



**KMS 107**

## **Higher Education Student Disciplinary**

### **Policy & Procedure**

#### **Alternative formats**

If you require the Higher Education Student Disciplinary Policy in an alternative format (such as large print or a paper copy of an electronic document), please use the following email address: [enquiries@kmc.ac.uk](mailto:enquiries@kmc.ac.uk)

# Contents

<b>1. Policy Statement.....</b>	<b>4</b>
<b>2. Scope .....</b>	<b>4</b>
<b>3. Purpose.....</b>	<b>5</b>
<b>4. Reasonable Adjustments.....</b>	<b>6</b>
<b>5. Code of Conduct .....</b>	<b>6</b>
<b>6. Policy Principles.....</b>	<b>8</b>
Fairness of procedures .....	8
Support Available .....	8
Levels of Misconduct.....	10
Minor Misconduct .....	10
Serious Misconduct.....	11
Gross Misconduct .....	12
Disciplinary Sanctions .....	14
Formal Warning .....	14
Action Plan.....	14
Restorative Justice .....	14
Suspension .....	15
Exclusion .....	16
Mitigating Circumstances.....	17
Safeguarding .....	17
Criminal Offences .....	17
Time Periods .....	18
<b>7. Disciplinary Procedures .....</b>	<b>19</b>
Initial Concerns.....	19
Stage One: Preliminary Investigation.....	20
Stage two: Formal Investigation .....	22

Stage three: Disciplinary Panel .....	23
<b>Your Right to Appeal.....</b>	<b>26</b>
8. Data Protection and Information Sharing .....	29
9. Review and Monitoring .....	30
10. Feedback.....	31
11. Glossary .....	31
12. Applicable Policies and Procedures.....	33
Appendix 1: Disciplinary Code of Conduct Infographic .....	34

## 1. Policy Statement

- 1.1. This document serves as a comprehensive guide outlining the principles, procedures and expectations that underpin a respectful and inclusive learning environment.
- 1.2. UCKM (we) are committed to fostering personal responsibility and a shared sense of community among students (you) and staff. This policy aims to uphold the highest standards of conduct, ensuring that all members of our college community can thrive in an atmosphere of mutual respect and intellectual growth.

## 2. Scope

- 2.1. The Higher Education (HE) Disciplinary Policy and Procedures applies to all enrolled HE students for all aspects of non-academic misconduct that may disrupt the college community or compromise the well-being of our members. It defines the expectations for behaviour both on and off college premises.
- 2.2. This document sets out the code of conduct and our expectations of you, which you will be expected to adhere to. It covers non-academic misconduct breaches, such as minor misconduct, harassment, discrimination, and other forms of misconduct that is seen as breaching our expectations of you.
- 2.3. We are committed to ensuring that all aspects of this policy adhere to the principles of [Equality Act 2010](#). By incorporating these principles of the act, the policy underlines our dedication to providing a safe and inclusive environment, free from discrimination, harassment and other forms of misconduct that may infringe upon the rights and well-being of our college community.

- 2.4. You should be aware that the [IT Acceptable Use Policy](#) outlines specific expectations of student behaviour, and breach of these expectations may result in you facing disciplinary action under the HE Disciplinary Policy.
- 2.5 This policy does not cover academic misconduct or fitness to study concerns, these are dealt with under our [HE Academic Misconduct Policy](#) and [HE Fitness to Study Policy](#). Complaints about a member of staff are covered by our [Complaints Policy](#).

Our [Anti Bullying and Harassment Policy](#) covers unacceptable behaviour relating to harassment including sexual harassment and bullying. However, there may be instances that require action under more than one policy depending on the nature of the offence.

### 3. Purpose

This document sets out our expectations of you and the approach our staff should take when you are not meeting these expectations. The policy aims to:

- **Promote community well-being:** set clear expectations for behaviour, ensuring a positive and harmonious college community without fear of misconduct.
- **Protect individual rights:** safeguard your rights and those of the staff by outlining fair procedures for addressing misconduct allegations, ensuring due process and equitable treatment.
- **Establish boundaries:** Define acceptable and unacceptable behaviours through our code of conduct (below).
- **Prevent disruption:** Deter and address misconduct that may disrupt the educational process or compromise the safety and well-being of the college community.

- **Educate and inform:** serve as an educational tool to inform college members about the expected standards of conduct and the consequences of non-compliance.
- **Foster a positive college culture:** contribute to the development of a positive college culture by promoting ethical behaviour, accountability, and responsible decision-making beyond the academic setting.

## 4. Reasonable Adjustments

- 4.1. If you have a disability, including mental health issues or behavioural difficulties, reasonable adjustments will be made to ensure that you are not discriminated against.
- 4.2. An assessment will be made of the extent of the reasonableness of the adjustments as part of any relevant disciplinary process. This will be conducted in conjunction with our Student Welfare team, the Head of Learning Support and the Assistant Principal Student Experience & Progression in line with our [HE Reasonable Adjustments Policy](#) who will assess your needs and implement suitable interventions.
- 4.3. If you require reasonable adjustments or special arrangements prior to any disciplinary meeting, you can request this through the Student Welfare team.

