

# Student Conduct Rule

## Part A - Introduction

### Purpose

- (1) This Rule is made in accordance with section 29 of the [University of Newcastle Act 1989 No 68](#).
- (2) The Rule establishes the framework in which the University will deal with matters relating to student behaviour.

### Audience

- (3) This Rule applies to all students.

### Commencement

- (4) This Rule takes effect on the date determined by the Council when the Rule is approved.

### Definitions

- (5) In the context of this Rule:
  - a. Academic misconduct means conduct by a student that is defined as academic misconduct in Clause 11.
  - b. Act means the [University of Newcastle Act 1989 \(NSW\)](#).
  - c. assessment item includes any form of assignment, examination, quiz, text, laboratory task, tutorial exercise or other work used to measure student outcomes and determine the final result of a student in a course.
  - d. Assessment Officer means a staff member appointed to undertake an inquiry into the factual circumstances of an allegation of student misconduct.
  - e. award means an academic qualification that is conferred when a student has met the relevant program requirements.
  - f. concerning behaviour means inappropriate, concerning or threatening behaviour exhibited by a student.
  - g. conflict of interest has the same meaning as in the [Conflict of Interest Policy](#).
  - h. controlled entity has the same meaning as in Section 16A of the Act.
  - i. complainant means any person who makes an allegation of student misconduct or concerning behaviour.
  - j. enforced leave means a period of leave imposed on a student by the Vice-Chancellor, Deputy Vice-Chancellor (Academic) and Vice President or Deputy Vice-Chancellor (Research and Innovation) due to concern that the student may be a threat to property and/or a threat to self or others in terms of safety and/or welfare.
  - k. exclusion means the termination of a student's enrolment in either a course or program for a specified period of time, which may include the withdrawal of rights and privileges and the right to use, enter or be within the Premises.
  - l. expulsion means the permanent termination of a student's enrolment at the University, including the withdrawal of all rights and privileges and the right to use, enter or be within the Premises.
  - m. non-academic misconduct means conduct by a student that is defined as non-academic misconduct in Clause 14.
  - n. non-academic misconduct (student accommodation) means non-academic misconduct by a student who has

entered into a student Occupancy Agreement with the University and is related to the student's tenancy.

o. Notice to Show Cause means a written notice issued to a student which outlines the allegation of student misconduct and any actions required of the student as well as the steps that will be taken by the University and potential penalties.

p. Preliminary Assessment reports means a written report making an assessment of the factual circumstances of the allegation of student misconduct and advising as to the application of this Rule in the circumstances.

q. premises means:

- i. any premises owned, leased or otherwise used or occupied by the University;
- ii. any premises where research, workshops, camps, field or clinical placements, examinations and any other activities controlled or supervised by the University are conducted;
- iii. any premises where practical work, clinical placements, professional placements, or vocational placements that form part of a program or course offered by the University are conducted; or
- iv. any premises or facility where a student is representing, or under the direction of, the University.

r. research misconduct means conduct by a student that is defined as research misconduct in Clause 12 and 13.

s. Student Academic Conduct Officer (SACO) means an academic staff member appointed by the University to receive and manage reports of academic misconduct.

t. Student means:

- i. a person who has accepted an offer of admission for or is enrolled in a program, course, or group of courses at, or offered by, the University or its controlled entities leading to an award or joint award of the University;
- ii. a person who is authorised to attend classes of any type at, or offered by, the University (including on-campus, online or by distance);
- iii. a person who has accepted an offer of admission for or is enrolled at another university or higher education institution who is granted access to University premises and facilities;
- iv. a person who has accepted an offer of admission for or is enrolled in an enabling program, study abroad program, student exchange program or non-award program at the University;
- v. a person who is no longer enrolled at the University but who was a student at the time of the alleged student misconduct.

u. student misconduct means academic misconduct, non-academic misconduct and/or research misconduct.

v. suspension means the temporary termination of a student's rights and privileges for a specified period of time, which may include:

- i. suspension from attendance at lectures, seminars, tutorials, practical classes, supervisor meetings or similar periods of instruction;
- ii. withdrawal of the right to use, enter or to be within the Premises; and/or
- iii. suspension from representing the University.

w. University means the University of Newcastle, its controlled entities and any entities undertaking research or teaching and learning activities on behalf of the University.

x. working days means any day other than Saturday, Sunday, or a public holiday in Newcastle, on which business may be conducted.

