



# **KENSINGTON COLLEGE OF BUSINESS**

## **STUDENT WELFARE AND CONDUCT POLICY**

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## **Accommodation**

The College does not have the facility to offer accommodation to students. We recognise that new entrants to London or the UK may require short-term accommodation while making arrangements for longer-term accommodation. As request, we can provide applicants with the details of the London Hostel Association who can reserve a place in a nearby London hostel.

This arrangement is not proposed as a long-term solution to a student's need for accommodation and our students find their own accommodation or make arrangements with other students.

Please note that the College does not provide an airport pick-up service (for information on travelling in London (including the London Airports) please refer to travel guidance on the Transport for London website [www.TFL.gov.uk](http://www.TFL.gov.uk) )

## **Bursaries**

Any decisions regarding bursaries shall be made by the Board of Governors. Requests can be made to the Registrar and shall be judged on financial and academic grounds. Bursary request forms are available from the Registry.

## **Course Representatives**

Students elect Course/Student Representatives for each of the main courses. This has developed from a role in which we invited students to give feedback on the modules, teaching, College facilities and support and we are increasingly looking to students to interact with the College management regarding their experiences both on their courses and as students at the College and in the UK generally.

## **Disability and Special Requirements**

The College commits seriously to making all reasonable efforts to ensure that our facilities are equally available for all students.

Students are not required to disclose any disability of which they are aware to the College, though the College will not be able to make adjustments.

The College is permitted to enquire with students whether they have disabilities only so as to judge whether appropriate adjustments should be made. Such enquiries will be handled sensitively and information kept in the strictest confidence.

Special examination and assessment arrangements will be made where the College agrees that a student has special requirements. In such a case, the student must discuss these needs with the Programme Leader on commencement of the course, or when the need is discovered. Further information can be found in the Equality and Diversity, and Academic Policies. Any consideration and/or dispensation for disability shall be made in line with the protocol of the awarding body for the course of study (further information can be found through University of Chester and ICSA websites).

The College strongly recommends that any student or applicant with disabilities takes recourse to the huge amount of information about support and legal protection available: for example, the directories provided by the UK government:

<https://www.gov.uk/search?q=disability>

Any student who thinks they may have **dyslexia** should inform the College. Information and advice on screening can be found:

<http://www.dyslexiaaction.org.uk/>

<http://www.nhs.uk/conditions/dyslexia/pages/introduction.aspx>

## **Equality and Diversity**

The College recognises that issues of equality and diversity may have a significant impact on a student at an institution with a large proportion of international students such as KCB. The College maintains a specific Equality and Diversity policy which applies to both staff and students and is available separately within our Policy notes.

## **Grievance and Course Complaints**

The College has a Complaints Procedure which is published separately from this Policy. We encourage students who have complaints to try to resolve their concerns with us at an informal level, but we also set out the different options available to students who have complaints. As stated, please see "Complaints Procedure" (which is also available on the Student Web Portal).

## **Harassment and Bullying**

The College will not accept bullying or harassment and sets out a policy which covers both staff and students. This policy is designed to prevent bullying and harassment and to deal with any cases that occur.

### **Definition**

Bullying is the repeated victimisation or less favourable treatment of a person by another or others in the College - whether directly or by electronic means, for example.

Examples of what is unacceptable behaviour, including what may be defined as bullying can be found below:

- Spreading malicious rumours, or insulting someone (particularly on gender/race/disability/religion/age);
- Ridiculing or demeaning someone;
- Exclusion or victimisation;
- Unfair treatment;
- Unwelcome sexual advances - touching, standing too close, display of offensive materials;
- Behaviour which is threatening or intended to be perceived by the recipient as threatening.

Harassment is: unwanted conduct that has the purpose, or effect, of violating the recipient's dignity, unacceptable language, or unwanted attention creating an intimidating, hostile, degrading, humiliating or offensive environment.

This is not an all-inclusive definition, and harassment can take many forms. In an environment containing staff and students from a wide range of national and cultural backgrounds, the College will encourage everyone to remember that what might be acceptable to one person may be upsetting

and/or intimidating to another. A joke or prank, however innocent it seems, may be very offensive to someone else.

