

# Non-Academic Misconduct Policy & Procedure

<b>Policy Category:</b>	Academic - Student
<b>Subject:</b>	Non-Academic Misconduct
<b>Approving Authority:</b>	Academic Board
<b>Responsible Officer:</b>	Vice President (Education & Student Success) and Executive Director, Education and Students
<b>Responsible Office:</b>	Student Conduct & Appeals (Student and Education Directorate)
<b>Related Procedures:</b>	Non-Academic Misconduct Procedure
<b>Related College Policies:</b>	<a href="#">Support for Study Policy and Procedure</a> <a href="#">Fitness to Practise Policy</a> <a href="#">Academic Misconduct Policy &amp; Procedure</a> <a href="#">Academic Regulations</a>
<b>Effective Date:</b>	1 September 2024
<b>Supersedes:</b>	Misconduct Policy and Procedure
<b>Next Review:</b>	September 2027

## I. Purpose and Scope

As members of the King's community, students are expected to adhere to the regulations, procedures and policies of the University, 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 University. Where there is reason to believe that the behaviour of a student falls below the expected standards set out in the guidance (see section 10 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 non-academic conduct and includes, but is not limited to, those offences set out in the [Non-Academic Misconduct Guidance](#). This policy and procedure extends to alleged misconduct by a student occurring on University premises or off University premises (including via electronic means, such as email and social media) where the alleged victim is the University itself, a member of the King's community, or a visitor to King's, or to alleged misconduct occurring during-University 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 or another protected characteristic, the University may consider carefully whether to proceed with disciplinary action under this policy, or to refer the student to support under other regulations, policies and procedures. The University will consider how to provide support to all students involved in misconduct investigations.

## II. Definitions

The following definitions can be found in the [Academic Glossary](#):

- Collaborative Provision
- Exclusion
- Misconduct (non-academic misconduct relates to all misconduct which is not assessment related)
- Suspension

## III. Policy

### 1. Introduction

- 1.1 As members of the King's community and as outlined in the [Community Charter](#), students are expected to adhere to the regulations, policies and procedures of the University, 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 University. Where there is reason to believe that the behaviour of a student falls below the expected standards set out in the guidance (see section 10), and/or where regulations, procedures, and/or policies have been broken, the Non-Academic Misconduct Policy and Procedure will be instigated.
- 1.2 Where any relevant internal or external stakeholder believes that non-academic misconduct may have been committed by a student of the University, 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.
- 1.3 All references to misconduct in this policy refer to non-academic misconduct (unless otherwise stated).

### 2. Collaborative Provision

- 2.1 Where a student is registered on an intercollegiate module the University will notify the Home Institution/Organisation under that agreement that it has instigated misconduct proceedings against the student.
- 2.2 In the case of non-academic misconduct, the following will apply:
- a) where the University is the Host institution it may deal with the misconduct under this policy and procedure if the misconduct took place on University premises, or involves other members of the University, and falls within the scope of this policy. However, the Home Institution/Organisation may conduct a

further review under its procedures if the University 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 University is the Home Institution it shall not conduct a misconduct investigation if it took place at the Host Institution/Organisation's premises, or involving other members of the Host Institution/Organisation. However, it will do so if the misconduct took place at any other location which falls within the scope of this policy.
- c) where the Host Institution/Organisation has conducted a review under its procedures, the University will have the right to conduct a review under this policy where the outcome may impact the student's registration of study, or their registration with a professional body. However, the University will not be able to reinstate the student on an intercollegiate module at the Host Institution/Organisation. The HoSCA will conduct a review to decide whether any further action is necessary under this policy.

### **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 University may take safeguarding steps to ensure the fairness of an investigation, and to ensure the safety of all members of the King's community. This may include, but is not limited to:
  - No Contact Orders.
  - No Contact Agreements.
  - Establishing single points of contact.
  - Restricting access to an individual/s King's IT account.
  - Suspensions and Exclusions as set out in Chapter 8 of the [Academic Regulations](#), which may include exclusions from King's Residences or removal of a student from placement under Chapter 8 of the Academic regulations.

The University may disclose the outcome of a misconduct procedure to King's Residences and King's College Student's Union in respect of safeguarding measures that may need to be implemented including suspensions and exclusions.

