

G27 Students are expected to maintain good conduct at all times whilst on College premises or engaged in College activities. Failure to do so is considered misconduct.

## Misconduct

- G27.1 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. The Procedure extends to alleged misconduct by a student occurring on 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.
- G27.2 Current students should inform the 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.
- G27.3 Failure to comply with the conduct outlined above results in action being taken under the Misconduct Regulations (G27).

## Representation

- G27.4 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.
- G27.5 The student may also be accompanied by a family member or a friend but that person will not be allowed to speak on the student's behalf, unless this is a reasonable adjustment, such as a sign language communicator or interpreter. However, the College Misconduct or Appeal Committee will have the discretion to consider representations from the person accompanying the student to make a statement.
- G27.6 If the student is to be represented and/or accompanied, the name(s) of the person/persons who is/are to attend must be received in writing by the HoSCA 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 or friend or family member to attend where prior written notice has not been given.
- G27.7 If a student wishes to be represented by an individual not listed above, they should make representations to the Chair of the Committee. The Chair of the Committee has the absolute discretion to accept or reject an application for alternative representation and their decision will be final.

## Misconduct Process

- G27.8 The process is led and organised by the Head of Student Conduct and Appeals (HoSCA).

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- G27.9 There will be a presumption of innocence until a case has been fully considered.
- G27.10 The College will do all in its power to limit the disclosure of information whilst conducting an investigation, in accordance with the Human Rights Act 1998, the Data Protection Act 1998, the Freedom of Information Act 2000 and any other relevant legislation.
- G27.11 Disciplinary proceedings will normally be held in private.
- G27.12 Correspondence concerning proceedings is sent to the student via email noted on the student record. In addition, correspondence may be sent by hand or recorded delivery to the student's last home address noted on the student record and/or to the student's King's College email address and/or to any personal email address noted on the student record.
- G27.13 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 interview or hearing and provided that those conducting the hearing 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.
- G27.14 Where any stakeholder believes that misconduct may have been committed by a student of the College, they should notify the 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.

### Investigating an allegation of misconduct

- G27.15 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 or students against whom the allegation has been made and the student(s) will be required to attend. However, a student will not be obliged to make a statement or give any explanation.
- G27.16 On completion of the preliminary enquiry the HoSCA will determine, normally within 14 days, whether:
- there is insufficient evidence to form the basis of a charge of misconduct; or
  - there is sufficient evidence to form the basis of a charge of misconduct which constitutes a minor infringement; or
  - there is sufficient evidence to form the basis of a charge of misconduct which constitutes a major infringement.
- G27.17 If the HoSCA determines there is insufficient evidence to form the basis of a charge of misconduct, that decision will be communicated in writing to the student and any other persons involved in the case.
- G27.18 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 penalty to the student detailing the allegations that have been made, informing the student that no

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further formal action will be taken but that a record of the offence and penalty shall be placed on the student's file. The outcome letter shall give the student an opportunity to contest the allegations and the penalty, in which case the HoSCA will refer the matter to the appropriate Misconduct Committee.

G27.19 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 of the College.

G27.20 Where an allegation of misconduct is referred to a Misconduct Committee of the College, the HoSCA will act as the College Representative to present the case to the Misconduct Committee.

### Misconduct which is also a criminal offence

G27.21 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.

G27.22 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 Director of Students and Education, in writing, of any criminal convictions subsequently imposed.

G27.23 Students imprisoned for a period of 21 days or more will be automatically withdrawn from the university. Any such students will have the right to submit written representations against this decision, within 21 days of the date of notification of the decision to withdraw.

### Misconduct Committee hearing procedure

G27.24 Written notice of the hearing 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 14 days before it is due to take place.

G27.25 The student may present documentary material or witnesses in their defence or mitigation. Documentary material 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, to be received at least seven days in advance of the hearing. This evidence will be sent immediately to the Committee by the HoSCA.

G27.26 The Chair has the discretion to adjourn the hearing where the above time frames have not been met. It is the student's responsibility to invite any witnesses they wish to attend, to ensure that witnesses can attend, and to provide them with any documentation. The hearing will not normally be adjourned due to the unavailability of a witness, and any decision to adjourn is the sole discretion of the Chair.

# G27 ACADEMIC REGULATION (APPENDIX)

2017/18

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- G27.27 For the purpose of the hearing, a decision by the Committee on any point of procedure will be binding.
- G27.28 The student facing the charge will have the right to be present during the hearing except if the Committee requires private discussions. Only the Committee and the Clerk to the hearing will be entitled to be present at such times.
- G27.29 The facts in possession of the College relating to the charge(s) will be presented to the Committee by the College Representative. The student facing the charge(s) (or their representative) will be invited to reply. Either party may call witnesses to the fact. Written statements of witnesses should normally have been exchanged prior to the hearing.
- G27.30 The Committee may ask questions of all those called before it, and the College Representative and the student may raise questions through the Chair of the Committee.
- G27.31 At the conclusion of the presentations and questions, the student facing the allegation may address the Committee and the Chair of the Committee may make a statement.
- G27.32 The Committee will deliberate in private and will normally reach a decision and outcome without adjournment.
- G27.33 At any time during the proceedings, the Chair may order the Committee to adjourn, for a period not normally exceeding seven days, for the purpose of reaching a decision and outcome to be made or for other good cause.
- G27.34 A decision of the Committee will be reached by a majority vote of the members of the Committee present at the hearing 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 an additional casting vote.
- G27.35 The Chair of the Committee will announce the decision and outcome, including the grounds on which the decision has been reached. The Committee may order one or more of the outcomes detailed below and order the timing where appropriate. A written copy of the decision and outcome will normally be sent out to the student by letter, via email, within seven days of the date of the hearing.

