

## **REGULATION 6.1-STUDENT DISCIPLINE**

### **Interpretation**

1. In this Regulation:

“Academic Misconduct” means cheating or gaining an unfair advantage in relation to any assessment or failing to comply with any direction given in relation to assessment and includes but is not limited to the conduct specified in Part B (section 13) below but does not include plagiarism for the purposes of this Regulation;

“Appeals Committee” means the University Appeals Committee established under Regulation 2.2;

“Breach of Discipline” means any act of General Misconduct or Academic Misconduct in accordance with this Regulation;

“Dean” means the Dean of the student’s school or his/her nominee;

“Director, Campus Life” means the Director, Campus Life or his/her nominee;

“Director, Student Connect” means the Director, Student Connect or his/her nominee;

“General Misconduct” means any behaviour within or outside a campus of the University which is prejudicial to the good order and discipline of the University or contrary to generally accepted standards of behaviour and includes but is not limited to the conduct specified in Part A (section 4) below;

“Plagiarism” means as defined in Regulation 6.1.1.

“Student Discipline Committee” means the Student Discipline Committee established under Statute 2.4.

“Vice-Chancellor” means the Vice-Chancellor or a Deputy Vice-Chancellor.

2. A student shall commit a breach of discipline if the student commits an act of general misconduct or academic misconduct.
3. Nothing in this Regulation limits the powers of the Vice-Chancellor under Statute 5.4 or any other Statute or Regulation.

### **PART A - General Misconduct**

#### **Acts of General Misconduct**

4. Acts of general misconduct include but are not limited to the following: -
  - (1) behaviour which brings the University into disrepute;
  - (2) behaviour which is considered unduly offensive or disorderly;

- (3) failing to comply with a reasonable requirement or direction prescribed or given by a member of the University staff in performance of his or her duties or responsibilities;
- (4) wilfully or recklessly engaging in conduct which involves interference with the property of the University;
- (5) obstructing or interfering with the use of any premises, facilities or equipment of the University;
- (6) gaining access to, or entering, a computer system or part of a computer system of the University without lawful authority to do so or engaging in illegal or inappropriate or offensive use of the internet, social media (including personal use as defined in the University's Social Media Guidelines), email or the University's network;
- (7) behaviour which interferes with the orderly conduct of any teaching group, assessment, examination or ceremony of the University or University accommodation residences or any meeting of the Council or a board, committee or any other body convened on University business or any other activity, function or program held at the University;
- (8) engaging in conduct which involves unauthorised or unjustified interference with the property of any person;
- (9) wilfully, recklessly or negligently engaging in conduct which causes or is calculated to cause bodily injury to any person;
- (10) engaging in conduct which attacks, bullies, harasses, unlawfully vilifies, victimises, threatens or intimidates any person or attempts to attack, bully, harass, unlawfully vilify, victimise, threaten or intimidate any person; or
- (11) breaching a University Statute, Regulation, Policy, Procedure or code of conduct or behavioural agreement.

### **Procedure and Penalties – General Misconduct**

5. Any member of the University may report a student for an alleged act of general misconduct by making a written complaint, within twelve months of the alleged act, to:
  - (1) the Dean of the student's school; or
  - (2) in complaints relating to University facilities to the Director, Campus Life; or
  - (3) in complaints relating to University student activities to the Director, Student Connect.
6. If the complaint relates to harassment as defined in the University's Equal Opportunity and Valuing Diversity Policy, the Dean or Director must seek advice from the Manager, Equity and Equal Opportunity.

7.
  - (1) On receipt of a written complaint of an act of general misconduct under section 5 above, the Dean or the Director shall fix a time, date and place for a hearing (“**general misconduct hearing**”) with the student and may make such enquiries as they think fit.
  - (2) The Dean or the Director shall not conduct the general misconduct hearing unless he or she is satisfied that the student has been given seven (7) days prior notice in writing of the place, date and time of the general misconduct hearing, which notice shall include a statement of the complaint and any material relied on by the University and notification to the student of the opportunity to present a submission in answer to the complaint.
  - (3) In conducting the general misconduct hearing, the Dean or the Director is not bound by rules of evidence or procedure and:
    - (a) is not bound to follow any specific legal process and may use any information available to him or her even if it would not usually be admissible in a court of law;
    - (b) should conduct the hearing as informally, quickly and comprehensively as practicable;
    - (c) must give the student opportunity to present his or her submission in answer to the complaint. This may include the delivery of a written submission to the Dean or Director prior to the hearing; and
    - (d) may conduct the hearing by any means of communication including teleconference and videoconference.
  
