

# **Residential Discipline Policy**

## **Estates & Facilities Directorate**

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### Change History

<u>Policy Version</u>	<u>Effective Date</u>	<u>Significant Changes</u>
1.1	August 2018	Changes to titles within the department, update all links to replace out-dated documents.
1.2	April 2019	Allowing for incidents to be referred straight to Disciplinary Board where the evidence is undeniable, inclusion of reprimands for under-18 and alcohol related incidences, inclusion of the ability to exclude from Residences after only one charge of misconduct, reprimands around vaping, change of Warden name to Residence Welfare Lead. Clarification around appeals process to Student Conduct and Appeals Office.
1.3	August 2020	Updated hyperlinks to related documents, adjustment for new titles, inclusion of disciplinary outcome – Termination of License Agreement, inclusion of Under18 specific misconduct, inclusion of process under COVID-19 guidelines, inclusion of Student Conduct and Appeals recommendations.
1.4	October 2020	Inclusion of Appendix 1 - COVID-19 residential breach process. Inclusion of COVID-19 related health and safety misconducts within Categories of Misconduct, updated process under “cases referred to local management”. And clarity on cases referred to Student Conduct and Appeals.
1.5	April 2021	Aligning the policy to the new year Terms and Conditions of the King's Residences License Agreement, hyperlinks updated, clarity on issuance of 2 red warnings outcomes, clarity on handling weed allegations, revision of COVID-19 conduct process, updated ResiConduct contacts.

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## **1. INTRODUCTION**

This policy is governed by the College's G27 Academic Regulation – Misconduct for 2021/22 and is supported by the current King's Residences Licence Agreement 2021/22. Thus, they should be read together for a fuller understanding of the management of residents' conduct in College accommodation. This policy applies to all King's Residence license holders for the academic year 2021/2022.

This Policy will be reviewed annually to ensure that it is aligned to the Terms and Conditions of the King's Residence License Agreement for each academic year. However, King's Residences reserve the right to amend the terms of this Policy throughout the academic year without consultation should the need arise.

At the annual review, King's Residences will engage with the Students Conduct & Appeals Office, the student body via KCLSU and Student Welfare Staff (Residences Welfare Leads) to ensure the policy remain current and practicable.

KCLSU expects students not to breach this policy and will promote compliance with University rules and regulations. They will also provide support and representation to students who are the subject of action under this policy. Students are strongly advised if they need support to contact KCLSU if they are subject to any disciplinary action. The contact page can be found here: <https://www.kclsu.org/help/advice/nonacademicsupport/>

## **2. AIMS**

The College views being a student as a privilege and an opportunity for personal and academic development, with all that this implies in regard to appropriate behaviour and mutual respect. Life at King's Residences should be a pleasant experience for all, however, this can be jeopardised by unacceptable behaviour. The College hopes that disciplinary sanctions will not be necessary and that all students will enjoy a rich and fulfilling experience; however, students failing to collaborate to a positive and tolerant environment can expect King's Residences to act in accordance with this policy in matters of discipline with College accommodation.

## **3. PURPOSE**

The purpose of the Disciplinary policy is to:

- Remind all students from time-to-time, as may be necessary, of the standards and behaviours required of them.
- Give all students the right to be advised of any shortcomings in their standards and behaviour and to give them the opportunity to remedy such shortcomings.
- Prevent undisciplined or unreasonable behaviour adversely affecting the educational objectives of the College or interfering with the establishment and maintenance of effective working relationships and communal living within the residences.
- To educate and support students with identifying healthier, safer and more community-friendly ways of living.
- To promote a safe living environment for all.

#### **4. DEFINITION**

The T&Cs set out how King's Students (along with their partner/spouse/visitors/guests) are expected to conduct themselves during their residency with King's Residences.

#### **5. KEY AREAS COVERED UNDER RESIDENTS DISCIPLINE**

Residents are expected to not do anything that may prejudice good estate management and the smooth running and efficiency of the residence they live in. The following are examples of acts of misconduct which may lead to disciplinary action, but this is not intended to be an exhaustive list:

- The use of any unlawful drugs or other controlled substances (referred to Student Conduct and Appeals);
- Possession of dangerous or offensive items including firearms and non-domestic knives (referred to Student Conduct and Appeals);
- Interference with fire doors, fire alarms, smoke detectors or fire exits;
- Failure to evacuate halls in the event of a fire alarm;
- Anti-social and inconsiderate behaviour including noise towards fellow residents, guests, staff, contractors or members of the general public and local community;
- Throwing items, including food and litter, out of windows;
- Causing annoyance or nuisance to other residents, staff or to occupants of neighbouring properties;
- Smoking/vaping inside residential buildings, outside designated smoking areas in residential grounds or within 5 metres of any College building;
- Failing to keep common areas clean and tidy and, in particular, failing to ensure that kitchen equipment, utensils, crockery and cutlery are washed and put away promptly after use and waste and re-cycling bins are emptied regularly;
- Any behaviour which may be perceived as harassment or annoyance to other residents or residence's staff (case may be referred to Student Conduct and Appeals);
- Any behaviour which may be perceived to be harmful (physically or psychologically) towards other residents or residence's staff;
- Persistent use of accommodation by a guest that exceeds the designated stay limit or subletting of the bedroom covered by the license agreement
- Failure to adhere to the Health and Safety guidance set out by King's Residences, most notably in relation to COVID-19 specific rules.