## Outcome of hearings

- G27.36 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 seven days of the date of the hearing.
- G27.37 Where the Misconduct Committee determines that a charge of misconduct has been substantiated on the balance of probabilities the Committee may order one or more of the following measures:

### *Assessment related misconduct*

- a) an admonishment, with the requirement that the examiners assess the student on the

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- b) basis of such of their work that is unaffected by the offence;  
the assignment of the minimum pass mark to a paper or papers, or assessed work, or both;
- c) the cancellation of the results in a paper or papers or assessed work and a mark of zero returned;
- d) the cancellation of the results in a paper or papers or assessed work and a mark of zero returned and any mark resulting from a resit capped at the condoned fail level (at 33 for levels 4, 5 and 6, or at 40 for level 7);
- e) the cancellation of the results in a paper or papers or assessed work 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);
- f) the student's right to re-register for the paper or papers or assessed work withdrawn;
- g) the student's right to be considered for an exit award withdrawn;
- h) the results for any or all of the examinations or assessments in a year or stage not to be considered by the relevant Assessment Board for a specified period of up to one calendar year;

*Non-assessment related misconduct*

- i) a warning;
- j) a reprimand;
- k) payment of compensation for damage;
- l) conditions for the continuation of student status;
- m) exclusion for a stated period from specified activities or specified parts of the College, conditions for re-admittance may be specified;
- n) suspension for an indefinite period, with an agreed review date;
- o) community service;
- p) a fine, up to £1,000 payable to a charity (not being King's College);
- q) a recommendation to the Academic Board that the student's award be revoked;
- r) expulsion (with or without credit retained)

G27.38 The decision and outcome of the Committee will be notified in writing, normally within seven days of the hearing. For assessment-related offences, these will be communicated to the student and Chairs of the relevant Assessment Board and Assessment Sub Board, 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 any other interested parties. 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.

G27.39 The Misconduct Committee may order that the outcome agreed will be imposed immediately or that the imposition will be deferred. The conditions of any such deferment will be clearly stated as part of the decision of the Committee.

G27.40 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.

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- G27.41 Where an Executive Dean of Faculty determines, in response to the decision of a Misconduct Committee, that a student may be unfit for registration and practise, the Executive Dean of Faculty shall notify the HoSCA of this for consideration by a Fitness to Practise Committee.
- G27.42 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 the Fitness to Practise Regulations (G29).

## Appeal

- G27.43 Following a Misconduct Committee hearing, the student may submit an appeal against the decision and outcome. An appeal must be requested in writing on the form provided for the purpose and lodged with the HoSCA, within 14 days of the date of written notification of the appealed against outcome. The grounds for the appeal must be clearly stated as part of the request and appropriate documentation supplied.
- G27.44 The Principal will grant permission to hear an appeal where:
- there is new evidence that could not have been, or for good reason was not, made available at the time of the hearing, and the case warrants further consideration AND/OR
  - evidence can be produced of significant procedural error on the part of the College before or during the hearing, and the case warrants further consideration.
- G27.45 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.
- G27.46 In such cases as an appeal is allowed to be heard, an Appeal Committee will be convened. The student will normally be advised of this decision in writing within 60 days of its receipt. If the request to appeal is rejected, reasons will be given.

## Appeal Committee procedure

- G27.47 For the purpose of the hearing, a decision by a Committee on any point of procedure will be binding.
- G27.48 The HoSCA will send written notice of the appeal date, together with copies of all papers to be considered by the Appeal Committee, including a statement from the College Representative, to the student at least 14 days before the hearing date. If the student wishes to present any further evidence, this material must be supplied to the HoSCA at least 14 days before the Appeal date. The HoSCA 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 the College Representative in response to the grounds for appeal.
- G27.49 The student facing the charge will have the right to be present during the hearing except if the Committee requires private discussions. Only the Committee and the Clerk to the hearing will be entitled to be present at such times.

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- G27.50 The student making the appeal, or their representative, will present their case against the decision or outcome.
- G27.51 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.
- G27.52 An Appeal Committee will normally reach its decision without adjournment, but may adjourn for a period not exceeding seven days for the purpose of reaching a decision.
- G27.53 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 and the Chair will have an additional casting vote where necessary.

## Appeal Committee outcome

- G27.54 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:
- modify or reverse the findings of a Misconduct Committee or a Residences Disciplinary Panel;
  - modify or reverse the order of a Misconduct Committee or a Residences Disciplinary Panel.
- G27.55 The decision and outcome of an Appeal Committee will be announced by the Chair and will be sent in writing, normally within seven days of the appeal hearing, to the student, and to the Chair of the Committee/Panel from which the appeal arose, as appropriate. In communicating the findings of an Appeal Committee, the Chair will indicate the grounds upon which the findings are based.
- G27.56 A decision of the Appeal Committee will be final.

## Useful Links

- [Guidance from Misconduct Working Group](#)
- [Student Conduct and Appeals webpages](#)
- [Fitness to Practise \(G29\)](#)
- [Academic Honesty and Integrity \(Plagiarism\)](#)
- [Committee Structure](#)

**Exemptions:** not anticipated. For advice contact [appeals@kcl.ac.uk](mailto:appeals@kcl.ac.uk).