All staff are subject to terms and conditions of employment by which a disciplinary process will be enacted where harassment is found to have taken place. Students will be subject to disciplinary action under the authority of the College Principal who shall have the discretion to take any action deemed appropriate including expulsion from the College. The College will not hesitate to refer cases to the Police and/or UKVI, where necessary.

## **College Approach**

Management are responsible for ensuring that all students and employees understand that bullying and harassment are not tolerated in the College and for taking early corrective action to deal with behaviour, which may be offensive or intimidating. The College operates separate formal and informal procedures depending on the nature and seriousness of the matter, and **we encourage students to request counselling or additional support at any stage**: this can be done either to the Student Managers, to the Student Welfare Officers, or to the College management in writing.

### **Informal Procedure**

In some cases, it may be possible to rectify matters informally as sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

Therefore, if a student thinks that they may be the victim of bullying or harassment they are encouraged in the first instance to raise the issue with a Student Welfare Office in confidence. The Student Welfare Officer will then investigate the allegations before deciding the correct approach.

The College takes all complaints of bullying and harassment very seriously and will endeavour to deal with each issue promptly, confidentially and adequately.

### **Formal Procedure**

If resolution at an informal stage has been unsuccessful or the complaint is of greater seriousness, the formal procedure may be used, by which the student should write directly to the Principal of the College who will assign appropriate staff to investigate the matter and propose possible resolutions. Any student who brings a formal claim of harassment or bullying shall be offered a response from the College either in writing, or by a meeting with senior management.

Details of the College's grievance procedure for staff can be found in the Employee Handbook.

Following the outcome of the procedure, if it is found that bullying has occurred then the relevant disciplinary action will be taken.

Disciplinary action may also be considered if a deliberately false allegation of bullying is made.

### **Confidentiality**

An accusation of bullying or harassment can be potentially defamatory, especially if confidentiality is not observed and a person's reputation is unfairly damaged. The College therefore takes confidentiality very seriously. All documentation and details of bullying and harassment enquiries, allegations and grievances will be kept securely.

## Immigration Advice

The College does not offer an immigration advisory service. We appreciate that a number of international students will experience problems with their visas during the course of their study, and that these issues may have serious impacts upon them. For this reason the College will only seek to provide academic advice and will always refer a student facing immigration problems to appropriate sources of specialist information:

UK Council for International Student Affairs (UKCISA):

[www.ukcisa.org.uk](http://www.ukcisa.org.uk)

(Includes a help-line for international students, please see the web-site for details - UKCISA are highly recommended)

Citizens Advice:

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Office of the Immigration Services Commissioner (OISC):

<http://oisc.homeoffice.gov.uk/>

The government regulatory body for immigration advice - use this website to

- find an adviser (as opposed to a solicitor),
- check that they are qualified to give immigration advice, or
- complain about immigration advice given by a registered specialist.

Home Office/UKVisa and Immigration Agency Immigration Enquiry Bureau:

The Immigration Enquiry Bureau can provide information about the Immigration Rules' requirements for permission to stay and settlement in the UK.

For other UKVI enquiries, please refer to the Contact Directory:

<https://www.gov.uk/contact-ukvi-inside-outside-uk>

Students who are facing immigration problems must contact the College immediately. All documents must be kept and copies submitted to the College. Attendance at the College is permitted strictly on the condition that non-EEA 'Visa Nationals' have demonstrable leave to remain in the UK without restriction on studying at KCB. Students should be aware of their responsibility to keep the College updated regarding any changes to visa status or visa applications are under consideration.

Failure to provide updates and relevant documentation to the College may be considered as withholding information and in so doing, misrepresentation of immigration status. This may result in immediate suspension of authorisation to study at the College without a refund of any fees paid, ineligibility to receive a refund, and will be reported to the UK Visa and Immigration where appropriate.

