A6.1 Student Misconduct Procedures

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Scope

These procedures support the [Student Misconduct Policy](#).

1. Reporting an allegation of misconduct

A person who wishes to report an allegation of misconduct by a student must do so in writing to an Authorised Officer.

**Authorised Officer responsibilities**

**Timeline:** Within two days of receipt of report.

a. On receipt of the allegation, and after making appropriate enquiries, including referring to the Central Misconduct Register for prior misconduct by the student, the Authorised Officer must decide to:
   - deal with the allegation under the local review and resolution process, or
   - refer the allegation to the Academic Director for determination.

b. If the Authorised Officer has reason to believe there is a case for an urgent, interim suspension or restriction of the student (see clause 9 of the [Student Misconduct Policy](#)), the Authorised Officer must refer the allegation immediately to the Academic Director or Vice-Chancellor and President (see Procedure 6).

c. Where an Authorised Officer has a direct interest in the allegation, or where there are circumstances that would prevent the Authorised Officer acting impartially, the Authorised Officer must refer the matter to another Authorised Officer, who will then follow these procedures.

2. Local review and resolution

Local review and resolution applies where the Authorised Officer considers that the nature of the allegation is such that, if proven, it can be appropriately dealt with without imposing a penalty for misconduct as specified in clause 8 of the [Student Misconduct Policy](#).

**Authorised Officers’ responsibilities and powers**

**Timeline:** Within 10 days of receipt of report.
The Authorised Officer must:

a. Investigate the allegation. The Authorised Officer may make such enquiries as they see fit, including discussing the report with the complainant and any witnesses, and making inquiries with any internal or external experts.
b. Keep a record summarising the investigations made.
c. Inform the student orally or in writing to their student email account of the substance of the allegation and the evidence supporting it and give the student a reasonable opportunity to respond.
d. Advise the student that they may have a support person (who is not a legal representative) at any interview they attend;
e. Once the facts have been established to the satisfaction of the Authorised Officer, make a determination on whether an act of misconduct occurred.
f. Make a determination for resolution. Options for resolution include any or all of:
   • that no further action is required;
   • that the student is directed to cease actions which are subject to the allegation;
   • that the student is directed to provide a formal apology to the aggrieved party;
   • that the student provide an undertaking in writing not to repeat the misconduct; or
   • that the student be given a written warning indicating that a repeat of the misconduct will be referred directly to the Academic Director for determination.
g. Make a written record of the outcome of the local review and resolution, provide a copy to the student and, where a determination of misconduct is made, provide a copy for the Central Misconduct Register.

At any stage the Authorised Officer may refer the allegation to the Academic Director if they deem the complaint too serious or too complex for resolution under this process, or where there have been multiple prior episodes of misconduct.

3. Review and resolution by the Academic Director

Review and resolution by the Academic Director applies in cases of serious misconduct which, if proven, are likely to result in the imposition of a penalty. Examples of serious misconduct include where a criminal offence may have been committed, or where the alleged misconduct poses a significant risk to the University and its staff and students, or where there are serious or multiple breaches of the Academic Integrity Policy.

Academic Director’s responsibilities and powers

Timeline: Within 20 days of referral of the matter from an Authorised Officer.

The Academic Director must:

a. Investigate the allegation. The Academic Director may make such enquiries as they see fit, including discussing the report with the complainant and any witnesses, and making inquiries with any internal or external experts.
b. Keep a record summarising the investigations made.
c. Inform the student of the substance of the allegation and the evidence supporting it, in writing to their student email account.
d. Advise the student that they may have a support person (who is not a legal representative) at any interview they attend;
e. Provide the student with a copy of the Student Misconduct Policy and Procedures.
f. Give the student a reasonable opportunity to respond in person or in writing to the allegation
   and all evidence supporting it.
g. Once the facts have been established to the satisfaction of the Academic Director, make a
determination on whether an act of misconduct occurred.
h. If the determination is that misconduct has occurred, determine whether to impose any or all
   of the following penalties:
   
   • the payment of compensation to the value of repair or replacement costs for property
     damaged or stolen;
   • restriction from all, or any specified portion of, University grounds for a specified period;
   • restriction on use of any University facility or service for a defined period;
   • non-conferral of an academic award or the revocation of a conferred award;
   • substitution or adjustment of an academic mark or grade obtained by the student in an
     examination or other form of assessment;
   • cancellation of a prize, scholarship or bursary awarded by the University;
   • exclusion from the University for a defined period;
   • suspension from a course or program for a defined period, and
   • permanent expulsion from the University.