#### **6. LIMITATIONS**

The following procedures cover action to be taken in response to behaviour covered by the current terms and conditions of the [King's Residences Licence Agreement 2021/22](#). Other behaviour by students on or off campus should be dealt with under the College's [G27 Academic Regulation - Misconduct](#).

#### **7. APPLICATION OF THIS POLICY**

This Policy applies to all King's College London ("the College") undergraduate, postgraduate, pre-sessional and PhD students ("KCL Students") who reside at King's Residences. This includes students on all study abroad programmes & pre-sessional programmes. Where a student occupies a couple's flat, this Policy extends to their partner, spouse and/or visitors/guests as supported by the T&Cs:

*9.6 You are responsible for the conduct of any invited Visitor(s). We may remove Your Visitors from the Residence if We have reasonable grounds to believe that this is necessary for the safety or well-being of others.*

## **8. REPORTING MISCONDUCT**

College staff and students should report concerns about any King's students' conduct within King's Residences to the Day or Night Reception Team, the Residences Welfare Lead on duty or the Residence Manager if they are on duty (the "First Responder"). Reporting can be done verbally by the staff/student or by email or phone. Under COVID-19 guidelines, we encourage reporting to be done by digital means only so social distancing can be observed safely.

### **Initial Inquiry by a First Responder**

The First Responder is usually a member of the Day or Night Reception Team, the Residences Welfare Lead on duty or the Residences Manager. They will be responsible for making the initial inquiries into the incident, once an alleged misconduct is reported to them.

The First Responder's priorities will be of:

1. ensuring the safety of the premises, residents and staff in line with the appropriate safety guidelines (COVID-19 social distancing measures)
2. gathering evidence and submitting a report using either an Incident Report, Security report or a Fact Finding Investigation report to the ResiConduct inbox (resiconduct@kcl.ac.uk), and
3. where possible, confirming any alleged misconducts

Student representatives such as Community Facilitators and Hall Leaders are not First Responders. If an alleged misconduct is reported to a Community Facilitator, they shall report the alleged misconduct to a First Responder immediately.

If, on their initial inquiries, the First Responder considers the incident to be urgent and/or believes it to break the law, they must immediately contact the Emergency Services and/or the Residences On-Call Manager for further advice and guidance. The On-Call Manager will confirm who, if anyone, should contact the Emergency Services if this has not yet been done and will also take responsibility for escalating the incident to the necessary Senior Management Team (as needed).

The First Responder shall provide the Residences Welfare Lead, Residence Manager and/or the On-call Manager, depending on the relevance and severity of the case, with information regarding the report of misconduct and the process that the First Responder carried out in their initial inquiries, the evidence gathered using the Incident Report Form and from any other sources, and state the First Responders allegation of misconduct following their inquiries (i.e. confirmation of the original allegation or otherwise).

Following the initial inquiry carried out by the First Responder, allegations of misconduct are referred via the submission of the report to the relevant staff, as per above, at the first available opportunity and within 24 hours of the First Responder's initial inquiry.

Where an alleged verbal or physical assault has been perpetrated by a resident on a member of staff, the immediate report to the line manager may be verbal or written but a written report will normally be required within 24 hours.

## **9. INVESTIGATION BY THE CASE MANAGER**

All reports/allegations of misconduct are referred to a Case Manager, who normally will either be the Residence Manager or appropriate colleague within the King's Residences team.

The manager assigned as the Case Manager will analyse the available evidence submitted by the First Responder and may choose to investigate further to gather additional information as they see fit. This additional information may consist of; conducting a fact finding investigation interview with all parties alleged to be involved in the incident including witnesses; reviewing CCTV footage and security logs, reviewing the students key card usage in and around the building and reviewing the resident's conduct file for evidence of any previous cases of misconduct etc. ("Initial Inquiry Evidence"). Please note – investigation interviews will be conducted in line with current COVID-19 Government guidelines and social distancing measures.

In cases where the evidence submitted by the First Responder is incontestable, such as photographic evidence of the incident, student confession in writing of incident or student caught in the act of misconduct, the Case Manager can decide to refer the case straight to the Residences Wellbeing Manager without further investigation.

On completion of their investigation, the Case Manager will compile a Fact Finding Investigation report outlining the fact finding meeting with the alleged offender/s and witnesses, the evidence and the outcome of the meeting. The Case Manager will send the report to the Residences Wellbeing Manager who will determine, normally within 5 days, whether:

- a) there is insufficient evidence to form the basis of a charge of misconduct ; or
- b) there is sufficient evidence to form the basis of a charge of misconduct which constitutes a minor infringement of the regulations; or
- c) there is sufficient evidence to form the basis of a charge of misconduct which constitutes a major infringement of the regulations; or
- d) there is sufficient evidence to form the basis of a charge of misconduct which constitutes an major infringement of the regulations.

