

REGULATION 2.4 -THE STUDENT DISCIPLINE COMMITTEE

(AMENDMENTS APPEAR AS TRACKED CHANGES)

1. In these Regulations, unless the contrary intention appears-
“Committee” means Student Discipline Committee.
“Principal Statute” means Statute 2.4 The Student Discipline Committee.
2. (1) A member of the Committee shall not sit as a member of the Committee if the member has a prior involvement in or is a party to the matter being considered by that Committee.
(2) A matter before the Committee shall be determined by a majority of the members.

Breach of Discipline

3. In any hearing of a breach of discipline by the Committee in its original function under sub-section 3(a) of the Principal Statute -
 - (1) The secretary to the Committee shall, within ten (10) working days of receipt of a complaint –
 - (a) form an ad-hoc Committee;
 - (b) fix a time, date (which must be within twenty-one (-21) working days), and place for the hearing;
 - (c) give the student charged with the breach of discipline –
 - (i) notice of the matters determined under this sub-section;
 - (ii) particulars of the complaint made against the student; and
 - (iii) a copy of this Regulation and the Principal Statute.
 - (2) the student charged with a breach of discipline:
 - (i) will be given an opportunity to present a submission in answer to the complaint;
 - (ii) will not normally be entitled to any representation, including representation by a lawyerperson with legal qualifications, when appearing before the Committee;
 - (iii) in exceptional circumstances, may be allowed representation or such other assistance as may be deemed appropriate and on such terms as the Chair thinks fit; and
 - (iv) may be accompanied by an observer, who is not a lawyerperson with legal qualifications, when appearing before the Committee, however the observer may not speak unless invited to do so by the Chair of the Committee.
 - (3) Breaches of discipline alleged against two (2) or more students shall not be heard together unless the Committee determines otherwise.

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- (4) All students involved in the hearing process must receive in writing either before or during their hearing, information on how the outcome of the hearing will be sent to them. The outcome of the hearing may be sent to the student's current address at their University email address and by regular post. The student's current address [and email address](#) should be confirmed by the Committee at the internal hearing.
4. ~~(1)~~ If the secretary to the Committee receives a complaint within [thirty \(30\)](#) days of the conclusion of a Teaching period or outside a Teaching period, the timelines described in sub-section 3(1) will be suspended until the commencement of the next Teaching period.
- ~~(2) If the hearing timeline is over a period when the University is closed (eg. Christmas shutdown) the student must be advised in writing that either the timeline for lodging paperwork is still enforced or the timeline extended due to the University closure.~~
5. If at any time and place set for a hearing the student charged with the breach of discipline does not appear, the Chair of the Committee may-
- (a) adjourn the hearing; or
- (b) if he or she is satisfied that the student had notice of the time and place of the hearing, proceed to hear and determine the complaint.
6. (1) If at any time and place set for the hearing the student charged with the breach of discipline does appear, the Chair of the Committee shall read to the student the particulars supplied to the student under paragraph 3(1)(c)(ii) and ask the student whether he or she has or has not committed a breach of discipline.
- (2) If the student admits to committing a breach of discipline, the Committee shall hear a statement or evidence relating to the particulars and shall find the student to have committed a breach of discipline.
- (3) If the student does not admit to committing a breach of discipline the Committee shall proceed to hear the evidence in support of the particulars and any evidence adduced by or on behalf of the student.
- (4) (a) If after hearing all the evidence, the Committee is not satisfied that the student has committed a breach of discipline as alleged in the particulars, the Committee shall order the charge disclosed by the particulars to be dismissed.
- (b) Where the charge has been dismissed, the Committee must immediately commence the implementation of any decision and/or corrective and preventative action required by the University and advise the student of the outcome.
- (5) If after hearing all the evidence the Committee is satisfied that the student has committed a breach of discipline as alleged in the particulars the Committee shall find the student to have committed a breach of discipline.
7. (1) If the Committee finds a student has committed a breach of discipline it may, after hearing any evidence or submissions by or on behalf of the student in relation to penalty-

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- (a) impose one or a combination of penalties, including but not limited to:
 - (i) a reprimand;
 - (ii) a fine;
 - (iii) exclusion of the student from the campus or a defined part of the campus or from activities of the University for any period it thinks fit;
 - (iv) suspension of the student from University studies for any period it thinks fit;
 - (v) forfeiture of credit which the student might otherwise have obtained for the whole or part of the assessment in any course or programs to which the student's misconduct relates; or
 - (vi) termination of the admission or enrolment of the student; and
 - (b) if the student is found to have breached discipline, and 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 under sub-section (i) above.
- (2) If the matter referred to the Student Discipline Committee is a third or subsequent report of plagiarism by the Student under Regulation 6.1.1, the Committee may after hearing any evidence or submissions by or on behalf of the Student in relation to penalty, impose one or a combination of penalties of those listed under sub-sections 7(1)(a)(iv), (v) and (vi) above or any other penalty the Committee deems appropriate, in addition to the automatic forfeiture of credit in the Course imposed under Regulation 6.1.1.
 - (3) A Committee which has imposed a penalty or made an order under sub-section 7(1) may at the time of imposing the penalty or making the order suspend the operation of the penalty or order for such period and subject to such conditions (if any) as it thinks fit.

