

	STUDENT MISCONDUCT PROCEDURES
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1. Purpose

- 1.1 The Student Misconduct Procedures provide the guidelines for reporting and investigating alleged breaches of academic integrity and allegations of general misconduct.
- 1.2 For guidance on what those cases of misconduct entail, this policy relies primarily on the:
- a. Student Academic Integrity Policy, and the
 - b. Student Code of Conduct.
 - c. Range of other rules, policies and procedures related to acceptable behaviour of students on campus and measures for mitigating risks to student safety and wellbeing, Such policies concern use of IT facilities, consumption of alcohol, reactions to critical incidents, and academic and non-academic grievance procedures.
- 1.3 The procedures set the framework for the handling of allegations of student misconduct in a manner that is timely, fair, consistent, clear and in accordance with the principles of natural justice.
- 1.4 These procedures do not preclude the College from instituting civil or criminal proceedings.

2. Definitions

Academic Integrity means, as according to the *Higher Education Standards Framework (Threshold Standards) 2015*, ‘the moral code of academia. It involves using, generating and communicating information in an ethical, honest and responsible manner’.

Academic Misconduct means obtaining academic advantage for oneself or for others by dishonest or unfair means. It refers to a breach of academic integrity

Advocate means an independent person who can provide support and guidance to a student or help in presenting a case.

Allegation means a formal complaint or accusation made about a student's conduct. Any student or member of staff may make a written allegation of student misconduct. Allegations made by an external organisation or anonymous allegations will only be investigated where the Director of Operations determines that an investigation is warranted.

Anonymous means that the complainant withholds their name and does not wish to be identified in any way. Anonymous complaints and allegations of misconduct will only be investigated at the discretion of the College, where the conduct raised is of a serious nature.

Conflict of interest means an interest, involvement or information which may influence or be perceived to influence a person's ability to make objective recommendations or decisions in investigating an issue of misconduct.

Designated Officer means a person with the authority to determine allegations of student misconduct because of their role or by delegated appointment.

Expulsion means the permanent cancellation of the enrolment of a student and termination of all rights and privileges as a student of the College including the right to enter or to be on College grounds.

General Misconduct means conduct by a student that is contrary to accepted standards of behaviour at the College including conduct that:

- a) places at risk the health, safety or welfare of any person;
- b) places at risk the ability of the College to provide a learning environment that enables students to achieve their full potential.

Investigating Officer means a person appointed to investigate an allegation of misconduct and make recommendations based on the outcome.

Misconduct Register means a register of findings of misconduct and serious misconduct. A finding is entered on the register whether or not a penalty had been awarded. Access to the register is limited and records are stored confidentially.

Plagiarism means the presentation of the thoughts or work of another as one's own, such as copying parts of a document without acknowledging and providing the source for each quotation or piece of material. Plagiarism may be unintentional. Students are expected to use proper referencing practices.

Procedural Fairness means the Principles of Natural Justice including the provisions that:

- a) Students are informed, with adequate notice, of allegations and proceedings,
- b) Students are provided with opportunity to respond and be heard
- c) Decision makers are without conflict of interest or prior involvement in the case
- d) Proceedings are carried out and determinations made without bias

Property means materials--personal, intellectual and shared—in any (including digital) form.

Respondent student means a student against whom an allegation of misconduct is made.

Serious misconduct means an alleged act where:

- a) there is a Level Two case of Academic Misconduct (see Student Academic Integrity Policy)

b) there is reason to believe that there is a significant risk to the College and its staff and/or students.

c) a criminal offence may have been committed.

d) there are a number of allegations of a similar nature received against a respondent.

e) a possible penalty for the conduct is suspension or expulsion.

Sexual harassment means conduct with a sexual component which is unwelcome, unsolicited and unreciprocated. Conduct with a sexual component includes physical, visual, verbal and non-verbal behaviour. It includes, but is not limited to: leering; obscene sexual communication in any media including social networks; stalking; unwelcome invitations, telephone calls or emails; sending sexually explicit emails or text messages; using sexually suggestive language in any form of communication; distributing sexually suggestive materials through any means or media; touching another individual in a way that offends, intimidates, embarrasses or humiliates.

Support person means a person who may help a student, provide support or give advice on the misconduct procedures. A support person may be a friend, student, staff member or family member. A support person does not speak on behalf of the student and is not an advocate. A staff member receiving a report of an allegation may also have a support person who can verify the details of the allegation.

