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Kingston
University
London

General Regulations 3:

Student Conduct and Behaviour Procedure

2024-2025

This document is available in hard copy and on the University intranet and internet sites. Please contact the Faculty Student Office or the Kingston Students' Union Advice Centre if you have any difficulty in obtaining a copy that you can read, or find any aspect of these regulations difficult to understand.

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1. Introduction to the Student Conduct and Behaviour Procedure

- 1.1 The University is a community that aims to provide a supportive and positive environment for all those who are a part of it. As a member of our community, we expect you to ensure that the rights of others are respected and are treated with dignity, respect and courtesy at all times. You are expected to conduct yourself in accordance with this commitment and show a concern for the reputation of the University and the student body as others visiting the University.
- 1.2 If we think that you have failed to meet our acceptable standards of behaviour and conduct, we will investigate this and to put in place interventions that safeguard our community. While our approach will seek to be supportive with the overall aim of helping our students to understand why certain conduct and behaviour could be seen as problematic, the University does reserve the right to suspend or expel any student where it is determined that there is good cause.
- 1.3 Appendix 1 of the General Student Regulations (GR1) set out [Kingston University's Student Code of Conduct](#) and will help you to understand what conduct is expected of you as a member of our University community.

2. I would like to make a complaint about a student's conduct or behaviour, what do I need to know?

- 2.1 If you have a concern about a student's conduct or behaviour you should report this to the University within 15 working days of the incident, or the last in a series of incidents (we will only accept reports outside this timeframe in exceptional circumstances).
- 2.2 If your concern relates to what we might consider a low-level or minor conduct or behaviour issue (such as disruptive behaviour in a teaching space or concerning behaviour which may impact on health and safety, for example in a laboratory setting – see appendix 1 for a fuller list of examples) this should be reported to the student's Faculty Student Casework Co-ordinator. If you are not sure which Faculty the student is in, you can report it directly to Academic Registry who will direct it to the appropriate member of staff.
- 2.3 If your concern relates to a more serious conduct or behaviour concern (such as bullying or harassment, sexual misconduct, or something that might have a significant health and safety impact – see appendix 1 for a fuller list of examples) this should be reported to Academic Registry.
- 2.4 If you have a particularly sensitive case that you would like to discuss in confidence with a member of staff, you should contact your Personal Tutor or Academic Registry in the first instance. Our staff are available to offer

you advice on your options and talk to you about what might happen next if you want to submit a formal complaint. The [Kingston Students' Union](#) is also very experienced in providing advice about this process. We also have a number of other [services available to support you](#).

What will happen next?

- 2.5 Low-level conduct and behaviour concerns will usually be dealt with by the student's Faculty (Or by the Directorate for Students where the concern has been referred via the Halls Management team to the University and meets the criteria for a low-level investigation. In these cases, the Directorate for Students will follow the 'Faculty Investigation' procedure set out in this procedure). This is known as a Faculty Investigation. If the Faculty determines that the alleged concern meets the threshold for a Faculty Investigation, they will appoint an Investigator and will contact the relevant student(s) to let them know that the allegations have been made and to invite them to a meeting to discuss these allegations in more detail.
- 2.6 More serious allegations about the conduct or behaviour of a student will usually be dealt with by Academic Registry. This is known as a University Investigation. If Academic Registry determines that the alleged concern meets the threshold for a University Investigation, they will appoint an Investigator and will contact the relevant student(s) to let them know that the allegations have been made and to invite them to a meeting to discuss these allegations in more detail. In the most serious cases, Academic Registry may decide that a Student Conduct and Behaviour Panel is held and/or may recommend to the PVC (Education) that, following a risk assessment, one or more precautionary measures, such as a suspension from campus, are put in place whilst the case is under investigation to safeguard all parties (see Precautionary Measures).
- 2.7 As part of an investigation you may be asked to provide more information about the allegations such as writing a statement outlining the circumstances and providing copies of any evidence that might support your case (for example copies of emails, text messages or other relevant documents). The Investigator may ask to meet with you to discuss the allegations in more detail. In most cases, we will need to provide all of this information to the student against whom the allegation has been made, including the identity of the person(s) making the allegation. This is because the student should be provided with a fair opportunity to make a response to the allegations and sharing all of the information, including the identity of the complainant and any witnesses, is the fairest and most thorough way to undertake an investigation. If you have any concerns about this, you should let us know when you make contact so we can discuss this with you further (see Anonymous and Confidential Reporting).

What if my concern relates to a student who is registered with a collaborative partner?

- 2.8 If your concern relates to a student who is studying at one of our collaborative partner institutions, the matter should normally be referred to the collaborative partner institution to look at under their own Student Conduct and Behaviour Procedure (or equivalent). If the partner does not have such a procedure the allegation should be reported to the University to look at in line with this procedure. Relevant staff from the partner institution may be asked by the University to undertake the appropriate roles as outlined within this document, with the exception of the final appeal stage, which will continue to be undertaken by Academic Registry.