Appeal to Student Discipline Committee

- 8. In any application to the Committee to hear an appeal in its appellate function-under sub-section 3(b) of the Principal Statute –
 - (1) The secretary to the Committee shall, within ten (10) working days of receipt of a notice of appeal –
 - (a) in the case of the appeal notice containing insufficient grounds for appeal as stipulated in the Statute or Regulation granting the right to appeal, notify the appellant in writing that the appeal will not be heard; or

- (b) form an ad-hoc Committee; and
 - (c) fix a time, date (which must be within [twenty-one \(21\) working](#) days), and place for the hearing; and
 - (d) give the appellant and members of the Committee –
 - (i) notice of the matters determined under this sub-section;
 - (ii) copy of the notice of appeal and any evidence relating to the decision being appealed; and
 - (iii) a copy of this Regulation and the Principal Statute.
- (2) The appellant –
- (i) will be given the opportunity to adequately state his or her case;
 - (ii) will not normally be entitled to any representation, including representation by a ~~lawyer~~, [person with legal qualifications](#) when appearing before the Committee;
 - (iii) in exceptional circumstances, may be allowed representation or such other assistance as may be deemed appropriate and on such terms as the Chair thinks fit; and
 - (iv) may be accompanied by an observer, who is not a ~~lawyer~~, [person with legal qualifications](#), when appearing before the Committee, however the observer may not speak unless invited to do so by the Chair of the Committee.
- (3) An appeal lodged by two [\(2\)](#) or more students shall not be heard together unless the Committee determines otherwise.
- (4) All students involved in the appeal process must receive in writing either before or during their appeal, information on how the outcome of the appeal will be sent to them. The outcome of the appeal hearing may be sent to the student's current address at their University email address and by regular post. The student's current address [and email address](#) should be confirmed by the Committee at the internal appeal hearing.
9. ~~(1)~~ — If the secretary to the Committee receives a notice of appeal within [thirty \(30\)](#) days of the conclusion of a Teaching period or outside a Teaching period, the timelines described in sub-section 8(1) will be suspended until the commencement of the next Teaching period.
- ~~(2)~~ — ~~If the appeal timeline is over a period when the University is closed (eg. Christmas shutdown) the student must be advised in writing that either the timeline for lodging paperwork is still enforced or the timeline extended due to the University closure.~~
10. If at any time and place set for a hearing the appellant does not appear, the Chair of the Committee may-
- (a) adjourn the hearing; or

- (b) if he or she is satisfied that the appellant had notice of the time and place of the hearing, proceed to hear and determine the appeal.
11. (1) After considering the material relied on in support of the appeal and any answering material, the Committee may either:
- (a) dismiss the appeal; or
 - (b) dismiss the appeal and impose an additional or alternative penalty or order consistent with Regulation 6.1; or
 - (c) uphold the appeal and reverse or amend the finding, penalty or order appealed against or impose an alternative penalty or order consistent with Regulation 6.1.
- (2) The Committee may suspend the operation of any penalty or order for such period and subject to such conditions (if any) as it thinks fit.
- (3) The decision of the Student Discipline Committee together with reasons for the decision must be communicated to the appellant in writing.
- (4) Where an appeal is upheld, the Committee must immediately commence the implementation of any decision and/or corrective and preventative action required by the University and advise the student of the outcome.

Appeal to Council

12. (1) The Council shall, on receipt of notice of an appeal instituted under section 5 of the Principal Statute:
- (a) in the case of the appeal notice containing insufficient grounds for appeal as stipulated in sub-section 5(2) of the Principal Statute, notify the appellant in writing that the appeal will not be heard; or
 - (b) establish an appeal committee comprising three members ~~of Council~~ of which two (2) shall be members of Council and at least one (1) shall be one of the student members of Council a student who is a member of a University committee or body constituted under the Act or a University statute or regulation.
- (2) The Council shall appoint one (1) of the persons appointed to a committee established under sub-section 12(1)(b) to be Chair of that committee.
- (3) A member of the Council or the student member appointed under sub-section 12(1)(b) shall not hear an appeal against a decision of the Student Discipline Committee if the member was a member of the Student Discipline Committee which made the decision.
- (4) The quorum for the hearing of any appeal by a committee of the Council established under sub-section 12(1)(b) shall be three (3) members.
- (5) Any reference in sections 13, 14 and 154 to the Council ~~includes means~~ a reference to thea committee of Council established under this section 12.
- (6) Pending the hearing of an appeal-

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- (a) the operation of any order excluding the appellant from the campus or any part of the campus or from any activities of the University, or suspending the student from University studies, or forfeiting credit for the whole or any part of any assessment, or termination of the admission or enrolment of the student shall not be stayed unless, after consideration of all the circumstances of the case and any submission made by or on behalf of the student, the Vice-Chancellor or the Council orders otherwise; and
- (b) the operation of any order imposing a fine or ordering the payment of compensation shall be stayed until the appeal is determined or withdrawn.
13. At the hearing of an appeal to the Council, the Council may subject to the Act, the Statutes and the Regulations, follow any procedure it considers appropriate but shall act fairly and according to the substantial merits of the case without regard to technicalities or legal forms and shall hear any report provided by the secretary to the Committee in relation to the decision of that Committee which is appealed against.
14. After hearing an appeal against a finding or order made or penalty imposed by the Committee, the Council shall confirm, vary or quash the finding order or penalty.
15. Where the Council has quashed the finding order or penalty, the Council must immediately commence the implementation of any decision and/or corrective and preventative action required by the University and advise the student of the outcome.

Made 26/9/95 Promulgated 10/10/95

Amendment 1 Made 30/03/04 Promulgated 19/04/04

Amendment 2 Made 15/06/05 Promulgated 07/10/05

Amendment 3 Made 25/10/07 Promulgated 23/11/07

Amendment 4 Made 06/09/10 Promulgated 22/10/10

Amendment 5 Made 31/05/11 Promulgated 01/07/11

Amendment 6 Made 06/09/11 Promulgated 09/12/11

Amendment 7 Made 19/02/13 Promulgated 12/03/13

[Amendment 8 DRAFT 16/8/13](#) Made 15/10/13 Promulgated