

STUDENT MISCONDUCT (Non-Academic) POLICY

Section 1 - Purpose and Scope

- (1) This Policy sets out the framework for responding to student misconduct (non-academic).

Scope

- (2) This Policy:
- (a) applies to all students:
 - i. on an ACPE campus;
 - ii. on a digital platform used for College purposes;
 - iii. while representing ACPE; or
 - iv. in relation to a class, function or event sanctioned or organised by ACPE; and
 - (b) should be read in conjunction with the *Student Code of Conduct*.
- (3) The Sexual Assault and Sexual Harassment – Student Policy and associated Procedure also apply in respect of allegations of sexual misconduct by a student.
- (4) This Policy does not apply to:

Student Misconduct (Academic): that is, any conduct that involves academic fraud, cheating, plagiarism, collusion and or any other dishonest conduct by a student to gain academic or general advantage, or otherwise breaches relevant College policies and procedures in relation to academic standards. Such conduct must be dealt with by the **Academic Integrity Policy and Academic Integrity Procedure**.

Section 2 - Definitions

- (5) In this Policy:
- (a) **Code** means the ACPE Student Code of Conduct, available on the ACPE website.
 - (b) **Director** means the Director of Student Engagement and Wellbeing.
 - (c) **General misconduct** means the non-academic misconduct described at clause 14.
 - (d) **Serious misconduct** means the non-academic misconduct described at clause 15.
 - (e) **Student** means the person who has active enrolment in a Course at the College.

- (f) **Student misconduct (non-academic) or non-academic misconduct**, means the misconduct described at clause 12.

Section 3 - Policy Statement

- (6) It is the College's expectation that students:
- (a) respect the values underpinning College life; and
 - (b) do not engage in conduct that breaches the Code and that may constitute misconduct.
- (7) The College will investigate allegations of student misconduct in a manner that is fair, consistent, transparent and gives all parties an opportunity to be heard. Depending on the nature of the allegation, the College may refer details of misconduct to an external agency (such as the Police) for investigation.
- (8) Any person (including College staff members and students) may report allegations of non-academic student misconduct to the Director for investigation.
- (9) While anonymous reports can be made, the College may be constrained in how effectively these can be investigated. Ongoing anonymity cannot always be guaranteed if a matter is investigated.
- (10) The Director has the authority to deal with allegations of student misconduct by either:
- (a) making a decision to accept or dismiss the allegation and impose reasonable penalties based on classification of misconduct if the allegation is accepted; or
 - (b) referring the allegation to the Chief Executive Officer.
- (11) The Director may appoint one or more staff members to act as their delegate in terms of receiving reports of, and managing, student non-academic misconduct matters.

Student Misconduct (Non-Academic)

- (12) Examples of non-academic student misconduct includes, but is not limited to, conduct that:
- (a) contravenes or demonstrates disregard for the provisions of the Code, non-academic rules, policies, procedures and/or guidelines;
 - (b) adversely impacts the College's reputation including that of staff, students or other members of the College community;
 - (c) is criminal or unlawful on College premises, or on a location where a student is present under the auspices of the College;

- (d) damages or wrongfully deals with any property under the control of the College, or any property that does not belong to the student.
- (e) obstructs any staff, student or other member of the College community in the performance of their duties;
- (f) discriminates, assaults, threatens, bullies, harasses, or endangers any staff, student or other member of the College community or causes them fear for their personal safety;
- (g) attempts to improperly influence any staff, student or other member of the College community in the performance of their duties; and/or disobeys any instruction of the College community, including the failure to leave any building or part of a building when directed to do so, or the failure to comply with an imposed penalty or agreed outcome under College rules and policies;
- (h) impairs the reasonable freedom of other persons to pursue their studies or search or to participate in the life of the College;
- (i) disrupts, interferes with, or is detrimental to the conduct of any teaching, study, assessment or administration of the College;
- (j) refuses, withholds, or fails to identify oneself truthfully or furnishes false personal information to the College;
- (k) falsifies, or attempts to falsify, College records or official files/documents;
- (l) breaches confidentiality or privacy requirements or obligations in respect of the College, staff, students, clients or other members of the College community (including via inappropriate communication on social media);
- (m) significantly obstructs or interferes with College business; and / or
- (n) encourages, persuades or incites any other person to engage in conduct or behaviour constituting non-academic misconduct.

CLASSIFICATIONS OF STUDENT MISCONDUCT (Non-Academic)

- (14) The College classifies non-academic misconduct by students into two categories:
- (a) general misconduct; or
 - (b) serious misconduct.

General Misconduct

- (15) General misconduct may include but is not limited to the following examples:
- (a) Minor disturbances during academic activities (face to face or online) that interfere with the freedom of a student or limits the capacity of an academic staff member to fulfil their duties.
 - (b) Minor disturbances in any College venue or activity that represent immature, boisterous or childish behaviour that is disruptive or offensive.
 - (c) First instances of breaking, ignoring or being unaware of College rules or the Code of Conduct (depending on the nature of the rule broken or ignored).