## **Interpretation**

(6) Headings and bold type are for convenience only and do not affect the interpretation of this Rule.

(7) The singular includes the plural and the plural includes the singular.

(8) The word 'includes' in any form is not a word of limitation.

(9) A reference to a staff position:

- a. which ceases to exist; or
- b. whose powers or functions are transferred to another staff position,

is a reference to the staff position which replaces it or which substantially succeeds to its powers or functions.

## **Part B - What Constitutes Reportable Conduct**

### **Concerning Behaviour**

(10) Concerning behaviour includes conduct that could reasonably be construed as inappropriate, worrying or threatening. It includes actions, statements or behaviour that may:

- a. create a threat to the health, safety and/or welfare of the student or other people; and/or
- b. create a threat to property.

### **Academic Misconduct**

(11) Academic misconduct includes conduct that:

- a. involves academic fraud, cheating, plagiarism and any other dishonest or reckless conduct by a student to gain an advantage;
- b. contravenes the principles or provisions of the University's academic rules, policies, procedures, guidelines or [Code of Conduct](#); or
- c. encourages, persuades or incites any other person to engage in similar conduct.

### **Research Misconduct**

(12) Research misconduct means conduct that involves:

- a. a breach of the [Australian Code for the Responsible Conduct of Research](#);
- b. intent and deliberation, recklessness or gross and persistent negligence; and
- c. serious consequences such as false information on the public record, or adverse effects on research participants, animals or the environment.

(13) Research misconduct includes:

- a. fabrication; falsification, plagiarism or deception in proposing, carrying out or reporting the results of research;
- b. failure to declare or manage a conflict of interest;
- c. failure to follow research protocols as approved by an authorised research ethics committee or non-HREC review body or person;
- d. concealment of research misconduct by others; and
- e. contravention of the [Australian Code for the Responsible Conduct of Research](#), the University's [Code of Conduct](#), and/or rules, policies, procedures or guidelines relating to research.

### **Non-Academic Misconduct**

(14) Non-academic misconduct includes conduct that:

- a. contravenes the principles or provisions of the University's non-academic rules, policies, procedures, guidelines

or [Code of Conduct](#);

- b. adversely impacts, or could adversely impact, upon the University's reputation including the reputation of staff, students, alumni, the University Council or other members of the University community;
- c. is criminal or unlawful or alleged to be criminal or unlawful;
- d. damages any property on the premises;
- e. obstructs or intends to obstruct a staff member or other member of the University community in the performance of their duties;
- f. obstructs or intends to obstruct any other student in the course of their studies;
- g. assaults, threatens, bullies, harasses, or endangers any staff, student or other member of the University community or causes them fear for their personal safety;
- h. attempts to improperly influence or bribe any staff, student or other member of the University community in the performance of their duties or studies;
- i. disobeys a reasonable instruction or request of a staff member or other representative of the University;
- j. impairs the freedom of other persons to pursue their studies, research or to participate in activities carried out under the authority of the University;
- k. disrupts, interferes with, or is detrimental to, the conduct of any teaching, study, assessment, research, or administration of the University;
- l. refuses, withholds, or fails to identify oneself truthfully or furnishes false personal information to any staff member or other representative of the University;
- m. falsifies, or attempts to falsify, University records or official documents;
- n. breaches confidentiality or privacy requirements or obligations in respect of the University, its staff, students or other members of the University community;
- o. obstructs or interferes with the functions or operations of the University;
- p. uses or employs University resources for an improper purpose;
- q. is lewd or obscene; or
- r. encourages, persuades or incites any other person to engage in similar conduct.

## **Part C - Concerning Behaviour**

### **Notification of Concerning Behaviour**

(15) A complainant may make a report about concerning behaviour to Campus Care, the Behavioural Risk Group, the Vice-Chancellor, the Deputy Vice-Chancellor (Academic) and Vice President, or the Deputy Vice-Chancellor (Research and Innovation).

### **Enforced Leave**

(16) Upon receiving a report related to concerning behaviour, the Vice-Chancellor, Deputy Vice-Chancellor (Academic) and Vice President or Deputy Vice-Chancellor (Research and Innovation) (under these Clauses 16-22, an officer) can, without limitation, place a student on enforced leave, when a student's actions, statements or behaviour may:

- a. create a threat to the health, safety and/or welfare of the student or other people; and/or
- b. create a threat to property, animals or the environment.