## 5. Code of Conduct

- 5.1. Our [Student Code of Conduct](#) outlines the specific standards and expectations that define acceptable behaviour for all students.

5.2. Upon enrolling with us you would have been asked to sign our [Student Learning Agreement](#) to confirm that you are committed to our standards of behaviour and understand what is expected of you.

5.3. Our expectations of you:

- Use the College facilities and behave in a way which is respectful to the needs and aspirations of others, including other students, staff, visitors, and members of the public;
- Treat all members of the College community with respect;
- Treat all College property and the property of other students, visitors, and staff with respect;
- Behave respectfully to others online including all social media platforms;
- Observe the College Equality and Anti-Bullying and Harassment policies;
- Observe all health and safety requirements and help maintain a clean and tidy environment;
- Meet the requirements of the College's Student Learning Agreement, which students sign at the commencement of their course;
- Comply with the [Codes of Conduct for Student, College Transport, Campus Parking and Vehicle Use](#).
- Comply with the [ICT Acceptable Use Policy](#).
- Comply with any reasonable request made by any member of College staff.
- Respect and protect the College neighbourhood and community.
- Attend all planned learning activities punctually, this includes all classroom based, practical, tutorials and enrichment activities.
- Abide by this behaviour and disciplinary policy and all other relevant college policies.

## **6. Policy Principles**

- 6.1. This section outlines the core principles of this policy and aim to provide transparency, clarity and a shared understanding of the values that underpin our disciplinary framework.

### **Fairness of procedures**

- 6.2. We will ensure to establish fair and unbiased procedures for investigating and adjudicating misconduct cases.
- 6.3. To avoid a perception of bias we will ensure that the member of staff conducting each stage of the disciplinary process was not involved in the incident being put forward or in any of the previous stages of the process. If a staff member is conflicted, they will excuse themselves and an independent member of staff will be asked to resume this role.
- 6.4. We will accept the burden of proof when considering alleged misconduct, under the [balance of probabilities](#). This means that decisions will be made on supported evidence that is more likely than not that something has happened.
- 6.5. There will be instances where you will need to prove evidence to support your claims, for instance when submitting a mitigating circumstances application.

### **Support Available**

- 6.6. Whether you are involved in a misconduct matter or have allegations of misconduct brought against you, we want you to know that there is support available for you. This could be in the form of advice about how to raise a concern or guidance on what to expect during the disciplinary procedures.



- 6.7. Advice and guidance can be given by our Student Welfare team either in person or via their email address: [121@kmc.ac.uk](mailto:121@kmc.ac.uk). You can also approach your teacher, Programme Lead or Head of Higher Education for assistance.
- 6.8. You are allowed to have an advocate attend any disciplinary meetings with you for emotional support or as a supportive presence. This could be a family member, friend, member of staff or support professional.

You will need to make the Chair of the Disciplinary Panel aware that an advocate will be attending prior to the meeting taking place. You will need to confirm in what capacity your advocate will be attending the for, for example to speak on your behalf, emotional support, advisory support, etc.

### **Making a Complaint about another student**

- 6.9. If you wish to make a complaint about the conduct of another student, you can do so in person or via email to our Student Welfare team at [121@kmc.ac.uk](mailto:121@kmc.ac.uk). If you feel more comfortable discussing the matter with another college team or member of staff and you are free to do so.
- 6.10. You may be asked to put your complaint in writing to outline the nature of the grievance and any supporting evidence you may have. Support is available from the Student Welfare team if you need help with this.
- 6.11. Depending on the nature of the alleged misconduct we follow one of the stages set out in our [Disciplinary procedures](#) (see below). You will

be kept informed of the progress of our considerations and may be asked for further information if required.

- 6.12. Once our considerations are complete, we will inform you of the outcome at the same time as the other student(s). Support will be provided by our Student Welfare throughout the process.

### **Levels of Misconduct**

- 6.13. We consider disciplinary cases under three levels of misconduct, minor, serious, and gross misconduct. Examples of each level are given below. It should be noted that this is not an exhaustive list.

#### Minor Misconduct

- 6.14. The intention of the minor misconduct level is to ensure appropriate interventions are implemented in response to low level concerns. The approach taken by staff at this level will be to ensure you:

- Take responsibility for your behaviour,
- Agree to work towards improving such behaviours, and
- Give staff the opportunity to restore your behaviour through constructive and individual approach.

- 6.15. Minor misconduct is considered to be less serious offence with no or minimal harm or disruption caused or offences which have a limited impact on the proper functioning of activities at the College.

Examples are:

- Disruptive behaviour;
- Unduly noisy or unruly behaviour;
- Minor non-compliance with instructions by staff;
- Offensive language;
- Lack of punctuality;
- Minor vandalism;

- Any smoking or vaping outside of the designated areas (most areas of the campus and estate are smoke-free zones);
- Drop in attendance without notifying us.

### Serious Misconduct

6.16. For more serious misconduct are considered to cause moderate harm or disruption or a moderate impact (or risk to the proper function of the activities of the College).