- (d) Behaving in an unsafe manner in any College venue or activity.
- (e) Behaviour that causes offence whether intentional or otherwise.
- (f) Smoking on College property.
- (g) Drinking alcohol on College property unless at an organised event.

Serious Misconduct

- (16) Serious misconduct may include but is not limited to the following examples:
- (a) Repeated disruptions during academic activities (face to face or online) that interfere with the learning of other students.
 - (b) Showing disrespect to College staff or other students (including via social media or other online activities).
 - (c) Showing disrespect to members of the public when acting on behalf of the College.
 - (d) Bullying or harassing behaviour including (but not limited to) cyber-bullying, sexual and other assault, intimidation or displaying aggression towards others at any time during academic activities (including online), when representing the College publicly or when on campus.
 - (e) Interfering with or causing wilful or negligent damage to or defacing any College Property.
 - (f) Theft of College property or any personal property from other individuals or organisations on College property.
 - (g) Attending College activities (including academic and non-academic activities) under the influence, or being in possession of alcohol, drugs or any other prohibited substance.
 - (h) Attending College activities (including academic and non-academic activities) with weapons or items likely to cause harm or intimidation to others at any time.
 - (i) Discriminating against anyone on the grounds of gender identity, sexual orientation, marital, parental or carer status, pregnancy, breastfeeding, age, physical features, impairment, race, ethnicity, political or religious belief or activity, or industrial activity.
 - (j) Engaging in fraudulent or intentionally deceptive activity.
 - (k) Failing to declare or manage a serious conflict of interest;
 - (l) Wilful, violent or unsafe behaviour.
 - (m) Repeated instances of breaking, ignoring or being unaware of College rules or the Code of Conduct.

Procedural Fairness

- (17) The College is committed to the principles of procedural fairness and natural justice. This includes:

- (a) The right to be treated fairly and for all parties to be informed of the relevant process.
- (b) The right for relevant parties to be informed of allegations made against them.
- (c) The right to be heard and to be able to respond to allegations.
- (d) The right to an unbiased decision-maker and to be given reasons for a decision.
- (e) The right to not have irrelevant matters considered.
- (f) The right to review or appeal where appropriate.

Note: A member of staff cannot be responsible for determining a misconduct matter if they have had prior involvement in any aspect of the allegation.

- (18) Students the subject of an allegation are entitled to:
 - (a) due notice of any allegations of student misconduct made against them. Allegations may be amended at any time before their determination, provided the student has received notice of these amendments; and
 - (b) an opportunity to correct information, explain mitigating circumstances and make a submission as to the penalty/penalties that may be imposed.
- (19) The College takes multiple breaches of the Code seriously. Previous breaches are taken into account when determining the penalty/penalties for subsequent breaches.
- (20) The College recognises that students can be significantly affected by delays in resolving a complaint allegation and therefore seeks to investigate and determine such matters as expeditiously as practical.

Appeals

- (21) Students may seek to appeal the outcome of a decision in line with the timeframe and other requirements set out in the *Student Misconduct (non-academic) Procedure*.

Confidentiality

- (22) Investigations and assessment of non-academic student misconduct should be treated by all participants with appropriate confidentiality. This includes other students and staff members who have been requested to provide evidence in respect of an allegation that has been made.

Recordkeeping and reporting

- (23) The College will keep appropriate records of serious complaints made in writing, reviews and appeals matters including details of any investigation and decisions, in accordance with the Privacy Policy.

- (24) The College will use aggregated and de-identified data to support its monitoring, reporting and continuous improvement. This includes regular reporting to the College Board and Academic Board of the nature of serious findings of non-academic student misconduct and the actions taken to address them.

Section 4 - Procedures

- (25) Refer to the Student Misconduct (Non-Academic) Procedure.

Related documents

This Policy should be read in conjunction with but not limited to:

- Student Misconduct (Non-Academic) Procedure
- ACPE Student Code of Conduct
- Academic Integrity Policy
- Academic Integrity Procedure
- Grievances, Complaints and Appeals Policy
- Grievances, Complaints and Appeals Policy Procedure
- Sexual Assault and Sexual Harassment – Students Policy and Procedure
- Deferring, Suspending or Cancelling Enrolment Policy – International Students

Legislation

- Higher Education Standards Framework (Threshold Standards) 2021
- National Code of Practice for Providers of Education and Training to Overseas Students 2018

Document Administration

Policy Name	Student Misconduct (Non-Academic) Policy
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Version 1:	September 2018 - Full revision and harmonised document. December 2018 and March 2019: further revisions and updates (compliance with HES and changes to officer titles) 2023: Document further updated into new template February 2024: small amendments. March 2024: revision to remove references of research activities

Version 2	May 2024 – Removal of references to Research.
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Unless otherwise indicated, this Policy will still apply beyond the Review date.