

Student Conduct - Governing Policy

1. Purpose of policy

1.1 The University is committed to ensuring a safe learning environment and to upholding the highest standards of academic integrity.

1.2 The purpose of this policy is to:

(a) promote the principle of mutual respect by defining student behaviour which the University community considers appropriate;

(b) discourage behaviour which the University community considers inappropriate;

(c) promote academic integrity throughout all aspects of its teaching, learning and research activities;

(d) implement fair and just procedures for managing alleged student misconduct; and

(e) implement a transparent framework of educational, remedial actions and penalties that may be applied for student misconduct.

2. Policy scope and application

2.1 This policy applies to all students of the University of the Sunshine Coast.

2.2 Students are required to comply with the obligations set out in this policy while undertaking any activity in their capacity as a student or while engaged in any activity which impacts on the University or members of the University community. This includes on-campus activities, University or student-related activities at other sites (including, for example, during placements, field trips or exchange programs).

2.3 Where student sexual assault or sexual harassment is suspected, the University will also follow the Sexual Assault and Sexual Harassment and Respectful Relationships (Students) - Governing Policy and associated procedures.

2.4 Where student discrimination, bullying, harassment or assault is suspected, the University will also follow Sexual Assault and Sexual Harassment and Respectful Relationships (Students) – Procedures to ensure a trauma informed response is provided.

2.5 This policy excludes allegation management of student breaches of responsible research conduct. Refer to the Responsible Research Conduct – Governing Policy and Managing and Investigating Breaches of Responsible Research Conduct – Procedures. The educative remedies and penalties for substantiated findings of student breaches of responsible research conduct are contained within these procedures.

2.6 Refer to the Student Grievance Resolution – Governing Policy and Student Review and Appeals - Procedures for information on the review and appeal of decisions made under this policy.

3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Academic integrity "Academic integrity is defined as: 'a commitment, even in the face of adversity, to six fundamental values: honesty, trust, fairness, respect, responsibility, and courage. From these values flow principles of behaviour that enable academic communities to translate ideals to action' (International Centre for Academic Integrity, 2014).

For the purposes of USC's Policy and Procedures, "academic integrity is: 'the moral code of academia. It involves using, generating and communicating information in an ethical, honest and responsible manner' (Monash University, 2013). The term 'ethical scholarship' has a similar meaning. These definitions apply to the behaviour of teachers, researchers, students or others who are engaged in any form of scholarly activity." (1)

APPROVAL AUTHORITY

Council

RESPONSIBLE EXECUTIVE MEMBER

Vice-Chancellor and President

DESIGNATED OFFICER

Pro Vice-Chancellor (Students)

FIRST APPROVED

5 October 2004

LAST AMENDED

31 March 2022

REVIEW DATE

27 April 2026

STATUS

Active

"Academic misconduct generally refers to a breach of academic integrity. Cheating, plagiarism, and fabrication or falsification of data are examples of such breaches. A provider's policy framework should cover the preservation of academic integrity by both staff and students."(1)

Academic misconduct refers to a breach of academic integrity. Cheating, plagiarism, and fabrication or falsification of data are examples of such breaches actions or behaviour which is contrary to expected student academic integrity outlined in Section 5.2 of Student Conduct – Governing Policy.

Assault has its legal meaning (Section 245 *Criminal Code* 1899 (Qld)) and includes striking, touching moving or otherwise applies force of any kind to another person without consent.

Bullying is repeated and unreasonable behaviour, whether intentional or unintentional, directed towards an individual or a group that creates a risk to health and safety.

Some of the more common types of bullying behaviours are:

Physical –damaging, stealing belongings, threats of violence, practical jokes or initiations, denying access to information, supervision, consultation or resources to the detriment of the student;

Verbal/written - name-calling, offensive language, unjustified criticism or complaints, insulting someone about an attribute, quality or personal characteristic;

Social – deliberately excluding someone from study-related activities, spreading misinformation or malicious rumours, sharing information that will have a harmful effect on the other person, damaging a person's social reputation or social acceptance; and

Cyberbullying – any form of bullying behaviour that occurs online or via a mobile device. It can be verbal or written, and can include threats of violence as well as images, videos and/or audio.

Discrimination as defined in the *Anti-Discrimination Act 1991* (Qld), means to treat or to propose to treat, a person with an attribute (listed in the Act) less favourably or to impose unreasonable terms or conditions for which individuals with a particular attribute are unable to comply. Attributes include:

Sex

Relationship status

Pregnancy

Parental Status

Breastfeeding

Age

Race

Impairment

Religious belief or religious activity

Political belief or activity

Trade Union activity

Lawful sexual activity

Gender Identity

Sexuality

Family responsibilities

Association with, or relation to, a person identified on the basis of any of the above attributes.

Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

For the avoidance of doubt, discrimination includes antisemitism, which is defined by the International Holocaust Remembrance Alliance (IHRA) as "a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of

antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”.

