



The Inns of
Court College
of Advocacy

Student Conduct Policy

including Misconduct Procedure and Outcomes for
Academic and non-Academic Misconduct

Version 2.0

Standard of Behaviour

- 1 The standard of behaviour expected of students at the ICCA must be consistent with upholding the good name and reputation of the Bar. As members of the ICCA community, students are expected to adhere to the regulations, procedures and policies of the ICCA, to show respect for the persons within and for the property of the ICCA community, and to behave in a way that does not interfere with the proper functioning, activities or reputation of the ICCA. Students are reminded that they must take responsibility to familiarise themselves with, and abide by, the rules, regulations and ethical standards that are required of them while studying on the ICCA Bar Course.
- 2 Where there is reason to believe that the behaviour of a student falls below the expected standards set out in this policy and/or where the ICCA regulations, procedures, policies or conventions have been broken, the Student Misconduct Procedure will be instigated. This extends to alleged misconduct by a student occurring on ICCA premises and when using teaching or other facilities provided to them by the ICCA (including premises of the Inns) or off such premises (including via electronic means, such as email and social media) where the alleged victim is the ICCA itself, a member of the ICCA community, or a visitor to the ICCA or to alleged misconduct occurring during ICCA activities.
- 3 Please note that the examples of unacceptable behaviour or unacceptable academic practice listed within this policy are not exhaustive. The ICCA can bring action in relation to other unacceptable behaviour or unacceptable academic practice. The ICCA will consider any mitigating and aggravating factors when determining a penalty. Such factors include, but are not limited to, elements of discrimination, instances of previous misconduct, and mitigating circumstances occurring at the time of the alleged incident. A full list of the sanctions which may be imposed are set out in this policy.

Pending Criminal Proceedings or Criminal Convictions

- 4 Current students of the ICCA must inform the Course Leader in writing of any pending Criminal Proceedings or convictions for a Criminal Offence as defined below.
- 5 Criminal Offence means any offence, wherever committed, under the criminal law of any jurisdiction (including an offence the conviction for which is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974) except:
 - a) an offence for which liability is capable of being discharged by payment of a fixed penalty; and
 - b) an offence which has as its main ingredient the unlawful parking of a vehicle.
- 6 Pending Criminal Proceedings means proceedings for any criminal offence (as defined above) which a person:
 - a) is currently charged with, or
 - b) is on bail or in detention or custody (or has failed to surrender to custody) in connection with.
- 7 Failure to reveal any pending Criminal Proceedings or convictions for a Criminal Offence will result in misconduct action being taken.

- 8 Where a specific breach of the law or of these regulations would render the student ineligible to continue on the ICCA Bar Course the student's registration will be terminated without notice.

Accuracy of Information Provided on Enrolment

- 9 If a student is found to have provided untrue or inaccurate information, or to have omitted information at enrolment, registration on the ICCA Bar Course can be terminated immediately.

Misconduct

- 10 Students are expected to maintain good conduct at all times whilst on ICCA premises and when using teaching or other facilities provided to them by the ICCA (including premises and facilities of the Inns) or engaged in activities of the ICCA. This requirement extends to maintaining good conduct off such premises (including via electronic means, such as email and social media) towards the ICCA itself, a member of the ICCA community, or a visitor to the ICCA. Failure to do so is considered misconduct and will be treated as a disciplinary offence. Attempts to commit disciplinary offences are also considered to be misconduct and will be dealt with in accordance with this policy.
- 11 Disciplinary offences include:
- a) Academic misconduct (Academic misconduct is dealt with below at paragraph 20)
 - b) Committing criminal offences (as defined at paragraph 5 and 6 above)
 - c) Physical and sexual misconduct towards staff, students, visitors and other members of the ICCA community
 - d) Offensive and/or abusive behaviour towards staff, students, visitors or other members of the ICCA community
 - e) Insulting and/or disrespectful treatment of staff, students, visitors or other members of the ICCA community
 - f) Damaging or interfering with property of staff, students, visitors or other members of the ICCA community
 - g) Causing a health or safety concern on premises or teaching/study facilities of the ICCA
 - h) Matters which interfere with the effective operation of the ICCA
 - i) Behaviour which causes or could cause reputational damage to the ICCA
 - j) Behaviour which is otherwise disruptive towards staff, students, visitor or other members of the ICCA community.
- 12 Examples of behaviour towards the ICCA staff, students and visitors amounting to a disciplinary offence include:
- a) Physical assaults or threats of assault