## **10. CONSEQUENCES OF MISCONDUCT**

Misconduct by a resident of King's Residences may result in one or more of the following sanctions, for the matters dealt with under this policy:

- a verbal warning
- an informal written caution
- a formal written warning, which can be green, amber or red
- mediation for victim or conflict related misconducts
- an order for community service to be undertaken
- an order for a compulsory educational session
- an order to pay for damages
- a request for you to move to an alternative room
- Referral to Student Conduct and Appeals

- Referral to the Student of Concern team under the Fitness to Study Policy
- disqualification, on a permanent or temporary basis, from King's Residences

Other sanctions may be applied if the discipline case is escalated to the Students Conduct & Appeals Office; these are detailed on the College's Misconduct Policy 2021/22.

## **11. CATEGORIES OF MISCONDUCT & REPRIMANDS UNDER THIS POLICY**

The following categories represent the levels of action to be taken when dealing with incidents within King's Residences:

1. Minor Misconduct;
2. Major Misconduct

The action taken may be in addition to any costs incurred by the department in carrying out any repairs, replacements or cleaning required rectifying any damage or disruption caused by the student(s) concerned.

There are five stages, and action may commence or be taken at any stage depending upon the seriousness of the offence and the existence of current warnings against the student.

1. Recorded Verbal Warning – For minor disciplinary matters, but will still be formally recorded in the Residence's Case Management database for one year.
2. Green Warning – For more serious cases or repetition of minor disciplinary matters, these will be issued in line with the matrix below and will be logged on the Residence's Disciplinary database for the entire duration of the student being in residences and where appropriate notified to the relevant department within Student Services.

(These first two stages are dealt with at a local level and will not necessarily involve a formal Investigative Interview or offered the Right of Appeal to the Associate Director of King's Residences)

3. Amber Warning – If disciplinary action becomes necessary following a Green Warning, or in the first instance of a more serious misconduct. This can be issued by the Residence Manager when it relates to fire safety; otherwise these are only issued following consideration by the Residences Disciplinary Board.
4. Red Warning – This will be issued on the recommendation of the Residences Disciplinary Board, or prior to that when the situation demands immediate action to safeguard other residents and/or staff, with the appropriate notice by the Residences Wellbeing Manager in consultation with the Head of Resident Experience and Operations.

5. Termination of Licensing Agreement - Where there is sufficient evidence to form the basis of 1 (or more) major infringements that place the physical or mental health of others at risk, it will be at the Board's discretion to either issue multiple charges, or in consultation with the Head of Resident Experience and Operations and Associate Director for King's Residences, they can where appropriate issue a termination of accommodation license agreement. The student will be expected to leave their Residence within an agreed time frame (2 weeks as a suggestion for notice, but this can be flexible dependant on the nature of the risk).

*Please note: incidents that involve multiple offences will be dealt with at the same time. Each offence will be considered and either individually issued with an appropriate warning or dealt with under a singular warning. This means in the event of there being multiple offences, there can be multiple misconductary warnings given.*

In the instance when a resident is in receipt of a red warning and a second case of misconduct occurs that is decided by the Residences Disciplinary Board to carry a red warning, the Residences Disciplinary Board (in consultation with the Associate Director of Student Residences and the Students Conduct & Appeals Office) may issue a Notice to Quit alongside the second red warning, and in these cases the student will be expected to leave their Residence within an agreed time frame.

The list below provides an indication of reprimands applied to each case dependent on the nature of the misconduct; this list is not exhaustive:

Areas of Misconduct	Example of Misconduct	Misconduct Category	Who the case is referred to for decision	Decisions to be made in consultation with	Type of Warning Issued - First Time Offenders	Type of Warning Issued - Repeat Offenders	Possible Sanctions in Addition to Warning	Appeals should be directed to
Upkeeping of Accommodation	Unacceptable common room, bedroom and/ or kitchen cleanliness left unaddressed for over 2 days	Minor	Local Management	Head of Resident Experience and Operations	Verbal	Green	Charge for the cost of cleaning	Associate Director of King's Residences
	Rubbish and recycling not placed in the designated areas, i.e. littering						Educational session	
	Bringing a bike into the Residence outside of designated areas				Verbal	Green	N/A	
	Unauthorised alterations or damage to the accommodation, including damage or removal of furniture, equipment or curtains				Green	Amber	Charge for the repairs Educational session	
	Vandalism, damage or misuse of residential property (internal/external)**	Major	Disciplinary Board	Head of Resident Experience and Operations	Red	N/A - repeat offenders will be issued a Notice to Quit to their license agreement	Charge for the cost of cleaning Charge for the repairs Community Service	
Fire Safety	Obstructing communal areas or fire escape routes	Major	Disciplinary Board	H&S Services	Amber	Red	Community Service	First Offence Appeal- Associate Director of King's Residences Second Offence Appeal- Student Conduct & Appeals Office
	Unauthorised use of a personal electric heater or electrical kitchen equipment in bedroom.							
	The use of electrical equipment that does not meet current Health and Safety standards							
	Creating a fire hazard by using or storing flammable or dangerous materials (e.g. candles, incense sticks/burners, fireworks, petrol, paraffin, bottled gas, fairy lights, hookah or shisha pipes).							
	Failure to attend a mandatory fire safety meeting		Disciplinary Board		Red	N/A - repeat offenders will be issued a Notice to Quit to their license agreement	Referral to Student Conduct and Appeals where suspected drug use is involved.	
	Evidence of smoking/vaping inside residential buildings or grounds outside the external designated areas. This includes ash, cigarette butts, smell in rooms, ashtrays, repeated complaints from fellow Residents, caught in the act of smoking/vaping etc.						Educational session	
	Failure to evacuate the building promptly in event of fire alarm, and/or re-enter the building without permission.**							
	Setting off fire alarms through irresponsible actions (for example, use of any electrical equipment that may interfere with the alarm in the bedroom)**							