- 3.4 All cases will be considered sensitively, and information will usually only be shared appropriately and as is necessary to investigate the allegation in accordance with the above safeguarding implications and with relevant staff who are responsible for conducting any investigation. Where a student is on a registered professional programme, faculty colleagues will be notified once an investigation has commenced so that any precautionary action may be taken.
- 3.5 If more than one report has been made of Non-Academic Misconduct, the University can decide to investigate all reports together (whether the reports are made by one

person or multiple persons) if the University considers that the reports are of a sufficiently similar nature that it forms a pattern of behaviour.

- 3.6 Proceedings are not invalidated or postponed due to the absence of the student or the student's failure to respond, provided that the student has been given timely written notice of the relevant misconduct meeting, deadline or Committee Hearing date. In the event of a Committee, those conducting the Committee must also be satisfied that both parties have had a reasonable opportunity to put their evidence and representations before the Committee. In the event that a student has indicated they will attend but then cannot do so for good reason, an adjournment may be considered in exceptional circumstances.

#### **4. Preliminary Enquiry**

- 4.1 On receipt of an allegation of misconduct, the HoSCA (or their nominee) 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 invited 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 The HoSCA (or their nominee) may also consider any relevant previous findings of Misconduct that have been upheld against any student involved in the preliminary enquiry when assessing their honesty and credibility and, in the case of the reported student, whether the alleged Non-Academic Misconduct is part of a pattern of behaviour.
- 4.4 On completion of the preliminary enquiry the HoSCA will determine 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 misconduct that can be resolved at the preliminary enquiry stage; or
  - c) there is sufficient evidence to form the basis of a charge that should be considered by a Misconduct Committee.
- 4.5 The HoSCA (or their nominee) may determine that a matter should be referred to a Misconduct Committee for one or more of the following reasons:
- a) in all cases where the gravity of the offence appears to warrant it.
  - b) if the alleged offence is sufficiently serious enough to call into question the student's registration.
  - c) if there are repeated or persistent offences, multiple concurrent offences, or a refusal to comply with a penalty imposed under this policy.

- d) where the appropriate penalty may be beyond the limit that the HoSCA (or their nominee) can order (listed in 5.2 of this policy).
- e) any case where the HoSCA (or their nominee) considers it necessary or appropriate for the case to be considered by 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, on the balance of probabilities, to form the basis of a charge of misconduct for which they can issue an appropriate penalty, the HoSCA (or their nominee as appropriate) may, at their discretion, issue a one or more of the following penalties:

- a) a warning.
- b) payment of compensation for damages.
- c) conditions for the continuation of student status.
- d) a no-contact order regarding one or more members of the King's community.
- e) community service.
- f) a fine, up to £1,000 payable to a charity (not being King's College).
- g) exclusion for a stated period from specified activities or specified parts of the University, including King's Residences. Conditions for re-admittance may be specified.

Where conditions are imposed for the continuation of student status, any conditions may be discussed with relevant Faculty staff in order to consider the impact of programme requirements or of the external regulator's requirements (for professional programmes).

4.8 The student can contest the offence and penalty within 5 working days, in which case the HoSCA will refer the matter to a Misconduct Committee.

4.9 Where an allegation of misconduct is referred to a Misconduct Committee, the HoSCA will act as the University Representative to present the case to a Misconduct Committee.

4.10 The Assessment Board (AB) may be instructed by the HoSCA to not issue the student with a final award whilst action is being taken under this policy. This restriction will be lifted upon completion of the action.

4.11 Any outcome under this policy does not preclude King's Residences from taking action under the Residence's Disciplinary Procedure and, in accordance with the [Fitness to Practise Policy](#), does not preclude faculties taking proportionate action if the student is studying on a programme with externally regulated requirements. Where the misconduct occurred during KCLSU activities, this does not preclude KCLSU from taking action under their policies and procedures.