What if my concern relates to a student's conduct or behaviour whilst on a placement?

- 2.9 If your concern relates to a student's conduct or behaviour whilst on a placement, this should be referred to the student's Faculty in the first instance. If your concern is about a particularly sensitive or serious matter, please refer this directly to Academic Registry.

What if my concern relates to a student's conduct or behaviour whilst on in Halls of Residence or in a Headed Tenancy property?

- 2.10 If your concern relates to a student's conduct or behaviour whilst in Halls of Residence or Headed Tenancy, this should be reported to the relevant Halls Manager or Headed Tenancy manager in the first instance. If your concern is about a particularly sensitive or serious matter, please refer this directly to Academic Registry.

What if my concern relates to a student's conduct or behaviour on Kingston Students' Union premises or during KSU related activity?

- 2.11 If the allegation concerns a breach of conduct or behaviour that has taken place on Kingston Students' Union premises, during a Kingston Students' Union organised activity, or by a sabbatical officer, this will be dealt with the Union's disciplinary process in the first instance. However, misconduct that might have implications on an individual's status as a student may also be dealt with under this procedure

What are the possible outcomes and what information will I receive about the outcome of my complaint?

- 2.12 Following the investigation we will decide if, on the balance of probabilities (i.e. whether it is more likely than not), there has been a breach of our expected standards of student conduct and behaviour. If we decide that there has been a breach, we will also decide what the Level (seriousness) of this breach is and will agree one or more outcomes in line with this, for example a written warning or a requirement for the student to apologise

to a specific individual or group of individuals. The outcome will be proportionate to the seriousness and circumstances of the case. Some examples of the types of outcomes that we may agree can be found in appendix 2.

- 2.13 We will let you know when our investigation has been completed and we will keep you updated if there are any delays. If measures have been put in place that relate to your safety, we keep you updated on what these are. It will not usually be possible for us to let you know any of the other details of our investigation or what outcomes may have been issued to the student due to data protection constraints.

What can I do if I am not satisfied with the way that the University has handled my complaint?

- 2.14 If you are a student and you have evidence to demonstrate that we have not followed our procedure correctly when handling your complaint, you may be able to submit a complaint under the Student Complaints Procedure.

3. There has been an allegation about my conduct or behaviour, what do I need to know?

- 3.1 The University will contact you via email to let you know that there has been an allegation about your conduct or behaviour that we believe requires further investigation.
- If the allegation is what we consider to be a low-level or minor breach of our expected standards of student conduct and behaviour, this will usually be dealt with by your Faculty. This is known as a Faculty Investigation.
 - More serious allegations about your conduct or behaviour will usually be dealt with by Academic Registry. This is known as a University Investigation.
 - In the most serious cases, we may decide to hold a Student Conduct and Behaviour Panel to hear your case.
 - We may also put in place one or more precautionary measures, such as a suspension from campus, whilst the case is under investigation to safeguard all parties (see Precautionary Measures).
 - If you are close to graduation, we may decide to withhold your award until the process has concluded.
- 3.2 When we write to you, we will let you know what the allegation(s) are, and we will invite you to an interview to discuss these allegations in more detail.

- 3.3 We will also let you know about what support and advice is available to you throughout this process. As well as accessing Health and Well-being support services, we always recommend that you speak to an Advisor in the Kingston Students' Union who are very experienced with supporting students through this process. You can be accompanied at your Interview by someone from the Union, or another individual but it is important that you understand that this person cannot usually represent you (see Accompaniment and Representation).
- 3.4 As part of an investigation, you may be asked to provide more information about the allegations that have been made, such as writing a statement outlining the circumstances and providing copies of any evidence that might support your case (for example, copies of emails, text messages or other relevant documents).
- 3.5 You must engage with what is asked of you during the process, including responding to emails, providing further information, and attending interviews or a Panel. If you do not engage with the process as instructed this could result in a more serious outcome.
- 3.6 If you are unable to engage with the process or attend an interview that has been scheduled, you must contact the relevant member of staff as soon as possible with a reasonable explanation for your unavailability. We may be able to reschedule the proceedings but if we do not hear from you, or we deem your explanation unreasonable, then we may proceed in your absence.

What are the possible outcomes from an Interview or a Panel?

- 3.7 When considering your case, the Investigator or Panel will use the balance of probabilities (i.e. whether it is more likely than not), to decide if there has been a breach of our expected standards of student conduct and behaviour. If we decide that there has been a breach, we will also decide what the Level (seriousness) of this breach is and will agree one or more outcomes in line with this, for example a written warning or a requirement for you to apologise to a specific individual or group of individuals. The outcome will be proportionate to the seriousness (Level) and circumstances of the case and any previous instances of similar breaches. Some examples of the types of outcomes that we may agree at each Level of seriousness can be found in appendix 2.

How long will a record of misconduct stay on my student file and what are the implications of this?