	Tampering with fire equipment (including fire doors, extinguishers and smoke alarms), or any other action posing a health and safety risk **			H&S Services				First Offence Appeal- Associate Director of King's Residences  Second Offence Appeal- Student Conduct & Appeals Office	
<b>Access &amp; Security</b>	Failure to produce ID card when requested to do so	Minor	Local Management	Head of Security	Verbal	Green	Community Service		
	Leaving windows open when leaving the bedroom						Community Service		
	Failure to shut/lock main entrance doors in the Residence when entering or leaving			Community Service					
	Persistent failure to carry keys requiring staff and/or contractors to enable entrance								
	Deliberate tampering with doors leaving residences insecure (e.g. propping external doors open)	Minor	Disciplinary Board	Head of Security	Amber	Red	Community Service + cost of repairs where applicable		
	Creating an access security breach by marking a key, key fob or key card with the Residences address, lending keys/fobs/access cards to another person or copying keys, key fob or key card and giving them to anyone else	Major					N/A - repeat offenders will be issued a Notice to Quit to their license agreement		Community Service  Charge for the repairs
	Theft by means of taking another person's property without permission or legal right and without intending to return it.								
<b>Guests &amp; Visitors</b>	Failing to accompany a visitor when in residential grounds at all times	Minor	Local Management	Head of Resident Experience and Operations	Green	Amber	N/A		
	Allowing more than 2 day visitors to remain in the Residence buildings beyond 11pm.								
	Having a visitor stay to the annoyance of other occupants or which disrupts their study								
	Allowing overnight guests/visitors to stay for more than 3 nights in any one week, or any more than 20 nights in total in a semester without prior written permission from the Residence Manager								
	Letting strangers into the Residence without following the guest/visitors procedure	Major	Disciplinary Board	Head of Security	Amber	Red	Community Service		
	Subletting your room – allowing use of your room by a guest in exchange for compensation (monetary or exchange of goods/services)						Head of Resident Experience and Operations	Red	N/A - repeat offenders will be issued a Notice to Quit to their license agreement
<b>Noise &amp; Disruption</b>	Playing ball games or with other projectiles in the Residence or outside of designated areas	Minor	Local Management	Residences Wellbeing Manager	Verbal	Green	n/a		
	Making or allowing loud noise (including the use of kitchens, televisions or playing music) between 11pm and 8am						Amber	Red	

	Hosting an unauthorised private party or barbeque							
<b>General Behaviour</b>	Causing annoyance or being disrespectful to other residents or to occupants of neighbouring properties e.g. repeat noise/parties, offensive behaviour or language.				Amber	Red		
	Receiving more than 3 green warnings in the last 3 months, or 5 over the academic year				Amber	Red		
	Abusive behaviour towards residences staff or preventing staff from completing their duties e.g. failure to attend meetings with staff, engaging with staff in a way that is aggressive or confrontational	Major	Disciplinary Board	Head of Resident Experience and Operations	Red	N/A - repeat offenders will be issued a Notice to Quit to their license agreement		Associate Director of King's Residences
	Anti-social language or behaviour that causes upset or distress to other students (this may include but is not exclusive to bullying and harassment, racist/prejudice slurs)**							
	Any behaviour or threatened behaviour that Residences assess places the health and wellbeing of others at risk e.g. throwing anything from balconies and windows							
	Disregard for acceptable behaviour in respect of communal living e.g. abuse of flat communal areas							
<b>COVID-19 health and safety</b>	Failing to adhere to the current Government recommended health and safety guidelines related to COVID-19, which can include: - Failing to wear a face covering (unless exempt) in communal areas - Hosting a gathering of more than 6 people outside of your household - Not adhering to social distancing measures inside the Residence - Bringing in guests during the visitors ban - Not adhering to self-isolation	Major	Local Management	Residences Disciplinary Board	Informal written caution	Automatic red warning	Referral to Student Conduct and Appeals	Associate Director of King's Residences
<b>Unlawful conduct/actions **</b>	For a Resident aged 18 or over to facilitate the consumption of alcohol to a Resident that is under the age of 18**	Major	Disciplinary Board	Head of Resident Experience and Operations	Red	N/A - repeat offenders will be issued a Notice to Quit to their license agreement	NA	
	For an under 18 Resident to be found purchasing alcohol**							
	Possession or use of unlawful drugs (class B & C) or other controlled substances in College accommodation***	Major	Student Conduct & Appeals	TBC by Student Conduct & Appeals				Upon completion of the Misconduct Procedure by the Student Conduct & Appeals team, recommendations will be made to the King's Residences Disciplinary Board regarding further Residences action, inclusive of the issuance of a Notice to Quit for license agreements.
	Physical assault, sexual assault or violent behaviour**							
	Drug dealing or possession of class A unlawful drugs**							
	Possession of dangerous, offensive items (e.g. weapons, laser pens etc.)**							
Serious theft**								

