

STUDENT MISCONDUCT (Non-Academic) PROCEDURE

Section 1 - Purpose and Scope

- (1) This Procedure:
 - (a) outlines the process for dealing with reports of possible student misconduct (non-academic);
 - (b) provides for an appeal process; and
 - (c) sets out the penalties that may be applied for instances of general and serious misconduct.

Section 2 - Definitions

- (2) In addition to the definitions in the Student Misconduct Policy (Non-Academic):
 - (a) **Student Misconduct Committee** means the committee convened on an ad hoc basis. It has the delegated authority to investigate and make decisions concerning student non-academic misconduct.
 - (b) **Relevant decision-maker** means the officer or their nominated delegate who is responsible for determining whether a student has breached the Code of Conduct (that is, has committed a general and/or serious non-academic misconduct offence) and the penalty/penalties, if any, that are to be imposed.

Relevant decision-makers include:

- i. the Director of Student Engagement and Wellbeing (the 'Director');
 - ii. a staff member nominated by the Director to act as the Director's delegate;
 - iii. the Chief Executive Officer;
 - iv. a senior staff member appointed by the Chief Executive Officer to deal with certain non-academic complaint matters; or
 - v. the Appeals Committee / Student Misconduct Committee.
- (c) **Working day** means a weekday (Monday to Friday) on which the College is open for business. This does not include national public holidays or College shutdown periods (e.g. Christmas holidays) as noted on the official Student Calendar available on the ACPE website.

Section 3 - Procedure

- (3) A student may be supported by any other person during an investigation into alleged misconduct.
- (4) The College, through the relevant decision-maker, may extend any of the timeframes specified in this Procedure. Any extension of the timeframe must be

limited, reasonable in the circumstances and relevant participants notified of the revised timeframe.

- (5) The College, through the Chief Executive Officer, may appoint an independent person external to College, to support an investigation process (provided that they do not act as the relevant decision-maker).

Step 1: Reporting non-academic misconduct

- (6) **Non-Academic Misconduct:** A person should report instances of potential non-academic misconduct to the **Director of Student Engagement and Wellbeing**. This includes providing details and any supporting evidence. The Director of Student Engagement and Wellbeing will collect the information from the person making the report and may conduct interviews in order to respond to the misconduct allegation.

Step 2: Assessing potential non-academic misconduct

- (7) The Director of Student Engagement and Wellbeing will:
- (a) review the allegation, the supporting evidence, and any information of previous incidents that may be on the student's record; and
 - (b) take one of the following actions **within 5 working days**:
 - i. dismiss the allegation; if there is little or no supporting evidence; or if there are no clear grounds for the allegation to be put to the student; or
 - ii initiate a further assessment of the allegation.
- (8) Where Director of Student Engagement and Wellbeing initiates a further assessment, they:
- (a) may seek information or evidence from any other person in relation to the allegation; and
 - (b) will contact the student in writing; indicating that the allegation will be put to them and they will be invited to provide a right of reply to the allegation in writing **within 10 working days**.

Step 3: Decision-making

- (9) Where the student responds to the allegation, the relevant decision-maker; that is the Director of Student Engagement and Wellbeing, will record the response and any additional supporting evidence as part of their assessment of the matter.
- (10) The relevant decision-maker:
- (a) will consider all evidence reasonably available to them;
 - (b) will decide if the conduct reasonably constituted non-academic misconduct, whether it is categorised as **general** or **serious** misconduct;

Note: matters that are categorised as **serious** non-academic misconduct may be referred to the CEO or nominee.

- (c) will then make a decision on the matter and advise the student (and relevant staff) of the outcome and any associated penalty/penalties, normally **within 5 working days** of the student response to the allegation. If the student does not respond, the decision will be **made within 5 working days** of the required response date;
- (11) In certain circumstances where allegations of **serious** non-academic misconduct cannot be resolved by the CEO or nominee, a Student Misconduct Committee could be formed. See Step 4 below.

Note: Matters relating to international students must adhere to the *Deferring, Suspending or Cancelling Enrolment Policy – International* and any other requirements regulating student visas.