- 3.8 If the Investigation or Panel determines that misconduct has occurred, a note will be placed on your student file. This will not impact on your ability to continue with your studies or be awarded and graduate (unless you have been expelled or are on a course with very specific professional requirements) and this record will only be referred to again if you are involved in another incident.

- 3.9 We will not normally disclose a record of misconduct to a placement provider or as part of an external reference request unless you are on a course with very specific professional requirements that mean that we must disclose this. In these cases, we will let you know that we have been asked to provide this information before we do so.

Is there an appeals process?

- 3.10 Once you receive the final outcome of either a Faculty, or University, Investigation, you may submit an appeal on one or more of the following grounds:
- The University's Procedures have not been followed and this has affected the outcome;
 - Based on the evidence available at the time, the outcome is unreasonable;
 - You have new evidence which you were unable to provide earlier in the process, for valid and evidenced reasons, and this has affected the outcome.
- 3.11 You must put your appeal in writing and submit this, along with any supporting information, within five university working days of the date of your outcome letter to Academic Registry. Appeals which do not meet the grounds for appeal, or which are submitted late and do not provide compelling exceptional reasons, will not be considered. Academic Registry will let you know if this is the case and will provide you with a Completion of Procedures Letter (see section on the Office of the Independent Adjudicator).
- 3.12 A member of Academic Registry staff, with no prior involvement in your case, will consider your appeal and will provide you with an outcome in writing within 10 working days of its receipt. If your appeal is upheld, the Investigator may recommend that a fresh and independent Investigation or Panel into the original allegations is undertaken or they may overturn the original decision and replace this with their own decision. The outcome of the appeal is final and as such you will be issued with Completion of Procedures information (see section on the Office of the Independent Adjudicator).
- 3.13 Whilst an appeal is being considered, the outcome of the Faculty or University Investigation will be suspended. This will not include any precautionary measures that have been agreed on health and safety grounds which will stay in place.

What if I am still unhappy following the outcome my appeal?

- 3.14 The Office of the Independent Adjudicator, the "OIA" provides a free and independent scheme for the review of student appeals and complaints, which includes the right for you to appeal against our final decision. When you have exhausted the University's internal processes, you will be issued

with a Completion of Procedures letter which will allow you to take your case to the OIA for an independent review.

- 3.15 Applications to the OIA need to be made within 12 months of the date that the Completion of Procedures information was issued by us.
- 3.16 Further information about submitting a complaint to the OIA can be found on their website – www.oiahe.org.uk.

4. Procedural information

Faculty Investigation

- 4.1 Low-level conduct and behaviour concerns will usually be dealt with by the student's Faculty (Or by the Directorate for Students where the concern has been referred via the Halls Management team to the University and meets the criteria for a low-level investigation. In these cases, the Directorate for Students will follow the 'Faculty Investigation' procedure set out in this procedure). This is known as a Faculty Investigation. If the Faculty determines that the alleged concern meets the threshold for a Faculty Investigation, they will appoint an Investigator, who will usually be a member of Faculty staff.
- 4.2 The student against whom the allegation has been made will be informed that a case has been opened, what the allegations are and the date when a Student Conduct and Behaviour Interview will be held. The interview will usually be held within five working days of the Investigator's receipt of the allegations.
- 4.3 As part of the investigation into the allegations, the Investigator will collate evidence from appropriate staff and students.
- 4.4 The Interview will be conducted by the Investigator with an additional member of staff in attendance who will take notes of the meeting.
- 4.5 Following the interview, the Investigator will decide whether on the balance of probabilities (i.e. whether it is more likely than not):
- there is no evidence of a breach of expected standards of conduct or behaviour.
 - there is evidence of a Level 1 type breach (some examples of possible outcomes for Level 1 breaches can be found in appendix 2).
 - there is enough evidence to suspect that there has been Level 2 or 3 type breach. The case will be referred to Academic Registry who will have the final decision about whether a University Investigation should be opened. If the decision of Academic Registry is that there is not enough evidence to escalate the case to a University

Investigation, then the Academic Registry will agree the appropriate outcome with the Faculty.

- 4.6 The student against whom the allegation has been made will normally be notified of the outcome within five working days of the interview.

University Investigation

- 4.7 More serious allegations about the conduct or behaviour of a student will usually be dealt with by Academic Registry. This is known as a University Investigation. If it is determined that the alleged concern meets the threshold for a University Investigation, an Investigator will be appointed.

- 4.8 The student against whom the allegation has been made will be informed that a case has been opened and what the allegations are.

- 4.9 As part of the investigation into the allegations, the Investigator will collate evidence from appropriate staff and students. The Investigator may hold an interview with the student against whom the allegation has been made prior to making a final decision about whether or not to dismiss the case or to find misconduct at Level 2, or to refer it to a Student Conduct and Behaviour Panel.

- 4.10 If the Investigator determined that an interview with the student against whom the allegation has been made is required, the interview will usually be held between five and ten working days of the Investigator's receipt of the allegations. Interviews will be conducted by the Investigator with an additional member of staff in attendance who will take notes of the meeting.