	Behaviour by yourself or any of your guests that breach health, safety and conduct out lined in licence agreement e.g. bullying and harassment**					
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\*\*Offences of this seriousness could lead to criminal proceedings.

\*\*\*In the event a student is suspected of smoking cannabis in the Residences, the Residences Disciplinary Panel will investigate the incident initially under Fire Safety misconduct. A referral will then be made to Student Conduct and Appeals to investigate the possession and use of a Class B substance.

## 12. DISCIPLINARY PROCEDURE

On the basis of the evidence available, the Case Manager will determine the category of the alleged misconduct. The category of alleged misconduct determines the procedure taken as detailed below.

## 13. CASES REFERRED FOR LOCAL MANAGEMENT DECISION

If following the initial inquiries the Case Manager determines the incident to be a Minor Misconduct (or a first offence COVID-19 related misconduct), the Case Manager will continue with the disciplinary procedure at the local management level, as follows:

1. The Case Manager will inform the student in writing of the alleged misconduct, providing the evidence supporting the allegation and inviting the resident to attend a meeting to discuss the allegation. Meetings will take place in line with COVID-19 Government guidelines in mind, meaning it may be necessary to conduct the meeting digitally. The resident will have 7 days to confirm their attendance or request an alternative date. The resident will be informed of their right to be accompanied at the meeting by a peer or KCLSU adviser. If the student fails to respond to the allegation, the site manager can continue with this procedure in any event. (Students under the age of 18 years are encouraged to invite a parent/guardian to this meeting). **Please note:** where there is evidence of a COVID-19 related misconduct, the Case Manager has the right to issue an informal written warning by email to the student(s), alongside the supporting evidence, without the need for a meeting as per Appendix 1 of this policy.
2. The Case Manager will consider all of the evidence available, including the student's response at the meeting, to reach a decision, usually within 7 days of the deadline for the student's response, as to whether the student has breached the Residence Agreement T&Cs.
3. The Case Manager has authority to consider and issue Verbal and Green warnings in addition to other sanctions such as fines and community service as outlined on the Categories of Misconduct & Reprimands under this Policy section.

## 14. CASES REFERRED FOR RESIDENCES DISCIPLINARY BOARD DECISION

If following the Initial Inquiries the Case Manager determines the misconduct to fall under those assigned to the Residences Disciplinary Board on the "Categories of Misconduct & Reprimands under this Policy", the Case Manager will hand over the handling of the case to the Residences Disciplinary Board (the "Board"), who will proceed as follows:

1. On referral, the Chair or nominee can choose to investigate further and to seek additional information as they see fit ("Additional Information"). Any further investigations shall be completed within 14 days from the date the case is referred to the Board. Please note: where there is evidence of a repeated COVID-19 related misconduct, the Residences Disciplinary Board has the right to issue an immediate written red warning by email to the student(s), without the need for a meeting as per Appendix 1 of this policy.
2. The Board will meet at the earliest opportunity to consider the case (a "Board Hearing"). This can be held in-person or digitally, depending on current guidelines on social distancing. The Board composition will be as follows:
  - Chair: Residences Residences Wellbeing Manager, or their nominee
  - Secretary: Operations Assistance, or their nominee
  - A Senior Welfare Lead or Residence Manager (where possible)
  - The Head of Resident Experience and Operations, or their nominee
  - A KCLSU student panel volunteer (where possible)

- Other managers who should be consulted with as part of the decision making process as outlined on “Categories of Misconduct & Reprimands under this Policy”

The Board shall be composed to ensure none of the Board members have been involved with the student's residence disciplinary at any prior stage.

Where possible the board must comprise of at least 3 of the above mentioned members to present at the meeting; however, 2 Board members will suffice for the meeting to quorate.