- b) Sexual misconduct (including physical assaults of a sexual nature and threats of a sexual nature; inappropriately showing material of a sexual nature to another person; sexual harassment)
- c) Offensive and/or abusive behaviour (including by way of threats; abusive comments, including those relating to an individual's protected characteristics; acting in an intimidating and hostile manner; harassment, including repeatedly following another person without good reason; use of inappropriate language in the classroom or elsewhere; repeatedly contacting another person (by phone, email, text, on social media, or through a third party) against the wishes of the other person; distributing or publishing a poster, notice, sign or any other matter, which is offensive, intimidating, threatening, indecent or illegal; taking a photograph or video of a student or employee of the ICCA, or a visitor to the ICCA and distributing or publishing this image without permission; distributing or publishing an existing photograph or video of a student or employee of the ICCA, or a visitor to the ICCA, without permission; inciting violence to promote political, religious, philosophical or other beliefs including views which undermine the rule of law, individual liberty and democracy)
- d) Damaging or interfering with property (including within the ICCA teaching and study facilities)
- e) Unauthorised taking or use of property (including unauthorised entry onto or unauthorised use of premises or property of the ICCA; taking property belonging to another without permission; gaining unauthorised access to material held electronically or otherwise by students and staff of, and visitors to, the ICCA)
- f) Causing a Health and Safety Concern (including by an act or omission that caused, or could have caused, harm on the premises of the ICCA, including its teaching/study facilities, or during activities of the ICCA, for example by disabling fire extinguishers, possessing/supplying controlled drugs; smoking in non-designated areas; serious incapacity through alcohol or drugs)
- g) Creating an Operational Obstruction (including any act/omission/statement intended to deceive the ICCA; disruption of or improper interference with the activities of the ICCA (including academic, administrative, sporting and social) on ICCA premises or elsewhere; disruption of or improper interference with the functions, duties or activities of any student or employee of, or any visitor to, the ICCA)
- h) Causing Reputational Damage (including any behaviour that caused, or could have caused, damage to the reputation of the ICCA or its validating academic partner King's College London; failing to disclose pending Criminal Proceedings or convictions for a Criminal Offence as defined at 5 and 6 above).

Bullying and Harassment

- 13 Students are specifically referred to the ICCA Policy on Bullying and Harassment for Students which provides a statement of the ICCA's commitment to protecting the dignity

of its students and details the support available to students who feel they are experiencing bullying, harassment or discrimination.

Suspension and Exclusion

- 14 A student who is the subject of a misconduct complaint, or who is the subject of police investigation or criminal proceedings, may as a precautionary measure be suspended or excluded by the Dean of the ICCA pending the outcome of the investigation or the criminal process. A student may also be suspended or excluded on health and safety grounds, or where they are considered a danger to themselves or other members of the ICCA or the Inns.
- 15 Exclusion is selective restriction on attendance at or access to the ICCA and its teaching facilities (including premises and facilities of the Inns) and participation in the activities of the ICCA. Suspension is a total prohibition on attendance at, or access to, the ICCA and its teaching facilities (including premises and facilities of the Inns) and participation in the activities of the ICCA. It may be subject to conditions, such as permission to attend an examination. A suspension will only be used where an exclusion is deemed to be inadequate.
- 16 The terms of a suspension or exclusion may include a No Contact Agreement, requiring the student to have no contact with a named person or persons.
- 17 Suspensions and exclusions are not penalties; the Dean of the ICCA will only impose such measures when it is urgent and necessary to do so. Written reasons for the decision will be recorded and made available to the student in the letter of suspension.
- 18 Suspensions and exclusions shall normally start with immediate effect. The reasons for the decision will be communicated to the student in writing, as well as information about their right to submit representations against it. Representations must be submitted within five working days of the suspension or exclusion and will normally be reviewed within a further five working days.
- 19 Should the suspension or exclusion remain in place, the Dean of the ICCA will review the suspension or exclusion every 28 days, in the light of any developments, or of any representations made by the student. Reviews of suspensions and exclusions will not involve hearings or meetings.
- 20 Failure to comply with the terms of a suspension or exclusion is an offence of misconduct.

Academic Honesty & Integrity

- 21 Studying on the ICCA Bar Course is both challenging and rewarding. The ICCA is a place of respect and integrity and all staff and students are expected to embrace the values of the academic community. Students must reflect this by producing assessment work which cites the correct sources and is the student's own work. Students are expected to take responsibility for their academic work and to comply with the ICCA's standards and requirements. Students who fail to take responsibility for their academic work are undermining the fundamental values of the academic community to which they belong.