i. In determining the penalties, take into account the following:
   • the nature and seriousness of the misconduct;
   • the student’s previous record of misconduct and penalties imposed;
   • whether there are any mitigating circumstances;
   • whether the student admits the misconduct and has expressed remorse, and
   • the potential impact on the student, including their capacity to complete their course or
     program of study.

j. Notify the student of the determinations in writing to their student email account, except
   where a penalty of expulsion is imposed, in which case notify the student by registered mail.
The notification must include:
   
   i. the determination whether misconduct occurred, with reasons;
   ii. the determination on the penalty to be imposed; and
   iii. the grounds on which the decision and penalty may be appealed.

k. Notify other University officers whose responsibilities require them to know of the
determination.
l. Retain all records of the investigation, outcomes and related documents on a confidential
University file; and, when there is a determination of misconduct, enter it on the Central
Misconduct Register.

4. Appeals

4.1 Appeals about determinations under local review and resolution

a. A student may lodge an appeal against an adverse determination by an Authorised Officer
   under the local review and resolution process, but only on the grounds that:
   • there was a lack of procedural fairness in the investigation;
• the determination was manifestly unreasonable or cannot be supported by the evidence;
• there is new evidence not available to the Authorised Officer at the time of the original investigation.

Responsibility: Student who wishes to appeal against determination

To whom is the appeal submitted?  By when is the request submitted?
To the Academic Director    Within 14 days of being notified of the determination

b. After investigating the appeal, the Academic Director will make a determination. If the student is dissatisfied with the Academic Director’s determination, he or she can lodge an appeal under the University’s Academic Grievance Procedures.

4.2 Appeals about determinations under review and resolution by the Academic Director

a. A student may appeal a determination on misconduct or penalty made by the Academic Director under the review and resolution by the Academic Director process by following the Academic Grievance Procedures.

Responsibility: Student who wishes to appeal against determination

To whom is the appeal submitted?  By when is the request submitted?
To the Student Grievance and Appeals Committee    Within 20 days of being notified of the determination

4.3 Implementation of penalties

a. A penalty imposed by the Academic Director does not come into effect until the appeal period has expired or, if an appeal is lodged, the appeal is finalised, unless the Academic Director or Student Grievance and Appeals Committee determines otherwise.

b. The Student Grievance and Appeals Committee may set aside or vary the determinations and penalties of the Academic Director or may refer a matter back to the Academic Director for further determination.

5. Failure to comply with penalties imposed by Academic Director

If a student fails to pay a compensation order imposed by the Academic Director under these procedures within 14 days of the due date or within any further period which may arise as a result of lodging an appeal, or the student contravenes a restriction order imposed by the Academic Director under these procedures, the Vice-Chancellor and President may:

a. restrict a student from all or any of the University’s activities, facilities or premises, or withdraw the rights and privileges that person would otherwise be entitled to, or

b. direct that the student not be permitted to enrol or re-enrol in any course or program, or to receive an academic transcript, or to receive the results of any assessment in any course or program or to have conferred an award of the University, on such conditions as they think fit.
6. Urgent interim suspension or restriction

*Responsibility: Authorised Officer*

*Timeline:* Within two days of receipt of report of allegation of misconduct against a student.

If an Authorised Officer acting under Procedure 1 believes there is a case for an urgent, interim suspension or restriction of the student, refer the matter to the Vice-Chancellor and President or the Academic Director as soon as practicable.

*Responsibility: Vice-Chancellor and President or Academic Director*

*Timeline:* As soon as practicable.

On receipt of a report from the Authorised Officer recommending urgent interim suspension or restriction:

a. Make such enquiries as they see fit to determine the risk that the student’s conduct may threaten the safety of persons or property, or disrupt the use of facilities or participation in activities, or otherwise warrant urgent interim suspension or restriction, pending determination of an allegation of misconduct under these Procedures.

b. Having regard to the seriousness and urgency of the risk, make a reasonable effort to provide the student with an opportunity to explain why the interim suspension or restriction ought not to be imposed or ought to be limited.

c. Advise the student that they may have a support person (who is not a legal representative) at any interview they attend;

d. Determine whether to impose the interim suspension or restriction, and the period for which it should apply. The maximum period is until final determination of the allegation of misconduct by the Academic Director.

e. Notify the student orally or in writing to their student email account of the terms of the suspension or restriction and when it takes effect.

f. Within one working day of the initial notification of the suspension or restriction, notify the student in writing to their student email account of the reasons for the suspension or restriction, with a statement that the allegation of misconduct will be considered by the Academic Director; and a copy of the Student Misconduct Policy and Procedures.

g. Notify other University officers whose responsibilities require them to know of the suspension or restriction order.