A6.0 Student Misconduct Policy

1. Context

Torrens University Australia aims to provide a positive learning, working and social environment for its staff, students and other members of the University community. An appropriately high standard of academic and personal conduct is therefore expected of students as outlined in the Student Charter, the Academic Integrity Policy, the Research Code of Conduct and the Fair Treatment Policy. These policies promote integrity and ethical behaviour and guide students in their dealings with others during their studies. Breaches of University policies or other behaviour that adversely affects the University may result in an allegation of student misconduct which, if substantiated, could result in suspension or exclusion from studies, or permanent expulsion from the University.

2. Definitions

Authorised Officer: a person who has the authority to determine allegations of misconduct either by their occupation of a particular role or by delegated appointment. Authorised Officers include Heads of School and Managers of administrative units.

Exclusion: the cancellation of a student’s enrolment in their program and the termination of their rights and privileges as a student of the University including the right to re-enrol in their program or be admitted to another program, for a defined period. An excluded student may apply for re-admission to the University according to the Admissions to Coursework Programs Policy at the expiration of the exclusion period.

Expulsion: the permanent exclusion of a student with no right to re-apply for admission.
Procedural fairness: a fair and proper procedure appropriate to the circumstances, where decisions are made without bias and are supported by evidence and communicated with reasons.

Restriction: a limit on access to premises, facilities and services for a defined period.

Suspension: the cancellation of a student’s enrolment and the withdrawal for a specified time of the rights and privileges of a student, including the right to re-enrol as a student. Unless otherwise advised, the student has the right to recommence their studies at the end of the suspension.

University community: students, staff, agents, titleholders, alumni, officers, contractors, volunteers, and other people who are formally involved in a University–related activity, regardless of the location of that activity.

3. Scope

This policy applies to all students enrolled in Torrens University Australia programs or course/s. Under some circumstances, it may also apply to previously enrolled students as well as students who have deferred their enrolment or are on a formal leave of absence or suspension.

Research higher degree students may be additionally subject to the Research Misconduct Policy.

4. Principles

The University will:

- investigate allegations of misconduct in a consistent, transparent and timely manner and in accordance with the principles of procedural fairness and confidentiality;
- advise students of allegations of misconduct against them in a timely manner;
- ensure that students have an opportunity to respond to any allegation against them and to appeal any penalties imposed for misconduct;
- ensure that staff with any direct interest in an allegation against a student are not involved in making a determination of misconduct in relation to that student;
- not take into account previous misconduct determinations against a student when determining guilt relating to the current allegation but may take into account previous offences when deciding on penalties to be imposed;
- make decisions on whether an act of misconduct has occurred after the facts have been established to the satisfaction of the decision-maker; and
- protect all parties involved in a misconduct case from victimisation.

5. Misconduct

Academic and non-academic misconduct occurs when the University’s standards, policies and codes of conduct are breached.

5.1 Academic misconduct

Academic misconduct occurs when coursework students fail to comply with the Academic Integrity Policy and the honesty and academic integrity principles of the Student Code of Conduct, and intentionally seek an advantage for themselves or another student by cheating in any form. Such breaches are dealt with under the Academic Integrity Procedures in the first instance, but may be referred for action under the Student Misconduct Policy.
For research higher degree students, academic misconduct occurs when they fail to comply with the academic integrity principles of the Research Code of Conduct. Such breaches are dealt with under the Research Misconduct Policy.

5.2 Non-Academic misconduct
Non-academic misconduct occurs when students breach other provisions of the Student Code of Conduct and the Fair Treatment Policy. Examples include, but are not limited to:

- breaching any University policy including those concerned with harassment and discrimination, occupational health and safety, privacy, confidentiality, and use of facilities;
- misusing information technology facilities (including software) or communication facilities of the University;
- engaging in disorderly conduct including interrupting academic activities of the University, assaulting, intimidating or threatening any other person, or acting in an indecent and offensive manner;
- carrying an offensive weapon;
- bringing or consuming prohibited drugs to University premises;
- bringing to consuming alcohol on University premises except as lawfully authorised;
- damaging, misusing, stealing or using without proper authority the property of the University (including intellectual property) or other property belonging to members of the University community;
- hindering or preventing the use by others of University facilities;
- entering University premises that the student is not permitted to enter;
- causing a member of the University community to hold reasonable fear for their safety or physical and psychological wellbeing;
- obstructing a staff member or other person acting with the lawful authority of the University from performance of his or her duties;
- failing to observe health and safety procedures or failing to comply with a reasonable direction from a staff member or other member of the University community who is in a position of authority in relation to the student;
- failing to adhere to the requirements or codes of conduct of external organisations while on professional placement or participating in other learning and research training outside the University;
- engaging in fraudulent and corrupt conduct such as making false and misleading statements or providing false or unauthorised documentation;
- engaging in conduct that is likely to damage the reputation of the University or prejudice the good management and governance of the University; and
- making frivolous and unreasonable complaints under this Policy.