Examples of serious misconduct include:

- Any unruly behaviour, which is not resolved as a result of intervention from any staff member;
- Disrupting any class or any other college activity, whether involving staff or other learners or not;
- Deliberately, or by gross negligence, causing damage to any college buildings, equipment, books or furnishings, or any property of others;
- Any transgression of the college [Acceptable Use of IT Policy](#).
- Any unauthorised interference with software or data belonging to or used by the college;
- Any theft of property or any other dishonest acts;
- Bullying, including cyber/online bullying, intimidation, taunting, use of banter, or verbal abuse;
- Any behaviour which is offensive in relation to the identified protected characteristics listed in the [Equality Act 2010](#) (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation);
- Any behaviour which could bring the College into disrepute, whether on site, in transit or offsite;

- Any illegal act which may have an adverse effect on the work of the College.

### Gross Misconduct

6.17. Gross misconduct is for the most serious offences that cause the most significant harm or disruption, or a severe impact (or risk of) the proper functioning or activities of the College, any misconduct directed at an individual or individuals, or sustained or repeated minor and/or serious misconduct. Examples of gross misconduct include:

- Any misconduct involving violence or a serious threat of violence including the threat of use of a weapon or the carrying of weapons;
- Sustained and / or severe bullying\* - any act that is intended to intimidate or cause fear to others;
- Physical attack such as assault or spitting;
- Humiliation or degradation of others;
- Harassment\* - unwanted conduct relating to gender, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristics which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person;
- Hate crime\* which is reasonably perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race, religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any act motivated by hostility or prejudice against a person who is transgender or perceived to be transgender is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them;

- Deliberate and serious damage to college property or property of students, staff, or visitors to the college;
- Endangering the health or safety of yourself or others;
- Taking pictures or videos of others without express permission and or sharing these on social media platforms without consent, with the intent to cause distress and embarrassment to others;
- Any criminal activities affecting the College or other learners (or which could bring the College into disrepute);
- Any drunkenness or the use, possession, supply, or intent to supply any illegal or harmful substances on college premises, or college transport, and on any activity associated with the College;
- Any intention of being onsite under the influence of alcohol, illegal substances, harmful or legal highs, regardless of whether this was off site when taken;
- Coercing or encouraging other students to become involved in illegal or inappropriate behaviour (including exploitation/radicalisation);
- Actively promoting for and engaging in extreme or radical actions that puts yourself and/or others at risk according to our [Prevent Duty Policy](#).
- Any act or omission which puts their own or other people's Health and Wellbeing at risk;
- Persistent failure to follow the College rules in relation to any of the behaviours listed under misconduct and / or serious misconduct.

6.18. You may be suspended from the College with immediate effect by the Principal (or delegated staff member) pending a Disciplinary Panel meeting, where there is reason to believe that you have committed an act of gross misconduct. See the [suspension](#) section below for further details.

\* These acts of misconduct may be considered separately under the [Anti-Bullying and Harassment Policy](#).

## **Disciplinary Sanctions**

6.19. Sanctions are the measures taken in response to a breach of our expectation of you. The severity of the sanction corresponds with the nature of the offence or repetition of offences.

Possible sanctions are:

### Formal Warning

6.20. A formal warning may be given under stage one of the disciplinary process which will set out why you have been given a warning and if any actions need to be taken by you to improve your behaviour. This can sometimes be accompanied by an Action Plan as well.

### Action Plan

6.21. An action plan can be given at any stage of the disciplinary process to promote positive behaviour and support you to improve your behaviour over an agreed review period.

6.22. The plan will set out the improvements that need to be addressed by the end of the review period. The plan may also involve engaging with College support services to assist you with these improvements.

### Restorative Justice

6.23. Restorative justice is used as part of our disciplinary procedures to help those involved in misconduct cases to understand the harm that has been caused, and allow the victim to have a voice in the process.

- 6.24. The Student Welfare team may employ restorative justice principles to resolve minor incidents. It is only appropriate under certain conditions:
- There needs to be a victim (this could be, for example, a member of staff who must repair some damage or clean something up – as well as someone directly involved);
  - Both the victim and the perpetrator must agree to this solution.
  - It should only be offered once as an option;
  - There are certain circumstances where it would not be appropriate, e.g., a sexual assault.;
  - Each case must be assessed by a member of the Student Welfare team to assess its suitability; a member of the College's Senior Management Team will provide further guidance if required;
  - It can be used at any level of disciplinary and at any stage prior to appeal as appropriate.

### Suspension

- 6.25. Suspension will only be considered as a last resort and where you or your actions have or will cause harm to yourself or others.
- 6.26. You may be suspended from the College with immediate effect where there is sufficient reason to believe you have committed an act of gross misconduct. The suspension will be pending an investigation and a disciplinary panel meeting and can be issued by the Deputy Principal, the Assistant Principal Student Experience and Progression, the Assistant Principal Curriculum & Quality or by another member of staff nominated by the Principal.
- 6.27. The period of suspension is a 'neutral act' and undertaken to provide the Disciplinary Panel enough time to carry out the investigation.

