

# **Academic Misconduct Procedure**

## **Introduction**

This procedure outlines the steps that should be taken in the investigation and administration of academic misconduct. This procedure also provides instruction on the facilitation of Academic Integrity Meetings and Misconduct Committee Meetings. This procedure should be read alongside the Academic Misconduct Policy.

## **General: Investigating a case of Academic Misconduct**

1. In reaching a decision about whether or not any form of academic misconduct has occurred, the following factors should be taken into consideration:
  - all available evidence, considered on the balance of probabilities
  - the type and nature of the assessment task
  - compelling evidence that the conduct arose from a lack of understanding, which may take into account the level of study or experience, but does not include an obvious lack of effort or engagement
2. Where a student is suspected of academic misconduct and is registered on a module at King's College London offered under a collaborative partnership agreement, the ASB Chair of their nominee should notify the student's home institution that misconduct procedures have been instigated. The student's home institution reserves the right to apply its own regulations, policies and procedures relating to student academic misconduct at its own discretion, or to accept the conclusions of the College's investigation.

Students of King's College London studying modules at other institutions are subject to the host institution's procedures and should ensure that their programme team at King's is aware of the investigation being undertaken.

## **General: Considering the outcome of Academic Misconduct**

3. Where academic misconduct is deemed to have occurred, the following factors should subsequently be taken into account when considering the most appropriate outcome to be applied:
  - if the student has demonstrated genuine reflection on their actions and/or contrition
  - if the student has engaged in the process with honesty
  - the severity or extent of any misconduct
  - any personal, compassionate or mitigating circumstances
  - the College's Staff Guidance on Academic Misconduct
  - the principles of the [OIA's Good Practice Framework](#) for HE providers (including proportionality and fairness)

## **Stage One: Academic Integrity Meeting**

### Administration

4. The student may be accompanied by another King's community member, including a member of KCLSU, or by a friend or family member. Any accompanying member is usually permitted to advise and assist but not represent (other than KCLSU), and therefore would not normally be permitted to speak to the case on behalf of the

student. A legal representative is not permitted at the AIM. If a student wishes to have a legal representative, they can decline to attend the AIM and the Assessment Sub-Board (ASB) Chair should refer the matter to Student Conduct & Appeals (SCA) for consideration by a Misconduct Committee. The Chair of the relevant Committee will then decide whether it is appropriate for a legal representative to attend and if so in what capacity (i.e. to provide support).

5. The student is permitted a sign language communicator or interpreter as a reasonable adjustment. In all other circumstances, the meeting should be conducted in English.
6. The meeting may be held online or in-person, and the student may request that the meeting be held in either mode as a reasonable adjustment. AIMs are not normally recorded, but a recording or a transcript may be made a reasonable adjustment where requested and agreed. In these circumstances the recording or transcript should only be made by staff members and provided to the student.

#### Meeting Facilitation

7. The purpose of the AIM is to discuss the student's assessment. The following topics should be explored in the AIM:
  - how the student prepared the assessment task
  - providing feedback on the academic integrity concerns identified
  - any other circumstances impacting the student's submission which they may wish to raise.
8. Staff members should discuss the concerns with the student and the student should be given an opportunity to input and discuss.
9. Staff members should provide the student with information about support available, including academic skills and/or pastoral support services as appropriate (see Policy; Appendix 1).

#### **Stage Two: Misconduct Committee**

##### Administration

10. Written notice of the Committee date, including the names of the Committee members, the College Representative and the College witnesses, together with all documentary evidence, including copies of witness statements, will normally be sent to the student at least 10 working days before the Committee date.
11. 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 Associate Director, Student Conduct & Appeals (or their nominee) at least 5 working days in advance of the Committee. The Associate Director, Student Conduct & Appeals (or their nominee) will ensure this evidence is sent to the Committee, and will contact any witnesses directly. Documentary evidence and/or witnesses received after this deadline will only be accepted at the discretion of the Chair of the Committee.

12. The Chair has the discretion to adjourn the Committee where the above time frames (see 10-11) have not been met. The Chair will determine whether additional witnesses should be invited to attend the Misconduct Committee, or where written evidence shall suffice. Where a witness is required to attend the Committee, it is the student's responsibility to invite any of the witnesses they wish to attend, to ensure that witnesses can attend. Committee documentation may only be shared with witnesses with prior written approval from the Associate Director, Student Conduct & Appeals (or their nominee). 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.

Representation

13. 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.
14. If the student is to be represented or accompanied, the name of the person attending must be received in writing by the Associate Director, Student Conduct & Appeals (or their nominee) at least 48 hours in advance of the Committee. The Chair of the relevant Committee has the discretion to refuse to permit a representative or friend or family member attend where prior written notice has not been given with reasonable cause. Committee documentation may be shared with approved representatives.
15. If a student wishes to be represented by an individual not listed above (including legal representation), they should make representations to the Chair of the relevant Committee. The relevant Chair has the absolute discretion to accept or reject an application for alternative representation, including if they are permitted to attend, the capacity in which they may attend (e.g. to provide support) and their decision will be final. It is expected that all parties involved in a misconduct investigation will act reasonably and fairly and treat the process in a respectful manner. If inappropriate behaviour is displayed, further action may be taken.

Meeting Facilitation

16. 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.
17. The College Representative will present the charge and evidence gathered to the Committee. The student facing the charge (or their representative) will be invited to reply. Either party may call witnesses to the fact, in accordance with the timeframes and provisions set out above (see 10-15).
18. The Committee may ask questions of all those called before it, and the College Representative and the student may raise questions through the Chair.

19. At the conclusion of the presentations and questions, the student facing the case may address the Committee and make a statement.
20. The Committee will deliberate in private and will normally reach a decision and outcome without adjournment.
21. 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.
22. 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.

### **Stage Three: Misconduct Appeal Committee**

#### Administration

23. Written notice of the Committee date will normally be sent to the student and College Representative/Assessment Board Representative, together with the names of the Committee members and all documentary evidence, at least 10 working days before the Committee date.
24. The student may present documentary evidence for consideration by the Committee. This evidence must be sent to the Associate Director, Student Conduct & Appeals (or their nominee) at least three days in advance of the Committee. This evidence will be sent to the Committee by the Associate Director, Student Conduct & Appeals (or their nominee). Documentary evidence received after this deadline will only be accepted at the discretion of the Chair.

#### Meeting Facilitation

25. 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.
26. The student making the appeal, or their representative, will present their case against the decision or outcome of the Misconduct Committee.
27. 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.
28. 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.
29. 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.