

CHAPTER 8: CONCERNS, CONDUCT AND COMPLAINTS

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CHAPTER 8: CONCERNS, CONDUCT AND COMPLAINTS

The following regulations are subject to regular review and updated versions apply irrespective of the year of a student's registration.

This section outlines the rights and responsibilities given to students registered at the University, including the rules on behavioural and discipline requirements, and the action(s) the University can take if they are breached. This section includes:

- Failure to make sufficient academic progress;
- Academic and Non-Academic Misconduct;
- Fitness to Practise;
- Emergency powers to exclude or suspend a student;
- Suspension for late payment of tuition fees;
- Student Complaints;
- Termination of registration due to inaccurate or untrue information.

General

- 8.1. In accordance with the Equality Act 2010 the University will consider any reasonable adjustments to these regulations to take into account the needs of individual students. If a student states the behaviour giving rise to a disciplinary concern is related to their disability, the University may consider carefully whether to proceed with disciplinary action under these regulations, or to refer the student to support under other regulations, policies and procedures.

Insufficient Academic Progress

- 8.2. The University will ensure that students are fully aware of the possible consequences of failure to make sufficient academic progress.
- 8.3. A student's registration may be terminated for failure to make sufficient academic progress, including for any of the following reasons:
- a. inability to meet the programme requirements
 - b. lack of industry, including poor attendance
 - c. lack of ability or aptitude
 - d. persistent failure to respond to University communications or instructions
 - e. for any other good academic cause.
- 8.4. Before removal, a student should normally receive a written warning specifying the improvements or actions to be undertaken within a specified timeframe and stating the consequences of not doing so. The student's tutor or supervisor should also be consulted.

Appeals against removal on academic grounds

- 8.5. It is expected that all parties involved in an academic appeal will act reasonably and fairly and treat the process in a respectful manner. If inappropriate behaviour is displayed, action may be taken.

- 8.6. The University may pause or stop the consideration of any appeal submitted where a student is suspected to be in breach of regulation 8.26 and regulations 8.27-8, and action should be taken under those regulations.
- 8.7. If an appeal contains matters which fall under regulation 8.41, consideration of the appeal may be paused until the complaints process is complete. In such cases, the findings of the complaint investigation may be considered as evidence for the appeal.
- 8.8. Students should submit a Progression Appeal Form within 10 working days of the final notification of removal. Appeals received after this deadline will only be accepted at the discretion of the Vice-Chancellor.
- 8.9. Students may appeal on the following grounds:
- a. there is new information which could not have been provided to the faculty at or before the time the decision to remove was taken, and sufficient evidence remains that the appeal warrants further consideration,
 - b. there is evidence of significant administrative or procedural error, including error relating to the written warning to the student and student compliance with the conditions of written notice, made at or before the time the decision to remove was taken, and sufficient evidence remains that the appeal warrants further consideration,
 - c. there are other grounds considered applicable by the Vice-Chancellor, including compassion.
- 8.10. The Vice-Chancellor will normally advise the student in writing of their decision on the appeal within 30 working days of receipt. If it is determined that an appeal should be heard, an Appeal Committee will be arranged, in accordance with the Appeal Committee Structure.

Representation

- 8.11. The student may be represented at the Appeal Committee by another member of the University, a member of the student's professional organisation (where applicable), or a member of the King's College London Students' Union (KCLSU).
- 8.12. Additionally, the student may be accompanied by a family member or a friend. This person will not be able to speak on the student's behalf, unless this is a reasonable adjustment, such as a sign language communicator or interpreter.
- 8.13. If the student is to be represented or accompanied, the name of the person who is to attend must be received in writing by the Head of Student Conduct and Appeals (HoSCA) at least 48 hours in advance of the Appeal Committee. The Chair of the Appeal Committee may accept or reject a request, and their decision will be final. The Chair may refuse to permit a representative, friend or family member to attend where 48 hours' notice has not been received.
- 8.14. Written notice of the Appeal Committee will normally be sent to the student, together with the names of the Committee members and the Chair, and all documentary evidence, at least 10 working days before the Appeal Committee date. Any concerns regarding

documentation or membership of the Committee should be raised in writing by the student at the earliest opportunity to the HoSCA.