3. The Board's Secretary will issue the student with an "Attendance Required" letter. The letter shall inform the student in writing of:
  - a. the allegation of misconduct as decided by the appropriate manager;
  - b. that the alleged misconduct is deemed serious enough to warrant consideration by the Board;
  - c. the evidence supporting the allegation (including but not limited to the Initial Inquiry Evidence, the submissions made by the student in the Local Management Procedure, the Case Manager's Decision, and any Additional Information)
  - d. the date, time, location of the Board Hearing and whether the Board's Secretary considers that witnesses should be invited to the hearing. The student accused will not be given less than 7 days' notice of the date of the hearing. The Board Hearing can be in both term time and vacation time. Please note: if social distancing guidelines advise against an in-person meeting, the student will be given the option to submit a written personal statement to the Board via email within 7 days of receiving their Attendance Required letter. Alternatively, if the student would like to speak with the Board, a digital meeting can be requested.
  - e. if the Board's Secretary considers that witnesses would be valuable, the "Attendance Required" letter will inform the student of which witnesses the Board intends to invite and give the student the opportunity to request a maximum of 2 witnesses.
  - f. the right for the student facing a warning to be accompanied at the Board Hearing by another College member, a family member or friend or a member of the KCLSU. A KCLSU advisor may speak on the students behalf if it is strictly necessary, or where the student is having difficulties.
    - i. if the student is to be accompanied, the name(s) of the person/persons who is/are to attend must be received in writing by the Board Secretary at least 48 hours in advance of the hearing. The Chair of the relevant College Misconduct Committee or Appeal Committee has the discretion to refuse to permit a representative, friend or family member to attend where prior written notice has not been given.
  - g. the process to take place at the Board Hearing; and
  - h. that the student has the opportunity to respond in writing to any further evidence not considered within 5 days of receiving the Attendance Required Letter with supporting evidence, limited to 10 pages.
4. The Board Hearing will normally take place in person or via a digital meeting platform and will proceed as follows:

- a. The Case Manager, or their nominee, will make submissions to the Board regarding the allegation of misconduct and present any evidence in support of its submissions; the Board will have the opportunity to ask questions regarding the Case Manager's submissions
  - b. The student will then make submissions to the Board regarding the allegation of misconduct and present any evidence in support of their submissions; the Board will have the opportunity to ask questions regarding the student's submissions. In the instance the student has submitted a statement to the Board for consideration in place of a meeting, the Board will read together the submission.
  - c. Where pertinent, witnesses will then be asked to provide their account of events surrounding the alleged misconduct; the Board will have the opportunity to ask questions of each witness
  - d. The Board will have the opportunity to ask any final questions of the attendees;
  - e. Once the student's case has been fully presented, the Board Chair will adjourn the meeting for a period of time depending on the complexity of the matter(s) to be considered;
  - f. Once all the facts and information have been fully considered, the Chair will reconvene the hearing and advise the student of his/her decision where it has been made; and
  - g. Confirmation of the decision will also be provided in writing within 7 working days after the conclusion of the hearing.
5. The Board Chair has authority to consider and issue Green, Amber and Red warnings, and/or to further refer cases to the Student Conduct & Appeals Office, in addition to other sanctions such as fines and community service as outlined on the "Categories of Misconduct & Reprimands under this Policy".

## 15. INFORMING RESIDENT OF OUTCOME

If the student is found to have breached the Residence Agreement T&Cs, the decision will be communicated to the student in writing within 7 working days of the Local Management's or Board's decision being made (the "Disciplinary Outcome Letter"):

- The written evidence and outcome letters confirming the decision made by Local Management or Board shall be kept on the resident's electronic file for the entire duration that the student lives in residence, where there is a finding that the student has breached their Residence T&Cs.
- If the student is found not to have breached the Residence Agreement T&Cs, the individual will be advised of this in writing and no further action will be taken under this procedure.

## 16. CASES REFERRED TO STUDENT CONDUCT AND APPEALS

Alleged Major Misconduct may be referred to Students Conduct & Appeals by the Residences Disciplinary Board, prior to any action being taken by King's Residences staff, to be dealt with under the College's Misconduct Regulations. This includes cases as per Appendix 1, that relate to Major Misconduct in relation to COVID-19 health and safety. Similarly, major alleged offences may be referred to Student Conduct and Appeals through other College channels, such as a direct student referral. Where involved individuals are residents and the misconduct charges are upheld, this may incur residences-related recommendations from the Head of Student Conduct and Appeals, such as a compulsory relocation to an alternative residence or the issuance of a Notice to Quit of the students license agreement. This will be issued in consultation with the Associate Director of King's Residences, the Director of King's Community Business Services and Student of Concern Management Group.