(17) The officer imposing the enforced leave will notify the student in writing of the reasons for the enforced leave, the length of the enforced leave and any relevant conditions.

(18) The student will be given 5 working days to respond to the notification of enforced leave in writing.

(19) If the student provides a written response to the decision regarding enforced leave, the officer responsible for the decision will consider the student's response and may:

- a. lift the enforced leave;
- b. confirm the period of enforced leave; or
- c. extend the period of enforced leave.

(20) The officer may lift or vary the period of enforced leave at any time, in their absolute discretion.

(21) A student's failure to observe the enforced leave will be treated as an act of student misconduct and may be subject to the imposition of a penalty in accordance with this Rule.

(22) Any determination by the officer to impose enforced leave will take effect immediately, notwithstanding the fact that the student may submit a written response under Clause 18.

## **Part D - Academic Misconduct**

### **Notification of Academic Misconduct**

(23) A complainant may make an allegation of academic misconduct against a student by written notice to a Student Academic Conduct Officer or the Deputy Vice-Chancellor (Academic) and Vice President.

### **Actions to be taken by the Student Academic Conduct Officer**

(24) Upon receipt of an allegation of academic misconduct, the relevant Student Academic Conduct Officer will review the allegation and then:

- a. dismiss the allegation; or
- b. issue the student with a Notice to Show Cause; or
- c. in instances where there may be a concern about conflict of interest, refer the allegation to a Student Academic Conduct Officer in another school; or
- d. in consultation with the Deputy Vice-Chancellor (Academic) and Vice President, refer the matter to the Deputy Vice-Chancellor (Academic) and Vice President.

(25) If the Student Academic Conduct Officer issues the student with a Notice to Show Cause:

- a. the student will be given an opportunity to provide a written response to the Student Academic Conduct Officer;
- b. if the student provides a written response within the time nominated in the Notice to Show Cause, the Student Academic Conduct Officer will consider the response prior to making a determination; and
- c. the Student Academic Conduct Officer will:
  - i. dismiss the allegation; or
  - ii. confirm the allegation and impose a penalty; or
  - iii. refer the allegation to the Deputy Vice-Chancellor (Academic) and Vice President.

(26) The Student Academic Conduct Officer will inform the student in writing of the determination, including reasons for the determination and any right to appeal the determination.

(27) Any determination by the Student Academic Conduct Officer to impose a penalty will not take effect until the period for appeal (if any) has expired.

## **Deputy Vice-Chancellor (Academic) and Vice President**

(28) If an allegation of academic misconduct is referred to the Deputy Vice-Chancellor (Academic) and Vice President, the Deputy Vice-Chancellor (Academic) and Vice President will review any supporting material considered by the Student Academic Conduct Officer, and any recommendations.

(29) The Deputy Vice-Chancellor (Academic) and Vice President may:

- a. request the Student Academic Conduct Officer to obtain further information relevant to the allegation or may make his or her own inquiries;
- b. consider any findings or recommendations made by the Student Academic Conduct Officer, but will exercise his or her own judgement in making a determination; or
- c. issue the student with a Notice to Show Cause if the matter has been referred directly to the Deputy Vice-Chancellor (Academic) and Vice President, in which case:
  - i. the student will be given an opportunity to provide a written response within a time frame nominated in the Notice to Show Cause; and
  - ii. if the student provides a written response within the time nominated, the Deputy Vice-Chancellor (Academic) and Vice President will consider the response prior to making a determination.

(30) The Deputy Vice-Chancellor (Academic) and Vice President will:

- a. dismiss the allegation; or
- b. confirm the allegation and impose a penalty; or
- c. refer the matter back to the Student Academic Conduct Officer with advice on the action required.

(31) The Deputy Vice-Chancellor (Academic) and Vice President will inform the student in writing of the determination, including reasons for the determination and any right to appeal the determination.

(32) Any determination by the Deputy Vice-Chancellor (Academic) and Vice President to impose a penalty will not take effect until the period for appeal (if any) has expired, or if the student lodges an appeal, the appeal has been dismissed.

## **Part E - Research Misconduct**

### **Notification of Research Misconduct**

(33) A complainant may make an allegation of research misconduct against a student by written notice to the Dean of Graduate Research.

