

Guidelines for Students: Misconduct Regulations



These guidelines are supplementary to the College's B3 Misconduct Regulations, which should be read in their entirety and can be found in the College's Policy Zone. These guidelines do not in any way affect the powers of the College as set out in College regulations.

Where the regulations are self-explanatory no specific guidance is given; guidance is provided on areas which may benefit from expansion or clarification. If you are in any doubt about any of the regulations or procedures advice should be sought from one of the College contacts given in Appendix 3.

Section 1: General Provisions

Communications (Regulation B3 2.9)

1.1 It is very important that you keep your personal contact details up to date on myKCL and that you check your KCL email account regularly otherwise you may fail to receive important correspondence from the College. Failure to receive correspondence because you have not updated your personal contact details will not be considered a ground for complaint/appeal. Once the misconduct process has started you may wish to correspond with the College via email; however, a postal address may still be needed for receipt of formal papers.

Representation (Regulation B3 2.4)

1.2 You are advised that you may be represented at any misconduct interview or hearing by another member of the College. If you are registered on a programme with professional registration, you may be represented by a member of your professional organisation.

1.3 Members of your family and friends from outside the College are not permitted to represent you. However, you may be accompanied at a Preliminary Enquiry interview or Committee Hearing by a family member or a friend. Any person accompanying you will not be permitted to speak unless invited by the College to make a statement.

1.4 In all instances, the name(s) of the individuals accompanying you or representing you (where relevant) must be given in advance in accordance with any published time-scales.

1.5 All students undergoing an investigation or process of misconduct are strongly urged to seek support and guidance from the Students' Union. [KCLSU Advisers](#) are highly experienced in supporting students in such situations, and can be contacted on advice@kclsu.org or by telephone on 0207 848 1588. All students of the All students of the College are

**Procedural advice can be obtained from the Student Conduct and Appeals Office
Telephone: 020 7848 3989 email: appeals@kcl.ac.uk**

automatically members of KCLSU upon enrolment at the College and therefore are entitled to request this support unless they have specifically opted out of the Students' Union.

Presumption of innocence (Regulation B3 1.2)

1.6 Should you be invited to any formal interview under any of these procedures, you will be presumed to be innocent of any charge until such time as either you admit to a charge of misconduct or the charge has been established on the balance of probabilities.

Timescales

1.7 The College will endeavour to respond to any allegation of misconduct against a student in a prompt and timely manner whilst providing reasonable time for the student to prepare for any interview or hearing. To reassure students of the College's commitment to this principle the Misconduct Regulations contain specific timescales and deadlines for both the College and the student who is the subject of a charge of misconduct. You are advised to read the regulations carefully to ensure that you adhere to the specified deadlines.

References

1.8 Should a reference be requested or required at a future date by a professional body or other agency or individual, mention may be made to the outcome of any misconduct proceedings. Unless information relating to misconduct is specifically requested, it will be at the discretion of the referee whether to divulge such information to the requestor.

1.9 All Committees convened under these regulations may determine at the time of making an order whether it is appropriate to indicate a point in the future when the substantiated misconduct may be considered 'spent'.

Section 2: Misconduct

Definition of misconduct (Regulation B3 1.1)

The definition of misconduct under the Misconduct Regulations is *'improper interference with the proper functioning or activities of the College, or with those who work or study in the College; or action which otherwise damages the College, or action that deviates from accepted institutional, professional, academic or ethical standards'*. This definition includes: misconduct committed by any means or medium, including via the internet; and any offence against the English Criminal Law committed by a member of the College on College premises or whilst

engaged in College activities.

