

Misconduct Policy and Procedure

MISCONDUCT POLICY AND PROCEDURE

Policy Category:	Academic – Student
Subject:	Misconduct – Academic and Non-academic
Approving Authority:	College Council
Responsible Officer:	Vice-President & Principal (Education)
Responsible Office:	Student Conduct & Appeals
Related Procedures:	Misconduct Procedure
Related College Policies:	Support for Study Policy and Procedure Fitness to Practise Policy and Procedure Academic Honesty and Integrity Policy
Effective Date:	1 September 2022
Supersedes:	G27 Misconduct Appendix
Next Review:	

I. Purpose and Scope

As members of the King’s community, students are expected to adhere to the regulations, procedures and policies of the College, to show respect for the persons within and for the property of the King’s community, and to behave in a way that does not interfere with the proper functioning or activities of the College. Where there is reason to believe that the behaviour of a student falls below the expected standards set out in the guidance (see useful links below), and/or where regulations, procedures, and/or policies have been broken, the Misconduct Procedure will be instigated.

This policy and procedure outline how the university will respond to concerns about a student’s conduct. This policy and procedure extends to alleged misconduct by a student occurring on College premises or off College premises (including via electronic means, such as email and social media) where the alleged victim is the College itself, a member of the King’s community, or a visitor to King’s or to alleged misconduct occurring during College activities (including on placements and field trips).

The policy has been developed with regard to equal opportunities legislation, which ensures that the rights of students are protected, and judgements are free from prejudice on the basis of protected characteristics. If a student states the behaviour giving rise to the disciplinary concern is related to their disability, the College 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.

II. Definitions

The following definitions can be found in the Academic Regulation Glossary:

- Collaborative Provision
- Exclusion
- Misconduct
- Suspension

III. Policy

1. Introduction

- 1.1. As members of the King's community, students are expected to adhere to the regulations policies and procedures of the College, to show respect for the persons within and for the property of the King's community, and to behave in a way that does not interfere with the proper functioning or activities of the College. Where there is reason to believe that the behaviour of a student falls below the expected standards set out in the guidance (see useful links below), and/or where regulations, procedures, and/or policies have been broken, the Misconduct Procedure will be instigated.
- 1.2. Where any stakeholder believes that misconduct may have been committed by a student of the College, they should notify the Head of Student Conduct and Appeals (HoSCA) in writing as soon as possible. Allegations of research misconduct will be considered in accordance with the procedures for investigating and resolving allegations of research misconduct.

2. Collaborative Provision

- 2.1. Where a student is registered on an intercollegiate module the College will notify the Home Institution under that agreement that it has instigated misconduct proceedings against the student.
- 2.2. All cases of academic misconduct will be dealt with under the relevant procedure for the institution with responsibility for delivering that module.
- 2.3. In cases of non-academic misconduct the following will apply:
 - a. where the College is the Host Institution it may deal with the misconduct under these regulations if the misconduct took place on College premises, or involves others members of the College, and falls within the scope of these regulations. However, the Home Institution may conduct a further review under its procedures if the College removes the student from the intercollegiate module. This review cannot change the outcome that the student has been removed from the intercollegiate module.
 - b. where the College is the Home Institution it shall not conduct a misconduct investigation if it took place at the Host Institution's premises, or involving other members of the Host institution. However, it will do so if the misconduct took place at any other location which falls within the scope of these regulations.
 - c. where the Host Institution has conducted an investigation under its procedures the College will have the right to conduct a review under these regulations where a student has been removed from the programme. However, the college will not be able to reinstate the student on the intercollegiate module at the Host Institution. The HoSCA will conduct a review to decide whether any further action is necessary under these regulations.

3. Investigating an allegation of misconduct

- 3.1. All allegations of misconduct will be investigated in accordance with this policy and using the corresponding misconduct procedures.
- 3.2. There will be a presumption of innocence until a case has been fully considered.
- 3.3. The College may take safeguarding steps to ensure the fairness of an investigation, and to ensure the safety of all members of the King's community, including, but not limited to No Contact Agreements. The College may disclose the outcome of a misconduct procedure to King's Residences or the Student's Union in respect of safeguarding measures that may need to be implemented.
- 3.4. Proceedings are not invalidated or postponed due to the absence of the student, provided that the student has been given timely written notice of the Committee and provided that those conducting the Committee believe that all the evidence and representations are before it. In the event that a student has indicated they will attend but then cannot do so for good reason an adjournment may be considered.