- 6.28. Any such suspension will be confirmed in writing within 2 working days of you being suspended. The Disciplinary Panel will go through the procedures set out below under [stage three: Disciplinary Panel](#).
- 6.29. If you have any examinations during your suspension period, subject to agreement by the Deputy Principal or Assistant Principal Student Experience and Progression, the Assistant Principal Curriculum & Quality (or by another member of staff nominated by the Principal), a decision regarding your attendance to the examination will be confirmed to you along with conditions of attendance.
- 6.30. During your suspension period you will still be expected to carry on with your studies and arrangements will be made for you to be able to do this remotely.
- 6.31. If as part of the outcome Disciplinary Panel meeting you are given a period of suspension, information on length of the suspension, the reason why you have been given a suspension and your remote study arrangements will be given to you in your outcome letter.
- 6.32. You will still be liable for your course fees during your period of suspension.
- 6.33. You have the right to appeal the suspension decision following the [Right to Appeal](#) procedure detailed below.

### Exclusion

- 6.34. We will only exclude a student under exceptional circumstances. If you are permanently excluded, you will be withdrawn from your course and provided with a written notification of the reason why and



the next steps for handing in your college equipment and identification pass.

- 6.35. If you are excluded the payment of any outstanding fees will need to be paid per clause 5.6 in the [Higher Education Student Terms and Conditions](#).
- 6.36. You have the right to appeal the exclusion decision following the [Right to Appeal](#) procedure detailed below.

### **Mitigating Circumstances**

- 6.37. At any stage of the disciplinary procedures, you will be given the opportunity to submit mitigating circumstances to support your case.

### **Safeguarding**

- 6.38. The HE Disciplinary Policy will refer to our [Safeguarding Policy](#) to ensure the disciplinary measures align with the overarching commitment to ensuring a secure and supportive learning environment.
- 6.39. In cases of misconduct that relate to potential harm or risk to yourself or others, the Safeguarding Policy may be referred to, to address the safety and well-being of the College community.

### **Criminal Offences**

- 6.40. We work in a multi-agency manner and will seek guidance from appropriate services including the Police, Local Authority or any organisations connected to Safeguarding and the Prevent Duty where necessary.

- 6.41. Where a member of staff has reason to believe that you may have committed a criminal offence, we may refer the matter to the police to ensure your safety and the safety of others. For example, if you are over 18 and staff reasonably believe that you are under the influence of drugs or carrying an offensive weapon, we may contact the Police.
- 6.42. Disciplinary proceedings may continue under this procedure, or you may be suspended pending the outcome of the police inquiries and any charge(s) which may be brought against you.
- 6.43. Where you have been suspended under this provision and the results of these inquiries into any criminal proceedings are known, we reserve the right to recommence disciplinary proceedings under this policy in relation to the matter.

### **Time Periods**

- 6.44. With the exception of the time allowed for lodging an appeal, time periods stated in this procedure are for guidance and may be varied by the College if it is not practicable to adhere to them (such as end of term holiday periods or advocate not able to attend within the stated timeframe). Written notice of any such variation will be given.
- 6.45. However, we will do our utmost to ensure that all cases are dealt with as quickly as possible while maintaining fairness of procedure and within the [Office of the Independent Adjudicators](#) (OIA) recommended 90 calendar days.
- 6.46. Periods of days in this procedure are working days.

## **7. Disciplinary Procedures**

- 7.1. This section outlines the disciplinary procedures that guide our approach on addressing conduct matters when there has been a breach of behaviour expectations. The procedures are split into three stages: Preliminary Investigation, Formal Investigation and Disciplinary Panel.
- 7.2. It may be necessary for incidents of a serious or gross misconduct nature to be escalated to stage two or three of the procedure depending on the nature of the alleged offence.
- 7.3. At all stages of the procedure either prior or during the process you will be allowed to ask an advocate to attend any meetings with you for support. This can be a friend, family member, member of staff or external support professional. You will need to inform the Chair of the Disciplinary Panel prior to the meeting that you wish to bring an advocate.
- 7.4. A legal or other professional advisor may be allowed to accompany you at any stage of the process, though it is not normally necessary. If you do decide that you would like a legal or another professional to attend a meeting with you, you should notify the Deputy Principal in the first instance and state the reason why you feel it is necessary.

### **Initial Concerns**

- 7.5. We recognise that for minor breaches of our behaviour expectations, a less formal process may be sufficient to address our concerns. Therefore, instead of starting our disciplinary procedures your teacher may decide to discuss with you their initial concerns about your behaviour.

- 7.6. This would be an informal chat to highlight their concerns and the expectations we have for your behaviour. The outcome of this discussion may result in you being offered support from a college service and/or an agreement between yourself and your teacher on targets to improve your behaviour over a period of 4 weeks.
- 7.7. Your teacher will arrange to meet with you after the 4-week period to review your behaviour and improvement targets. If you have met your targets no further action will be taken. If your behaviour has not improved or has escalated your teacher will refer the matter onto stage one of the disciplinary procedures below.
- 7.8. Your teacher will make a note of the initial concerns, the outcome of your meeting and review stage on your MyKMC record and Staff Portal. This will remain on your record for the remainder of the academic year.

