

# Procedures for dealing with the misuse / abuse of Library facilities and / or breaches of the Library Regulations: students, staff and external users

## 1. Introduction

- 1.1 This document describes the procedures for handling suspected cases of misuse/abuse of Library facilities and/or breaches of the *Library Regulations* (referred to as the *Regulations* throughout). A number of roles are explained in terms of specific functions within these procedures. These procedures indicate the actions to be taken in the event of suspected misuse/abuse of Library facilities and/or breaches of the *Regulations*.
- 1.2 For the purpose of these procedures misuse is an unintentional action while abuse is a deliberate action – examples given below.
- 1.3 This procedure will be applied fairly and equitably, in accordance with the University's *Equality and Diversity Policy* and the principles of 'natural justice' [see General Context – The University's Disciplinary Framework – Regulations on Student Discipline in relation to non-academic matters].

## 2. Definition of roles

- 2.1 **Library Regulations Implementation Officer**  
The Library Regulations Implementation Officer is normally the Assistant Director Customer Support who is charged with responsibility for the implementation of the *Regulations*. In his/her absence, the Director of Information Services will have responsibility.
- 2.2 **Investigating Officer**  
The Quality and Standards Manager will normally act as the Investigating Officer and will assess cases of suspected misuse/abuse of Library facilities and or breaches of the *Regulations* and will initiate such investigations and actions as are appropriate under these procedures. In his/her absence, the Assistant Director Planning and Administration will have responsibility.

### 3. Withdrawal of Access

- 3.1. The Investigating Officer will withdraw specific Library facilities during an investigation of a suspected case of misuse/abuse or a breach of the *Regulations*:
- A user's access to Library facilities will be suspended or curtailed;
  - A user's access to their Kent log-in will be suspended as a non punitive measure to gain a user's attention
  - A user's ability to borrow will be suspended or curtailed;
  - Access to specific services will be withdrawn.
- 3.2 In all cases other than the circumstances listed in paragraph 3.3 below, cases of misuse/abuse of facilities or breach of the *Regulations* (but not minor matters) should be reported to the Investigating Officer or their representative **before** any action is taken (by telephone and or email – and a FootPrints ticket created (Welcome Desk) the ticket should be assigned to the Quality & Standards team).
- 3.3. A member of Information Services will temporarily withdraw access to Library in the following circumstances:
- To ensure the security and continued operation of the Library;
  - Following the immediate removal of a user from the Library;
  - To preserve evidence for an investigation;
  - To prevent the University being brought into disrepute.

### 4. Investigation of suspected misuse by students

- 4.1 If a complaint about misuse of Library facilities or a breach of the *Regulations* by a student is reported to a member of Information Services staff, or a staff member reports misuse of facilities or breach of the *Regulations*, the case and any actions taken must be reported on Footprints and the ticket assigned to the Investigating Officer.
- 4.2 On receipt of a complaint about, or a report of, a suspected case of misuse of facilities or breach of *Regulations* the Investigating Officer will:
- Acknowledge the complaint, where appropriate;
  - Initiate an appropriate investigation if appropriate;
  - Ensure that records are kept of all evidence collected, and actions taken, during the investigation, along with other relevant materials if appropriate.
- 4.3 Students who are reported for repeatedly misusing Library facilities or breaching Regulations will be deemed to have abused Library facilities/regulations.

## 5. Investigation of suspected abuse by students

- 5.1 If a complaint about abuse of Library facilities or a breach of the *Regulations* by a student is reported to a member of Information Services staff, or a staff member reports abuse of facilities or breach of the *Regulations*, the case and any actions if taken must be reported to the Investigating Office (by telephone, email as well as recorded on Footprints and the ticket assigned to the Investigating Officer).
- 5.2 On receipt of a complaint about, or a report of, a suspected case of abuse of facilities or breach of *Regulations* the Investigating Officer will:
  - Acknowledge the complaint, where appropriate;
  - Initiate an appropriate investigation if appropriate;
  - Ensure that records are kept of all evidence collected, and actions taken, during the investigation, along with other relevant materials if appropriate.
- 5.3 The Investigating Officer will collect evidence of the alleged offence. The Investigating Officer can make a formal request to a Systems Administrator to enable further investigations to be conducted. This will be done in compliance with the Regulation of Investigatory Powers Act (RIP) 2000 – (Communications Data) (Additional Functions and Amendment) Order 2006 - for further information see the *Security Procedures for Systems Administrators*.
- 5.4 The Investigating Officer will review the evidence and, if necessary, invite the Library Regulations Implementation Officer to review the evidence and offer advice on appropriate actions. If there is evidence of abuse of facilities or a breach of *Regulations*, the Investigating Officer can withdraw the user's access to the Library and Kent IT account as a non punitive measure.
- 5.5 The user suspected of abusing Library facilities or breaching *Regulations* will be invited to an interview with the Investigating Officer, he/she may be presented with the evidence collected (suitably anonymised where appropriate in sensitive cases) and given the opportunity to comment. This will include an adjournment if he/she requests time to review the evidence before commenting.
- 5.6 Following the investigation and interview, the Investigating Officer will come to one of the following conclusions:
  - 5.6.1 If the Investigating Officer is of the opinion that there has been an abuse of Library facilities or a serious breach of the *Regulations* he/she may notify the Library Regulations Implementation Officer and ask the Officer to review the case. The matter will be reported to the Director of Information Services for advice on how to proceed.