4. Non-assessment related misconduct

- 4.1. On receipt of an allegation of misconduct, the HoSCA will conduct a preliminary enquiry. It may be deemed necessary to conduct an interview with the student(s) against whom the allegation has been made and the student(s) may be required to attend. Students are expected to engage with the process with honesty and transparency, however, a student will not be obliged to make a statement or give any explanation.
- 4.2. Students may provide the names of witnesses to be contacted in their defence or mitigation. The HoSCA will be responsible for contacting witnesses for statements or interview.
- 4.3. On completion of the preliminary enquiry the HoSCA will determine, normally within 14 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 minor misconduct; or
 - c. there is sufficient evidence to form the basis of a charge of major misconduct.
- 4.4. The College defines major misconduct as an offence which is sufficiently serious enough that it calls into question the student's registration. Instances of major misconduct may also include, but are not limited to, repeated or persistent minor offences, multiple concurrent minor offences or refusal to comply with a penalty imposed under this regulation.
- 4.5. In all cases where the gravity of the offence appears to warrant it, or the appropriate penalty may be beyond the limit for a minor offence, the HoSCA may refer a case to a Misconduct Committee.
- 4.6. If the HoSCA determines there is insufficient evidence to form the basis of a charge of misconduct, that decision will be sent to the student.

- 4.7. If the HoSCA determines that there is sufficient evidence to form the basis of a charge of misconduct which constitutes a minor infringement, the HoSCA may, at their discretion, issue a one or more of the following penalties:
- a warning;
 - payment of compensation for damages;
 - conditions for the continuation of student status;
 - a no-contact order regarding one or more members of the King's community
 - community service;
 - a fine, up to £1,000 payable to a charity (not being King's College)
 - exclusion for a stated period from specified activities or specified parts of the College, including your King's Residence room; conditions for re-admittance may be specified;
- 4.8. The student can contest the allegations and penalty within 5 working days, in which case the HoSCA will refer the matter to a Misconduct Committee
- 4.9. If the HoSCA determines that there is sufficient evidence to form the basis of a charge of misconduct which constitutes a major infringement, the matter will be referred to a Misconduct Committee.
- 4.10. Where an allegation of misconduct is referred to a Misconduct Committee, the HoSCA will act as the College Representative to present the case to a Misconduct Committee.
- 4.11. The FAB may be instructed by the HoSCA to not issue the student with a final award whilst action is being taken under this Regulation. This restriction will be lifted upon completion of the action.
- 4.12. Any outcome under this Regulation does not preclude King's Residences from taking action under the Residence's Disciplinary Procedure

Misconduct which is also a criminal offence

- 4.13. Current students should inform their Faculty of registration of any breaches of the law during their programme of study which fall within the category of those required to be disclosed at admission. Where a specific breach of the law would render the student ineligible for continuing on their programme of study, the student's registration will be terminated without notice under Academic Regulation G25.
- 4.14. Where the alleged misconduct could also constitute an offence under the criminal law special provisions will apply and the College's own misconduct investigations or proceedings may be delayed until such time as the police and/or courts have completed their investigations and proceedings.
- 4.15. Students following a programme of study where it is a requirement to undergo a Disclosure and Barring Service check as a condition of enrolment are required to notify the Faculty, in writing, of any criminal convictions subsequently imposed.
- 4.16. Students imprisoned for a period of 21 days or more will be automatically withdrawn from the College. Any such students will have the right to submit written representations to the HoSCA against this decision, within 21 days of the date of notification of the decision to withdraw.