The College will interpret misconduct in the broadest sense but the following are examples of misconduct:-

- 2.1 disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the College, whether on College premises or elsewhere;
- 2.2 obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the College or any authorised visitor to the College, including disregard of instructions;
- 2.3 violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed orally or in any writing, sign or other visible representation, including electronically) whilst on College premises or engaged in any College activity;
- 2.4 distributing or publishing of a poster, notice, sign or any publication (including electronically circulated material) which is threatening, abusive, insulting or is otherwise illegal or makes others fear violence;
- 2.5 fraud, deceit, deception or dishonesty in relation to the College or its staff or in connection with holding any office in the College or in relation to being a student of the College;
- 2.6 action likely to cause injury or impair safety on College premises;
- 2.7 sexual, racial, religious or other forms of harassment of any student, member of staff or other employee of the College or any visitor to the College;
- 2.8 breach of the provisions of the College's Code of Practice for Meetings held on College Premises or of any other Code, Policy or Regulation which provides for breaches to constitute misconduct under this Code;
- 2.9 damage to, or defacement of, College property or the property of other members of the College community or property available for the use of the College community (e.g. rented or leased equipment, including vending and entertainment machines) caused intentionally or recklessly, or misappropriation of such property;
- 2.10 misuse or unauthorised use of College premises or items of property, including computer misuse;
- 2.11 conduct which constitutes a criminal offence where that conduct:
 - i. took place on College premises,
 - ii. affected or concerned other members of the College community,
 - iii. damages the good name of the College,

- iv. itself constitutes misconduct within the terms of this Code,
- v. is an offence of dishonesty, where the student holds an office of responsibility in the College;

- 2.12 cheating: including, but not limited to, plagiarism, conferring with others during an examination, introducing unauthorised material into an examination, impersonation, removal of a script or examination stationary from an examination room, collusion;
- 2.13 behaviour which brings the College or any member of any constituent part of the College into disrepute;
- 2.14 failure to disclose name and other relevant detail to an officer or employee of the College in circumstances, when it is reasonable to require that such information be given;
- 2.15 failure to comply with a previously imposed penalty under the Misconduct Regulations.

Section 3: Allegations of misconduct

Misconduct procedures

Should you be accused of misconduct there are five possible procedures under which the accusation may be considered: four local procedures and one central procedure (outlined in Section 4).

Local procedures (excluding serious breaches):

- 3.1 Breaches of the Residences [Terms and Conditions of Residences](#);

A breach of discipline in a College residence or the non-observance of the residence regulations will result in the matter being reported to the relevant Residence Manager in the first instance. This may result in a written rebuke, a written warning, payment of compensation for damages, or referral to the Residential Services Manager. Referral to the Residential Services Manager may result in a hearing of the Residences Disciplinary Panel or direct referral to the Director of Students & Education for consideration under the Misconduct Regulations (see Section 4). A Residence Disciplinary Panel hearing may, for a substantiated breach of discipline, result in exclusion from the residence or a final warning of exclusion from the residence, and/or payment of compensation, and payment of a fine (normally up to £300). Students should refer to their Terms and Conditions document for more information.

- 3.2 Breaches of discipline by users of College sites, services, facilities and resources provided or managed by Student Services (i.e. Library & IT facilities) may be considered under the Library Services and Information Technology Regulations, found in Section D of the College Regulations.

A breach of discipline by users of any College site, including Libraries may result in: a note kept on file (first offences), an interview with a member of staff, or direct referral to the Director of Students & Education for consideration under the Misconduct Regulations (see Section 4).

- 3.3 A student accused of minor plagiarism or a related form of cheating (eg collusion) will retain the right to have her/his case formally considered under the College's Misconduct Regulations. However, the Academic Board has approved an 'expedited procedure' for minor first offences. A chart outlining the possible referral routes for a suspected case of plagiarism/collusion can be found at Appendix 1.

If the Chair or Deputy Chair of the relevant Assessment Sub-Board identifies a *prima facie* case of minor plagiarism in an essay or other form of assessed work you will be invited to attend an interview with the examiners for the purpose of being presented with the evidence and being invited to accept the allegation and admit the breach.

Should you attend the interview and accept the allegation, you will be invited to sign a statement acknowledging that you are guilty of examination misconduct and you will be awarded a penalty mark of zero for that piece of work. Your eligibility for a resit will remain unchanged. No further action in respect of the misconduct will be taken but a copy of your signed statement will remain on file for future reference.