## 17. UNDER 18 MISCONDUCT MANAGEMENT

Whilst this Policy is applicable to all students living in Residences, it is important to draw attention to the behaviours of a particular group – the under-18 students. All under 18s students who are living at King's Residences are informed upon signing their contracts that part of their care whilst in King's Residences is the daily monitoring of their campus card activity. Under-18s are expected to use their student ID card at least once every 24 hours (7 days a week) to 'touch in' on the access card readers at the Residence or on any KCL campuses. Access card readers are located on most doors or barriers in all buildings throughout King's College London. The student ID will then register student activity, which will be reviewed by the Residences Safeguarding Team daily. If for any reason, an under-18 is unable to use their student ID card in a 24 hour period, they may also use the [Under 18s Daily Check-In Form](#) to register student activity. The purpose of this monitoring activity is to ensure the safety and welfare of these students whilst they are of a vulnerable age.

If a student does not touch their card on a reader and more than 24 hours have passed, they will appear as 'missing' on the daily report generated by the monitoring system which triggers the missing person process, as outlined below:

- Safeguarding team identify a student who has been inactive for 24+ hours on the daily report.
- Team member or receptionist will knock on the student room door to check if they are at home.
- Team member will call, text and email the student (on both KCL and private email address registered with the College) and wait for up to 90 minutes for the resident to respond.
- If there is no response within 90 minutes, Safeguarding team will proceed to make contact with the missing persons flatmates, check IT activity and also contact the student faculty if applicable.
- If there is still no luck in finding the student, the safeguarding team will make a last attempt to call the student. The allowed time for the search of the student is a maximum of 2 hours.
- If after 2 hours all attempts have proven unsuccessful, the safeguarding team will call the Police to report the student as missing as part of the standard operating procedure for students under 18 years of age. Once reported we will obtain a Police reference number, record the incident on to the relevant system and Residences Senior Management Team will be informed.

### Stage 1 – Verbal Warning

In the instance that an under-18 student repeatedly shows as “missing” on the daily monitoring report due to negligence, the student will be invited to an informal meeting with a member of the Safeguarding and/or Welfare team. The purpose of the meeting is to ensure the student fully understands the importance of the monitoring process and to give them the opportunity to improve on their vigilance for future.

### Stage 2 – Written Warning (green)

If a student who is in receipt of a verbal warning for negligence for the under-18 monitoring person persists in appearing as missing on the daily reports, more formalised action will be taken. The student behaviour will be reviewed and the student may then be issued with a written Green warning. This will remain on their file for the duration of their stay in Residences.

### Stage 3 – Disciplinary Board Hearing (refer to 14)

In the instance an under-18 student is in receipt of both a verbal (stage 1) and written (stage 2) warning, it may be necessary to escalate the student to a formalised Disciplinary Board Hearing. The Disciplinary procedure will then be followed accordingly and an appropriate outcome decided. This can include a more

severe written warning (amber, red) and/or referral through the College “Student of Concern” process to alert the central Safeguarding team of the matter. In cases where there is additional concern for the student, it may be necessary for the Next of Kin to be contacted, in line with the Residences Welfare Policy.

## 18. RIGHT OF APPEAL

Under this policy, a resident may submit an appeal against the outcome reached by the Residences Disciplinary Board, if the grounds for appeal satisfy either or both criteria below:

- a) there is new evidence that could not have been, or for good reason was not, made available at the time of the hearing, and sufficient evidence remains that the appeal warrants further consideration; or
- b) evidence can be produced of significant procedural error on the part of the College before or during the hearing.

## 19. DECISIONS MADE BY LOCAL MANAGEMENT

Following the written confirmation of the Local Management decision, an appeal must be submitted in writing, within 14 days, to:

*Associate Director of King’s Residences*

*King’s Residences Management Office*

*165 Great Dover Street*

*London*

*SE1 4XA*

Or by email to [kingsresidences@kcl.ac.uk](mailto:kingsresidences@kcl.ac.uk)

The grounds for the appeal must be clearly stated as part of the request and residents should include any supporting documentation they wish to have considered together with a statement of appeal outlining how they believe their case meets either or both of the criteria outlined above.

The Associate Director for King’s Residences will have the discretion to take into account grounds (including grounds of compassion) other than those stated above in deciding whether to allow an appeal to be heard.

If the Associate Director for King’s Residences decides to allow an appeal to be heard, they will appoint an Appeal Committee. They will normally advise the resident, in writing, of their decision on the appeal application within 28 days of its receipt. The written notice of the Appeal will include:

- a) the grounds on which the appeal has been allowed;
- b) the date, time and location of the Appeal hearing. The student will not be given less than 7 days’ notice of the date of the Appeal hearing. The Appeal Hearing will be in term-time, but the notice period can occur during vacation. Where COVID-19 restrictions apply, it may be necessary for the Appeal hearing to be held digitally to observe social distancing.
- c) the composition of the Appeal Committee;

- d) copies of all papers to be considered by the Appeal Committee, including any statements from Residences Representative(s)
- e) if the student wishes to present any further evidence, this material must be supplied to the Associate Director for King's Residences at least 7 days before the Appeal date.
- f) the Associate Director for King's Residences will supply the members of the Appeal Committee, a minimum of five days in advance of the hearing, with the grounds for appeal with supporting documentation, the papers presented at the hearing from which the appeal arises and a statement from Residences Representative(s) in response to the grounds for appeal
  - a. the right for the student facing a charge of misconduct to be accompanied at the Board Hearing by another College member, a family member or friend or a member of the KCLSU. A KCLSU advisor may speak on the students behalf if it is strictly necessary, or where the student is having difficulties.
  - b. if the student is to be accompanied, the name(s) of the person/persons who is/are to attend must be received in writing by the Board Secretary at least 48 hours in advance of the hearing. The Chair of the relevant Appeal Committee has the discretion to refuse to permit a representative, friend or family member to attend where prior written notice has not been given
- g) the process to take place at the Appeals Hearing (digital or in-person)

If an appeal is rejected, the Associate Director for King's Residences will provide the student with the reasons in writing.