### **Stage One: Preliminary Investigation**

- 7.9. If your conduct has been referred to stage one of the disciplinary procedures, you will be informed by your teacher or Programme Lead via your college email address.
- 7.10. The Programme Lead will request a meeting with you to discuss your behaviour and the concerns raised. The meeting will be arranged at an agreed time and date that is suitable for both parties but must take place within 10 working days of the initial invitation being sent.
- 7.11. At this stage you may submit mitigating circumstances information to support your case.

- 7.12. During the meeting you will have the opportunity to put forward your case and present any supporting evidence you may have. After the meeting the Programme Lead will review your case and provide you with an outcome within 3 working days via your college email address. The Programme Lead may want to discuss the outcome with you in person, therefore they will make arrangements with you to meet to discuss the matter.
- 7.13. The possible outcomes are:
- no further action, because the Programme Lead does not consider there to be a case against you or;
  - formal written warning that will be recorded on your MyKMC record and the Staff Portal. It will remain on your student file for the rest of the academic year.
- 7.14. If you have been given a formal written warning the letter will detail the reasons why you have been issued this warning and include an Action Plan designed to help you improve your behaviour. The Action Plan will have an agreed timeline that you will be expected to make these improvements by.
- 7.15. If after the agreed timeline your behaviour has not improved the Programme Lead will review the matter and consider if you require further support or if your case needs to be referred to stage two of the disciplinary procedures. The outcome of their decision will be sent to you via your college email address, but also be delivered in person at an agreed meeting date and time.
- 7.16. Where no action has been taken a note will be made on your MyKMC record and Staff Portal and remains for the rest of the academic year.

## **Stage Two: Formal Investigation**

- 7.17. Where your alleged conduct is considered of a serious nature or you have been given a formal warning and improvements have not been made, your case will be referred to the Head of HE for a formal investigation.
- 7.18. You will be notified via your college email address within 3 working days of the matter being referred to the Head of HE. The email will include the reason why your case has been referred and ask if you would like to submit any mitigating information and a supporting statement and/or supportive evidence to be considered by the Head of HE in their investigation.
- 7.19. As part of the investigation the Head of HE will gather statements from all parties involved in the allegations and review all the supporting evidence for the case. They may ask you to attend a meeting to clarify some of the information, if they do you will be given at least 5 working days' notice so you are able to prepare for the meeting.
- 7.20. Once the Head of HE has considered your case, they will provide you with an outcome within 10 working days of their initial email to you. The outcome will be emailed to your college email address, and you will be asked to attend a meeting to discuss the outcome.
- 7.21. The possible outcomes are:
- No further action, because the Head of HE does not consider there to be a case against you,
  - Formal written warning if you have not previously received one and the Head of HE deems that your conduct to have been a minor offence. This will be recorded on your My KMC record and Staff Portal for the remainder of the academic year; or

- Final written warning that will be recorded on your My KMC record and the Staff Portal. It will remain on your student file for the rest of the academic year.
- 7.22. If you have received a final written warning the Head of HE will discuss with you the implications of this warning and agree an Action Plan with you. Your behaviour will be monitored during the agree timeline for the Action Plan.
- 7.23. If the Head of HE considers that your behaviour has improved, and you have completed the Action Plan targets no further action will be taken.
- 7.24. If your behaviour does not improve or further repeated misconduct has occurred, the Head of HE may consider referring the matter to the Disciplinary Panel under stage three.
- 7.25. Where no action has been taken a note will be made on your My KMC record and Staff Portal and remain for the rest of the academic year.

### **Stage Three: Disciplinary Panel**

- 7.26. In cases of gross misconduct, or if misconduct is further repeated following a Final Written Warning, a Disciplinary Panel Meeting will be convened. This may be chaired by the Deputy Principal, the Assistant Principal Student Experience and Progression / or the Assistant Principal Curriculum & Quality, and will be attended by teaching or support staff, with an administrative member of staff in place taking notes of the meeting.

- 7.27. The Panel will be arranged, giving you at least 5 working days' notice. You will be sent a letter via your college email address informing you of the following details:
- date and time of the Panel meeting;
  - details of any witnesses attending;
  - the nature of the conduct complained of;
  - the reason why your case has been referred to the Disciplinary Panel;
  - where appropriate, the evidence being considered by the Panel, this could include witness statements and/or photographic evidence such a photo of graffiti, and
  - any support available to you to assist with your understanding of the process.
- 7.28. You will be given the opportunity to provide your own supporting statement, submit mitigating circumstances information, make a request to call witnesses, and give advanced questions for witnesses and/or evidence prior to the Panel meeting. This should be emailed to the Deputy Principal at least 3 days prior to the Panel meeting. If you feel that you will not be able to meet this deadline you must inform the Chair of the Disciplinary Panel as soon as possible, and prior to the meeting taking place.
- 7.29. In most cases you will be asked to attend the Panel meeting in person, except for incidents where a safeguarding risk assessment has deemed otherwise. If there is a good reason why you are unable to attend in person or at all, you should inform The Chair of the Disciplinary Panel as soon as possible, so that arrangements can be made for you to attend via video link or to rearrange the meeting. If you do not inform the Chair that you are unable to attend, the Disciplinary Panel reserves the right to carry out the meeting in your absence.