- 3.4 All other cases of minor misconduct, including minor examination hall offences and minor disciplinary offences may result in the issuing of a rebuke letter. A rebuke letter will remain on your student file and constitutes a minor offence which may be taken into consideration in the event of any future breaches.
- 3.5 In respect of Section 3.3 and 3.4 above, if you disagree with the charges against you, you retain the right to have your case heard at a hearing of a misconduct committee. For instance, if you attend an expedited procedure meeting but choose not to accept the allegation of plagiarism, the matter will be referred, without prejudice, to the Director of Students & Education for consideration under the Misconduct Regulations. Similarly, if you disagree with the issuing of a rebuke, you will be given the option to have your case heard at a relevant misconduct committee.

Non-attendance at an interview convened in accordance with Section 3.3, without notification of good cause will also result in direct referral to the Director of Students & Education (see Section 4).

Referral to the Director of Students & Education and the possibility of your case being considered by a misconduct committee may result in a delay to your

results being released and, in the case of a finalist student, may result in you missing the summer graduation ceremonies. Misconduct committees has at its disposal a number of possible penalties and, if a charge is upheld, will have the discretion to apply any of those penalties. This may result in a different penalty to those outlined above in Section 3.3 and 3.4 (i.e. a rebuke or a mark of 0 for the piece of work).

You should also be aware that a mark cannot be assigned to a piece of assessed work that remains the subject of misconduct proceedings. In certain circumstances a provisional mark may have been assigned to such work, however any such marks will be held in abeyance until the matter of alleged misconduct has been concluded.

Section 4: Central Procedures

Reporting offences under the Misconduct regulations (Regulation B3 3.1-3.2)

- 4.1 All serious cases of misconduct, for any activities which may constitute a criminal offence, and all other breaches of discipline not covered by Section 3.1-3.5 above may be considered under the B3 Misconduct Regulations.
- 4.2 If an allegation of misconduct has been made against you and formally referred, an initial assessment will be undertaken to determine whether the case involves a substantive breach of the regulations or not, this is known as the Preliminary Enquiry.
- 4.3 Where there is insufficient evidence to form the basis of a charge of misconduct all individuals connected with the case will be informed and there will be no record of the allegation on your student file (although a confidential record of the investigation will be kept by the Student Conduct and Appeals Office in case of a future query).
- 4.4 Where there is sufficient evidence to form the basis of a minor charge of misconduct, your case will be dealt with in accordance with Section 3.3 & 3.4. All other cases, including where students choose to contest a minor allegation (see Section 3.5) will be dealt with in accordance with Section 4.5 below.

Preliminary Enquiry Interview

- 4.5 All substantive breaches will be investigated fully and may require your attendance at a Preliminary Enquiry Interview.
- 4.6 The preliminary enquiry interview is not a hearing, and it is therefore not the purpose of the preliminary enquiry to come to a view on your guilt or innocence, nor to determine any penalty or punishment. The purpose of the preliminary enquiry is to help to establish whether or not there is sufficient evidence to form the basis of a charge of misconduct in respect of a

breach of College regulations.

- 4.7 At the interview you will be asked to make a statement and/or answer specific questions, but you will be under no obligation to respond or to provide an explanation. However, the preliminary enquiry interview is an opportunity for you to put your side of the story and clear up any misunderstandings you may feel have arisen. It is likely that a summary of the Interview will be shared with any subsequent hearing of the misconduct committee.

Preparation for a hearing

- 4.8 If your case is referred to a misconduct committee, confirmation of the charge and the type of hearing at which it will be considered will be sent to you in writing. At this point in the proceedings you will need to gather any documentary evidence or written statements by way of explanation or mitigation & submit them to the Student Conduct & Appeals Office at least 7 days before the hearing is due to take place. You will also need to inform the office of the names of any individuals representing or accompanying you (see Section 1 above).

Hearing procedures (Regulations B3 4-6)

- 4.9 Failure to attend a hearing without good cause will not prevent a hearing from taking place. If you are unable to attend a Hearing but wish to request a deferral to allow you to attend on a different date you should contact the Student Conduct & Appeals Office via e-mail at appeals@kcl.ac.uk as soon as possible, clearly stating the reason(s) why you are unable to attend and when you would be available.

