

1. Purpose of policy

1.1 This Policy reinforces that all dealings between members of the University community are based on mutual respect.

1.2 The purpose of this policy is to:

- (a) promote the principle of mutual respect by informing students of behaviour which the University community considers appropriate
- (b) discourage behaviour which the University community considers inappropriate
- (c) implement fair and just procedures for dealing with cases of alleged student general misconduct
- (d) provide for the imposition and enforcement of decisions for proven student misconduct.

2. Policy scope and application

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

2.2 This policy should be read in conjunction with the Student General Misconduct – Procedures.

2.3 In cases of student academic misconduct (e.g. plagiarism, cheating or collusion in coursework assessment), first refer to the Student Academic Integrity – Academic Policy and Student Academic Misconduct – Procedures.

2.4 In cases of student research misconduct (e.g. misuse of data, unethical treatment of research subjects, plagiarism in research activities), first refer to the Responsible Research Conduct – Governing Policy and Managing and Investigating Breaches of Responsible Research Conduct – Procedures.

3. Definitions

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

Procedural Fairness (Natural Justice): Procedural fairness (natural justice) is observed where a decision may adversely affect a student. 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.

The procedure also requires a decision maker:

- to act impartially and without bias
- to consider all relevant information
- not to take into account any irrelevant matters, and
- to deal with the allegation in a timely manner.

4. Student Conduct

4.1 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 refraining from any actions which might reasonably be perceived as unsafe, intimidating, discriminating, harassing or bullying to other members of the University community, and
- (d) ensures the proper use of University facilities, information and the property of other persons on its campuses and sites.

APPROVAL AUTHORITY

Council

RESPONSIBLE OFFICER

Vice-Chancellor and President

DESIGNATED OFFICER

Pro Vice-Chancellor (Students)

FIRST APPROVED

5 October 2004

LAST AMENDED

18 December 2018

EFFECTIVE START DATE

31 January 2017

REVIEW DATE

6 December 2021

STATUS

Active

4.2 Where a student is acting in a manner which is at risk of breaching the University's expectations of student conduct outlined above, the head of the unit with responsibility for the particular activity or the operation or management of the particular facility and/or premises, should in the first instance, make the student aware in writing of the expectations outlined in section 4.1 above and the possible consequences should the conduct continue.

4.3 Student behaviour which is contrary to the above expectations, may constitute academic, research or general misconduct, as defined by the relevant policies and procedures referred to in section 2 of this policy.

5. Reporting Suspected Student Misconduct

5.1 University staff, students and members of the University community must report suspected student misconduct as soon as possible either verbally or in writing to the Pro Vice-Chancellor (Students), or in the case of student academic/research misconduct to the relevant decision maker.

5.2 The Pro Vice-Chancellor (Students) or relevant decision maker will conduct such investigation as necessary to determine the facts of the suspected misconduct.

5.3 The Pro Vice-Chancellor (Students) or relevant decision maker will determine whether there is sufficient information to support (on a prima facie basis) an allegation of student misconduct and if so, may proceed to issue an allegation of misconduct – refer to relevant procedures.

5.4 In the case of student general misconduct, the Pro Vice-Chancellor (Students) may refer the matter to a Student General Misconduct Hearing Panel. Refer to the Student General Misconduct – Procedures.

6. Interim Suspension

6.1 On the advice of the Pro Vice-Chancellor (Students), the Deputy Vice-Chancellor (Academic) may, if necessary for the management and good governance of the University, immediately suspend the student alleged to have committed misconduct for a period of five business days to avert a substantial risk of:

- (a) injury to a person
- (b) damage to property, or
- (c) serious disruption of a University activity.

6.2 Before imposing a suspension exceeding five business days and not exceeding six weeks, the Deputy Vice-Chancellor (Academic) must notify the student of the decision and provide the student with a reasonable opportunity to explain why the suspension ought not to be imposed.

6.3 The decision of the Deputy Vice-Chancellor (Academic) to impose a suspension greater than five business days and not exceeding six weeks must clearly indicate if the student's enrolment (including online access to student systems and the library) is suspended, or if the interim suspension is in regards to physical access to specified University facilities and/or services.

7. Findings and Decisions

7.1 When dealing with an allegation of misconduct, decision makers will investigate and make decisions in accordance with the principles of natural justice (procedural fairness). Decision makers may:

- (a) find the student not guilty (where, on the balance of probabilities, the allegation of misconduct is not supported by the evidence), or
- (b) find the student guilty of misconduct (where, on the balance of probabilities, the allegation of misconduct is supported by the evidence).

7.2 Based on their findings, decision makers may make one or more decisions, in accordance with the relevant procedures for academic integrity, research misconduct or general misconduct. Refer to Schedule A of this policy for a range of possible decisions which may result from a finding of misconduct.