- 22 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.
- 23 Academic staff may call upon electronic plagiarism detection software or other means to assist them in the process of matching text to the original source. Academic judgment of the ICCA's academic staff combined with the detection software is considered to be a successful way to ensure that acts of academic misconduct seldom go undetected.

Academic Misconduct

- 24 To allow for a proportionate response when dealing with alleged breaches of the requirements of academic honesty and integrity, the ICCA shall determine if the alleged breach amounts to:
- a) Academic Misconduct (which amounts to an academic disciplinary finding)
 - b) Poor Academic Practice (a single instance of which does not amount to an academic disciplinary finding)
- 25 Academic Misconduct is any act or attempted act whereby a student:
- i) Intends to gain an unfair advantage in an assessment or in the determination of results for an assessment; and/or
 - ii) Intends to gain an unfair advantage for another student in an assessment or in the determination of results for an assessment; and/or
 - iii) Intends to disadvantage another student in an assessment or in the determination of results for an assessment; and/or which
 - iv) Undermines or is capable of undermining the integrity or reputation of the ICCA'S examination and assessment processes and/or the awards of the ICCA and/or its academic validating partner King's College London; and
 - v) Where (in relation to i) to iv) above) there are no mitigating factors which would lead to the actions of the student to be deemed to be Poor Academic Practice.
- 26 An advantage is unfair if it places a student in a position they would or might not be in should the assessment, submission or process have been carried out in accordance with the requirements, instructions or conventions for that assessment and/or otherwise in accordance with the ICCA Regulations and Policies. A non-exhaustive list of examples can be seen below.
- 27 Poor Academic Practice is any act or omission by a student amounting to a breach of the requirements, instructions or conventions for that assessment and/or otherwise in accordance with the ICCA Regulations and Policies but where on the part of the student:
- i) No intention to gain an unfair advantage is evident; and
 - ii) No identifiable advantage was or may have been gained; and
 - iii) The breach was due to carelessness or ineptitude; and
 - iv) The breach took place in defensible ignorance of those regulations or conventions.

- 28 Poor Academic Practice occurs where a student shows a lack of understanding of scholarly practice and appropriate academic representation. Examples of poor academic practice are sources being cited incorrectly or inadequately or without quotation marks, even though the author is listed in the references.
- 29 There are a number of different reasons why someone investigating a case of alleged academic misconduct might decide that the student's actions could be called Poor Academic Practice. These include:
- a) if it is the student's first offence;
 - b) if the conduct relates to a fairly minor matter of referencing;
 - c) if there is other compelling evidence that the conduct arose from a genuine lack of understanding of academic integrity expectations.
- 30 Poor academic practice should only be found where the alleged academic misconduct is not extensive, blatant or does not result from an obvious lack of effort overall."
- 31 References to an assessment or assessments in this policy concern summative (as opposed to formative) assessments. Summative assessment is where the mark contributes to the final award classification as opposed to formative assessment, which summarises the participants' development at a particular time, but does not contribute marks towards the overall award. Students are nonetheless expected to treat formative assessments in the spirit of these regulations. Failure to do so will be dealt with by an individual tutor or the Course Leader and may, in itself, result in action being taken.
- 32 Where there is a determination of Poor Academic Practice the student may receive one or more of the measures set out below:
- a) a written warning that any further instance of Poor Academic Practice may result in a referral to a Misconduct Panel. The warning will be held on file for the duration of the student's registration and may be referred to in the event of any further misconduct allegation and by a Misconduct Panel at any subsequent misconduct hearing; and/or
 - b) Require the student to undergo any relevant educational training or study with a view to preventing a reoccurrence of the Poor Academic Practice. Such conditions may be attached as are proportionate in the circumstances (such as to report to a member of staff at the ICCA to demonstrate that the educational work or study has been carried out);
 - c) If it is determined that there has been any potential assessment advantage gained in the assessment, such potential advantage will be negated by the assessment being submitted to the marking and moderation process to remove such potential advantage. In the event that the moderated mark amounts to an assessment fail, the student shall be entitled to resit the assessment only if the affected assessment was taken at the first attempt.