- 4.11 At the end of the investigation, the Investigator will decide whether on the balance of probabilities (i.e. whether it is more likely than not):

- there is no evidence of a breach of expected standards of conduct or behaviour
- there is evidence of Level 1 or Level 2 type breach (some examples of possible outcomes at Level 1 and 2 can be found in appendix 2).
- there is enough evidence to suspect that there has been Level 3 type breach. The case will be referred to the Academic Registrar who will have the final decision about whether a Student Conduct and Behaviour Panel should be held to hear the case. If the decision of the Academic Registrar is that there is not enough evidence to escalate the case to a Panel, then the Academic Registrar will agree with the Investigator the appropriate outcome.

- 4.12 The student against whom the allegation has been made will normally be notified of the outcome within five working days of the final interview.

Student Conduct and Behaviour Panel

- 4.13 If the decision is to refer the case to a Student Conduct and Behaviour Panel, the Panel will usually be held within 25 working days of the Academic Registrar's decision to refer the case to Panel.
- 4.14 In advance of the Panel, the student will receive a copy of the case file and will be invited to submit a statement in response to this for the Panel to consider. This should be received five working days before the Panel. The student will also be invited to attend the Panel to put their case across and answer questions from the Panel directly. If the student wishes to call a witness, this must be discussed in advance of the date of the Panel meeting (no less than five working days) with Academic Registry who will refer the decision to the Chair of the Panel.
- 4.15 The Panel will normally be chaired by a member of the University's Senior Leadership Group and be comprised of another member of academic or professional staff and an elected representative from the Kingston Students' Union. The Panel shall be clerked by Academic Registry.
- 4.16 The Panel will decide whether on the balance of probabilities (i.e. whether it is more likely than not):
- there is no evidence of a breach of expected standards of conduct or behaviour.
 - there is evidence of a breach. In this case, the Panel will also determine the Level of the breach and the appropriate outcome (some examples of possible outcomes at Levels 1, 2 and 3 can be found in appendix 2).
- 4.15 The student against whom the allegation has been made will typically be notified of the outcome within five working days of the Panel.

5. Other relevant information

Timescales and scope

- 5.1 Complaints should be reported to the University within 15 working days of the incident, or of the last in a series of incidents (we will only accept reports outside this timeframe in exceptional circumstances).
- 5.2 The University will review allegations that are made in time against any current student who is registered on Kingston University credit to determine if there is a case to answer. Complaints will be accepted up until the last date of the student's registration. The University reserves the right to delay a student's graduation where necessary and the Academic Registrar's decision is final in this regard.
- 5.3 If the allegation concerns a student who is also employed as a member of staff, it will usually be dealt with under the terms and conditions of the

student's employment. However, misconduct that might have implications on an individual's status as a student may also be dealt with under this procedure.

- 5.4 Applicants who submit fraudulent documentation or who fail to disclose relevant criminal convictions on application or enrolment, will be investigated under the [Admissions Policy](#) (Academic Policy 1).

Precautionary Measures

- 5.5 When a case is referred to Academic Registry, we will undertake an assessment of risk to decide whether there are any precautionary measures that we need to put in place to keep our community safe. These measures are not a penalty, but an important step taken by the University to determine whether there is a potential risk to members of the University community or its premises. Precautionary measures may include suspending a student's access to all or some of our buildings, suspending them from attending or participating in certain activities or requiring them to cease contact with certain individuals. Any precautionary action taken by the University will be reasonable and proportionate and care will be taken to minimise a student's ability to engage with their learning and assessment as far as is deemed possible.
- 5.6 If Academic Registry decides that a suspension or partial suspension from university premises or specific university activities is required, a recommendation will be made to the PVC (Education) for approval. If approved, Academic Registry will write to the student immediately to let them know what measures have been put in place, the date that they come into effect and the likely duration that they will be in place.
- 5.7 Precautionary measures will usually stay in place until the Student Conduct and Behaviour process has been completed and the final outcome has been issued. Precautionary measures may also be put in place pending the outcome of an appeal or if the student is the subject of a police investigation or criminal proceedings.
- 5.8 It may be possible to permit students to exceptionally access campus to attend specific events, such as examinations, during a period of suspension. If this is applicable, the student should submit a request to Academic Registry who will refer the request to the PVC (Education). If a student is permitted to attend specific events, the University may consider it necessary to put additional measures in place for the health and safety of the University community (e.g. requesting the assistance of Security to escort the student to and from a specific location).
- 5.9 Suspensions or partial suspensions will be reviewed periodically by Academic Registry in liaison with the PVC (Education). We expect students to inform us immediately of any developments which may have implications for the terms of their suspension or partial suspension. In the event that no further information is presented, and the suspension or

partial suspension remains in place for a sustained period of time the University may advise a student to consider interrupting their studies.