- 8.15. New evidence that has not already been submitted as part of the appeal will not normally be considered by the Appeal Committee. Should either party wish to submit new evidence this must be done at least 7 days before the Committee date. The Chair of the Appeal Committee may accept or reject new evidence, and their decision will be final.
- 8.16. The Appeal Committee shall consider the documentary evidence and invite the student and the Executive Dean of Faculty (or nominee) to give evidence. Other persons shall be asked to attend to give evidence if the Committee wishes.
- 8.17. The absence of the student or the Executive Dean of Faculty will not prevent the Appeal Committee from taking place nor invalidate the proceedings. In the event that a student has indicated they will attend but then cannot do so for good reason, an adjournment would generally be considered.
- 8.18. The Appeal Committee will determine whether there is sufficient reason to challenge the original decision to withdraw. If there is sufficient reason, the Appeal Committee can set aside the decision and replace it with one of its own, or it can refer the case back for fresh consideration with commentary. If there is insufficient reason, the appeal will be dismissed, and the original decision will stand.
- 8.19. The decision of the Appeal Committee shall normally be communicated in writing by the HoSCA to the student and Executive Dean of Faculty, within 5 working days of the decision of the Appeal Committee.
- 8.20. Students have no automatic right to continue with their studies or to progress to the next stage of their programme pending the outcome of an appeal; the faculty may exercise their discretion to allow this attendance, if applicable and permitted by the programme regulations.

Removal of a student from an external environment

- 8.21. Students undertaking a placement or a period of study or practical training in an external working or educational environment have a responsibility to conform to the regulations, policies and expected standards of behaviour and competence of that external environment. Examples of such external environments may include, but are not limited to:
 - a. hospitals, GP clinics, dental surgeries and other NHS facilities
 - b. faculties
 - c. UK or overseas HEIs
 - d. offices and other industrial facilities
 - e. teaching schools
 - f. law courts
 - g. health centres
 - h. firms.
- 8.22. Students undertaking a placement may be removed without notice from that environment by the supervisor/mentor within that environment or the University, where there are concerns with the student, or for any other reason. Examples of concerns may include, but are not limited to:

- a. behaviour which is deemed offensive or unacceptable in the external environment,
 - b. behaviour or actions in breach of the regulations of the external environment,
 - c. behaviour which compromises the activities of the external environment,
 - d. a health condition which would render the student unsuitable or unsafe to continue in the external environment,
 - e. a level of competence which would compromise the professional standards of the external environment,
 - f. failure to observe health and safety requirements of the external environment,
 - g. behaviour which gives rise to concerns about the student's fitness to practise.
- 8.23. Where possible and appropriate, the University will arrange for students to undertake an alternative placement, in accordance with the procedures and practice of the relevant faculty.
- 8.24. Where the removal is temporary or for a specified period, conditions may be placed on students before re-entry to the external environment will be allowed. Such conditions may constitute a written warning.
- 8.25. If the University considers the reasons for the removal would require a misconduct investigation under regulation 8.26 or a fitness to practise investigation under regulation 8.27-8, the student's removal from the external environment will be temporary, pending the outcome of the proceedings. Students may attend classes and sit assessments that are not in the external environment during this period. As part of its outcome, the Committee will confirm the status of the student's removal from the external environment; if this is permanent and the student will be unable to complete their programme of study, their registration will be terminated.

Conduct

- 8.26. Students are expected to maintain good conduct at all times whilst on University premises or engaged in University activities. This includes:
- a. adhering to the regulations, procedures and policies of the University, including the [Academic Misconduct Policy & Procedure](#) and [Non-Academic Misconduct Policy & Procedure](#);
 - b. showing respect for the persons within and for the property of the King's community;
 - c. behaving in a way that does not interfere with the proper functioning or activities of the University.

Failure to do so is considered misconduct. Where concerns about a student's conduct have been identified, the [Academic Misconduct Policy](#) and/or the [Non-Academic Policy and procedure](#) will be invoked.

Fitness to Practise

- 8.27. Student registration may be terminated as a result of a fitness for registration and fitness to practise hearing. When conferring awards which lead to professional qualifications registerable with a Professional, Statutory and Regulatory Body, the University must be satisfied that the student would be a safe and suitable entrant to the given profession, and as such would be fit for registration and fit to practise.
- 8.28. The University is committed to ensuring students are safe and suitable entrants to their given profession. Where concerns about the health, behaviour and/or professional conduct of a student have been identified as adversely affecting the student's fitness to practise, the [Fitness to Practise Policy and Procedure](#) will be invoked.