- 33 Poor academic practice (as opposed to academic misconduct) may be assumed in cases where a student has identified the work of another author but has failed to apply the correct referencing convention fully or at all.
- 34 A second or further determination of Poor Academic Practice shall be treated as Academic Misconduct.
- 35 Academic misconduct at the ICCA is categorised into four areas:
- a) Plagiarism
 - b) Collusion
 - c) Cheating through deception and fraud
 - d) Contract cheating
- 36 Examples of behaviour amounting to an Academic Misconduct offence include:
- a) **Plagiarism**

When submitting assessment work as part of the requirements for a module this work should be expressed in the student's own words and incorporate their own ideas and judgments. The ICCA defines plagiarism as the taking of another person's thoughts, words, results, judgments, ideas, images etc., and presenting them as your own.

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.
 - **Incorrect referencing:** a student should not insert the writing or thoughts of others into their written work without the correct referencing.
 - **Copying and pasting:** a student may not copy text verbatim or closely paraphrase a source text and pass this off as their own, without using quotation marks and citing the original source.
 - **Paraphrasing:** a student should avoid closely paraphrasing someone else's work (e.g. by changing the words or the order of the words slightly) and should always acknowledge the source using the appropriate citation conventions.
 - b) **Collusion**

Collusion is when two or more students collaborate to produce individual assessments that when compared significantly overlap in content, order, structure and/or format.

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.
 - One student submitting another student's work (in part or as a whole) as their own.

- Allowing another student to have sight of a piece of work prepared for an assessment before they have submitted that work themselves.

c) Cheating

Cheating is adopting working methods that are outside the spirit of the ICCA Regulations and policies and involves acting in a dishonest way to gain an unfair advantage compared to other students.

Examples of cheating include but are not limited to:

- Making up or falsifying information for use in a written assessment.
- Misrepresentation or falsification of medical conditions or evidence to gain an advantage (e.g. for mitigating circumstances or to gain an assessment deferral).
- Essay banks: when a student submits a summative assessment that has been written by a third party or obtained from a professional writing 'service'.
- 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.
- The passing of information about a skills assessment by a student who has taken that assessment to another student who has not yet taken that assessment.
- Using unauthorised aids (e.g. a calculator or a phone) during an examination when not expressly permitted.
- Attempting to influence by inappropriate or unfair means a member of staff or official of the ICCA intending thereby to affect a student's results.

d) Contract Cheating

Purchasing written work and presenting it as your own, or presenting written work for assessment that has had input from a third party – this may include the writing of or contribution to assessed written work, conducting research, or providing assistance in completing assessed work, such as editing an assignment. Third parties may include web-based companies or auction sites (known as essay mills), or sharing websites (known as essay banks).

Misconduct Procedure

Standard of Proof

- 37 There will be a presumption of innocence until a case has been fully considered. Cases of misconduct are brought by the ICCA and the standard of proof is the balance of probabilities.

Misconduct Complaints

- 38 An allegation that a student has committed a disciplinary offence shall be made to the Course Leader.

Representation

- 39 A student facing a charge of misconduct may be represented at any point in the proceedings by another ICCA student member.
- 40 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.
- 41 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 Course Leader at least 48 hours in advance of the Initial Meeting, Misconduct Panel Hearing or Appeal Committee.
- 42 The Course Leader (concerning representation at an Initial Meeting) or Chair of the relevant Misconduct Panel 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.
- 43 If a student wishes to be represented by an individual not listed above, they should make representations to the Course Leader or Chair of the Misconduct Panel or Appeal Committee. The Chair of the ICCA Misconduct Panel or Appeal Committee has the absolute discretion to accept or reject an application for alternative representation and their decision will be final.

Investigation of Non-Academic Misconduct

- 44 On receipt of an allegation of misconduct, the Course Leader (or nominee) will conduct a preliminary enquiry, normally within 10 working days, to determine if there is a case to answer.
- 45 If the Course Leader determines that there is no case to answer, the case will be dismissed. If the Course Leader determines that there is a case to answer they will require the student to attend for an initial meeting, normally within the next 5 working days. The Course Leader will give the student notice in writing of the meeting at least 3 working days before the meeting. The student will be invited to respond and provide evidence to rebut the allegation should they choose to do so. The Course Leader may cancel the meeting and dismiss the case if they consider the response and/or evidence provided conclusively rebuts the allegation. A student invited to an initial meeting will not be obliged to make a statement, provide evidence or give any explanation.
- 46 At the initial meeting the Course Leader will review the allegation and consider the evidence, including any representations from the student. The student may be accompanied at the meeting (see Representation above). The hearing will be recorded, usually in writing, which may be made available in any subsequent hearing.
- 47 On completion of the initial meeting the Course Leader will determine, normally within 10 working days, 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 a charge of misconduct which constitutes a minor infringement; or