Expulsion from the University, usually arising from a finding of serious academic or general misconduct, means cancellation of enrolment and prohibited from enrolling in any courses or programs at the University on a permanent basis. An application for re-enrolment following expulsion can only be approved by the University's Council.

General misconduct actions or behaviour which is contrary to expected student conduct outlined in Section 5.1 of Student Conduct – Governing Policy.

Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination and for example can include sexual, disability, racial, or gender based harassment.

Human rights has the meaning set out in the *Human Rights Act 2019* (Qld). Rights relevant to a student's relationship to the University may include (but are not limited to) the rights of freedom of thought, conscience, religion and belief; freedom of expression; peaceful assembly and freedom of association; cultural rights including of Aboriginal and Torres Strait Islander people; the right to a fair hearing; and the right to protection of privacy and reputation.

Procedural fairness:

“Procedural fairness is about providing a person who might be adversely affected by a decision a ‘fair hearing’ before the decision is made.”(2) It refers to the process by which a decision is reached and not the decision itself. With regard to misconduct, procedural fairness requires that a student, against whom an allegation of misconduct is made by the University, be provided with:

all relevant details and evidence of the alleged misconduct; and

an opportunity to present their version of events concerning the alleged misconduct.

Procedural fairness requires an investigator and/or decision maker to:

act impartially, without bias, and without preconceived notions of culpability;

commence and complete the investigation without undue delay;

make inquiries and take actions to determine the facts of the matter based on sound reasoning and relevant evidence;

consider all relevant information and evidence;

not take into account irrelevant matters;

inform the student(s) concerned of the general substance of the allegation and the range of possible consequences if the investigation results in the allegation being substantiated;

provide the student(s) concerned with the opportunity to respond to and put forward evidence or arguments in their favour;

provide opportunity for the student(s) concerned to make a case concerning why a particular consequence should not follow in the event that the allegation is substantiated; and

to deal with the allegation in a timely manner.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Sexual harassment In accordance with the *Anti-Discrimination Act 1991* (Qld), sexual harassment is any unwelcome conduct of a sexual nature in relation to a person in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity. Examples of sexual harassment include:

inappropriate jokes or comments with sexual connotations;

the display of offensive material;

stares and leers or offensive hand or body gestures;

comments and questions about another person's sexual conduct and/or private relationships that are intrusive;

persistent unwelcome invitations;

requests for sexual favours;

offensive written, telephone or electronic mail or any other electronic means of communication, including pictures or videos of body parts or sexualised activities;

unnecessary close physical proximity including persistently following a person;

unwelcome physical contact such as brushing against or touching a person;

denigrating comments regarding a person's gender or sexual preference; or

negative behaviours, e.g., intimidation or exclusions related to the sex or gender of the recipient.

Student conduct students are expected to behave in accordance with the expectations outlined in Section 5.1 of Student Conduct – Governing Policy.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

4. Policy Statement

4.1 The University will promote and foster a safe environment for its students and staff and fulfills its responsibilities and obligations as a registered university in good standing consistent with the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) and the *Higher Education Standards Framework (Threshold Standards) 2015* (Cth).

4.2 The University will maintain and comply with processes which ensure it fulfills the responsibilities and obligations under procedural fairness and provide processes to investigate suspected breaches of student conduct and student academic integrity.

4.3 The University will maintain records of suspected and confirmed breaches of student conduct and student academic integrity.

4.4 The University is committed to making decisions consistent with the *Human Rights Act 2019* (Qld).

4.5 The University is committed to the *Model Code on Freedom of Speech and Academic Freedom*.

5. Principles

5.1 Student conduct

The University expects students to behave in a way that:

(a) allows reasonable freedom to others to pursue their studies, research, duties and other lawful activities in the University on its campuses and sites and to participate in the life of the University;

(b) recognises that the pursuit of academic excellence as a key aim of the University and that proper student assessment and research procedures are essential in achieving that aim;

(c) promotes a safe and inclusive learning environment, by treating other members of the University community with respect and courtesy, and refraining from any actions which might reasonably be perceived as unsafe, intimidating, discriminating, harassing or bullying;

(d) complies with directions given by University staff to promote the good order and management of the University;

(e) ensures the proper use of University facilities, information and property and the property of other persons on its campuses and sites;

(e) demonstrates a professional manner while undertaking placements, practicums, field trips, study tours, or other forms of work integrated learning or student mobility programs, and maintains the highest standards of professional ethics relevant to the profession or industry for which they are being trained;

(f) complies with all health and safety requirements and instructions given by the University and attend any relevant training if required by the University; and

(g) complies with the policies and procedures of the University.

5.2 Academic integrity

5.2.1 Student academic integrity is fundamental to ensuring the University's academic standards and quality. The University implements a broad range of communication strategies for educating and informing students and staff on the importance of student academic integrity. Academic integrity is demonstrated by adherence to professional and ethical standards of teaching, learning, research and scholarship.