8. As a result of the general misconduct hearing, the Dean or the Director may-
  - (1) dismiss the complaint; or
  - (2) if the student is found to have committed an act of general misconduct, impose one or more of the following penalties as are appropriate to the misconduct:
    - (a) a reprimand;
    - (b) a fine of not more than \$250;
    - (c) exclusion of the student from a defined part of the campus or from activities of the University for any period it thinks fit;
    - (d) exclusion or suspension from University residences or accommodation by the Director, Campus Life; and/or
    - (e) if the conduct of the complaint resulted in the loss or destruction of or damage to any property –
      - (i) assess the amount of money required to replace or repair the property lost, destroyed or damaged; and

- (ii) order the student to pay by way of compensation an amount of money, not exceeding the amount assessed, or
    - (f) agree in writing with the student that a penalty or any part of a penalty to be imposed under this section 7 will not apply or be enforced if the student enters into a written future behavioural agreement with the University, which may include the provision of University service on a voluntary basis with the nature of the work and hours of work (which shall not exceed 15 hours in total) to be agreed in writing with the student; or
  - (3) In any instance, refer the complaint to the Student Discipline Committee for determination of the breach of discipline.
  - (4) In any instance, refer the student to counselling and/or mediation.
9. Within seven (7) days of the general misconduct hearing, the Dean or Director must in writing:
- (1) notify the student of the outcome of the general misconduct hearing, including any penalties imposed;
  - (2) outline reasons for his or her decision; and
  - (3) inform the student of avenues of appeal (if any) open to the student.
10. (1) Notwithstanding any provision of any Statute or Regulation:
- (a) if the Vice- Chancellor has a reasonable expectation that a student may cause any person on campus physical harm; or
  - (b) in the instance of a complaint of general misconduct which is seriously disrupting the orderly conduct of a University activity (including those acts under section 4(7) above); or
  - (c) in the instance of a complaint of general misconduct which is, or is to be, notified to the police,
- the Vice-Chancellor may exclude the student from the campus or a defined part of the campus or from activities of the University for such period as the Vice-Chancellor deems appropriate without the need for a general misconduct hearing.
- (2) In any instance, if an alleged act of general misconduct is notified to the police, the University may suspend further action in respect of the act of general misconduct under this Regulation until any police action or investigation is completed.

## **Appeals – General Misconduct**

11. (1) A student may appeal to the Student Discipline Committee against the finding, penalty or order imposed by the Dean or the Director under section 8(2) or the actions of the Vice-Chancellor under section 10.
  - (2) Subject to section 12, an appeal under this section 11 must be lodged in writing with the Secretary to the Student Discipline Committee within seven (7) working days of notification of the Dean or Director's decision and must be based on one, or both, of the following grounds:
    - (a) new evidence, not known to the student at the date of the general misconduct hearing, which becomes apparent since the date of that hearing;
    - (b) irregularity of procedure in the recommending and/or the making of the decision appealed against,which must be stated by the student in the notice of appeal. The Chair of the Student Discipline Committee may in exceptional circumstances extend the period for lodgement of an appeal.
12. (1) If a determination by the Dean or the Director under section 8(2)(c) or (d) or the Vice-Chancellor under section 10 results in a student being excluded or suspended from their studies, a student may appeal to the Student Discipline Committee against the exclusion.
  - (2) An appeal under this section 12 must be lodged in writing with the Secretary to the Student Discipline Committee within twenty (20) working days of the date of the decision appealed against.