Emergency powers to exclude or suspend

- 8.29. A student who is the subject of misconduct proceedings, has a pending Fitness to Practise hearing, has a pending Support for Study meeting, or is the subject of police investigation or criminal proceedings, may be suspended or excluded by the Vice-Chancellor pending the outcome of the investigation, the Committee or the trial. Students may also be suspended or excluded on health and safety grounds, or where they are considered a danger to other members of the King's community.
- 8.30. Failure to comply with the terms of a suspension or exclusion is an offence of student conduct under the [Non-Academic Misconduct Policy](#).
- 8.31. The Vice-Chancellor may delegate the emergency powers to a Vice-President, who will be responsible for reporting any suspensions or exclusions.
- 8.32. Exclusion is selective restriction on attendance at or access to, the University and on participation in University activities. Suspension is a total prohibition on attendance at, or access to, the University and on participation in University activities. It may be subject to conditions, such as permission to attend an examination. A suspension will only be used where an exclusion is deemed to be inadequate.
- 8.33. The terms of a suspension or exclusion may include a No Contact Agreement, requiring the student to have no contact with a named person or persons.
- 8.34. Suspensions and exclusions are not penalties; the Vice-Chancellor will only impose such measures when it is urgent and necessary to do so. Written reasons for the decision will be recorded and made available to students in the letter of suspension/exclusion.
- 8.35. Suspensions and exclusions shall normally start with immediate effect. The reasons for the decision will be communicated to students in writing, as well as information about their right to submit representations against it. Representations must be submitted within 5 working days of the suspension or exclusion and will normally be reviewed within a further five working days.
- 8.36. Should the suspension or exclusion remain in place, the Head of Student Conduct and Appeals (or nominee) and a Vice President will review the suspension or exclusion every

28 days, in the light of any developments, or of any representations made by the student. Reviews of suspensions and exclusions will not involve hearings or meetings.

Suspension for late payment of tuition fees

- 8.37. Students are required to pay their fees in accordance with the [Terms and Conditions for Students](#) and via the [fee payment terms and conditions](#) .
- 8.38. Students who have received notification of impending suspension because of late payment of tuition fees will be required to sit examinations and/or submit coursework.
- 8.39. If students are suspended for the late payment of tuition fees following the completion of their assessments, indicative marks will not be released and marks will not be ratified. Where a suspension is subsequently lifted, indicative marks will be released, and marks will be ratified as soon as possible (including by Chair's action if no meeting of the Assessment Sub-Boards is scheduled to take place within a reasonable timeframe).
- 8.40. Students who miss an examination or assessment deadline as a result of suspension for late payment of tuition fees will not be considered to have attempted that examination or assessment. Students who subsequently have their suspension lifted will be permitted to sit the examination or assessment at the next available opportunity without further penalty.

Complaints

- 8.41. King's College London is committed to considering and investigating genuine complaints from students. The University defines a complaint as an expression of dissatisfaction that warrants a response, and the [Complaints Policy](#) provides a clear mechanism for that to happen.
- 8.42. Complaints from students are carefully considered and, if appropriate, shall be investigated by the Head of Student Conduct and Appeals. The University will review what led to the complaint and, where appropriate, seek an early resolution.
- 8.43. A student may ask the [Office of the Independent Adjudicator](#) to consider any unresolved complaint against the University.

Termination

- 8.44. If a student or a third party on behalf of the student, is found to have provided untrue or inaccurate information, or to have omitted information at enrolment or during the application process, registration can be terminated without notice. However, the student will have a right to appeal that decision.

Policies and Procedures

[Support for Study Policy and Procedure](#)

[Mitigating Circumstances Policy](#)

[Safeguarding Policy](#)

[Drugs & Alcohol Misuse Policy](#)

[Academic Misconduct Policy & Procedure](#)

[Fitness to Practise Policy](#)

[Non-Academic Misconduct Policy & Procedure](#)

[Complaints Policy](#)

[Residences Discipline Policy](#)

[Data Protection Policy](#)
[Missing Persons Procedure](#)
[Home Visit Procedure](#)
[Student Emergency Contact Procedure](#)
[Prolonged Lack of Contact Guidance](#)

Useful links:

[Academic Appeals](#)
[KCLSU Advice](#)
[Student Conduct and Appeals webpages](#)
[Office of the Independent Adjudicator](#)
[Personalised Assessment Arrangements](#)
[Student Services Online](#)
[Glossary](#)