- 5.10 Once a student receives notification of a suspension or a partial suspension, they may submit an appeal on one or more of the following grounds:
- The University's procedures for suspension have not been followed and this has affected the outcome;
 - Based on the evidence available at the time, the suspension outcome is unreasonable;
- 5.11 Students must put their appeal in writing and submit this, along with any supporting information, within five university working days of the date of the suspension notification.
- 5.12 Another member of the Senior Leadership Team, with no prior involvement in the case, will consider the appeal and will provide an outcome in writing within 10 working days of its receipt. If the appeal is upheld, the outcome may be to revise the qualifications of the suspension or partial suspension or to determine that the suspension or partial suspension is no longer required. The outcome of the appeal is final. Whilst an appeal is being considered, the suspension or partial suspension will stay in place.
- 5.13 Appeals which do not meet the grounds for appeal, or which are submitted late and do not provide compelling exceptional reasons, will not be considered. Academic Registry will let the student know if this is the case. The University's decision in this regard is final.

Criminal Offences

- 5.14 If a student is subject to a police investigation or criminal proceedings after enrolling at University, they must notify Academic Registry as soon as they are made aware about the proceedings so that we can undertake a risk assessment and decide what, if any, precautionary measures may be required whilst the criminal process is being concluded.
- 5.15 The University will usually defer any investigation under these procedures if the police are involved in the allegation of misconduct pending the outcome of the police investigation or criminal proceedings. Academic Registry will write to the student to inform them that we are deferring an investigation into an allegation against them and will set out their responsibilities for keeping us updated on the progress of any police investigation or criminal proceedings. Academic Registry may also liaise directly with the police to share relevant information about a student's case to inform any subsequent action taken by the University.
- 5.16 Following the conclusion of a police investigation/court action, a student may be subject to an investigation under this Procedure. As part of our investigation, a student may be required to provide evidence of their

conviction and sentence, including any appropriate evidence from the relevant Criminal Justice Service (e.g. the Probation Service), so that we can conduct a risk assessment. If the student is unable to provide such evidence, or to provide it within a reasonable time, the University will base its investigation on the evidence available at the time. The University will conduct an assessment to determine risk to members of the University community and/or its premises based on the information available. If the University risk assessment concludes that the risk is low, the student will normally be permitted to remain at the University. If the risk assessment indicates a high to medium risk, then the matter will be referred to a Student Conduct and Behaviour Panel, who will consider whether the student's registration should be terminated with immediate effect.

- 5.17 If a student has been sentenced by a court, the court's penalty shall be taken into account when determining whether any additional action is required under this Procedure.
- 5.18 If a student has been imprisoned for a period of 21 calendar days or more, the University may decide to terminate their registration with the University following an assessment of the facts of the case which will normally be undertaken by Academic Registry.
- 5.19 In cases where a student has had their registration terminated due to a criminal conviction or following period of imprisonment, they may be permitted to re-start their course at a later date. However, they will need to reapply to the University under its application process. The reapplication will be considered by the University following the normal application process.

Independence

- 5.20 Staff making decisions in disciplinary matters shall be independent and impartial insofar as they have not had a previous involvement with the matters under investigation.

Anonymous Complaints and Confidentiality

- 5.21 The University will not typically investigate allegations that are made anonymously, or where a student or other individual asks for their identity to remain anonymous during the investigation. This is because the person(s) or body about who an allegation is being made should be provided with a fair opportunity to make a response to the allegation that has been made. Sharing all of the information, including the identity of the complainant and any witnesses, is the fairest and most thorough way to undertake an investigation.
- 5.22 All parties involved in the process can be assured that cases will be considered with sensitivity and that confidentiality to all parties will be maintained so far as is practicable.

- 5.23 The University may consider investigating an anonymous allegation or withholding reporting or other individual's identity as part of the investigation if there is a compelling reason for doing so. However, this may impede the thoroughness of the investigation. If a student wishes to discuss their case in confidence prior to making a formal allegation they should contact Academic Registry.
- 5.24 If you have witnessed or experienced any behaviour that makes you feel uncomfortable and you wish to report this anonymously there are a range of [support and report routes](#) available to you

Accompaniment and Representation

- 5.25 If you are invited to attend an interview or panel, you may be accompanied by one individual. For example, you may wish to be accompanied by a friend, family member, officer or staff member from the Kingston Students' Union, or by a Trade Union or professional association staff member, if applicable. The individual accompanying you will not be permitted to make representations, ask or answer questions on your behalf. We strongly recommend that you seek guidance from the Kingston Students' Union who are very experienced with supporting students through these processes.
- 5.26 Representation by any third party will only be permitted where there is a compelling reason, for example, ill health and/or disability and if considered necessary by the staff member co-ordinating the interview or panel (whose decision is final). In such circumstances, you will need to provide us with signed written consent for this representation.