### **Actions to be taken by the Dean of Graduate Research**

(34) Upon receipt of an allegation of research misconduct, the Dean of Graduate Research may appoint an Assessment Officer to prepare a Preliminary Assessment Report with reference to the [Australian Code for the Responsible Conduct of Research](#) and the [Student Academic Integrity Policy](#).

(35) Upon receipt and review of the Preliminary Assessment Report, the Dean of Graduate Research may:

- a. request the Assessment Officer to obtain further information relevant to the allegation; and
- b. consider any findings or recommendations made by the Assessment Officer, but will exercise his or her own judgement in making a determination.

(36) The Dean of Graduate Research will:

- a. dismiss the allegation;
- b. issue the student with a Notice to Show Cause; or
- c. in instances where there may be a concern about conflict of interest, refer the allegation to a College Pro Vice-Chancellor.

(37) If the Dean of Graduate Research, or the College Pro Vice-Chancellor (if appropriate), issues the student with a Notice to Show Cause:

- a. the student will be given an opportunity to provide a written response within a time frame nominated by the Dean of Graduate Research or the College Pro Vice-Chancellor;
- b. if the student provides a written response within the time nominated in the Notice to Show Cause, the Dean of Graduate Research, or the College Pro Vice-Chancellor, will consider the response prior to making a determination; and
- c. the Dean of Graduate Research, or the College Pro Vice-Chancellor, will:
  - i. dismiss the allegation; or
  - ii. confirm the allegation and impose a penalty; or
  - iii. refer the allegation to the Deputy Vice-Chancellor (Research and Innovation).

(38) The Dean of Graduate Research, or the College Pro Vice-Chancellor, will inform the student in writing of the determination, including reasons for the determination and any right to appeal the determination.

(39) Any determination by the Dean of Graduate Research, or the College Pro Vice-Chancellor, to impose a penalty will not take effect until the period for appeal has expired, or if the student lodges an appeal, the appeal has been dismissed.

## **Referral to the Deputy Vice-Chancellor (Research and Innovation)**

(40) If an allegation of Research Misconduct is referred to the Deputy Vice-Chancellor (Research and Innovation), the Deputy Vice-Chancellor (Research and Innovation) will review the Preliminary Assessment Report, any supporting material considered by the Dean of Graduate Research, and any recommendations.

(41) The Deputy Vice-Chancellor (Research and Innovation) may:

- a. request the Dean of Graduate Research, or the College Pro Vice-Chancellor (if appropriate), to obtain further information relevant to the allegation; and
- b. consider any findings or recommendations made by the Dean of Graduate Research or the College Pro Vice-Chancellor, but will exercise his or her own judgement in making a determination.

(42) The Deputy Vice-Chancellor (Research and Innovation) will:

- a. dismiss the allegation; or
- b. confirm the allegation and impose a penalty; or
- c. refer the matter back to the Dean of Graduate Research with advice on the action required; or
- d. refer the allegation to an independent internal or external inquiry as appropriate, consistent with the provisions of the [Australian Code for the Responsible Conduct of Research](#).

(43) If the Deputy Vice-Chancellor (Research and Innovation) refers the allegation to an independent external inquiry, the Deputy Vice-Chancellor (Research and Innovation) will:

- a. commission a written report from the independent external inquiry following its investigation;
- b. consider the report, and then:
  - i. dismiss the allegation; or
  - ii. confirm the allegation and impose a penalty.

(44) The Deputy Vice-Chancellor (Research and Innovation) will inform the student in writing of the determination, including reasons for the determination and any right to appeal the determination.

(45) Any determination by the Deputy Vice-Chancellor (Research and Innovation) to impose a penalty will not take effect until the period for appeal has expired, or if the student lodges an appeal, the appeal has been dismissed.

## **Part F - Non-Academic Misconduct**

### **Notification of Non-Academic Misconduct**

(46) A complainant may make an allegation of non-academic misconduct against a student by written notice to the Deputy Vice-Chancellor (Academic) and Vice President.

(47) A complainant may make an allegation of non-academic misconduct (student accommodation) against a student by written notice to the Student Living Support Manager.

### **Actions to be taken by the Deputy Vice-Chancellor (Academic) and Vice President**

(48) Upon receipt of an allegation of non-academic misconduct, the Deputy Vice-Chancellor (Academic) and Vice President may appoint an Assessment Officer to prepare a Preliminary Assessment Report.