6. Allegations of misconduct
Any student, employee or other member of the University community who wish to report an allegation of misconduct against a student must do so in writing to an Authorised Officer. Written allegations from external people or organisations will also be considered under this Policy when the allegations relate to the conduct of a student while participating in activities associated with their study, including research and training activities outside the University and when on professional placement.
An Authorised Officer may also initiate action against a student without a report from a third party, or, if deemed sufficiently serious, refer an allegation in writing directly to the Academic Director for determination.

Students with complaints about the conduct of other students in breach of the Fair Treatment Policy should initially follow the Fair Treatment Procedures for Students.

7. Approach

Allegations of misconduct can be dealt with under a review and resolution process or referred to the Academic Director for a determination, depending on the seriousness of the alleged misconduct. The Student Misconduct Procedures describe the steps and timelines involved in lodging, investigating and making determinations about allegations of student misconduct, including the imposition of penalties. These are summarised below:

7.1 Local review and resolution
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 described in this Policy, the Authorised Officer may determine that the allegation should be investigated and dealt with under a local review and resolution process. After investigating the allegation and determining that an act of misconduct has occurred, the Authorised Officer may make a determination for resolution. Determinations include:

- that no further action is required;
- that the student is directed to cease actions which are subject to the allegation;
- that the student be 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.

The student will be advised in writing of the determination and the reasons for reaching the determination.

The Authorised Officer may refer an allegation to the Academic Director at any time during the investigation if it becomes clear that the allegation is too serious or complex to be dealt with at the local level. A failure to resolve the allegation at the local level will also result in the allegation being referred to the Academic Director for a determination.

7.2 Review and Resolution by the Academic Director
In cases of serious misconduct which, if proven, are likely to result in the imposition of a penalty under this Policy, the allegation must be referred to the Academic Director for determination. Examples of serious misconduct include where it is suspected that a criminal offence may have been committed or where the alleged misconduct is considered to pose a significant risk to the University and its staff and students. The Academic Director will also make determinations about alleged misconduct that could not be resolved at the local level, and determine penalties to be imposed for serious or multiple breaches of the Academic Integrity Policy.
8. Penalties

If, after investigating an allegation of misconduct according to the Student Misconduct Procedures, the Academic Director is satisfied that misconduct has occurred, the Academic Director may impose any or all of the following penalties:

- the payment of restitution to the value of repair or replacement costs for property damaged or stolen;
- restriction from all, or any specified portion of, University premises for a defined 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.

In determining the penalties, the Academic Director will take into account:

- the nature and seriousness of the misconduct;
- the student’s previous record of misconduct and the 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.

9. Urgent interim suspension or restriction

The Vice-Chancellor and President and the Academic Director have the power to temporarily suspend or restrict a student from all or part of the University or from access to its facilities in urgent circumstances. This includes where there is a threat to the safety of persons or property and if a student is disrupting the use of facilities or participation in activities.

10. Records of misconduct

Authorised Officers and the Academic Director are required to maintain full records at all stages of misconduct proceedings including all actions, evidence, correspondence, meetings and minutes. These records must be stored on a confidential file.

When misconduct is determined to have taken place, a summary of the investigation and determination will be entered into a Central Misconduct Register.

11. Appeal

A student may lodge an appeal with the Academic Director against a determination made by an Authorised Officer under the local review and resolution process (Clause 7.1) within 10 working days of the date of notification of the determination. Appeals can be made 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.

After investigating the appeal, the Academic Director will make a determination to uphold or dismiss the appeal. If the student is dissatisfied with the Academic Director’s determination, he or she can lodge an appeal by following the University’s Student Grievance Management Policy and Procedures.

Students can also appeal a determination made by the Academic Director under the review and resolution process (Clause 7.2) by following the Student Grievance Management Policy and Procedures.

12. Authorities

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<thead>
<tr>
<th>Authority</th>
<th>Approved Delegate</th>
<th>Limits</th>
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<tbody>
<tr>
<td>To impose penalties pursuant to Clause 8 of this Policy</td>
<td>Academic Director</td>
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<tr>
<td>To impose an interim suspension or restriction pursuant to Clause 9 of this Policy</td>
<td>Academic Director, Vice-Chancellor and President</td>
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