Student Conduct and Malicious and Fabricated Complaints

- 5.27 The University will treat you with respect and courtesy and we expect you to treat us in the same way. The University reserves the right to terminate the process if your conduct is inappropriate and/or if we determine that your complaint has been fabricated or submitted maliciously. Allegations of inappropriate behaviour or malicious or fabricated complaints may lead to:
- restrictions being applied to your contact with certain individuals or departments within the University;
 - an investigation/panel proceeding on the paperwork only;
 - the individual submitting a fabricated or vexatious allegation being investigated themselves under the Student Conduct and Behaviour

Cases that could be considered under this procedure and/or Fitness to Practise Regulations

- 5.28 If an allegation is made, or there is a report, about a student who is on a course that is governed by Fitness to Practise Regulations, the Fitness to Practise Regulations will normally be followed rather than the Student Conduct and Behaviour Procedure.

Cases that could be considered under this procedure and/or the Wellness to Study Procedure

- 5.29 If an allegation is made, or there is a report, about a student who is following an who is either already known to the University as having a mental health condition, or who is displaying concerning behaviour that could be linked to an undeclared mental health condition, a Case Conference will be convened which will include representatives from both Academic Registry and the Directorate for Students. The Case Conference will undertake a holistic assessment of risk to determine what, if any, precautionary measures need to be put in place and to decide which, if any, procedure should be followed. If the student is studying a course that falls under the Fitness to Practise Regulations, it may also be necessary to include a member of staff from the relevant Faculty.
- 5.30 If, under usual circumstances, the case would have been subject to the Student Conduct and Behaviour Procedure and/or the Fitness to Practise Regulations, this may remain the most appropriate course of action, even if there is evidence that the student has an identified mental health or other diagnosed condition. In certain cases, it may be appropriate for a case to be considered under both the Wellness to Study Procedure and to also be subject to a disciplinary procedure as the fact that a student has mental health difficulties does not lessen the duty of care that the University has to other students and staff. The duty of care to students with mental health difficulties should be balanced against the duty of care to other students and staff. If a mental health condition is confirmed, views on the insight of the student into their own behaviour are relevant and may be sought from relevant medical professionals and may inform the decision about which procedure(s) to follow and/or any penalties imposed.

Audio Recordings

- 5.31 Students are not permitted to make audio recordings of interviews or panels unless as part of a request for reasonable adjustments due to disability. Requests for reasonable adjustments should be made in advance to the member of staff co-ordinating the meeting.

Expenses

5.32 The University will not reimburse expenses incurred by students in relation to this process, for example, the requirement to attend interviews or panels, regardless of the subsequent outcome.

This Procedure was last reviewed by the University in June 2023 and has been produced with reference to:

- Office of the Independent Adjudicator's (OIA) Good Practice Framework - Disciplinary Procedures
- Pinsent Masons and Universities UK – Guidance for HE Institutions on How to Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence

Appendix 1 - Indicative list of levels of investigation

(This list is not exhaustive, and the University retains the right to investigate reports at the level it deems most appropriate)

Alleged conduct or behaviour that may be investigated at Faculty level (or by the Directorate of Students where applicable):

- Addressing staff, fellow students or members of the community in an impolite, inappropriate or offensive manner
- Non-compliance with local ground rules for acceptable behaviour, including behaving in line with online or 'netiquette' guidelines
- Repeated use of mobile phones in classes and/or Quiet Zones of the library
- Misuse or inappropriate use of University facilities or property
- Bringing the University into disrepute (e.g. through noise and/or anti-social behaviour in the local community)
- Obstruction or disruption of University processes and procedures, or roles, responsibilities and activities of members of the University community
- Failure to evacuate following a fire alarm activation
- Persistent late arrival for appointments and classes
- Damage to or defacement of University property or the property of other members of the University community caused intentionally or recklessly up to a value of around £250
- Theft of University property or the property of a member of the University community up to a value of around £250
- Breaching the conditions of the Halls Licence

Alleged conduct or behaviour that may be investigated at University level:

- Abusive/threatening behaviour towards a member of staff and/or a student
- Discrimination, bullying or harassment of a member of staff and/or a student via any means, this includes the publishing of offensive material about an individual
- Sexual violence or misconduct
- Physical assault on a member of staff and/or a student
- Use of, or threat to use a weapon
- Damage to or defacement of University property or the property of other members of the University community caused intentionally or recklessly
- Theft of University property or the property of a member of the University community
- Fraud, deceit or dishonesty in relation to the University or its staff, or in relation to being a student at the University
- Tampering with fire equipment or purposefully activating fire alarms or equipment alarms
- Malicious or fabricated allegations against staff or fellow students

- Bringing the University into disrepute (e.g. damaging the good name or reputation of the University)
- Obstruction or disruption of University processes and procedures, or roles, responsibilities and activities of members of the University community
- Conduct which constitutes a criminal offence, where that conduct took place on University premises, affected other members of the University community, or damages the good name of the University
- Dealing in illegal substances
- Non co-operation with a Student Conduct and Behaviour investigation, a precautionary measure or an outcome already issued
- Non-compliance with an outcome issued under the Halls Licence (e.g. Notice to Vacate (NTV)).