(49) Upon receipt and review of the Preliminary Assessment Report, the Deputy Vice-Chancellor (Academic) and Vice President may:

- a. request the Assessment Officer to obtain further information relevant to the allegation; and
- b. consider any findings or recommendations but will exercise his or her own judgement in making a determination.

(50) The Deputy Vice-Chancellor (Academic) and Vice President will:

- a. dismiss the allegation; or
- b. issue the student with a Notice to Show Cause.

(51) If the Deputy Vice-Chancellor (Academic) and Vice President issues the student with a Notice to Show Cause:

- a. the student will be given an opportunity to provide a written response within a time frame nominated by the Deputy Vice-Chancellor (Academic) and Vice President;
- b. if the student provides a written response within the time nominated in the Notice to Show Cause, the Deputy Vice-Chancellor (Academic) and Vice President will consider the response prior to making a determination; and
- c. the Deputy Vice-Chancellor (Academic) and Vice President will:
  - i. dismiss the allegation; or
  - ii. confirm the allegation and impose a penalty.

(52) The Deputy Vice-Chancellor (Academic) and Vice President will inform the student in writing of the determination, including reasons for the determination and any right to appeal the determination.

(53) Any determination by the Deputy Vice-Chancellor (Academic) and Vice President to impose a penalty will not take effect until the period for appeal has expired, or if the student lodges an appeal, the appeal has been dismissed.

## **Actions to be taken by the Student Living Support Manager**

(54) Upon receipt of an allegation of non-academic misconduct (student accommodation), the Student Living Support Manager may:

- a. dismiss the allegation; or
- b. issue the student with a Notice to Show Cause; or
- c. in consultation with the Deputy Vice-Chancellor (Academic) and Vice President refer the matter to the Deputy Vice-Chancellor (Academic) and Vice President for determination in accordance with Clauses 48-53.

(55) If the Student Living Support Manager Issues the student with a Notice to Show Cause:

- a. the student will be given an opportunity to provide a written response within a time frame nominated by the Student Living Support Manager.
- b. if the student provides a written response within the time nominated in the Notice to Show Cause, the Student Living Support Manager will consider the response prior to making a determination; and
- c. the Student Living Support Manager will:
  - i. dismiss the allegation; or
  - ii. confirm the allegation and impose a penalty; or
  - iii. refer the allegation to the Deputy Vice-Chancellor (Academic) and Vice President

(56) The Student Living Support Manager will inform the student in writing of the determination, including reasons for the determination and any right to appeal the determination.

(57) Any determination by the Student Living Support Manager to impose a penalty will not take effect until the period for appeal (if any) has expired, or if the student lodges an appeal, the appeal has been dismissed.

(58) Any action under taken by the University under these Clauses 54-58 will not affect the University's rights under any student occupancy agreement.

## **Part G - Concerning Behaviour**

### **Immediate Suspension**

(59) Upon receiving an allegation of student misconduct, the Vice-Chancellor, Deputy Vice-Chancellor (Academic) and Vice President or Deputy Vice-Chancellor (Research and Innovation) (under these Clauses 59-66, an officer) can, without limitation, place a student on suspension, effective immediately (immediate suspension), when a student's actions, statements or behaviour may:

- a. create a threat to the health, safety and/or welfare of the student or other people; and/or
- b. create a threat to property, animals or the environment.

(60) The officer will notify the student in writing of the reasons for the immediate suspension, the length of the immediate suspension and any relevant conditions.

(61) The student will be given 5 working days to respond to the notification of immediate suspension in writing.

(62) If the student provides a written response to the decision regarding immediate suspension, the officer will

consider the student's response and then may:

- a. lift the immediate suspension; or
- b. confirm the immediate suspension; or
- c. extend the immediate suspension.

(63) The officer may lift or vary the immediate suspension at any time, in their absolute discretion.

(64) A student's failure to observe the immediate suspension will be treated as an act of student misconduct and may be subject to the imposition of a penalty in accordance with this Rule.

(65) Any determination by the officer to impose an immediate suspension will take effect immediately, notwithstanding the fact that the student may submit a written response under Clause 61.

(66) Any action under taken by the University under these Clauses 59-66 will not affect the University's rights under any student occupancy agreement.