The College strongly advises students who are involved in any kind of visa application to keep a **dedicated file of documents relating to their immigration cases**. The UKVI have been known to lose documents or deny receipt of them. We advise students to **keep a file with photocopies of all documents sent to and received from the UKVI**. Whenever posting documents to the UKVI keep proof of postage (this does not mean you need to send documents by courier; if you make an application by post the UKVI will take the date of application as the date of postage. If you send by courier, the date of application is the date of receipt of documents by the UKVI). Should you face any problems with the UKVI which may lead you to appeal against or otherwise contest a decision, it will greatly benefit you to have accurate records of all of your dealings with them.

**Judicial Reviews** - we would advise all students to think very carefully before committing to submit a Judicial Review against a visa refusal (or subsequent dismissal of Appeal). Our experience of Judicial Reviews is that they are extremely time-consuming and costly, and are only made where a student does not have extant right of appeal. This means that any student who has a Judicial Review under consideration will not be permitted to attend the College as they will not have leave to remain in the UK (without restriction on studying at KCB). If the review decision takes months to arrive, this will result in significant disruption to a course of study, and the College may not be able to offer sponsorship if the case is dismissed.

## **i - Student Conduct and Discipline**

All students are required to act with an appropriate level of conduct when in the College, representing the College, on College trips or when using facilities associated with the College off-campus.

Breaches of the expected level of student conduct which result in disciplinary action may include (though are not limited to):

- Assault, vandalism (including as regards computer usage), behaviour which can reasonably be interpreted as threatening
- Theft
- Sexual or Racial Harassment, or discriminatory behaviour in any form
- Vexatious complaints which are unfounded and malicious or mischievous (to be reasonably adjudged at the discretion of the Board of Governors)
- Disruption of classes, study, or legitimate use of College property or facilities by other students
- Use, possession, buying or selling of illegal drugs or other illegal intoxicating substances on College premises
- Possession, abuse or acting under influence of alcohol on College premises
- Any action likely to cause injury, whether wilfully or by negligence
- Failure to inform the College of any significant change in circumstances including (and with especial reference to) the disclosure of non-custodial criminal convictions (other than minor traffic offences)
- Misrepresentation of person, falsifying of documents, data or information (including, but not limited to: forging signatures or otherwise conspiring to produce incorrect attendance data; forging / counterfeiting / wilfully misusing College documentation). Please see below, "Misrepresentation"

We also wish to bring particular attention to:

- Breach of conditions of Visa, including:
- Non-attendance
- Failure to maintain contact details
- Failure to inform the College about changes / variations to Leave to Remain or immigration status

- Failure to enrol on time, or to provide a sufficient explanation as to the reason for non-enrolment (with supporting documentation, where required).(Applies to Tier 4 Sponsored students only, see below)

### **Misrepresentation:**

The College will take the strongest possible action against any student found to have falsified or misused information or documentation about themselves or the College. This includes:

- Providing false information or documentation about prior learning, qualifications or work experience to the College
- Providing false personal or contact details, next of kin details
- Providing false documentation or information about immigration history or status
- Forging, counterfeiting, misusing of College documents; soliciting production of false or misleading documents, soliciting misuse of documents; failure to report production of a false document on one's behalf.

Being found guilty of any of the above offences would almost certainly oblige the College to report a student to the UKVI as a suspected breach of conditions of permission to stay in the UK (especially where there exists any suggestion that the documents might have been used for employment or work).

Where the College has documentary evidence that false documents have been produced, the named student will be required to give an explanation. The burden of proof will rest with the student.

The College will always meet our requirements and duties as a sponsor of international students- as a sponsor we are compelled to share all information regarding proven or reasonably suspected breaches in visa conditions to the UK Visa and Immigration without waiting for their request for information.

We will not hesitate to contact or share with information the Police, where appropriate. The College shall reserve the right to enact our own disciplinary actions separately from those taken by the Police or UK Visa and Immigration.

The College will aim to support genuine students, but information shared with the College but as regards certain matters (with particular reference to immigration) there is a **LIMIT TO THE EXTENT TO WHICH INFORMATION PROVIDED TO THE COLLEGE IS CONFIDENTIAL**. While our general policy is not to share information with third parties, we are required to share certain information with the UK Government, the Police, the UK Visa and Immigration, the Courts, etc. Full details can be found in the "Information Policy".