- 7.30. At the start of the meeting the process of the Panel meeting will be explained to you. The Panel may invite other members of staff to attend the meeting to assist in the process of talking you through the allegations which have led to the complaint of misconduct.
- 7.31. The Panel will talk through your supporting evidence provided for consideration, answer any questions you put to the witnesses in advance of the meeting and discuss all their material evidence with you.
- 7.32. You will be invited to put forward your case, including any mitigating factors and asked to state whether the alleged facts are disputed and outlining which ones.
- 7.33. The Panel will bring the discussion to a close and adjourn briefly while they consider their outcome. You will then be called back into the meeting to discuss their outcome. The possible outcomes are:
- No further action, because the Panel feels that either there is not enough evidence to provide a sanction or the evidence you have provided supports no further action being taken.
  - Final written warning with Action Plan with set targets for review.
  - Temporary suspension from the college, but you can continue your studies via distance learning and be escorted on site to support set exams and/or practical elements.
  - Exclusion from the college site but you can continue your studies via distance learning and be escorted on site to support set exams and/or practical elements.
  - A recommendation to the Principal for Permanent exclusion from the college and withdrawal from your course with immediate effect.

Where an outcome cannot be reached at the meeting, you will be advised as to the reasons why and provided with a date as to when the Panel expect to reach an outcome and how this will be communicated to you.

- 7.34. The Panel will provide you with a full written report of their findings and the reasons behind their decision. The decision will also be recorded on your My KMC record and the Staff Portal for the remainder of your academic journey with the college. If you disagree with the Panel's decision you have a right to appeal (see below).

### **Your Right to Appeal**

- 7.35. You have the right to appeal any of the decisions made during any of the stages of the disciplinary procedures above. Your notice of appeal for stage one and stage two should be made to the Head of Department via the HE Administrator, [Jade.Fawcett@kmc.ac.uk](mailto:Jade.Fawcett@kmc.ac.uk) and for stage three with the Principal's office via the Executive Assistant, [Verity.Brown@kmc.ac.uk](mailto:Verity.Brown@kmc.ac.uk), within 10 working days of the date of the outcome decision.
- 7.36. You can make an appeal if you have evidence to support one of the following grounds:
- That the procedures were not followed properly.
  - That the decision maker(s) reached an unreasonable decision.
  - You have new material evidence that you were unable, for valid reasons, to provide earlier in the process.
  - That there is bias or reasonable perception of bias during the procedure.

- That the penalty imposed was disproportionate, or not permitted under the procedures.

### **Stage One and Two appeals**

- 7.37. A Head of Department will be appointed to review your case that was not previously involved in the matter of the appeal. If the Head of Department feels that there are not sufficient grounds for your appeal, they will write to you within 5 working days to inform you why your appeal does not meet the above grounds and your stage one or two outcome will remain.
- 7.38. If the Head of Department does consider that there might be grounds to review the outcome made, they will carry out a review of the process followed, alongside the evidenced grounds you have submitted as part of your appeal.
- 7.39. The Head of Department will provide you with their outcome report within 10 working days of the appeal being submitted. The report will outline their findings and whether there is evidence that supports a reconsideration of your case.
- 7.40. If it is found that your case should be reconsidered, the Head of Department will make a decision based on the information provided and their outcome decision will be final. This may include rescinding or lessening the previous sanction or for the original sanction to remain.
- 7.41. If it is decided that the original sanction should remain, there are no further rights of appeal.

### **Stage Three appeal**

- 7.42. If the Principal feels that there are not sufficient grounds for appeal, they will write to you within 5 working days to inform you why your appeal does not meet the above grounds and that the original decision remains.
- 7.43. If the Principal considers that there are sufficient grounds to consider your appeal, they will write to you within 5 working days to arrange an appeal interview with you that will take place within 15 working days of the notice of appeal being made.
- 7.44. The appeal interview will include your attendance, the Principal, (an administrator to take notes and any person you have decided to attend with you for support.
- 7.45. Prior to the appeal interview the Principal will ask the decision maker(s) to provide an overview of the reasons for their outcome and review all the documents put forward for the appeal.
- 7.46. During the appeal interview you will be invited to explain the grounds for your appeal. The Principal will go through their considerations of your case with you and may ask you questions about the alleged misconduct.
- 7.47. After the appeal interview the Principal will review all the evidence put forward and write to you within 5 working days of the interview with their decision. This letter will be considered as your '[completion of procedures](#)' letter.
- 7.48. The Principal has the option to overturn a decision made, lessen the sanction, or agree with the original decision as part of their outcome.

The Principal's decision is final and there are no further rights of appeal.

## **External Review**

- 7.49. Once the appeal stage has been completed, you are entitled to ask the [Office for the Independent adjudicator \(OIA\)](#) to review your complaint about the outcome of the HE disciplinary procedures. The OIA acts as an independent ombudsman service who review student complaints.
- 7.50. The complaint needs to be submitted to the OIA within 12 months of the date of the Completion of Procedures Letter. For details on how to complain see the OIA website: [How to complain to us - OIAHE](#).