## 20. DECISIONS MADE BY THE RESIDENCES APPEAL COMMITTEE

Following an appeal hearing by the King's Residences Appeal Committee, if the student wishes to further appeal the decision made, an appeal must be submitted within 14 days to Student Conduct & Appeals under the **Misconduct Regulations, in line with paragraph G27.43.**

## 21. PROCEDURES THAT TAKE PRECEDENT OVER THIS POLICY & PROCEDURE

Where misconduct results in the Police involvement and an investigation is started, this procedure may be paused until the Police conclude their investigations accordingly.

Where it transpires that misconduct carried out in Residences may form part of an already ongoing disciplinary procedure being carried out by the College, the former may be added to the current charge where it is deemed appropriate and necessary, and the College procedure will take priority over the Residences procedure.

Where a resident is currently receiving formal welfare support, whilst their personal circumstances may be taken into account when issuing a decision, it will not exempt any resident from being disciplined accordingly and in line with this procedure.

## 22. RELEVANT POLICIES AND DOCUMENTS

- [COVID-19 Guidance](#)
- [Data Protection Policy](#)
- [King's College London Residences License Agreement 21/22](#)
- G27 Misconduct Regulations

## 23. APPENDIX 1: COVID-19 RESIDENTIAL BREACH PROCESS

In the instance where a student is discovered to be repeatedly breaching health and safety guidelines pertinent to the COVID-19 pandemic, a pandemic-specific disciplinary process will be activated. This is to ensure an expedited, proportionate reprimand is put in place to mitigate further risks associated with breaching COVID-19 related safety guidelines.

### COVID-19 health and safety

The COVID-19 regulations in place in King's Residence Halls from September 2021 is subject to change in line with evolving UK Government guidance. Any safety restrictions that could be implemented in King's Halls will be for the purpose of ensuring the safety of our student community from COVID-19, and will always be aligned to the recommendations from the Department of Education and the wider national UK restrictions. Any changes or updates to the restrictions will be communicated to all residents via email and through the dedicated [KCL webpages](#). The possible restrictions could include (but are not limited to):

- Maintaining social distancing at 2m (or 1m+)
- Wearing face coverings in all communal spaces of the Residence
- Restrictions around the size of gatherings and number of households mixing both indoors and outdoors
- The prohibition of external visitors being granted entry to the Residences

### Disciplinary Procedure (expedited)

#### Local Management Decision

Where there is evidence to suggest an initial breach in COVID-19 health and safety guidelines, the individual/s involved must first be referred to the Residence Manager of the designated Residence to review and informally caution. This informal caution will be sent via email to the student/s in question.

In the instance where Staff/Security have cautioned a student/s for breaching COVID-19 health and safety guidelines, and within the same 24 hours the student/s go on to repeatedly breach the guidelines, the Residence Manager can decide to escalate with immediate action to the Disciplinary Board.

#### Disciplinary Board Decision

In the instance where there is evidence to suggest a repeated breach in COVID-19 health and safety guidelines, where the student/s has already received an informal caution by the local Management and/or Security team, the student/s involved will be escalated to the Residences Welfare and Conduct team for review. Where there is sufficient evidence of an informal caution and duplicate breaches, the Disciplinary Board can immediately issue a red warning to the student without convening a hearing.

#### Informing the Resident

The student will be notified of their red warning via email. They will be informed the warning will be logged on their Residential profile for the duration of their time in residence, and any further breaches to either health and safety guidelines or terms and conditions of their license agreement could result in possible removal from Residences and/or escalation to the Student Conduct and Appeals team at the College.

#### Right of Appeal

Under this policy, a resident may submit an appeal against the outcome reached by the Residences Disciplinary Board, if the grounds for appeal satisfy either or both criteria below:

- a) there is new evidence that could not have been, or for good reason was not, made available at the time of the hearing, and sufficient evidence remains that the appeal warrants further consideration; or
- b) evidence can be produced of significant procedural error on the part of the College before or during the hearing.

Cases referred to Student Conduct and Appeals

Where there is evidence of either repeated breaches to COVID-19 health and safety guidelines, or a first, very serious breach to COVID-19 that would be considered major misconduct as per the G27 academic regulation – misconduct occurs, the student(s) will be escalated to the Student Conduct and Appeals for investigation.

Process Flowchart