Misconduct Committee hearing

- 4.10 The Misconduct Committee considers cases of alleged misconduct which are academic and non- assessment related. Typical examples of academic related alleged offences include cases of plagiarism, academic fraud, collusion and offences which take place in or around examinations. Non academic related cases can include allegations pertaining to behaviour.
- 4.11 Please note that whilst the College's misconduct procedures are formal in nature they are not intended to be adversarial or to replicate the procedures of a court of law. At a Misconduct Committee hearing the facts of the case will be presented to the Committee by the College representative. The College representative will normally be the person who initially referred the case, or another appropriate person.
- 4.12 Following the presentation of the facts, you or your representative will be invited to reply drawing attention to any documentary evidence supplied in advance or to witnesses (where relevant).

'Orders' or Penalties (Regulations B3 6)

- 4.13 Normally, you will be informed of the decision of the

Committee in person and provided with the grounds on which a decision has been reached. After the hearing, you will receive written confirmation, normally within 7 days.

- 4.14 For substantiated misconduct, there is a range of orders available to the Committees & these are listed in the regulations. A copy of the Committee's decision will be placed on your student file.
- 4.15 If the Committee determines that the charge of misconduct against you has not been established (on the balance of probabilities) then all persons connected with the case will be informed.

Misconduct which is also a criminal offence (Regulation B3 3.3)

- 4.16 Where the alleged misconduct could constitute an offence under the criminal law the following procedure will apply:
- i. The Director of Students & Education will determine whether the alleged misconduct could constitute a serious offence under the criminal law in light of custom and practice and in consultation with the police where appropriate. The College will not investigate a serious criminal offence without first referring the matter to the police.
 - ii. In the event of a serious criminal offence the Principal may take action to suspend or exclude a student under his Emergency Powers (Regulation B2). However, no action will be taken under the Misconduct regulations until the decision to prosecute or not to prosecute has been taken. The Director of Students & Education, in consultation with the Director of Students & Education, will then decide whether or when disciplinary action under the regulations should commence.
 - iii. In the event that the offence under the criminal law is not serious, action under the Misconduct regulations may continue, but such action may be deferred pending any police investigation.
 - iv. Where a finding of misconduct is made and the student has also been convicted and sentenced by a criminal court in respect of the same facts, the findings of the court and the penalty set will be taken into consideration at any hearing conducted by the College.

Community service

- 4.17 A Committee can make a community service order. In making the order, they will specify the minimum number of hours expected and may also specify the nature of the community service to be undertaken. However, it will be your responsibility to make the necessary arrangements with an appropriate organisation through the authority of your School. Your proposal, reflecting any conditions imposed by the committee, should reach the Student Conduct & Appeals Office (for the Director of Students & Education's approval) normally within 14 days of

receipt of the order.

- 4.18 On completion of your community service, you will be required to supply the Student Conduct & Appeals Office with a confirmatory letter of completion from a person in authority within the organisation where you have undertaken your community service. Failure to comply with a community service order will constitute misconduct and may result in a subsequent referral to the College's Disciplinary Committee.

Difficulties Complying with Penalties

- 4.19 Difficulties in complying with an order to pay a fine or restitution must be communicated to the Student Conduct & Appeals Office or the Credit Control Department at the earliest opportunity. Where appropriate, arrangements will be made for you to pay in instalments but in any event all outstanding fines or restitution must be paid. Failure to make payment within the required timeframe will normally result in debt recovery proceedings being initiated.

Records

- 4.20 Please note that all hearings are recorded. The purpose of recording a hearing is to provide a record of the proceedings for the Committee should it need to clarify any aspect of the discussions before reaching a decision. A transcript of the hearing is not produced by the College. However, should you wish to obtain a copy of the recording or a transcript of a hearing that has been recorded, you will be responsible for meeting the full costs. In order to obtain a copy of the recording or a transcript of the Hearing, you should make a Subject Access Request. Such requests must be made by contacting the College's Legal Compliance Team on 020 7848 4260 or via e-mail at [legal-](mailto:legal-compliance@kcl.ac.uk)

compliance@kcl.ac.uk.