- c) there is sufficient evidence to form the basis of a charge of misconduct which constitutes a major infringement.
- 48 The ICCA defines a major infringement as a misconduct offence which is sufficiently serious to call 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.
- 49 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 Course Leader may refer a case to the Misconduct Panel.
- 50 If the Course Leader determines there is insufficient evidence to form the basis of a charge of misconduct amounting to a major infringement, that decision will be sent to the student.
- 51 If the Course Leader determines that there is sufficient evidence to form the basis of a charge of misconduct which constitutes a minor infringement, the Course Leader may, at their discretion:
- a) Issue an oral reprimand without record.
 - b) Issue a written warning that any further disciplinary offence may result in referral to the Misconduct Panel. The warning will be held on file for the duration of the student's registration and may be referred to in the event of any further misconduct allegation and by the Panel at any subsequent misconduct hearing. The student can refuse to accept such a written warning and contest the allegations, in which case the Course Leader will refer the matter to a Misconduct Panel.
- 52 If the Course Leader 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 Panel.
- 53 Where an allegation of misconduct is referred to a Misconduct Panel, the Course Leader (or nominee) will act as the ICCA Representative to present the case to the Misconduct Panel.

Misconduct Which is Also a Criminal Offence

- 54 Where the alleged misconduct could also constitute an offence under the criminal law special provisions will apply and the ICCA's own misconduct investigations or proceedings may be delayed until such time as the police and/or courts have completed their investigations and proceedings. The ICCA follows the [Guidance For Higher Education Institutions on How To Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence.](#)
- 55 Students imprisoned for a period of 21 days or more will be automatically withdrawn from the ICCA. Any such student will have the right to submit written representations to the Course Leader 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 Course Leader.

Investigation of Academic Misconduct

- 56 On receipt of an allegation of academic misconduct, the Course Leader (or nominee) will conduct a preliminary enquiry, normally within 10 working days, to determine if there is a case to answer.
- 57 If the Course Leader determines that there is no case to answer, the case will be dismissed. If the Course Leader determines that there is a case to answer they will require the student to attend for an initial meeting, normally within the next 5 working days. The Course Leader will give the student notice in writing of the meeting at least 3 working days before the meeting. The student will be invited to respond and provide evidence to rebut the allegation should they choose to do so. The Course Leader may cancel the meeting and dismiss the case if they consider the response and/or evidence provided conclusively rebuts the allegation. A student invited to an initial meeting will not be obliged to make a statement, provide evidence or give any explanation.
- 58 At the initial meeting the Course Leader will review the allegation of academic misconduct and consider the evidence, including any representations from the student. The student may be accompanied at the meeting (see Representation above). The hearing will be recorded, usually in writing, which may be made available in any subsequent hearing.
- 59 On completion of the initial meeting the Course Leader will determine, normally within 10 working days, whether:
- a) there is insufficient evidence to form the basis of a charge of Academic Misconduct or Poor Academic Practice; or
 - b) there is sufficient evidence only to form the basis of a charge of Poor Academic Practice; or
 - c) there is sufficient evidence to form the basis of a charge of Academic Misconduct.
- 60 If the Course Leader determines there is insufficient evidence to form the basis of a charge of Academic Misconduct or Poor Academic Practice, that decision will be sent to the student.
- 61 Where the student makes a full admission to the allegation, has no previous findings of Poor Academic Practice or Academic Misconduct and the Course Leader determines that the case is one of Poor Academic Practice, the Course Leader may:
- a) Issue a written warning to the student that any further instance of Poor Academic Practice may result in a referral to the Misconduct Panel. The warning will be held on file for the duration of the student's registration and may be referred to in the event of any further misconduct allegation and by the Panel at any subsequent misconduct hearing; and/or
 - b) Require the student to undergo any relevant educational training or study with a view to preventing a reoccurrence of the Poor Academic Practice. The Course

Leader may attach such conditions as are proportionate in the circumstances (such as to report to a member of staff at the ICCA to demonstrate that the educational work or study has been carried out);

- c) refer the case to a Misconduct Panel with a recommendation (which the Panel may in its discretion accept or reject) to order the cancellation of the results in an assessment/s and a mark of zero returned with a right to resit the assessment as if for the first time (or if the assessment is itself a second attempt, for the second time);
- d) If the Course Leader determines there has been any potential assessment advantage, direct that such potential advantage be negated by the assessment being submitted to the marking and moderation process to remove such potential advantage. In the event that, following such submission, the moderated mark amounts to an assessment fail, the student shall be entitled to resit the assessment only if the affected assessment was taken at the first attempt.