APPENDIX 2

Levels of breach and indicative outcomes following investigation:

At the end of the investigation, the University will decide either whether or not, on the balance of probabilities (i.e. that it is more likely that not), there is evidence of a breach of our expected standards of conduct or behaviour. If we decide that there has been a breach, we will also confirm the seriousness of this misconduct (we categorise seriousness into three levels: Level 1, Level 2 or Level 3) and will agree one or more outcomes to address the breach.

The table below provides an example of how we might categorise seriousness by Level and what outcomes might be agreed depending on this.

Level	Type of breach of expected standard of conduct or behaviour:	Outcomes:
Level 1	<ul style="list-style-type: none"> • Addressing staff, fellow students or members of the community in an impolite, inappropriate or offensive manner • Non-compliance with local ground rules for acceptable behaviour, including behaving in line with online or 'netiquette' guidelines • Repeated use of mobile phones in classes and/or Quiet Zones of the library • Misuse or inappropriate use of University facilities or property • Bringing the University into disrepute (e.g. through noise and/or anti-social behaviour in the local community) • Obstruction or disruption of University processes and procedures, or roles, responsibilities and activities of members of the University community • Failure to evacuate following a fire alarm activation • Persistent late arrival for appointments and classes 	<ul style="list-style-type: none"> • Requirement to provide a written reflective piece that demonstrates understanding of the Student Code of Conduct and how the conduct or behaviour has breached our expectations; • Requirement to provide a written apology to the aggrieved party; • Formal written warning; • Payment of replacement costs to the value of the damage done for loss/damage to, or theft of, University or student property. • A requirement for the student not to have any forms of contact with other specified students or members of staff for a specific period up to a maximum of the duration of student's studies

<p>Level 1</p>	<ul style="list-style-type: none"> • Damage to or defacement of University property or the property of other members of the University community caused intentionally or recklessly up to a value of around £250 • Theft of University property or the property of a member of the University community up to a value of around £250 • Breaches of the Halls License Agreement 	<ul style="list-style-type: none"> • Exclusion from specific facilities for a specified period up to a maximum of the duration of a student’s studies, where a student has caused significant disruption to the specific facility or premises <p>Where cases relate to breaches of Halls Licence or behaviour in Halls the following may also be relevant:</p> <ul style="list-style-type: none"> • Issuing a suspended, temporary or final Notice to Vacate (see note on Notices to Vacate below) on a student resident in Halls of Residence or a Headed Tenancy property, where misconduct has taken place within such property.
<p>Level 2</p>	<ul style="list-style-type: none"> • Abusive/threatening behaviour towards a member of staff, fellow student or a member of the community • Discrimination, bullying or harassment of a member of staff and/or a student via any means, this includes the publishing of offensive material about an individual • Sexual misconduct • Malicious or fabricated allegations against staff or fellow students • Damage to or defacement of University property or the property of other members of the University community caused intentionally or recklessly • Theft of University property or the property of a member of the University community 	<ul style="list-style-type: none"> • Outcomes at Level 1 apply, but also: • Compensation for wasting staff time as a direct result of the student’s misconduct. (This is at the rate of £25 per hour) • Suspended referral to a Student Conduct and Behaviour Panel

Level 2	<ul style="list-style-type: none"> • Fraud, deceit or dishonesty in relation to the University or its staff, or in relation to being a student at the University • Obstruction or disruption of University processes and procedures, or roles, responsibilities and activities of members of the University community • Tampering with fire equipment • Bringing the University into disrepute (e.g. damaging the good name or reputation of the University) • Conduct which constitutes a criminal offence, where that conduct took place on University premises, affected other members of the University community, or damages the good name of the University • Non co-operation with a Student Conduct and Behaviour investigation, a precautionary measure or an outcome already issued, including a Notice to Vacate (NTV) 	
Level 3	<ul style="list-style-type: none"> • Discrimination, bullying or harassment of a member of staff and/or a student via any means, this includes the publishing of offensive material about an individual • Violent or sexual misconduct • Physical assault on a member of staff and/or a student • Use of, or threat to use, a weapon • Dealing in illegal substances • Fraud, deceit or dishonesty in relation to the University or its staff, or in relation to being a student at the University, or relation to another student 	<p>Outcomes at Level 1 and 2 apply, but also:</p> <ul style="list-style-type: none"> • Suspended fine of between £1,000 - £2,000; • A fine or financial penalty (In cases where a student has been found to have submitted fraudulent documentation to gain a financial advantage, s/he shall be required to pay back any difference in amounts);

<p>Level 3</p>	<ul style="list-style-type: none"> • Damage to or defacement of University property or the property of other members of the University community caused intentionally or recklessly • Theft of University property or the property of a member of the University community • Criminal convictions for any of the above • Malicious activation of fire alarms • Non co-operation with a Student Conduct and Behaviour investigation, a precautionary measure or an outcome already issued • Non-compliance with an outcome issued under the Halls Licence (e.g. NTV) 	<ul style="list-style-type: none"> • Suspended expulsion for the remainder of the current academic year, or the duration of student’s studies • Expulsion with immediate effect (see note below table) • Exclusion from attending graduation
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Note on Notice to Vacate

A decision to issue a Notice to Vacate (NTQ) means that you will be required to vacate your accommodation within a specified period of time, usually within one calendar month, or in the most serious of cases, within 24 hours of your Student Conduct and Behaviour Investigation outcome being issued. If you fail to vacate your accommodation by the date specified in your Notice to Vacate, the University reserves the right to claim damages for each day that you overstay with reference to the Halls License Fee).