Representations received after this deadline will only be accepted at the discretion of the HoSCA

5. Assessment-related misconduct

- 5.1. On receipt of an allegation of misconduct the Faculty, normally the Assessment Sub-Board Chair, will review whether it is a case which can be dealt with via the Local Academic Misconduct Procedure (LAMP). The Faculty will follow the process as outlined in the College Guidance for Staff on Academic Honesty and Integrity (known as the Local Academic Misconduct Procedure) Where it is deemed that the outcomes within LAMP are not suitable, the matter will be referred to HoSCA who will report this to the Misconduct Committee. Where it is determined under LAMP these are the possible outcomes:
- d. it is not a case of assessment related misconduct in which case no further action will be taken;
 - e. the student has committed poor academic practice rather than misconduct;
 - f. the student has committed academic misconduct; or
 - g. the student or the Assessment Sub-Board Chair requests that the matter be referred to HoSCA who will report this to the Misconduct Committee.
- 5.2. HoSCA may issue a written warning for assessment related misconduct which takes place during formal written examinations. The student can contest the allegations and penalty within 5 working days, in which case the HoSCA will refer the matter to a Misconduct Committee.
- 5.3. Any material presented for assessment may be submitted to a plagiarism and collusion detection service for text analysis and the findings considered as part of an investigation under this regulation. Submitted work will be stored in a database (along with the student's name, email address, programme/module details and institution) and will form part of the body of student work against which future submissions from this and other institutions will be compared.
- 5.4. The mark for any assessment being considered for action under this Regulation may be withheld pending the conclusion of any action.

6. Outcomes

- 6.1. Should the Misconduct Committee decide that the charge was not established, that decision will be communicated to all persons involved in the case, normally within five working days of the date of the Committee.
- 6.2. Where the Misconduct Committee determines that a charge of misconduct has been substantiated on the balance of probabilities the Committee may decide one or more of the following measures:

Assessment related misconduct

- a. a formal warning, with the requirement that the examiners assess those parts of the student's work that is unaffected by the offence;
- b. a warning, with the requirement that the examiners assess those parts of the student's work that is unaffected by the offence with the assessment/s capped at the pass mark;

- c. the assignment of the minimum pass mark to a paper or papers, or assessed work, or both;
- d. the cancellation of the results in an assessment/s and a mark of zero returned;
- e. the cancellation of the results in an assessment/s and a mark of zero returned and any mark resulting from a resit capped at the highest applicable condoned fail level (see glossary);
- f. the cancellation of the results in an assessment/s and a mark of zero returned. The final module mark following reassessment is capped at the highest applicable condoned fail level;
- g. the cancellation of the results in an assessment/s and a mark of zero returned and the student not permitted to resit but permitted to take an alternative module (but with only one attempt at the assessment permitted);
- h. the student's right to re-register for the assessment/s withdrawn;
- i. the student's right to be considered for an exit award withdrawn;
- j. the results for an assessment/s in a year or stage not to be considered by the relevant Faculty Assessment Board for a specified period of up to one calendar year;
- k. conditions for the continuation of student status;
- l. suspension for an indefinite period, with an agreed review date;
- m. a recommendation to the Academic Board that the student's award be revoked;
- n. expulsion (with or without credit retained).

Any misconduct

- o. a warning;
- p. payment of compensation for damages;
- q. conditions for the continuation of student status;
- r. a no-contact order regarding one or more members of the King's community
- s. community service;
- t. a fine, up to £1,000 payable to a charity (not being King's College);
- u. exclusion* for a stated period from specified activities or specified parts of the College, , including your King's Residence room conditions for re-admittance may be specified;
- v. suspension for an indefinite period, with an agreed review date;
- w. termination of Residence Licence Agreement
- x. a recommendation to the Academic Board that the student's award be revoked;
- y. expulsion (with or without credit retained).

*Exclusion is selective restriction on attendance at or access to, the College and on participation in College activities. Suspension is a total prohibition on attendance at, or access to, the College and on participation in College activities. It may be subject to conditions, such as permission to attend an examination.

6.3. The decision and outcome of the Committee will normally be sent to the student within five working days of the date of the decision of the Committee. For assessment-related offences, these will be communicated to the student, Assessment Board and Assessment Sub-Board Chairs, and where appropriate, to the relevant Executive Dean of Faculty. For non-assessment related offences, these will be communicated to the student, the relevant Executive Dean of Faculty, and other College officers as appropriate. A copy of the decision and outcome will be placed on the student's file. A student will also be advised that the case may be taken into consideration in the event of a future substantiated offence.

- 6.4. The Misconduct Committee may decide that the outcome be imposed immediately or be deferred. The conditions of any such deferment will be clearly stated as part of the decision of the Committee.
- 6.5. The Misconduct Committee will have the discretion to indicate a point in the future, and the conditions under which, a substantiated allegation of misconduct may be considered spent.
- 6.6. Where a student is following a programme of study leading to a professional qualification which is registrable with a statutory regulatory body the decision of the Committee will also be sent to the Executive Dean of Faculty for consideration in accordance with Academic Regulation G29.
- 6.7. Where a student who has been found guilty of misconduct holds a professional qualification which is registerable with a professional, statutory or regulatory body, the College may report the student to that body under Academic Regulation G29.

