staff or visitors to the University • Minor or major abuse of university facilities 	<ul style="list-style-type: none"> • Expulsion • Temporary exclusion • Restrictions/conditions • Payment to cover cost of the damaged items • Formal warning • Written apology

6	Unauthorised taking or use of property	<ul style="list-style-type: none"> • Unauthorised entry or use of university premises • Fraud, deceit, deception, theft, dishonesty in relation to the University, staff, or students, nominated partners or visitors • Misuse of University property, for example, computers or equipment • Minor misuse of university property, for example, computers or equipment <ul style="list-style-type: none"> • Borrowing without permission 	<ul style="list-style-type: none"> • Expulsion • Temporary exclusion • Restrictions/conditions • Payment to cover cost of the damaged items • Formal warning • Written apology
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	Disciplinary offence	Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
Misconduct in relation to Property			
7	Causing a Health and Safety Concern	<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 of the fire alarm • 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 poison • Hosting parties or large gatherings in university accommodation or nominated parties' accommodation that are disruptive • Use, storage or charging of e-Scooters in University accommodation or on campuses • Unacceptable noise on or off campus 	<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 17) • Requirement for a student to attend an educational programme • Recommendation that the accommodation agreement is terminated • Expulsion

		<ul style="list-style-type: none"> • Anti-social noise or persistent noise in university accommodation • Non-compliance with any noise bans in place on campus 	
8	Illegal and unlicensed substances including illegal drugs	<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), offer to supply illegal substances (including giving them away for free or sharing with others), produce illegal substances, import or export illegal substances, import or export illegal substances or allow a house, flat or office to be used by people to undertake any of these unlawful activities • Use or possession of Nitrous Oxide and/or other substances not licensed for human consumption 	<ul style="list-style-type: none"> • Restrictions/conditions, such as temporary exclusion or suspension • Financial sanction • Expulsion • Recommendation that the student accommodation agreement is terminated

	Disciplinary offence	Examples of what the University considers unacceptable behaviour	Examples of sanctions that can be issued
Misconduct in relation to the university			
9	Disruption of the work of the University and its members	<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 of the normal business of the University, including non-compliance with a request to attend a meeting called under these regulations 	<ul style="list-style-type: none"> • Restrictions/conditions, such as no contact, temporary exclusion, or suspension • Written apology • Formal warning • Expulsion <p>Restrictions/conditions, such as restricted use of IT equipment</p>

		<ul style="list-style-type: none"> • Impersonation/conspiracy to impersonate or attempt to influence an officer improperly in relation to matters covered by these regulations, including bribery and corruption as stated in the University's Anti-Bribery and Corruption Policy (https://www.kent.ac.uk/governance/downloads/policies-procedures/Anti-Bribery-and-Corruption-Policy.pdf) • Misuse of email from a university account or an account accessed via the University network • Improper interference with the activities of the University, including academic, administrative, or 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 visitor to the University • Breaches of the Regulations for IT use, including social media (https://www.kent.ac.uk/is/regulations/IT-regulations.pdf) • Unfounded and malicious complaints brought against a member of the University under the University of Kent Students Complaints Procedure 	
10	Reputational damage	<ul style="list-style-type: none"> • Behaviour which has caused or could cause serious damage to the reputation of the University • Organisation of initiation type behaviours including coercion to undertake activities against a person's will, forced consumption of alcohol, illegal substances, humiliation of a person, forced acts of nudity/nakedness, victimisation of individuals described as "freshers", consumption of abnormal/unpleasant substances, bullying, discrimination, harassment, physical acts perpetrated against a person's body, psychological torment, isolation or ostracising someone 	<ul style="list-style-type: none"> • Expulsion • Temporary exclusion • Restriction/conditions, such as no contact, temporary exclusion, or suspension • Financial sanction up to £500 (issued by a Joint Student Disciplinary Panel)
11	Repeated breaches of these regulations	<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 • Restriction/conditions, such as no contact, temporary exclusion, or suspension • Financial sanction up to

			£500 (issued by a Joint Student Disciplinary Panel)
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Appendix C- Definitions

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

Definitions of Sanctions

- **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.

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.

- **Expulsion** means terminating a student's registration at the University and withdrawing the student from both their degree programme and the University.
- **Restrictions/conditions** may be placed on a student permitted to either return to, or continue with, their degree programme.
- **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 for the duration of their studies.
- **A written apology** is a statement that a student makes to any individual containing an admission of error or discourtesy, accompanied by an expression of regret.
- **No contact** means stopping direct or indirect contact with an individual(s)

immediately, including by electronic means such as email, messaging services or social media.

