

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. This appendix 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).
- 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 this Regulation (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 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.
- G27.6 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 Committee. 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 College Misconduct Committee or Appeal Committee. The Chair of the College Misconduct Committee or Appeal Committee has the absolute discretion to accept or reject an application for alternative representation and their decision will be final.

## Misconduct Procedure

- G27.8 There will be a presumption of innocence until a case has been fully considered.

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- G27.9 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 General Data Protection Regulations, the Freedom of Information Act 2000 and any other relevant legislation.
- G27.10 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.
- G27.11 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.

## Non-Assessment related Misconduct

### Investigating an allegation of misconduct

- G27.12 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) will be required to attend. However, a student will not be obliged to make a statement or give any explanation.
- G27.13 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.
- G27.14 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.
- G27.15 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.
- G27.16 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.

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- G27.17 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 further formal action will be taken but that a record of the offence and penalty shall be placed on the student's file. The student can contest the allegations and penalty, in which case the HoSCA will refer the matter to a Misconduct Committee.
- G27.18 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.
- G27.19 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.

### Misconduct which is also a criminal offence

- G27.20 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.
- G27.21 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.
- G27.22 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.

### Assessment related Misconduct

- G27.23 On receipt of an allegation of misconduct the Faculty, normally the Assessment Sub Board Chair (ASB Chair), will review whether it is a case of alleged minor or major misconduct. The Faculty will follow the process as outlined in the College Guidance for Staff on Academic Honesty and Integrity (known as the expedited procedure). Where it is deemed to be a case of major misconduct, the matter will be referred to the Faculty Assessment Board Chair (FAB Chair) who will report this to the Misconduct Committee. Where it is deemed to be a case of minor misconduct the ASB Chair may invite the student to a meeting and determine whether:
- it is not a case of assessment related misconduct in which case no further action will be taken;
  - the student has committed poor academic practice rather than misconduct;
  - the student has committed minor misconduct; or
  - the student may have committed major misconduct, the matter will be referred to the FAB Chair who will report this to the Misconduct Committee.

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- G27.24 Where the ASB Chair finds the student has committed minor misconduct the student can either accept the finding and penalty or can contest the allegation in which case the matter will be referred to a Misconduct Committee.
- G27.25 The removal of examination answer books or other examination stationery by students or their use by students for any purpose or any occasion other than participation in a recognised College examination will constitute misconduct under this regulation.
- G27.26 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.

## Misconduct Committee

### Misconduct Committee procedure

- G27.27 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 14 days before the Committee date.
- G27.28 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. This evidence will be sent immediately to the Committee by the HoSCA. Documentary evidence and/or witnesses received after this deadline will only be accepted at the discretion of the Chair of the Committee
- G27.29 The Chair has the discretion to adjourn the Committee 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 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.
- G27.30 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.
- G27.31 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.
- G27.32 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.

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- G27.33 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.
- G27.34 The Committee will deliberate in private and will normally reach a decision and outcome without adjournment.
- G27.35 At any time during the proceedings, the Chair may adjourn the Committee, 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.
- G27.36 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.

### Outcome of Misconduct Committee

- G27.37 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 Committee.
- G27.38 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. The final module mark following reassessment is capped at the relevant pass mark;
- 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 condoned fail level (see glossary);
- f) 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);
- g) the student's right to re-register for the assessment/s withdrawn;
- h) the student's right to be considered for an exit award withdrawn;
- i) 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;
- j) conditions for the continuation of student status;
- k) suspension for an indefinite period, with an agreed review date;

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- l) a recommendation to the Academic Board that the student's award be revoked;
- m) expulsion (with or without credit retained)

*Non-assessment related misconduct*

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

G27.39 The decision and outcome of the Committee will normally be sent to the student within seven days of the date of the decision of the 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. A student will also be advised that the case may be taken into consideration in the event of a future substantiated offence.

G27.40 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.

G27.41 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.

G27.42 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 the Fitness for Registration and Fitness to Practise Regulations (G29).

G27.43 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 for Registration and Fitness to Practise Regulations (G29).

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## Appeal

- G27.44 Students may appeal the decision of a Misconduct or Residences Disciplinary Panel on either or both of the following grounds:
- 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;
  - 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.
- G27.45 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.
- G27.46 The Principal will normally advise the student of their decision on the appeal within 42 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.

## Appeal Committee procedure

- G27.47 Written notice of the Committee date will normally be sent to the student and College Representative/Faculty Assessment Board Representative, together with the names of the Committee members and all documentary evidence, at least 14 days before the Committee date.
- G27.48 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 immediately to the Committee by the HoSCA. Documentary evidence received after this deadline will only be accepted at the discretion of the Chair.
- G27.49 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.
- G27.50 The student making the appeal, or their representative, will present their case against the decision or outcome of the Misconduct Committee.
- 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. In the event of a tie, the Chair will have the casting vote.

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## Appeal Committee outcome

- G27.54 The decision and outcome of an Appeal Committee will normally be sent to the student within seven 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.
- G27.55 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.
- G27.56 Where an Appeal Committee rejects the appeal, the findings and decision of the Misconduct Committee stands.
- G27.57 A decision of an 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](#)

[Discipline Policy](#) (see under "Important Documents")

[List of breaches students need to inform their Faculty \(G27.2\)](#)

[Glossary](#)

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

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