5.6.2 The Investigating Officer will make a decision on whether an offence against the *Regulations* has been committed and, if so, will then decide on the appropriate action as described in paragraph 5.7 below with (if necessary) the guidance of the Library Regulations Implementation Officer.

5.6.3 If, following the investigation, there is no evidence of abuse or breach of *Regulations*, then:

- All access to Library and IT facilities will be restored;
- All materials collected during the investigation will be immediately destroyed;
- No further action will be taken.

## 5.7 Appropriate action

The following actions are available to the Investigating Officer according to the nature of the alleged conduct.

### 5.7.1 Minor and/or inadvertent misuse

The Investigating Officer will give the user advice and guidance on the appropriate use of Library facilities ; • The user's access to the Library and Kent IT facilities (if suspended) will then be restored.

### 5.7.2 Abuse

The Investigating Officer will give the user an informal warning and a record of the warning will be kept by Information Services;

The user will be required to write and sign a letter acknowledging his/her breach of Library facilities/Regulations, agreeing to abide by these Regulations in future. On receipt of the letter, the user's access to Library/IT facilities (if temporarily suspended) will be restored.

The Investigating Officer will refer the matter to the College Master and may with the advice of the College Master inform the user's tutor [see Regulations on Student Discipline in relation to non-academic matters].

### 5.7.3 Referral in the case of a significant breach of the Library Regulations:

Referral to University Disciplinary Procedures for Students [See Regulations on Student Discipline in relation to non-academic matters].

The user's access to Library/IT facilities if temporarily suspended will not normally be restored until the formal disciplinary procedures have been completed;

All evidence and relevant materials are prepared for presentation to the appropriate University authorities;

The user's tutor, Head of Academic School and College Master will be notified;

The Director of Information Services may refer the case to the appropriate University authorities.

- 5.8 All appeals by students against the decision of the Investigating Officer will be referred to Director of Information Services who will forward the case to the College Master.

## 6. Investigation of suspected misuse/abuse and breach of Regulations by staff

- 6.1 If a complaint about misuse/abuse of facilities or a breach of *Regulations* is reported an investigation as described in paragraphs 4.1 - 4.3 will be conducted.
- 6.1.1 If minor or inadvertent misuse of facilities or a minor breach of the *Regulations* is suspected by a member of staff the Investigating Officer will investigate and may suspend Library/IT access. The user may be given advice and guidance on the appropriate use of facilities.
- 6.2 Where suspected abuse by a member of staff is reported to Information Services by Professional Services/Academic Schools or Human Resources (HR) (where HR are not already involved the Investigating Officer will notify HR). A full investigation will be carried out as described in paragraph 4.1 – 4.3. This will be undertaken by the Investigating Officer with support from HR. In all cases the relevant Head of Academic School/Professional Service will be informed by HR.
- 6.3 If it is deemed appropriate based on the allegations made, action will be required to ensure that the investigation can be undertaken in a full and unhindered way.
- 6.4 If, following the investigation, there is no evidence of Library misuse/abuse then.
- All access to Library/IT facilities will be restored.
  - All materials collected during the investigation will be immediately destroyed.
  - The matter will be closed
- 6.5 If, following the investigation, there is evidence of Library misuse/abuse a disciplinary interview will be arranged by HR. All investigatory action and, where appropriate, disciplinary action will be undertaken in accordance with the appropriate University disciplinary procedure, namely the Disciplinary and Dismissals Procedure Agreement for Staff in Grades 1-6 or the Code of Practice under Statute 7.
- 6.6 Advice from Information Services, via the Investigating Officer, will be made available to any such investigation/disciplinary interview and in the case of the latter, it is possible that he/she and or other officers within IS will be required to attend as an expert witness.

## 7. Investigation of suspected misuse/abuse of facilities or breach of Regulations by external users

- 7.1 If a complaint about misuse/abuse of Library facilities by an external user is reported to Information Services staff or Information Services suspects misuse, an investigation as described in paragraphs 4.1 - 4.3 will be conducted. For definition of 'External User' see *Regulations 2(v)*.
- 7.2 If there is sufficient suspicion the *Regulations* have been breached, then all access to Library facilities will be withdrawn immediately, although mitigating circumstances will be taken into account.
- 7.3 All appeals by external users against the decision of the Investigating Officer will be referred to the Director of Information Services or if prior involvement the Pro-Vice-Chancellor whose decision will be final.

## 8. Retention of Evidence

- 8.1 All relevant data will be retained during the investigation and data collected during an investigation will be retained as supporting evidence in any disciplinary process.
- 8.2 Evidence used in a formal staff disciplinary action will be retained in accordance with University data retention policy.
- 8.3 Evidence used in an informal or formal student disciplinary action will be retained for up to four years and then destroyed. This information will be kept for the purpose of informing decisions on repeat offences
- 8.4 All retained evidence will be held securely. It will only be accessible by the Investigating Officer and the Library Regulations Implementation Officer and the Director of Information Services.
- 8.5 Copies of any personal data held on individuals will be supplied under the provisions of the *Data Protection Act 1998*.

## 9. Review

- 9.1 This procedure will be reviewed annually or in the light of any new or amended relevant legislation.