## **Part H - Appeals**

### **Process**

(67) A student may appeal a decision to impose a penalty made under the following clauses:

- a. Clause 25(c)(ii) - Student Academic Conduct Officer;
- b. Clause 30(b) - Deputy Vice-Chancellor (Academic) and Vice President;
- c. Clause 37(c)(ii) - Dean of Graduate Research;
- d. Clauses 42(b) and 43(b)(ii) - Deputy Vice-Chancellor (Research and Innovation);
- e. Clause 51(c)(ii) - Deputy Vice-Chancellor (Academic) and Vice President; and
- f. Clause 55(c)(ii) - Student Living Support Manager.

(68) The student may lodge an appeal within 5 working days of notice of the determination imposing the penalty. If the student holds a student visa and the penalty imposed is suspension, exclusion or expulsion, the student may lodge an appeal within 20 working days of notice of the determination imposing the penalty.

(69) An appeal may only be on the basis upon one or more of the following grounds:

- a. evidence of a breach of this Rule;
- b. evidence that the determination was affected by a conflict of interest; and/or
- c. new information has become available that could not reasonably have been provided by the student earlier, and it is probable that this information would have affected the determination.

(70) An appeal on the grounds of penalty alone will not be considered.

(71) An appeal must be made in writing and the grounds of appeal must be clearly set out.

(72) An appeal is to be made to an Appeal Officer, to be determined as follows:

<b>Original Decision Maker</b>	<b>Appeal Officer</b>
Student Academic Conduct Officer	Deputy Vice-Chancellor (Academic) and Vice President
Student Living Support Manager	Deputy Vice-Chancellor (Academic) and Vice President

Original Decision Maker	Appeal Officer
Dean of Graduate Research	Deputy Vice-Chancellor (Research and Innovation)
Deputy Vice-Chancellor (Academic) and Vice President	Vice-Chancellor
Deputy Vice-Chancellor (Research and Innovation)	Vice-Chancellor

(73) Upon receipt of an appeal made in time, the Appeal Officer:

- a. will consider the information provided in the appeal, to the extent that the information relates to one of the grounds of appeal set out in Clause 69;
- b. will consider material taken into account by the original decision maker in making their determination, which is relevant to the grounds of appeal;
- c. may request further information from the student or from the original decision maker; and
- d. will then:
  - i. dismiss the appeal; or
  - ii. uphold the appeal and discharge the penalty; or
  - iii. uphold the appeal and vary the penalty.

## **Determination is Final**

(74) The Appeal Officer will inform the student in writing of the determination, including reasons for the determination.

(75) The determination of the Appeal Officer is final and there is no further avenue of appeal within the University.

(76) The student may have the right to further appeal outside the University to the [NSW Ombudsman](#).

## **Part I - Penalties**

### **General**

(77) If an allegation of student misconduct is confirmed, either in full or in part, a penalty may be imposed.

(78) Conditions may be included in the imposition of a penalty.

### **Academic Misconduct**

(79) A Student Academic Conduct Officer may impose one or more of the following penalties for academic misconduct:

- a. counsel, reprimand, caution or warn the student;
- b. require the student to undertake counselling or training;
- c. require the student to re-attempt the assessment item;
- d. require the student to complete a new assessment item;
- e. require the student to re-attempt the assessment item with a capped mark;
- f. require the student to complete a new assessment item with a capped mark;
- g. exclude any parts of the assessment item, and refer the revised assessment item to be marked according to the work completed;
- h. award no marks to the student for the assessment item.

(80) The Deputy Vice-Chancellor (Academic) and Vice President may impose one or more of the following penalties for

academic misconduct:

- a. any penalty under Clause 79;
- b. require the student to undertake further academic work to complete a course;
- c. award a fail grade in a course or courses;
- d. impose a suspension for a specified period of time;
- e. impose an exclusion for a specified period of time, at the end of which the student will be required to apply for re-admission to the University;
- f. expel the student from the University;
- g. recommend to the Council that the student's degree be revoked; or
- h. any other penalty considered appropriate.

## **Research Misconduct**

(81) The Dean of Graduate Research may impose one or more of the following penalties for research misconduct:

- a. counsel, reprimand, caution or warn the student;
- b. require the student to undertake counselling or training;
- c. require the student to apologise formally to any aggrieved party;
- d. exclude any parts of the submitted work;
- e. require the student to undertake further research work to complete their studies;
- f. award a fail grade in a course or courses (for doctorate students); and/or
- g. any such other penalty considered appropriate with the exception of termination of candidature, suspension, exclusion or expulsion.