7. Appeal

- 7.1. Students may appeal the decision of a Misconduct or Residences Disciplinary Panel on either or both of the following grounds:
 - a. there is new evidence that could not have been, or for good reason was not, made available at the time of the Committee, and the case warrants further consideration;
 - b. evidence can be produced of significant procedural error on the part of the College before or during the Committee, and the case warrants further consideration.
- 7.2. The Principal 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.
- 7.3. Students should submit a Misconduct Appeal Form to the HoSCA, on behalf of the Principal, within 14 days of the date of the Misconduct Committee outcome. Misconduct Appeal Forms received after this deadline will only be accepted at the discretion of the Principal
- 7.4. The Principal will normally advise the student of their decision on the appeal within 30 working days of receipt. If the appeal is to be heard, an Appeal Committee will be appointed. If the appeal is rejected, reasons will be given.

8. Appeal Outcomes

- 8.1. The decision and outcome of an Appeal Committee will normally be sent to the student within five working days of the date of the decision of the Appeal Committee. For assessment related offences, these will be communicated to the student, FAB and ASB Chairs, and where appropriate, to the relevant Executive Dean of Faculty. For non-assessment related offences, these will be communicated to the student, the relevant Executive Dean of Faculty, and other College officers as appropriate. A copy of the decision and outcome will be placed on the student's file.
- 8.2. The Appeal Committee may reject or uphold the appeal. Where the Appeal Committee upholds the appeal, the Committee may order one or more of the following measures:

- a. modify or reverse the findings of a Misconduct Committee or a Residences Disciplinary Panel;
- b. modify or reverse the order of a Misconduct Committee or a Residences Disciplinary Panel.

8.3. Where an Appeal Committee rejects the appeal, the findings and decision of the Misconduct Committee stands.

8.4. A decision of an Appeal Committee will be final.

9. Relationship to Support for Study Policy and Fitness to Practise Policy

9.1. There may be instances where a student states that the behaviour giving rise to a misconduct concern is related to their long-term medical/mental health condition or disability. The university may consider whether to proceed with misconduct proceedings or refer the student to the Support for Study Policy and Procedure. To ensure the Support for Study Policy and Procedure are used appropriately and where there are justifiable concerns about misconduct, these concerns should be raised with the Head of Student Conduct & Appeals or nominee who will ask the Student of Concern Management Group to review the case and decide whether to invoke this Policy and Procedure or continue with misconduct proceedings. This may include consultation with members of staff from the student's faculty or other relevant members of the university community, collaborative partners or external professionals.

9.2. Where a student faces an allegation of misconduct under this policy, the case shall be considered in accordance with the corresponding misconduct procedures. Where a student is found guilty of misconduct, the findings shall be notified to the appropriate Executive Dean of Faculty. The Faculty shall consider the findings, in accordance with the Faculty's fitness to practise procedures, to determine whether the case should be referred to the Head of Student Conduct & Appeals (HoSCA) for consideration by the Fitness to Practise Committee. Where a Fitness to Practise issue is present within a misconduct case, the HoSCA will notify the Faculty as soon as possible in order to allow the Faculty to determine whether any precautionary action should be taken.

10. Disclosure of information

10.1. All university staff members are governed by the requirements of GDPR. All data relating to an individual's physical or mental health is regarded as sensitive personal data. The KCL Data Protection Policy contains guidance on the use of sensitive personal data and should be followed in any Misconduct procedures.