*Misconduct which is also a criminal offence*

- 4.12 Current students should inform their Faculty of registration of any police investigation and/or any criminal or civil legal proceedings against them during their programme of study which falls within the category of those required to be disclosed at admission (see the [Criminal Record Disclosure Policy](#)). 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 Chapter 8 of the [Academic Regulations](#).
- 4.13 Where the alleged misconduct could also constitute an offence under criminal law, special provisions will apply and the University's own misconduct investigations or proceedings may be delayed until such time as the police and/or courts have completed their investigations and proceedings.
- 4.14 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, immediately that DBS status alters, in writing, of any criminal convictions subsequently imposed.
- 4.15 Students convicted and imprisoned for a period of 21 days or more may be automatically withdrawn from the University under the Emergency Powers to exclude or suspend ([chapter 8 of the Academic Regulations](#)). This will be judged on a case-by-case basis by the Vice-Chancellor (or an appropriate nominee) and will be risk assessed for safeguarding implications, which includes within King's Residences. 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. Outcomes

- 5.1 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.
- 5.2 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:
- a) a warning.
  - b) payment of compensation for damages.
  - c) conditions for the continuation of student status.
  - d) a no-contact order regarding one or more members of the King's community.
  - e) community service.
  - f) a fine, up to £1,000 payable to a charity (not being King's College).
  - g) exclusion\* for a stated period from specified activities or specified parts of the University, including King's Residences. Conditions for re-admittance may be specified.
  - h) suspension for an indefinite period, with an agreed review date.

- i) termination of Residence Licence Agreement.
- j) a recommendation to the Academic Board that the student's award be revoked.
- k) expulsion (with or without credit retained).

\* 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.

- 5.3 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. Outcomes will be communicated to the student, the relevant Department or Faculty, and other University 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.
- 5.4 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.
- 5.5 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.
- 5.6 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 the [Fitness to Practise Policy and Procedure](#).
- 5.7 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 University may report the student to that body under the [Fitness to Practise Policy and Procedure](#). Where a student has been suspended or excluded under the Vice-Chancellor's emergency powers pending the conclusion of Misconduct proceedings, their suspension or exclusion will be referred under chapter 8 of the [Academic Regulations](#) for further review and likely revocation under those Regulations.
- 5.8 A Committee Hearing will not be invalidated or postponed due to the absence of the student or the student's failure to attend, provided that the student has been given timely written notice of the relevant misconduct meeting, deadline or Committee Hearing date. In the event of a failure to attend a Committee, those conducting the Committee must also be satisfied that both parties have had a reasonable opportunity to put their evidence and representations before the Committee. In the event that a student has indicated they will attend but then cannot do so for good reason, an adjournment may be considered only in exceptional circumstances.

## 6. Appeal

- 6.1 Students may appeal the decision of a Misconduct Committee 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 University before or during the Committee, and the case warrants further consideration.
- 6.2 The Vice-Chancellor or Vice President (or an appropriate nominee) 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.
- 6.3 Students should submit a Misconduct Appeal Form to Student Conduct & Appeals within 10 working 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 Vice-Chancellor or Vice President (or their nominee).
- 6.4 Student Conduct & Appeals will normally advise the student of the decision on the appeal within 30 working days of receipt, as recommended by the Vice President or Vice-Chancellor (or their nominee). There are two possible outcomes from the Vice President or Vice-Chancellor (or their nominee)'s review:
- a) that the appeal should be dismissed. A rationale will be provided to the student in writing; or
  - b) that the appeal is to be heard by an Appeal Committee in accordance with the Appeal Committee structure and this policy.
- 6.5 The original decision will remain in place unless or until an Appeal Outcome has been issued.
- 6.6 A student who has reported another student under the University Complaints Policy has no right of appeal to the outcome of another student's outcome under this process.
- 6.7 An Appeal Committee Hearing will not be invalidated or postponed due to the absence of the student or the student's failure to attend, provided that the student has been given timely written notice of the relevant misconduct meeting, deadline or Appeal Committee Hearing date. In the event of a failure by either party to attend an Appeal Committee, those conducting the Appeal Committee must also be satisfied that both parties have had a reasonable opportunity to put their evidence and representations before the Appeal Committee. In the event that a student has indicated they will attend but then cannot do so for good reason, an adjournment may be considered only in exceptional circumstances.

## **7. Appeal Outcomes**

- 7.1 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.

Outcomes will be communicated to the student, the relevant Department or Faculty, and other University officers as appropriate. A copy of the decision and outcome will be placed on the student's file.