(82) The Deputy Vice-Chancellor (Research and Innovation) may impose one or more of the following penalties for research misconduct:

- a. any penalty under Clause 81;
- b. terminate the student's research candidature;
- c. impose a suspension for a specified period of time;
- d. impose an exclusion for a specified period of time, at the end of which the student will be required to apply for re-admission to the University;
- e. expel the student from the University;
- f. recommend to the Council that the student's degree be revoked;
- g. any other penalty considered appropriate.

## **Non-Academic Misconduct (Student Accommodation)**

(83) The Student Living Support Manager may impose one or more of the following penalties for non-academic misconduct (student accommodation):

- a. counsel, reprimand, caution or warn the student;
- b. require the student to undertake counselling or training;
- c. require the student to compensate University Student Living for any damage done to or theft of University property;
- d. require the student to do community work relevant to University Student Living residential area;
- e. impose a fine not exceeding \$500;

- f. require the student to apologise formally to any aggrieved party;
- g. transfer the student to a different room within the University Student Living residential area; or
- h. remove student privileges, including:
  - i. ability to host guests in University Student Living residential area;
  - ii. on-site alcohol ban for a specified duration; and
  - iii. right to attend Residential Life events and activities.

## **Non-Academic Misconduct**

(84) The Deputy Vice-Chancellor (Academic) and Vice President may impose one or more of the following penalties for non-academic misconduct and, where appropriate, non-academic misconduct (student accommodation):

- a. reprimand, caution or warn the student;
- b. require the student to undertake counselling or training
- c. require the student to compensate the University for any damage done to or theft of University property;
- d. impose a fine not exceeding \$1,000;
- e. require the student to apologise formally to any aggrieved party;
- f. suspend the student for a specified period of time;
- g. exclude the student for a specified period of time, at the end of which the student will be required to apply for re-admission to the University;
- h. expel the student from the University;
- i. any other penalty considered appropriate.

(85) Any action under taken by the University under Clause 84 will not affect the University's rights under any student occupancy agreement.

## **Vice-Chancellor**

(86) When making a determination, the Vice-Chancellor may impose any of the penalties in Clauses 79 to 84.

## **Undischarged Penalties**

(87) The Vice-Chancellor or relevant Deputy Vice-Chancellor may determine that a student cannot:

- a. re-enrol at the University;
- b. access course or program results; and/or
- c. return from suspension, exclusion or enforced leave; until the imposed penalty has been served and/or conditions have been met.

## **Part J - Administration**

### **Notice to Show Cause**

(88) A Notice to Show Cause is a written notice informing the student of the following:

- a. details of the allegation of student misconduct;
- b. reference to the relevant sections of this Rule;
- c. advice that the student may provide a written response to the Notice;
- d. the date by which any written response to the Notice must be received;

- e. advice that the student may be subject to a penalty in accordance with this Rule;
- f. the contact details to which any response from the student is to be sent; and
- g. the contact details of the Student Advocates and other relevant student support services.

## **Confidentiality**

(89) All actions taken in accordance with this Rule are confidential.

(90) Subject to Clause 92, the student is required to keep the following information confidential by not discussing, publishing or referring to the information:

- a. the fact that an allegation of student misconduct has been made;
- b. the identity of any person who made the allegation;
- c. the identity of any person who has provided information in respect of the allegation;
- d. any correspondence or notification sent to the student on behalf of the University;
- e. any correspondence or response sent to the University by the student;
- f. any documents or materials provided to the student in order to provide a written response in accordance with this Rule;
- g. a determination made in accordance with this Rule; and
- h. any penalty imposed in accordance with this Rule.

(91) Breach of confidentiality may constitute non-academic misconduct and be subject to a penalty in accordance with this Rule.

(92) A student may disclose a matter set out in Clause 90, in the following limited circumstances:

- a. the disclosure is required by law or legally binding order of any court, government, semi-government authority, administrative or judicial body;
- b. the disclosure is necessary in order for the student to exercise a legal right to seek an external review of a determination;
- c. the disclosure is necessary for the student to obtain confidential legal advice;
- d. the disclosure has been expressly authorised by the Vice-Chancellor in writing;
- e. the disclosure is to the Student Advocates;
- f. the disclosure is to the University's counselling service, or other registered counselling service, or Campus Care; or
- g. the disclosure is to the student's immediate family or key support person, subject to those family members being advised by the student of the requirement to keep the information confidential.