62 In all other cases the Course Leader will refer the case to the Misconduct Panel.

Misconduct Panel

63 The Misconduct Panel shall be constituted in accordance with the Terms of Reference as set out in the Academic Regulations.

64 The Misconduct Panel is responsible for hearing the case and:

- a) establishing whether allegation has been proved against the student on the balance of probabilities;
- b) determining the appropriate penalty having considered the relevant circumstances of the case, including any aggravating and mitigating circumstances.

Misconduct Panel Procedure

65 Written notice of the Panel date, including the names of the Panel members, the ICCA Representative and any ICCA witnesses, together with all documentary evidence, including copies of witness statements, will normally be sent to the student at least 14 days before the Panel date.

66 The student may accept or deny the allegation. If they accept the allegation they may present documentary material or witnesses in mitigation. If they deny the allegation they may present documentary evidence in their defence or mitigation. Documentary evidence for consideration by the Misconduct Panel, and/or the names of any additional witnesses and written copies of their evidence, must be sent to the Course Leader at least 7 days in advance of the Panel. This evidence will be sent immediately to the Panel by the Course Leader. Documentary evidence and/or witnesses received after this deadline will only be accepted at the discretion of the Chair of the Panel.

67 The Chair of the Misconduct Panel has the discretion to adjourn the Panel 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 Panel will not normally be adjourned due to the

unavailability of a witness, and any decision to adjourn is at the sole discretion of the Chair.

- 68 The student facing the charge will have the right to be present during the Panel except if the Panel requires private discussions where only the Panel and the Clerk will be present.
- 69 The ICCA Representative will present the charge and evidence gathered to the Panel. This may be in writing or in person. The student facing the charge (or their representative) will be invited to reply as to whether they accept the charge or not and, if not, either party may call witnesses to the fact.
- 70 The Panel may ask questions of all those called before it, and the ICCA Representative and the student may raise questions through the Chair of the Panel.
- 71 Any issue as to the admissibility of evidence will be determined by the Chair of the Panel.
- 72 At the conclusion of the presentations and questions, the student facing the allegation may address the Panel.
- 73 The Panel will deliberate in private and will normally reach a decision and outcome without adjournment.
- 74 At any time during the proceedings, the Chair may adjourn the Panel, 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.
- 75 A decision of the Panel will be reached by a majority vote of the members of the Panel present at the Panel but will be announced as a decision of the Panel. The votes of the individual Panel members will be treated as confidential. In the event of a tie, the Chair will have the casting vote.

Outcome of Misconduct Panel

- 76 Should the Misconduct Panel decide that the charge was not established, that decision will be communicated to all persons involved in the case, either immediately or normally within seven days of the date of the Panel.

Academic Misconduct Outcomes – Academic Misconduct or Poor Academic Practice

- 77 Where the Misconduct Panel determines that the charge of Academic Misconduct is not established but the case is one of Poor Academic Practice, the Panel may decide one or more of the following measures:
- a) the student shall receive a written warning that any further instance of Poor Academic Practice may result in a referral to the Misconduct Panel. The warning will be held on file for the duration of the student's registration and may be referred to in the event of any further misconduct allegation and by the Panel at any subsequent misconduct hearing; and/or
 - b) Require the student to undergo any relevant educational training or study with a view to preventing a reoccurrence of the Poor Academic Practice. The Panel may attach such conditions as are proportionate in the circumstances (such as to

report to a member of staff at the ICCA to demonstrate that the educational work or study has been carried out);

- c) If the Panel determines there has been any potential assessment advantage gained in the assessment, such potential advantage will be negated by the assessment being submitted to the marking and moderation process to remove such potential advantage. In the event that the moderated mark amounts to an assessment fail, the student shall be entitled to resit the assessment only if the affected assessment was taken at the first attempt.

78 A single instance of Poor Academic Practice is not a disciplinary finding against a student, but a recognition that a student has fallen below the academic standards required where there was no intention to gain an advantage (see 26). The primary aim of the Panel in these circumstances is to educate the student to avoid reoccurrence.