5.2.2 Academic integrity requires that students:

- (a) act ethically in the pursuit of learning and research and in demonstrating the learning or research they have undertaken;
- (b) acknowledge, in activities undertaken as part of their learning or research, the contribution of others' ideas and work, including that of other students and colleagues; and
- (c) act in accordance with requirements that ensure the academic standards of the University, for example, instructions for assessment tasks, codes of research conduct.

5.2.3 Student academic integrity is demonstrated by students taking such actions as:

- (a) appropriately acknowledging in their work the inclusion or use of others' ideas; words; information (including charts, tables, graphs and other illustrative materials); and other contributions (including data manipulation, editing and research design) – usually through use of standard academic referencing and citation systems and incorporation of acknowledgements in appropriate places;
- (b) demonstrating the extent to which the student has consulted appropriate references and source materials – usually through compilation of a bibliography or reference list;
- (c) including and analysing complete and accurate research data when researching and reporting research findings and conclusions;
- (d) complying with all instructions for preparation and presentation of their individual work as part of group work; and
- (e) complying with all instructions for presenting, undertaking or submitting individual work for assessment, including tests and examinations.

5.3 Student general misconduct and academic misconduct

5.3.1 Student's behaviour which is contrary to Section 5.1 expectations may constitute general misconduct. Examples of behaviour that is contrary to Section 5.1 are provided in the Student Misconduct – Procedures.

5.3.2 Student's behaviour which is contrary to Section 5.2 expectations may constitute academic misconduct. Examples of behaviour that is contrary to Section 5.2 are provided in the Student Misconduct – Procedures.

5.3.3 The University will implement the Student Misconduct – Procedures when there is a suspected breach of Sections 5.1 and 5.2.

5.3.4 Formal disciplinary action including the imposition of a range of educational, remedial actions and penalties proportionate to the circumstances of the breach may be applied to confirmed cases of student general misconduct and academic misconduct.

5.4 Freedom of expression

5.4.1 The University supports the right of its students to free expression, including on campus and in USC online environments. Freedom of expression may be exercised, for instance, by engaging in intellectual inquiry, holding and expressing opinions and beliefs, contributing to public debate, or participating in student associations such as the USC Student Guild or other student clubs and societies.

5.4.2 In exercising this right, students must act consistently with other obligations set out in this policy, in particular, the obligations to respect others and their human rights. Consequently, freedom of expression is not an absolute right. It does not entail freedom from critique, particularly in regard to academic matters. Freedom of expression may be subject to legal limitations such as defamation and anti-vilification laws, and the University also imposes other reasonable and proportionate limitations to ensure the good order of the University and the wellbeing of other students and of staff.

5.4.3 Students must not exercise their rights to freedom of expression in a manner which may reasonably be perceived to harass, vilify, defame, intimidate or unreasonably infringe upon the rights of others, including others' rights to freedom of expression.

6. Authorities/Responsibilities

The following authorities/responsibilities are delegated under this policy:

ACTIVITY / ACTION	UNIVERSITY OFFICER/COMMITTEE
Initial investigation of suspected student general misconduct.	Pro Vice-Chancellor (Students) or delegate
Investigation of reported suspected breaches of student academic misconduct.	Academic Lead/Investigator

Footnotes

(1) Guidance Note: Academic Integrity Version 1.2 (28 March 2019) *Tertiary Education Quality and Standards Agency*.

(2) Good decisions *Queensland Ombudsman*

(<https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/good-decisions>)

END

RELATED DOCUMENTS

- Acceptable Use of ICT Resources - Governing Policy
- Acceptable Use of ICT Resources - Procedures
- Anti-Discrimination and Freedom from Bullying and Harassment - Governing Policy
- Central Examinations - Procedures
- Conduct on University Premises - Operational Policy
- Equity, Diversity and Inclusion - Governing Policy
- Information Management - Governing Policy
- Managing and Investigating Breaches of Responsible Research Conduct - Procedures
- Responsible Research Conduct - Governing Policy
- Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Governing Policy
- Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Procedures
- Social Media - Operational Policy
- Social Media - Procedures
- Student Misconduct - Procedures
- Working with Vulnerable People (including Child Protection) - Governing Policy

LINKED DOCUMENTS

- Student Misconduct - Procedures

SUPERSEDED DOCUMENTS

- Student Academic Integrity - Governing Policy

RELATED LEGISLATION / STANDARDS

- University of the Sunshine Coast Act 1998 (Qld)
- Tertiary Education Quality and Standards Agency (TEQSA) Act 2011 (Cth)
- Higher Education Standards Framework (Threshold Standards) 2021 (Cth)
- Student Charter
- Human Rights Act 2019 (Qld)
- Model Code on Freedom of Speech and Academic Freedom