7.2 The Appeal Committee may dismiss 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.

7.3 Where an Appeal Committee dismisses the appeal, the findings and decision of the Misconduct Committee stands.

7.4 A decision of an Appeal Committee will be final.

## **8. Relationship to Support for Study Policy and Fitness to Practise Policy**

8.1 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 and/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 the Support for Study Policy and Procedure and/or continue with Misconduct. 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.

Where possible, the decision to invoke the Support for Study Policy and/or to continue with Non-Academic Misconduct should be made and communicated to relevant parties within four weeks.

8.2 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 and in any event within one month

of the Misconduct outcome being sent.

Where there is no case to answer in relation to misconduct, the Faculty may still consider whether further consideration and action should be taken under the Faculty's fitness to practise procedures.

- 8.3 Where a student is on a professional programme in accordance with the University's Fitness to Practise Policy & Procedure, if the student is expelled under this Procedure they may be added to the excluded student database, or other external declarations may be made.

## **9. Disclosure of Information**

- 9.1 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.

## **10. Related regulations, policies and procedures**

[Support for Study Policy](#)

[Fitness to Practise Policy](#)

[Academic Misconduct Policy and Procedure](#)

[Non-Academic Misconduct Guidance](#)

[Committee Structure](#)

[Academic Glossary](#)

[King's Community Charter](#)

[Bullying & Harassment Policy](#)

# Non-Academic Misconduct Procedure

## Representation at Committees and Preliminary Enquiry Meetings

1. A student facing a charge of misconduct may be represented at any point in the proceedings by another University 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 2 working days in advance of the Preliminary Enquiry Meeting, and at least 5 working days in advance of the Committee, as far as possible. Committee documentation may be shared with approved representatives.
4. The Committee Chair or HoSCA (or their nominee) has the absolute discretion to accept or dismiss an application to be accompanied or represented, or to impose conditions on that attendance (such as to provide support only). Their decision will be final.
5. A legal representative will not normally be considered for attendance at a Preliminary Enquiry meeting. A student will only be permitted legal representation at the Committee stage where it is likely that they could be expelled from the University. The Chair will balance the interests of all parties when considering whether legal representation is appropriate.

The Chair will consider whether to allow representation by a legally qualified person using the following criteria:

- a) The seriousness of the charge (including whether there is an allegation of behaviour that may constitute an imprisonable criminal offence, risk and whether the student may face expulsion from the University).
  - b) Whether any points of law are likely to arise.
  - c) The capacity of the reported student to understand the case against them.
  - d) Procedural difficulties.
  - e) The need to avoid delay.
  - f) The need for fairness between those making the allegation and the reported student.
6. 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

7. Written notice of the Committee date, including the names of the Committee members, the University Representative and the University 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.

8. 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 five working days in advance of the Committee. The HoSCA will ensure this evidence is sent to the Committee, and the Committee Chair will determine whether it is appropriate for the witnesses to attend. The HoSCA will contact any witnesses directly if the Chair has approved their attendance. Documentary evidence and/or witnesses received after this deadline will only be accepted at the discretion of the Chair of the Committee.
9. The Chair has the discretion to adjourn the Committee where the above timeframes 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 provide the names of the witnesses they wish to attend to the HoSCA, who will contact witnesses directly. 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.
10. 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.
11. The University 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.
12. The Committee may ask questions of all those called before it, and the University Representative and the student may raise questions through the Chair.
13. At the conclusion of the presentations and questions, the student facing the allegation may address the Committee and make a statement.
14. The Committee will deliberate in private and will normally reach a decision and outcome without adjournment.
15. 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 Committee will ensure that any adjournment does not unreasonably delay the misconduct proceedings.
16. 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**

17. Written notice of the Committee date will normally be sent to the student and University /Assessment Board Representative, together with the names of the Committee members and all documentary evidence, at least 10 working days before the Committee date.

18. The student may present documentary evidence for consideration by the Committee. This evidence must be sent to the HoSCA at least five working 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.
19. 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.
20. The student making the appeal, or their representative, will present their case against the decision or outcome of the Misconduct Committee. The University Representative and any witnesses may also be present at the Appeal Committee and will have the right to respond to the student's appeal.
21. 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.
22. 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.
23. 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.