Right of Appeal (Regulation B3 8)

- 4.21 You have the right of appeal against a decision of the College's Misconduct Committees. If you wish to appeal, you must write to the Principal, stating the grounds for appeal accompanied by details of the evidence in support. For an Appeal Committee to be established by the Principal to hear your appeal, you will need to demonstrate that the appeal criteria (see Regulation B3 8.3) apply.
- 4.22 An Appeal Committee hearing will be conducted along similar lines to a misconduct hearing. However, the purpose of the hearing will not be to re-try the case but to determine whether the new evidence you present is sufficient to cast doubt upon the reliability of the original decision.

USEFUL LINKS:

[B3 Misconduct Regulations](#)

[Examination Information for Candidates](#)

[Residences Terms of Reference](#)

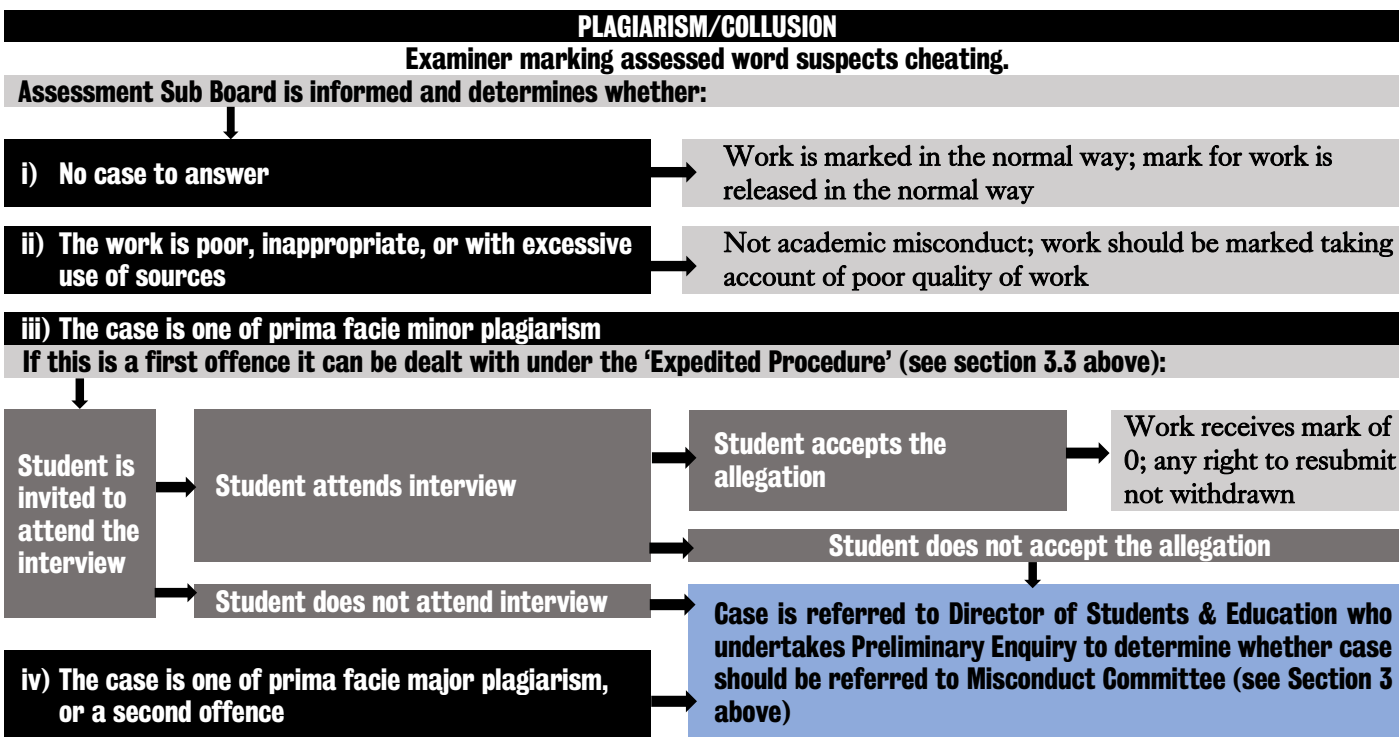
APPENDICES:

Appendix 1: Flowchart – Minor and Major Plagiarism and Associated Forms of Cheating

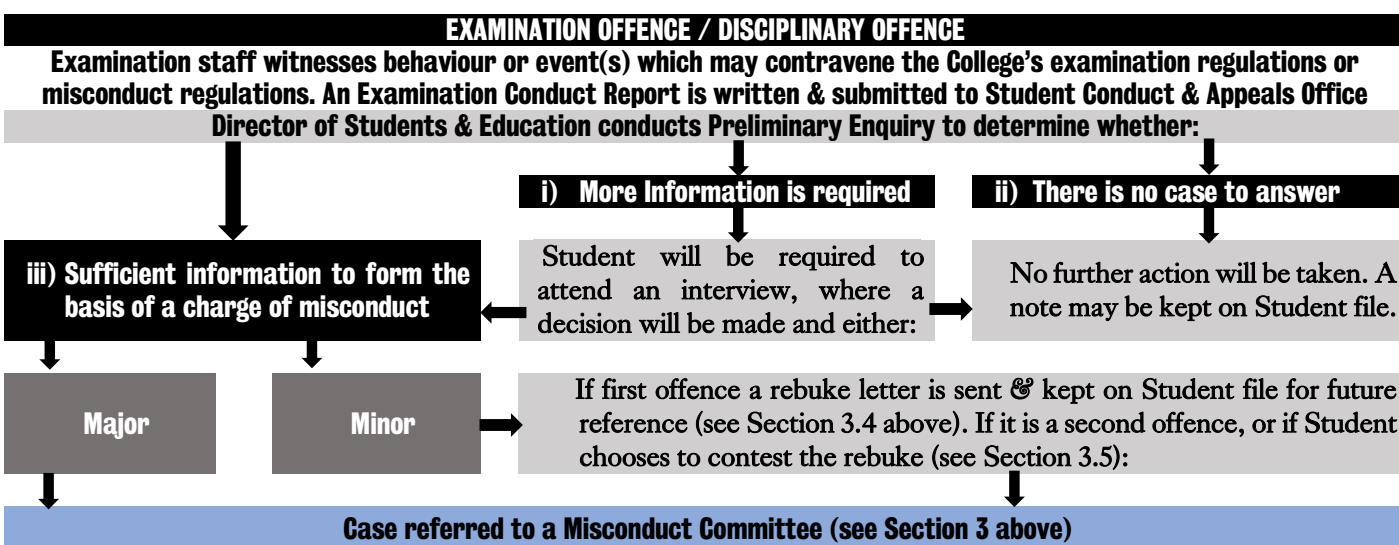
Appendix 2: Flowchart – Examination Hall Offences and Disciplinary Offences

Appendix 3: College Statement on Academic Honesty & Integrity

Appendix 1: Cases of alleged plagiarism and College Procedures



Appendix 2: Cases of types of academic/other misconduct and College Procedures



APPENDIX 3: COLLEGE STATEMENT ON ACADEMIC HONESTY & INTEGRITY

Academic Standards

The cultural shift to University is significant and the College reminds students that they must take responsibility to familiarise themselves with, and abide by, the rules, regulations and ethical standards that are associated with a University education. Students at King's College London are part of an academic community that values trust, fairness and respect and when you enrol you are agreeing to abide by the regulations of the College and to act with honesty and integrity.

Expectations

We expect all students to embrace the values of the academic community and to reflect this by producing assessments in which the work submitted cites the correct sources and is the student's own work. Students who fail to do so are undermining the fundamental values of the academic community to which they belong.

Academic Judgement

The majority of students embrace and respect the values of their academic community but there is a small minority who may try to gain an unfair advantage by cheating. Academic members of staff at King's have significant knowledge and expertise in detecting acts of academic misconduct in particular plagiarism and collusion and may call upon the electronic software '[TurnitinUK](#)' to assist them in the process of matching text to the original source. Academic judgement based on experience and expertise combined with the detection software means that acts of academic misconduct seldom go undetected.