## **8. Data Protection and Information Sharing**

- 8.1. You have the right to request access all the material presented during this process. Please contact the College's Data Protection Officer via email [dpo@kmc.ac.uk](mailto:dpo@kmc.ac.uk) and they will review and process your request.
- 8.2. We recognise the importance of maintaining confidentiality throughout the Disciplinary process and how sensitive information is shared. Any information shared about your case will be treated as [special category data](#) and strictly confidential, and we will limit its disclosure to only those directly involved in the process.
- 8.3. If you are studying on course with one of our partnership Universities and you have been suspended or excluded from the course and college, we will have a duty to inform our partners. We will notify you of any correspondence that we will send, and the information will be limited to the sanction given.

However, if your misconduct has raised safeguarding concerns, we may under our [Safeguarding Policy](#) need to share further details to the university partner.

- 8.4. In addition, if your misconduct has or has the potential to put yourself or others at risk of harm, we may under our [Safeguarding Policy](#) share information of the misconduct and our concerns with the emergency services or other authorities.
- 8.5. All materials relating to your case will be managed and stored in line with our [Data Protection Policy, Privacy Notice and Data Retention Policy](#).

## **9. Review and Monitoring**

- 9.1. We will provide an annual report on our feedback processes, including surveys, focus groups, suggestions, and complaints, in addition to any compliments received, to the College Corporation for monitoring and evaluation. An evaluation of feedback by relevant demographics will be undertaken to evidence the impact of our Equality Scheme.
- 9.2. We work closely with our university partners to ensure that our procedures are reviewed and updated on an annual basis. If we need to make a change to this policy and procedure it will be reviewed and signed off by the Senior Management Team (SMT) and these changes will be noted in the version log displayed on the front page of this document.
- 9.3. If we need to make a major change to this policy during the academic year, we will consult the student body via our committee structure and communicate our intentions to all students.

9.4. A regular case report will be provided to the SMT by the Heads of Department and an annual case report will be presented to the Governors as part of our quality assurance arrangements.

## 10. Feedback

10.1. Comments and feedback about this policy and how it might be improved are welcomed. Please submit these to [views.complaints@kmc.ac.uk](mailto:views.complaints@kmc.ac.uk)

## 11. Glossary

**Alcohol and Substance Abuse:** Violations related to the possession, use, or distribution of alcohol or illicit substances on campus.

**Advocate:** An advocate for an internal college process is a person who supports and represents the interests of the student in the college's internal procedures. This advocate can be a fellow student, member of staff or family member.

**Assault or Physical Violence:** Engaging in or threatening physical harm to others, whether students, staff, or faculty.

**Balance of probabilities:** A balance of probability decision is one based on the evidence provided. This means that the college will be more satisfied than not, that the information and documents show the event occurred.

**Bullying and Harassment:** Unwelcome and repeated behaviour intended to intimidate, humiliate, or create a hostile environment for others.

**Completion of Procedures Letter:** is a letter which the college will send to a student when they have reached the end of the College's internal appeal processes, whenever there is no further avenue for the student internally.

**Criminal Offence:** is an act that is forbidden as it is harmful to an individual, individuals, a community, a society, or the state, and is therefore punishable by law.

**Disruptive Conduct:** Disruptive or disorderly behaviour that interferes with the normal functioning of the academic community.

**Destruction of Property:** Intentional damage to university or personal property, including vandalism.

**Discrimination:** Unfair treatment based on factors such as race, gender, sexual orientation, or other protected characteristics.

**Sexual Misconduct:** Violations of policies related to sexual harassment, assault, or any form of non-consensual sexual activity.

**Special category data:** is personal data that needs more protection because it is sensitive.

**Student Learning Agreement:** Agreement signed as part of the enrolment forms, agreeing to the terms of expected behaviour.

**Theft and Fraud:** Unauthorised taking of property or engaging in deceptive practices to gain an advantage.

**Offensive Language:** Communication that is discriminatory, threatening, or harassing in nature, creating a hostile environment.

**Vandalism:** Intentional destruction or defacement of property belonging to the university or members of the academic community.

**Weapon Possession:** Possession, use, or storage of offensive weapons on campus.



## 12. Applicable Policies and Procedures

12.1. The Higher Education Disciplinary Policy is supported by a range of detailed policies and procedures where you can find further information.