Step 4: Student Misconduct Committee

- (12) The Chief Executive Officer or nominee may refer matters of **serious** non-academic misconduct to the Student Misconduct Committee where:
- (a) the allegations involve serious non-academic misconduct and are considered to be of such a serious nature that the matter could have a significant impact on the student or the reputation of the College; or
 - (b) as part of the Committee's investigation, students and staff involved in the allegation may be required to attend a further interview or provide information on request.
- (13) The Student Misconduct Committee will determine an outcome and will notify the student in writing of this outcome and any associated penalty/penalties **within 10 working days** of the Committee's decision.

Outcomes and penalties

- (14) The relevant decision-maker may exercise discretion in the penalties that are imposed on a student found to have engaged in non-academic misconduct.
- (15) A failure by a student to adequately undertake a penalty imposed by a decision-maker may constitute a further instance of non-academic misconduct.

General Misconduct - outcomes

- (16) Possible outcomes for allegations found to be General Misconduct may include, but are not limited to, one or more of the following:
- (a) allegations made against the student are dismissed;
 - (b) a written reprimand/warning against further misconduct;
 - (c) a formal written warning via email or letter and recorded on student file;

- (d) requested written and/or verbal apology to those involved;
- (e) requirement to attend alternative class sessions based on availability of timetabled classes; and/or
- (f) restricted access to certain College facilities for a period of time
- (g) Exclude the student from representing the College at any College activity for a period of time (e.g. intervasity competitions, UniSport Nationals and championships, staff VS Students etc.).
- (h) Outcomes will be captured in the Student Misconduct Register.

Serious Misconduct - outcomes

- (17) Possible outcomes for allegations found to be Serious Misconduct may include, but are not limited to, one or more of the following:
- (a) allegations made against the student are dismissed;
 - (b) a formal written warning via email or letter and recorded on student file;
 - (c) requested written and/or verbal apology to those involved;
 - (d) student to initiate and complete action designed to mitigate the consequences of the serious misconduct to the satisfaction of the decision-maker;
 - (e) immediate withdrawal of the student from professional placement or activities;
 - (f) exclude the student from representing the College at any College activity for a period of time (e.g. University championships, educational expos, internships);
 - (g) exclude the student from representing the student body on College governing bodies;
 - (h) probationary enrolment for a period up to 12 months, subject to the student's ongoing good behaviour and/or other conditions as determined by the decision-maker;
 - (i) suspend the student from the College for a specified period of time, not exceeding 12 months;
 - (j) cancel credit or enrolment for any unit of study;
 - (k) withhold results;
 - (l) exclude the student from the unit past census date, incurring in relevant financial and academic penalties
 - (m) exclude the student from the College permanently;
 - (n) refer the matter to an external agency for action (e.g. Police); or
 - (o) a combination of the above.

Outcomes Appeal

- (18) Where a student seeks to appeal the outcome of the CEO or nominee or the Student Misconduct Committee, the student must do so in accordance to the *ACPE Grievances, Complaints and Appeals Policy* and associated *Procedure*; **within 5 working days** of the receiving the penalty.

Related documents

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

- Student Misconduct (Non-Academic) Policy
- Academic Integrity Policy and Academic Integrity Procedure
- Grievances, Complaints and Appeals Policy and Procedure
- ACPE Student Code of Conduct
- 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) Procedure
Policy Owner	Director of Student Engagement and Wellbeing
Approval Authority	Academic Board
Approval Date	13 May 2024
Effective Date	As at Approval Date
Next Review #	Three years from the Approval Date
Amendment history	
Version 1:	<p>2022: Document further updated into new template.</p> <p>2023: Name of policy and procedure changed from Student Misconduct (Non-Academic) to Student Misconduct (non-academic and research), as this document does not only cover non-academic misconduct matters but also research. Details around the dealing with a research misconduct have been added.</p> <p>February 2024: amendments and adjustments made to clarify relevant staff responsibilities when dealing with and assessing non-academic and research misconduct.</p> <p>March 2024: further review to remove, as per Academic Board's suggestion, references to research activities (which will be covered in a separate policy -to be developed).</p>
Version 2:	May 2024 – Reference to Student Misconduct Register included in Clause 16h.

Unless otherwise indicated, this Procedure will still apply beyond the Review date