Note on Expulsion

If the outcome of the process is that you are expelled from the University, your enrolment record will be terminated immediately. You will not be permitted to re-apply to the University for a period of five-years from the date of your expulsion.

APPENDIX 3 – GLOSSARY

Expression	Meaning
Academic Registry/ Academic Registrar	Central team in the University. The Academic Registrar may nominate someone to act on his/her behalf
Assessment Board	The academic body responsible for the overall assessment of students and for the standards of awards.
Bullying	Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. (ACAS, Advisory, Conciliation and Arbitration Service).
Collaborative Partner	An institution which is jointly or wholly responsible for delivery of a Kingston University award.
Completion of Procedures	This is when the University determines that all stages of our procedures have been exhausted. You will be issued with a Completion of Procedures Letter which will enable you to take your complaint to the sector independent ombudsman the Office of the Independent Adjudicator.
Days	Unless otherwise stated a 'day' is normally a University working day, which is any day except weekends, bank holidays and the period between Christmas and New Year when the University's administrative offices are closed. This applies even when some areas of the University, such as libraries and learning spaces, are open.
Directorates	These are central University departments rather than Faculty departments.

Expulsion	If the outcome of the process is that you are expelled from the University, your enrolment record will be terminated immediately. You will not be permitted to re-apply to the University for a period of five-years from the date of your expulsion.
Fabricated Complaints	Complaints (or elements thereof) which have been invented or concocted.
Halls Licence	This is the legally binding contract between a student and the University for students living in University owned or managed accommodation.
Harassment	Unwanted conduct affecting the dignity of people in the work or study place. Unwanted conduct may be related to age, sex, race, disability, religion or belief, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. (based on ACAS, Advisory, Conciliation and Arbitration Service).
Investigator	This is the member of staff who will be appointed to investigate the complaint.
Malicious Complaints	Complaints which have the intention to cause harm or distress to those named in the matter.
Microaggression	A microaggression is a subtle behaviour – verbal or non-verbal, conscious or unconscious, and often indirect – aimed at a member of a marginalised group that has a derogatory or harmful effect.

Module Leader	This is a member of staff who is responsible for leading a specific module. You can find out who this person is by looking on Canvas or contacting the Information Centre.
Office of the Independent Adjudicator	The Office of the Independent Adjudicator (OIA) is the ombudsman for universities in England and Wales and conducts free reviews of student complaints.
Partner Liaison Officer	This is a member of staff at a partner institution who has been named as the contact between the partner institution and the University. You can find out who this person is by contacting your partner institution Student Office.
Personal Tutor	From the start of your degree you are assigned a personal tutor. Your personal tutor can give you guidance on studying, student life and career progression. Regular meetings with your personal tutor are a great opportunity to discuss issues and developments you experience during your course. They'll be on-hand to answer any questions about your academic studies and signpost you to further support. To find out who your personal tutor is contact the Information Centre.
Partner Institution	An institution which is jointly or wholly responsible for delivery of a Kingston University award.
Professional Staff	Professional staff are members of University and collaborative partner staff who mainly have responsibility for managing and leading administrative and business-related activities rather than academic ones. For example, staff in the Information Centre and in Academic Registry will be professional rather than academic staff.

Sexual misconduct:	All unwanted conduct of a sexual nature. This includes but is not limited to: sexual harassment (as defined by Section 26 (2) of the Equality Act 2010); unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010); Assault or Rape (as defined by the Sexual Offences Act 2003); physical unwanted sexual advances, intimidation, or promising resources or benefits in return for sexual favours (as set out by the EHRC, 2017); distributing private or personal explicit images of an individual without their consent (as defined by the Criminal Justice and Courts Act, 2015).
Suspended Expulsion	A suspended expulsion means that you will be able to continue with your studies. However, if you breach any of the conditions set out in your outcome letter, the University will consider you for immediate expulsion usually without recourse to a full Student Conduct and Behaviour Panel. The details for the consideration of any breaches and the time-periods that apply will be set out in your outcome letter.
Kingston Students' Union Advice Service	A free, confidential and independent advice service for all Kingston University students, based primarily in the Kingston Students' Union office at Penrhyn Road, providing support on a range of issues including complaints.
Victimisation	Occurs when a person is treated less favourably because they have made a complaint, have supported someone who has made a complaint, or are believed to have done either of the above; it also applies when the relationship between the student and the University has ended.