(93) Subject to Clause 94, the University, the Complainant, and a participant in a process under this Rule is required to maintain confidentiality about:

- a. the fact that an allegation of student misconduct has been made;
- b. the identity of the student;
- c. the identity of any person who made the allegation; and
- d. any documents or materials provided by the University, the Complainant or a participant in accordance with this Rule.

(94) The University, the Complainant, or a participant in a process under this Rule may disclose a matter set out in Clause 93 in the following limited circumstances:

- a. the disclosure is required by law or legally binding order of any court, government, semi-government authority, administrative or judicial body;
- b. the disclosure is necessary in order for the complainant, a participant or the University to respond to an external review of a determination;
- c. the disclosure is necessary for the complainant, a participant or the University to obtain confidential legal advice; or
- d. the disclosure has been expressly authorised by the Vice-Chancellor in writing.

## **Conflict of Interest**

(95) Where a decision maker identifies that he or she has a Conflict of Interest, the allegation will be referred to another decision-maker as follows:

<b>Original Decision Maker</b>	<b>Alternative Decision Maker</b>
Student Academic Conduct Officer	A Student Academic Conduct Officer in another School.
Student Living Support Manager	Deputy Vice-Chancellor (Academic) and Vice President
Dean of Graduate Research	College Pro Vice-Chancellor
Deputy Vice-Chancellor (Academic) and Vice President	Deputy Vice-Chancellor (Research and Innovation) or Vice-Chancellor
Deputy Vice-Chancellor (Research and Innovation)	Deputy Vice-Chancellor (Academic) and Vice President or Vice-Chancellor
Vice-Chancellor	Deputy Vice-Chancellor (Academic) and Vice President or Deputy Vice-Chancellor (Research and Innovation)

## **Limits on Award**

(96) A student cannot be qualified for an award while an allegation of student misconduct is being considered in accordance with this Rule.

(97) A student cannot be qualified for an award until any penalty imposed has been served and/or conditions have been met.

## **Recording Outcomes**

(98) All matters resulting in a finding of student misconduct will be recorded in the Student Misconduct Register, including details of the determination and any penalty.

(99) The relevant decision maker under this Rule will notify relevant staff of the outcome of any determination (and if applicable, any penalty) as necessary, including:

- a. the Course Co-ordinator or relevant Head of School for any penalty related to assessment items or amendments of grades;
- b. the Pro Vice-Chancellor Student Experience and Academic Registrar, for the purposes of recording the student misconduct on the student's academic record and amending the student's enrolment;
- c. if the student is an international student and the penalty imposed could have consequences for the student's visa, the ESOS Student Compliance Coordinator;
- d. the Student Academic Conduct Officer and Dean of Graduate Research; and
- e. the Vice-Chancellor.

## **Reporting**

(100) Depending on the nature of the allegation of student misconduct, the University may contact the police or any other relevant external agency to report the student misconduct.

(101) Action taken under this Rule does not preclude the University from instituting civil or criminal proceedings against a student or reporting the student to an external agency with respect to the student misconduct.

(102) The police or any other relevant external agencies may take action on the student misconduct separate from the University.

(103) The Deputy Vice-Chancellor (Academic) and Vice President will report annually to the University Council on student misconduct matters.

## **Notification to Students**

(104) All correspondence and notifications will be sent in writing to the student's University email address, and will be deemed to have been delivered at the time of sending.

(105) Correspondence and notifications may also be served in writing when:

- a. handed to the student in person;
- b. sent by express, registered post or courier to the student's postal address as recorded in the University's student records system; or
- c. left for the student at their last known address.

(106) Correspondence and notifications will be deemed to have been received by the student:

- a. at the time of sending, if by email;
- b. or (when handed to the student in person);
- c. or 2 working days after being posted to an address within Australia; or
- d. 10 working days after being posted to an address outside Australia; or
- e. 5 working days after being left for the student at their last known address.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	9th October 2015
<b>Review Date</b>	31st December 2019
<b>Approval Authority</b>	University Council
<b>Approval Date</b>	9th October 2015
<b>Expiry Date</b>	8th May 2022
<b>Responsible Executive</b>	Belinda Yourn Senior Deputy Vice-Chancellor (Academic & Global)
<b>Enquiries Contact</b>	Eleanor Edwards Executive Officer

## Glossary Terms and Definitions

**"College"** - An organisational unit established within the University by the Council.