## **PART B – ACADEMIC MISCONDUCT**

### **Acts of Academic Misconduct**

13. Acts of academic misconduct include but are not limited to the following: -
  - (1) failing to comply with a requirement or direction prescribed or given in relation to the conduct of assessment (including examinations);
  - (2) engaging in cheating or assisting to cheat or displaying an intention to gain an unfair advantage in the assessment of or entry to a course or program;
  - (3) impersonating, or allowing impersonation by, any other person in, or for the purpose of, any examination, essay, assignment, course requirement or any other work relevant to assessment;
  - (4) providing false information or fraudulent documentation including academic transcripts or medical certificates.
14. Academic misconduct does not for the purposes of this Regulation include plagiarism. In the instance of an alleged act of plagiarism the procedure as outlined in Regulation 6.1.1 is to be enacted.

## Procedures and Penalties – Academic Misconduct

15. Any member of the University may report a student for an alleged act of academic misconduct by making a written complaint, within twelve months of the alleged act, to the Dean of the student's school.
16.
  - (1) On receipt of a written complaint under section 15 above, the Dean shall fix a time, date and place for a hearing ("**academic misconduct hearing**") with the student and may make such enquiries as they think fit.
  - (2) The Dean shall not conduct the academic misconduct hearing unless he or she is satisfied that the student has been given seven (7) days prior notice in writing of the place, date and time of the academic misconduct hearing which notice shall include a brief statement of the complaint and any material relied on by the University and notification to the student of the opportunity to present a submission in answer to the complaint.
  - (3) In conducting the academic misconduct hearing, the Dean is not bound by rules of evidence or procedure and:
    - (a) is not bound to follow any specific legal process and may use any information available to him or her even if it would not usually be admissible in a court of law;
    - (b) should conduct the hearing as informally, quickly and comprehensively as practicable;
    - (c) must give the student opportunity to present his or her submission in answer to the complaint. This may include the delivery of a written submission to the Dean or Director prior to the hearing; and
    - (d) may conduct the hearing by any means of communication including teleconference and videoconference.
17. As a result of the academic misconduct hearing, the Dean may:
  - (1) dismiss the complaint; or
  - (2) if the student is found to have committed an act of academic misconduct, impose one or more of the following penalties as are appropriate to the misconduct:–
    - (a) apply a forfeiture of any credit that the student might have obtained in the assessable task or course to which the student's academic misconduct relates;
    - (b) require the student to be re-assessed in the relevant assessable task or course; and/or
    - (c) where the student has been found to have committed academic misconduct for a second or subsequent time, exclude the student from his or her program; or

- (d) agree in writing with the student that a penalty or any part of a penalty to be imposed under this section 17 will not apply or be enforced if the student enters into a written future behavioural agreement with the University; or
  - (3) in any instance, refer the complaint to the Student Discipline Committee for determination of the breach of discipline.
- 18. Within seven (7) days of the academic misconduct hearing, the Dean must in writing:
  - (1) notify the student of the outcome of the academic misconduct hearing, including any penalties imposed;
  - (2) outline reasons for his or her decision; and
  - (3) inform the student of avenues of appeal (if any) open to the student.

### **Appeals – Academic Misconduct**

- 19.
  - (1) A student may appeal to the Appeals Committee against a decision made under section 17(2).
  - (2) Subject to section 20, an appeal must be lodged in writing with the Secretary to the Appeals Committee within seven (7) working days of notification of the Dean's decision and must be based on one, or both, of the following grounds:
    - (a) new evidence, not known to the student at the date of the academic misconduct hearing, which becomes apparent since the date of that hearing;
    - (b) irregularity of procedure in the recommending and/or the making of the decision appealed against;which must be stated by the appellant in the notice of appeal. The Chair of the Appeals Committee may in exceptional circumstances extend the period for lodgement of an appeal.
- 20.
  - (1) If a determination by the Dean under section 17(2)(c) results in a student being excluded from their studies, a student may appeal to the Student Discipline Committee against the exclusion.
  - (2) An appeal under this section 20 must be lodged in writing with the Secretary to the Student Discipline Committee within twenty (20) working days of the date of the decision appealed against.

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Amendment 6 Made 21/02/12 Approved 24/04/12  
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Amendment 8 Made 04/06/13 Promulgated 26/06/13  
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