Definitions of Types of Behaviour

- **Sexual misconduct and sexual harassment** - any act of violence or harassment which is sexual in nature or any kind of unwanted, non-consensual engagement or harassment within or outside a relationship. It covers behaviours such as grooming, coercion, the promise of a reward for sexual access and sexual demands or threats. It often arises where there is an imbalance of power in a relationship, and it violates the principle that the parties involved have given informed consent to behaviours. It may constitute a series of different behaviours, repeated forms of the same unwanted behaviour or a one-off incident and can occur in person, or by letter, telephone, text, email and/or other electronic or social media platforms and includes, but is not limited to, the following behaviour:
 - sexually explicit remarks, innuendos, or banter.
 - unwanted or inappropriate physical contact.
 - unwanted requests to engage in, attempt to engage in or discuss sexual activity.
 - conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating or offensive environment for others.
 - recording and/or sharing intimate images or recordings of another person without their informed consent.
 - intrusive questions around a person's private/sex life or a person discussing their own sex life.
 - basing decisions affecting a person's career, or future, on their acceptance or rejection of sexual advances; and stalking.
- **Domestic abuse and coercive or controlling behaviour** – any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence, or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to psychological, physical, sexual, financial and/or emotional abuse. Complicity – any act that knowingly helps, promotes, or encourages any form of sexual misconduct and violence by another individual.
- **Retaliation** – may constitute any words or actions, including intimidation, threats, or coercion made in response to disclosures or reports made under the Sexual Violence and Misconduct Policy by any individual. This includes both the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.

Definition of Terminology

- **Disclosure** – where an individual chooses to communicate an experience of sexual violence or misconduct.
- **Report** – the sharing of information with a Staff member of the University regarding an incident of sexual violence and misconduct for the purposes of initiating an investigation process by the University.
- **Reporting Student** – the person(s) who is reporting the alleged incident. This may be the individual who has experienced the alleged misconduct or a third party.
- **Reported Student** – the person(s) whose behaviour it is alleged amounted to misconduct.
- **Third Party** – any visitor(s) to campus and/or person(s) providing services to the University, including employed Staff (who may submit a report on behalf of another individual), in addition to agency Staff, persons employed by a partner institution, casual Staff, self-employed Staff or contractors (this list is not exhaustive).
- **Informed Consent** – the agreement by choice where the individual has both the freedom and capacity to make that choice. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, or from the absence of complaint. Consent may be withdrawn at any point.
- **Coercion** – unreasonable pressure which may include manipulation. This may include physical or emotional harm, or the threat of emotional or physical harm, which would reasonably place an individual in fear of immediate or future harm with the result that they are compelled to enter into a situation against their will.
- **Grooming** - is a term that is used to describe how a person builds a relationship with a child or vulnerable adult to manipulate, exploit or abuse them. The exploitation is often sexual, and people can be “trafficked” during this process.
- **Alcohol and/or Drug Use** – incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual. Intoxication is never a defence for committing an act of sexual violence and misconduct, or for failing to obtain informed consent.

Sexual misconduct and harassment is an umbrella term and can apply to harassment and bullying. However, it is noted that there is a clear distinction between Bullying and Harassment:

- **Harassment** – The Equality Act defines sexual harassment as one form of sexual misconduct. It includes conduct by A of a sexual nature which has the effect of violating B’s dignity or creating an intimidating, hostile, degrading or offensive environment for B, even if A did not intend this. Whether conduct constitutes sexual harassment will depend on both B’s perception and whether it could reasonably be considered for B to have perceived A’s conduct that way. It may also be sexual harassment by A if A treats B less favourably because B did not submit to A’s sexual

advances. Some forms of sexual misconduct may also constitute criminal offences under a range of legislation, including but not limited to, the Sexual Offence Act 2003 and the Protection from Harassment Act 1997. Potential criminal offences include sexual assault, rape, stalking, or disclosing private sexual images to cause distress (“revenge pornography”). Further guidance around bullying and harassment can be found within the University’s Code of Conduct and Dignity at Work Policies and should be investigated and managed through the misconduct process.

- **Bullying** – Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either: offensive, intimidating, malicious or insulting, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.
- **Victimisation** - Fear of victimisation is a major barrier that can prevent individuals from seeking support or resolution. The University prohibits staff from engaging in any form of victimisation, or encouraging others to victimise someone who has made, or has supported someone else in making, a report/complaint or has cooperated in the investigation of a report/complaint.