11. Related regulations, policies and procedures

[Support for Study Policy](#)

[Fitness to Practise Policy](#)

[Academic Honesty and Integrity Policy](#)

[Non-Academic Misconduct Guidance](#)

[Student Conduct & Appeals Webpages](#)

[Committee Structure \(G57\)](#)

[Residential Discipline Policy](#)

[Glossary](#)

Misconduct Procedures

Representation

1. A student facing a charge of misconduct may be represented at any point in the proceedings by another College member or by a member of the King's College London Students' Union or, where the student is registered on a programme with professional registration, a member of their professional organisation.
2. Additionally, the student may be accompanied by a family member or a friend who 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.
3. If the student is to be represented or accompanied, the name of the person attending must be received in writing by the Head of Student Conduct and Appeals (HoSCA) at least 48 hours in advance of the Committee. The Chair of the relevant Committee has the discretion to refuse to permit a representative or friend or family member attend with reasonable cause. Committee documentation may be shared with approved representatives.
4. If a student wishes to be represented by an individual not listed above, they should make representations to the Chair of the relevant Committee. The relevant Chair has the absolute discretion to accept or reject an application for alternative representation and their decision will be final.

It is expected that all parties involved in a misconduct investigation will act reasonably and fairly and treat the process in a respectful manner. If inappropriate behaviour is displayed, further action may be taken.

Misconduct Committee Procedure

5. Written notice of the Committee date, including the names of the Committee members, the College Representative and the College witnesses, together with all documentary evidence, including copies of witness statements, will normally be sent to the student at least 10 working days before the Committee date.
6. The student may present documentary material or witnesses in their defence or mitigation. Documentary evidence for consideration by the Misconduct Committee, and/or the names of any additional witnesses and written copies of their evidence, must be sent to the HoSCA at least seven days in advance of the Committee. The HoSCA will ensure this evidence is sent to the Committee, and will contact any witnesses directly. Documentary evidence and/or witnesses received after this deadline will only be accepted at the discretion of the Chair of the Committee.
7. The Chair has the discretion to adjourn the Committee where the above time frames have not been met. The Chair will determine whether additional witnesses should be invited to attend the Misconduct Committee, or where written evidence shall suffice. Where a witness is required to attend the Committee, it is the student's responsibility to invite the witnesses they wish to attend, to ensure that witnesses can attend. Committee documentation may only be shared with witnesses with prior written approval from the HoSCA. The Committee will not normally be adjourned due to the unavailability of a witness, and any decision to adjourn is the sole discretion of the Chair.

8. The student facing the charge will have the right to be present during the Committee except if the Committee requires private discussions where only the Committee and the Clerk will be present.
9. The College Representative will present the charge and evidence gathered to the Committee. The student facing the charge (or their representative) will be invited to reply. Either party may call witnesses to the fact, in accordance with the timeframes and provisions set out above.
10. The Committee may ask questions of all those called before it, and the College Representative and the student may raise questions through the Chair.
11. At the conclusion of the presentations and questions, the student facing the allegation may address the Committee and make a statement.
12. The Committee will deliberate in private and will normally reach a decision and outcome without adjournment.
13. At any time during the proceedings, the Chair may adjourn the Committee for the purpose of reaching a decision, outcome, or for other good cause. The 72 Committee will ensure that any adjournment does not unreasonably delay the misconduct proceedings.
14. A decision of the Committee will be reached by a majority vote of the members of the Committee present at the Committee but will be announced as a decision of the Committee. The votes of the individual Committee members will be treated as confidential. In the event of a tie, the Chair will have the casting vote.

Appeal Committee Procedure

15. Written notice of the Committee date will normally be sent to the student and College Representative/Assessment Board Representative, together with the names of the Committee members and all documentary evidence, at least 14 days before the Committee date.
16. The student may present documentary evidence for consideration by the Committee. This evidence must be sent to the HoSCA at least seven days in advance of the Committee. This evidence will be sent to the Committee by the HoSCA. Documentary evidence received after this deadline will only be accepted at the discretion of the Chair.
17. The student facing the charge will have the right to be present during the Committee except if the Committee requires private discussions. Only the Committee and the Clerk to the Committee will be entitled to be present at such times.
18. The student making the appeal, or their representative, will present their case against the decision or outcome of the Misconduct Committee.
19. An Appeal Committee will consider the relevant documents and may call persons connected with the proceedings from which the appeal arises to address the Committee.
20. An Appeal Committee will normally reach its decision without adjournment but may adjourn for the purpose of reaching a decision. The Committee will ensure that any adjournment does not unreasonably delay the misconduct proceedings.

21. The decision of an Appeal Committee will be reached by a majority vote of the members of the Committee and will be announced as the decision of the Committee. The votes of individual Committee members will be treated as confidential. In the event of a tie, the Chair will have the casting vote.