Responsibilities

At King's College London academic honesty and integrity underpins academic success, and as a student of the College it is expected that you will:

- Respect your academic community by behaving with academic integrity and honesty;
- Familiarise yourself with the specific citation conventions required by your department/School;
- Use the correct citation conventions in all aspects of your work;
- Write all summative assessments independently, unless permitted to do otherwise;
- Sign a declaration with each assessment that the assignment submitted is your own work;
- Seek help if you are unsure what is meant by the term plagiarism and collusion;
- Make use of the College's study module [insert link to ISS] within TurnitinUK;

Academic Misconduct

Academic misconduct is categorised into three areas: plagiarism, collusion and cheating through deception and fraud. All allegations of academic misconduct will be thoroughly investigated and may result in action being taken under the College's [Misconduct Regulations](#). If found guilty the penalties range from an admonishment to expulsion depending on the severity of the act or if it is a second offence.

Plagiarism

Plagiarism is the taking of another person's thoughts, words, results, judgements, ideas, images etc., and presenting them as your own. All work submitted as part of the requirements for any examination or assessment of the College must be expressed in the student's own words and incorporate their own ideas and judgments. Direct quotations from the published or unpublished work of others, including that of other students, must always be identified as such by being placed inside quotation marks with a full reference to the source provided in the proper form. Paraphrasing – using other words to express another person's ideas or judgments – must also be acknowledged and referenced in the appropriate manner. In the same way, the authors of images and audiovisual presentations must be acknowledged. Plagiarism is the most common form of academic misconduct, and may arise intentionally or otherwise (e.g. through negligence, poor scholarship or lack of understanding). The College is committed to ensuring that students have appropriate guidance and opportunities to familiarise themselves with this concept and the measures which students should take to avoid plagiarism in their work. However, there is also a requirement for students to take responsibility for their academic work and to comply with the College's standards and requirements.

Examples of plagiarism include but are not limited to:

- **Copying** ~ a student should not copy someone else's work or thoughts and pass this off as their own, even if s/he has their permission;
- **Copying** ~ a student should not insert the writing or thoughts of others into their written work without the correct referencing;
- **Copy and paste** ~ a student may not copy text verbatim and pass this off as their own, without using quotation marks and citing the original source;
- **Paraphrasing** ~ avoid closely paraphrasing someone else's work (e.g. by changing the order of the words slightly);

either quote the work directly using quotation marks or put the ideas completely in your own words. Remember either way you must acknowledge the source using the appropriate citation conventions¹;

- **Self-plagiarism** ~ when students submit the same piece of work (or a significant part thereof) for different assessments – students can only be given credit once for any given piece of work;
- **Essay banks** ~ when students submit an assessment that has been written by a third party or obtained from a professional writing ‘service’.

Collusion

Collusion is when two or more students collaborate, without permission from the programme of study, to produce individual assessments that when compared significantly overlap in content, order, structure and format. Collusion is an issue of personal integrity and ethics; students who collude are acting dishonestly.

Examples of collusion include but are not limited to:

- Unauthorised collaboration between students to produce the same or substantially similar pieces of work which they then claim as their own;
- Essay banks ~ when a student submits an assessment that has been written by a third party or obtained from a professional writing ‘service’;
- Allowing another student to submit your work (in part or as a whole) as their own.

Cheating

Acting in a dishonest way to gain an unfair advantage is cheating. Examples include but are not limited to:

- making up or falsifying data for an assignment such as a research project;
- falsifying medical conditions or evidence to gain an advantage (e.g. deadline extension);
- taking unauthorised material into an examination;
- not complying with the instructions on an examination paper;
- not complying with the instructions of an invigilator;
- copying someone else’s work during an examination;
- talking to other students whilst under examination conditions;
- using unauthorised aids (e.g. a calculator) during an examination when not expressly permitted.

Sanctions

Instances of academic misconduct will be investigated in accordance with the College’s Misconduct Regulations and appropriate actions will be taken.

Support

ISS provide comprehensive support and guidance for students. The interactive tutorial module includes advice on study skills, time management, citation conventions and also allows unlimited access to TurnitinUK.

Approved College Assessment Board June 2011

¹ Citation conventions vary according to discipline.