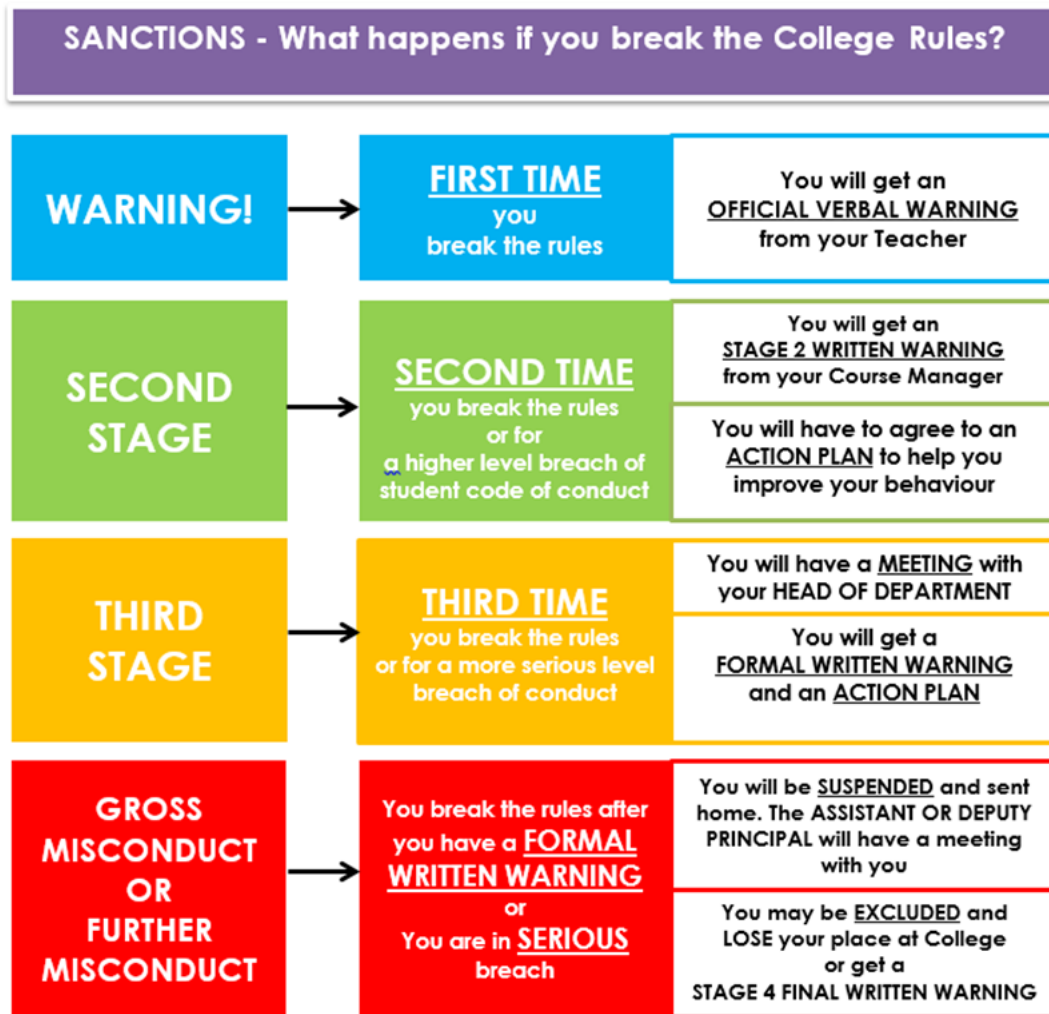
These are:

- [Complaints Policy](#)
- [Data Protection Policy](#)
- [Data Retention Policy](#)
- [HE Attendance Policy and Procedure](#)
- [HE Assessments, Extensions, and Mitigating Circumstances Policy](#)
- [HE Reasonable Adjustments Policy and Procedure](#)
- [HE Student Terms and Conditions](#)
- [Health and Safety Policy](#)
- [Privacy Policy](#)
- [Safeguarding Policy](#)

12.2. External sources of information are:

- [Equality Act 2010](#)
- [Health and Safety Act 1974](#)
- [Office for Student \(OfS\) – Student Rights and Welfare](#)
- [Office for the Independent Adjudicator \(OIA\)](#)

## Appendix 1: Disciplinary Code of Conduct Infographic



Title	<b>Higher Education Disciplinary Policy</b>	
Manager	Deputy Principal	
Approvals (Committee)	Approved by Higher Education Academic Board	
Approvals (Board)	Approved by Corporation	
Next Review Due	July 2025	
Version Control	V1 July 2024	
Equality Impact Assessment	July 2024	

## Equality Analysis

**Name of Policy:** KMS107 HE Student Disciplinary Code

**Person Responsible:** Deputy Principal

**Date of Analysis:** July 2024

### 1: Identify aims of the activity

What is the purpose of the policy and who is intended to benefit?

**This policy is intended for all Higher Education Students and staff, academic and support, involved in the delivery of their Programme and associated services.**

### 2: Assess likely impact

How might this policy have an impact on staff, visitors or learners in terms of disability, age, race, gender, religious belief, trans-identity, sexuality?

Positive Impact       No Impact       Negative Impact

If you have identified **negative** impacts, you need to revise your activity to ensure that you are not disadvantaging any group on the grounds of disability, age, race, gender, religious belief, trans-identity, sexuality.

If you have identified **positive** impacts or **no impact**, please explain your decision

The policy is clear in outlining the UCKM's expectations and how it will respond to matters of concern.

### 3: Checklist

1. Which of the following groups have you consulted?

Staff       Students       KMC Committee       Other stakeholders  
(please specify below)

This policy was developed with input from the Open University as validating partner.

2. How frequently will you monitor the impacts of this activity?

½ termly       termly       annually       other (please specify below)

Every 2 years – next review due May 2026