79 Where the Misconduct Panel determines that the charge of Academic Misconduct is established the Panel will have as its principal aim the protection of the integrity of the reputation, assessment processes and awards of the ICCA and of its validating academic partner King's College London. In deciding upon a permissible outcome (see 76) the Panel may take into account all relevant matters, including the following aggravating and mitigating features (this list is not exhaustive):

- a) **Premeditation.** Premeditated acts where the Academic Misconduct was planned in advance will be considered more seriously than acts which were not so planned, such as impulsive acts or those which were careless;
- b) **Recklessness.** The act was reckless in that the student gave no thought to the actions or consequences or did not care about the actions or consequences. The greater the degree of recklessness the more seriously it will be considered;
- c) **Negligence or ignorance.** Where it is accepted that the student's behaviour arose out of ignorance of the required standard and there was no intention to gain an unfair advantage, this will be considered a mitigating feature. The greater the level of negligence the more seriously it will be considered;
- e) **Level of Unfair advantage.** The greater the unfair advantage sought, the more serious the case is likely to be considered.
- f) **Previous findings of Academic Misconduct or determinations of Poor Academic Practice.** Where there is any such previous finding or determination this may increase the seriousness (although where there has been a finding of Academic Misconduct due to a second determination of Poor Academic Practice, the combination is integral to the offence and the past record cannot be used as an aggravating feature);
- g) **Financial Motive.** Where the student acted for financial gain this will be considered an aggravating feature;
- f) **Group Action.** Where the student operated with others, whether students of the ICCA or not, this is likely to be considered an aggravating feature;

- g) **Concealing or Disposing of Evidence.** Where the student has sought to avoid detection by concealing or disposing of evidence, this will be considered an aggravating feature;
 - h) **Abuse of a Position of Trust.** Where a student has abused a position of trust, this will be considered an aggravating feature.
 - i) **Use of Threats or Intimidation.** The use of any threat or intimidation by a student towards another person, whether a student of the ICCA or not, will be considered an aggravating feature.
 - j) **Other Student Conduct.** Good student conduct will be considered in mitigation of the offence, including whether the student self-reported the conduct, cooperated during the investigation and/or admitted the offence. The earlier the student reported, cooperated or admitted the offence the greater the mitigation.
- 80 A circumstance cannot be considered an aggravating feature where that factor is in itself integral to the commission of the Academic Misconduct offence. The circumstance is already reflected in the offence and shall not be used as a feature to increase any penalty.
- 81 Where the Misconduct Panel determines that the charge of Academic Misconduct is established the Panel may decide one or more of the following measures:
- a) a formal written warning, to be retained on the file of the student at the ICCA until the student completes the ICCA Bar Course;
 - b) the assignment of the minimum pass mark to a paper or papers, or assessed work, or both; or
 - c) the cancellation of the results in an assessment/s and a mark of zero returned with a right to resit the assessment as if for the first time (or if the assessment is itself a second attempt, for the second time);
 - d) the cancellation of the results in an assessment/s and a mark of zero returned with a right to resit the assessment as if for the first time (or if the assessment is itself a second attempt, for the second time) but with the result capped at the pass mark for that assessment;
 - e) a recommendation to the Academic Board that the student's Bar Course classification and King's College Postgraduate Diploma (PGDip) award be revoked;
 - f) expulsion from the ICCA. Readmission will be at the discretion of the Dean of the ICCA based on consideration of the individual student's case;
 - g) in all cases of Academic Misconduct the ICCA shall report its disciplinary findings to the Inn of Court of the student (see 84).
- 82 The Misconduct Panel 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 Panel.

- 83 Where a student appeals the decision of the Panel in accordance with the appeals procedure below, the disciplinary finding shall not be reported to the Inn until the conclusion of the appeals procedure.
- 84 The decision and outcome of the Panel will normally be sent in writing to the student within 7 days of the date of the decision of the Panel. 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.

Misconduct Outcomes – Non-assessment related misconduct

- 85 Where the Misconduct Panel determines that the charge of Misconduct is established the Panel may decide one or more of the following measures:
- a) a formal written warning, to be retained on the file of the student at the ICCA until the student completes the ICCA Bar Course;
 - b) payment of compensation for damages;
 - c) conditions for the continuation of student status;
 - d) exclusion for a stated period from specified activities or specified parts of the ICCA or its teaching facilities (including facilities of the Inns). Conditions for re admittance may be specified;
 - e) suspension for an indefinite period, with an agreed review date;
 - f) a recommendation to the Academic Board that the student's Bar Course classification and King's College Postgraduate Diploma (PGDip) award be revoked;
 - g) expulsion from the ICCA. Readmission will be at the discretion of the Dean of the ICCA based on consideration of the individual student's case.
 - h) in all cases the ICCA shall report its disciplinary findings to the Inn of Court of the student (see 85).
- 86 The Misconduct Panel 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 Panel.
- 87 The decision and outcome of the Panel will normally be sent in writing to the student within 7 days of the date of the decision of the Panel.
- 88 Where the misconduct hearing arises as a result of a complaint made by another ICCA student relating to the activities of the student towards them (including complaints related to bullying, harassment and discrimination) details of the decision and outcome will also be communicated to the complainant.
- 89 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.