### **ii - Disciplinary Procedure**

The College draws distinction between disciplinary matters which concern the conduct of students at the College, and those which relate to compliance and immigration matters for sponsored students. The College has far less use of discretion as regards students who are 'visa nationals' and under our sponsorship. We would like to draw specific attention to Disciplinary Compliance Offences relating to these students which include (but are not limited to):

#### **Disciplinary Compliance Offences**

- **Failure to enrol on time**, or to provide a sufficient explanation as to the reason for non-enrolment (with supporting documentation, where required). Please note that a student who is sponsored for immigration purposes as a Tier 4 (General) international student is required to enrol during their enrolment period, as specified on their CAS letter (i.e., the period between Course Start Date and Latest Permissible Date of Entry). Where a student is late in arriving



the College will make strenuous attempts to contact them using the telephone and email addresses provided (there is often insufficient time to contact an overseas student by post,) and by any agent, overseas office or contact who assisted with the student's admission. Where a response is not promptly forthcoming the College is obliged to report the student to the UK Visa and Immigration as an unexplained non-arrival. **Where a student has been reported as an unexplained non-arrival, the College will summarily expel the student (without prior notification) who shall forfeit all fees paid** and the College reserves the right to pursue debts accrued for study not yet undertaken.

- **Non-attendance**, we wish to highlight that non-attendance is also a disciplinary offence and any student reported to the UK Visa and Immigration as having had their sponsorship terminated due to non-attendance or unsatisfactory attendance will concurrently be considered to have been expelled (without receiving separate notification of expulsion in addition to notification of compliance proceedings and, ultimately, of termination of sponsorship, as detailed in the attendance policy). The student shall forfeit all fees paid and the College reserves the right to pursue debts accrued for study not yet undertaken.
- **Failure to inform the College of changes, or provide documentary evidence relating to immigration status.** Whether wilfully or by negligence, where a student misrepresents their immigration status to the College, we reserve the right to expel the student. In such cases judgement will lie with the College Board of Governors who will determine from the evidence available the seriousness and extent of the breach of terms of sponsorship and student conduct. College management will also be required to judge whether a student must be reported to the UK Visa and Immigration. Where a student is reported to the UKVI they will be summarily expelled and forfeit fees paid to the College. Where a student has acted negligently the Board of Governors shall determine whether the student should face disciplinary action (which may still lead to expulsion and forfeiture of fees) or, where a student does not have existing leave to remain in the UK whether they will be considered ineligible for further sponsorship (which is distinct from expulsion because the student would still be permitted to attend further examinations and submit assessment from outside the UK).
- **Any breach of visa conditions leading to reporting to the UK Visa and Immigration** should be expected to lead concurrently to summary expulsion without prior warning and forfeiture of fees, at the discretion of the Board of Governors.

Where a disciplinary action falling under Compliance Offences does not lead to a report to the UKVI, or for any other disciplinary matter the College shall exercise our discretion to permit the student an opportunity to explain themselves and provide justification and/or documentary evidence. Where this is not forthcoming, or a student does not attend a scheduled meeting, or does not reply to requests to arrange a disciplinary meeting, or provides an explanation which is deemed irrelevant or insufficient by the College management, the College shall take disciplinary action:

In the most serious cases the student shall be expelled and concurrently reported to the UK Visa and Immigration / financial sponsors, etc. as is appropriate. Expulsion shall be considered appropriate where a student has engaged in one (or more of the following):

- criminal activity,
- acted in an aggressive, threatening or highly offensive or distressing manner, or wilfully damaged College property
- brought the College into disrepute through unfounded comments to the press, wider public or UK Visa and Immigration
- jeopardised the safety of staff or students
- misrepresentation of person or attendance data, or soliciting others to do the same
- repeated / ongoing failure or refusal to pay outstanding fees

Where a student's offence does not warrant expulsion, disciplinary action shall be at the discretion of the management and will usually include a warning about future conduct, and that subsequent disciplinary offences are likely to lead to expulsion.