7.3 Where appropriate, decision makers may make other recommendations to a student, for example, that the student attend counselling session(s) and/or may suspend or withdraw a decision if the student agrees to the recommendation.

8. Extension of deadlines

8.1 Before a deadline to investigate or make a finding expires, a decision maker may apply in writing to the Pro Vice-Chancellor (Students) for an extension of the relevant deadline.

8.2 The Pro Vice-Chancellor (Students) may extend any deadline prescribed under the relevant procedures if satisfied that:

- (a) the decision maker has made a reasonable attempt to consult the student about an extension of the deadline; and
- (b) the student's ability to address the allegations is not impaired.

9. Re-enrolment following expulsion

A student who is expelled from the University cannot re-enrol in any program without the approval of the Council, on the recommendation of the Deputy Vice-Chancellor (Academic).

10. Appeals

10.1 Where a student is dissatisfied with the outcome of a misconduct finding, the decision imposed and/or the process which was followed, the student may submit an appeal in writing, stating the grounds for the appeal.

10.2 Appeals about student misconduct, excluding Student Academic Misconduct, are considered by the Student Misconduct Appeals Committee – refer to the Student General Misconduct – Procedures.

10.3 Any student who remains dissatisfied with the decisions of the internal appeal process may lodge an external appeal to the State Ombudsman or another external agency where relevant. Normally the State Ombudsman only considers an application after the University's internal misconduct processes have been exhausted.

11. Repayment of Fees

11.1 No fees paid by a student relating to a period where the student's enrolment is suspended as a result of misconduct are refundable or repayable to the student.

11.2 No fees paid by a student are refundable or repayable to the student where the student is expelled from the University.

12. Recordkeeping and Reporting

12.1 All relevant records at all stages of an investigation must be captured by staff in an approved records management system, in line with the University's Information Management Framework – Governing Policy. Records should be complete and provide reliable and accurate evidence of decisions and actions.

12.2 The Pro Vice-Chancellor (Students) maintains a register summarising all deliberations, findings and decisions of student general misconduct made under this policy for reporting purposes; as well as a register summarising all appeals heard by the Student Misconduct Appeals Committee.

12.3 Where any action is taken under this policy, the Deputy Vice-Chancellor (Academic) reports to the Council annually, summarising the nature of the misconduct and any decisions or findings made.

12.4 Summarised de-identified accounts of misconduct and decisions are published on the University website, as per a publication scheme determined by the Deputy Vice-Chancellor (Academic).

13. Maintaining Student Enrolment

When considering appeals regarding misconduct, the University must maintain a student's eligible enrolment throughout the process. Where the student's enrolment is subject to an interim suspension, the University is not obliged to allow participation in educational activities.

END of Policy

Schedule A – Decisions

Based on a finding of misconduct, a relevant decision maker may make one or more of the following decisions to:

- (a) issue a formal written caution
- (b) issue a formal written reprimand
- (c) impose any relevant penalties for academic misconduct, as set out in the Student Academic Integrity – Governing Policy
- (d) impose an appropriate penalty for research misconduct, for example, require the student to repeat confirmation or any other component of their higher degree by research candidature; require the student publish an apology; revoke funding
- (e) suspend the student's enrolment for no longer than a semester or equivalent period
- (f) suspend the student from University premises or facilities, or a specified part or parts of University premises for no longer than a semester or equivalent period
- (g) recommend to the University Council that the student be expelled from the University (delegated by Council to the Deputy Vice-Chancellor (Academic))
- (h) recommend to the University Council to rescind the conferral of an award

END

RELATED DOCUMENTS

Acceptable Use of ICT Resources - Governing Policy
Acceptable Use of ICT Resources - Procedures
Administration of Central Examinations - Procedures
Anti-Discrimination and Freedom from Bullying and Harassment (Staff) - Governing Policy
Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Governing Policy
Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Procedures
Conduct on University Premises - Operational Policy
Equity and Diversity - Governing Policy
Information Management Framework - Governing Policy
Managing and Investigating Breaches of Responsible Research Conduct - Procedures
Responsible Research Conduct - Governing Policy
Sexual Harassment Prevention (Students) - Governing Policy
Social Media - Operational Policy
Student Academic Integrity - Governing Policy
Student Academic Misconduct - Procedures
Student General Misconduct - Procedures
Working with Vulnerable People - Governing Policy

LINKED DOCUMENTS

Student General Misconduct - Procedures

SUPERSEDED DOCUMENTS

Student Conduct and Discipline - Governing Policy

RELATED LEGISLATION / STANDARDS

USC Student Charter