Reporting of Misconduct to the Inns of Court

- 90 All cases of Academic Misconduct (excluding a first finding of Poor Academic Practice) and Misconduct shall be reported to a student's Inn of Court in accordance with BSB regulatory requirements. Where there is a disciplinary finding by the ICCA of Academic Misconduct or Misconduct concerning a student on Part One of the ICCA Bar Course who is not yet a member of an Inn, that student shall be under a duty to declare that finding to the Inn in accordance with the admissions regulations and procedures of that Inn. It is a condition of enrolment on Part Two of the ICCA Bar Course that a student joins an Inn of Court prior to enrolment. In addition, the ICCA shall disclose any such finding to the Inn on a request being made by the Inn in accordance with the regulations and procedures of that Inn as part of its admissions process.
- 91 Any request by any student for a 'fit and proper' person reference for Call to the Bar will be checked against internal records of disciplinary offences on both Parts One and Two in deciding if that reference can be authorised.

Withdrawal of Membership of an Inn

- 92 Where membership of an Inn is withdrawn for disciplinary or other reasons then the student must withdraw from the ICCA Bar Course with immediate effect and their registration shall be terminated. If the student has submitted an appeal against the Inn's decision to withdraw membership then that student shall be suspended from the ICCA Bar Course under the procedure at 41 of these Regulations until such time as the appeal shall be finally determined.

Appeals

- 93 Students may appeal the decision of a Misconduct Panel 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 Panel, and the case warrants further consideration;
 - b) evidence can be produced of significant procedural error on the part of the ICCA before or during the Panel, and the case warrants further consideration.
- 94 Students should submit a Misconduct Appeal Form to the Dean of the ICCA, within 14 days of the date of the Misconduct Panel outcome. Misconduct Appeal Forms received after this deadline will only be accepted at the discretion of the Dean of the ICCA.
- 95 The Dean of the ICCA 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

- 96 Written notice of the Committee date will normally be sent to the student together with the names of the Committee members and all documentary evidence, at least 14 days before the Appeal Committee date.
- 97 The student may present documentary evidence for consideration by the Committee. This evidence must be sent to the Dean of the ICCA (or nominee, details of which shall be

provided to the student) at least 7 days in advance of the Committee. This evidence will be sent immediately to the Committee by the Dean of the ICCA (or nominee).

Documentary evidence received after this deadline will only be accepted at the discretion of the Chair of the Appeal Committee.

- 98 The student 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.
- 99 The student making the appeal, or their representative, will present their case against the decision or outcome of the Misconduct Panel.
- 100 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.
- 101 An Appeal Committee will normally reach its decision without adjournment but may adjourn for a period not exceeding 7 days for the purpose of reaching a decision.
- 102 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.

Appeal Committee Outcome

- 103 The decision and outcome of an Appeal Committee will be given immediately and/or normally will be sent to the student within 7 days of the date of the decision of the Appeal Committee. For assessment-related offences, these will be communicated to the student, the Dean of the ICCA and the Examinations Board Chair. For non-assessment related offences, these will be communicated to the student and other ICCA officers as appropriate. A copy of the decision and outcome will be placed on the student's file.
- 104 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:
- a) modify or reverse the findings of a Misconduct Panel;
 - b) modify or reverse the order of a Misconduct Panel.
- 105 Where an Appeal Committee rejects the appeal, the findings and decision of the Misconduct Panel stands.
- 106 A decision of an Appeal Committee will be final.

Confidentiality and Record Keeping

- 107 The College will do all in its power to limit the disclosure of information as is consistent with conducting an investigation and the provisions of the Human Rights Act, the General Data Protection Regulation, the Freedom of Information Act and any other relevant legislation.

Complaints

- 108 Students are reminded that, in accordance with the Academic Regulations, the Student Complaints Procedure does not cover complaints arising from action taken under the Misconduct Regulations. Where a student is dissatisfied with the outcome of a Misconduct Panel they should follow the misconduct appeals process.

Office of the Independent Adjudicator

- 109 A student may ask the [Office of the Independent Adjudicator](#) (OIA) to consider any unresolved complaint against the ICCA.