Where a student has been found to be in breach of the disciplinary code the College shall have recourse to measures including:

- recording the offence on the student's record
- informing the awarding body
- withholding references

## **Student Welfare Officer**

The College has Student Welfare Officers to provide the level of service required by our students, but within the means available to a smaller institution.

We encourage any student facing difficulties to initially take recourse to the Student Managers, but also recognise that students may face a range of more serious problems - especially those who have newly arrived in the UK.

The College has delegated two members of staff (one male, one female) as Student Welfare Officers, who will be available throughout the week, by appointment.

A central record of all cases requiring referral to a Student Welfare Officer shall be kept, with the highest seriousness given to the confidentiality of those involved.

Where Student Welfare Officers are not competent to deal with the matter, the College shall provide referral to professional or external help.

## **Counselling**

The College is not able to offer a professional counselling service for students who may feel under pressure, suffer from mental health issues or experience crisis while they are in London. We would encourage students in such situations to ask the College for guidance, but primarily to take recourse to external help:

<https://www.samaritans.org/> - a service for people in distress, which can be contacted by phone, email, letter or by finding a local centre via the website

<http://www.studentsagainstd Depression.org> - a reference site for guidance and information

<http://www.lदान.org.uk/> - London Drugs and Alcohol Network

<http://www.talktofrank.com/> - advice and information about drugs

<http://www.thehavens.org.uk/> - a service for the victims of rape or sexual assault, with specialist centres

<http://www.bacp.co.uk/> - British Association for Counselling & Psychotherapy

## **Useful Numbers / Websites; FAQs**

In addition to the Immigration Advice information given above, students may require assistance from:

[www.GOV.uk](http://www.GOV.uk)

the website of the UK Government - includes links to Health Services (including GP (doctor) and Dentist registration; student finance; transport; community; working

<http://www.tfl.gov.uk/>

Transport for London - includes timetables; Underground, Bus and National Rail Maps; Journey Planners; planned disruptions

<http://www.ukvi.homeoffice.gov.uk/>

Home Office / UK Visa and Immigration

This service can help you diagnose minor health issues and advise you when you are required to see a doctor. It is open 24 hours per day, seven days per week, including all holidays, and is free and confidential.

For general information (finding services - doctors / dentists / specialists, etc.) refer to the National Health Service:

<http://www.nhs.uk/Pages/HomePage.aspx>

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Citizens Advice Bureau is an independent charity whose purpose is to offer free and confidential information on financial, legal and consumer matters. In certain circumstances they may be able to negotiate on your behalf or represent you in legal matters.

## **Student Handbook**

The College provides a Student Handbook which contains general information about the College and student life. Students have access to all student and programme handbooks/Specification on the Student Web portal after registration.

Module Descriptors are given to students after enrolment and contain all relevant course information (module content and assessment methods, reading lists, etc.)

## **Student Property**

The College strives to maintain a safe and secure site for students and staff, but expect staff, students and visitors to take responsibility for any possessions they bring on site. The College does not provide secure holding facilities and advises staff, students and visitors not to bring valuable possessions onto the property. All possessions must be kept with their owner at all time (as is the case in the whole of central London) to avoid theft or possible security alerts.

Where loss or suspected theft of property is reported to the College we will do what we can to assist - including by the use of on-site CCTV. Where theft is identified the College reserves the right to contact the Police and/or enact disciplinary procedures against the culprit.

The College would like to bring particular attention to the use of laptop computers on our site, as these are typically the most expensive item a student would bring. The College will not accept liability for loss or damage to laptops, whether by electrical damage or misuse.

The College will not accept liability for loss or damage to student property

## **Work Entitlements**

Students on different visas will receive different work entitlements. It is extremely important that students are aware of the extent of their right to work in the UK.

Students on visas who have work entitlements will be permitted to work for different numbers of hours during term and holiday times. The respective course and holiday periods can be confirmed by College staff, upon request, and students who want to work full-time must be very careful to ensure that they do not work in excess of their permitted number of hours, or work full-time during term time. The College will always provide the UKVI with information to confirm course dates.

Next Review Date: November 2020

Reviewed By: Academic Board