Suspension means the cancellation of enrolment of a student and the withdrawal for a specified time of all rights and privileges as a student of the College, including the right to enter or to be on College grounds. The student has the right to recommence their studies at the end of the suspension.

Restriction means a temporary restriction of a student from all or parts of the College, including access to specific facilities.

3. Scope

3.1 This procedure applies to:

- All enrolled students of Campion
- Students previously enrolled or on leave, where the event forming the basis of the grievance occurred while they were enrolled or is directly related to their enrolment
- Students on exchange from other universities where the matter relates the student's experience at Campion
- The College and its staff

3.2 In the context of:

- All aspects of a student's experience at the College
- All activities on Campion premises and all external activities related to study
- Activities in relation to online academic work, and to examinations and academic work in remote locations
- Actions taken by students representing the College (such as at conferences or sporting and cultural activities or on a College facilitated international exchange)
- Behaviour on campus, including in College owned or managed residential accommodation

- The activities of the College and its staff in relation to students

4. Principles

- 4.1 The College takes a zero-tolerance approach to proven cases of physical or emotional harm caused by one student toward another individual.
- 4.2 Victims of misconduct, especially criminal acts, must be provided with free counselling services and information about other support services.
- 4.3 All allegations of misconduct must be dealt with as quickly as possible.
- 4.4 Students accused of misconduct must be provided with procedural fairness.
- 4.5 Students reporting an alleged act of misconduct and student respondents must be afforded complete confidentiality.
- 4.6 No student reporting an alleged act of misconduct should be in fear of acts of reprisal and the College will demonstrate zero-tolerance of such acts.
- 4.7 These procedures operate within the context of, and subject to, State and Commonwealth anti-discrimination and harassment legislation and within the context of other College rules, policies and procedures.
- 4.8 This policy will be communicated to students through the Student Handbook and College website. It will be available to staff via the Policy Master File on the server.

5. Procedures

5.1 Powers and Delegations

5.1.1. A Designated Officer will be either:

- a) The Dean of Studies, for matters relating to academic integrity.
- b) The Director of Operations or President for matters relating to general misconduct.
- c) Any other staff member delegated by the President, Dean of Studies or Director of Operations.

5.1.2 A Designated Officer may investigate an allegation of misconduct. A Designated Officer may choose to appoint an Investigating Officer, especially in the following circumstances:

- a) cases of suspected serious misconduct.
- b) where there may be a perceived conflict of interest.
- c) if the Designated Officer is unavailable to carry out the investigation.

5.1.3 When receiving a report or investigating an allegation, the Designated Officer and Investigating Officer has the power to:

- a) summon a staff member or student to give evidence at any hearing of misconduct.
- b) summon a staff member to be present when first meeting with a student about an allegation of misconduct, especially in cases of suspected serious misconduct and alleged criminal activity, including sexual harassment and rape.

c) obtain advice or assistance from another person (such as a unit coordinator).

5.2 Reporting

5.2.1 Any student or staff who reasonably suspects a student has committed a criminal act may choose to report it to the police. Such acts include, but are not restricted to:

- sexual harassment,
- sexual assault,
- racial, gender or cultural vilification,
- destruction of public property,
- buying/selling illicit substances or possessing illegal items,

Given the seriousness of such crimes, especially sexual assault, staff or students must encourage victims to file a criminal complaint. The College will support victims who file a criminal complaint directly to the police. If a criminal act is committed off campus, it is still in breach of the Student Code of Conduct and may be investigated internally under College policies and procedures. The College will, meanwhile, support any criminal investigation conducted by external authorities such as the police.

5.2.2 Any student or staff who reasonably suspects a student has committed any other form of misconduct, may report it to any one or more of the following:

a) Dean of Studies (Designated Officer)

b) Director of Operations (Designated Officer)

c) President (Designated Officer)

d) any member of staff, including Residential Tutors. In this case, the staff member must then refer it promptly to one or more of the Designated Officers listed above.

5.2.3 While a student's privacy must be respected and confidentiality and safety assured, all staff must encourage students to report cases of misconduct directly with a Designated Officer. A student making an allegation will remain anonymous to the accused.

5.2.4 When an allegation of misconduct is reported directly to a Designated Officer verbally, the student is permitted to bring a support person. The Designated Officer may also have a support person present in order to verify the details of the allegation. The reporting student will then be asked to submit the allegation in writing.

5.2.5 In cases concerning criminal acts, the College will not issue any penalties for misconduct for any reporting student for other violations of College policy. For example, if a student reports a sexual assault while he/she was intoxicated, and consuming alcohol in an area or a time prohibited under policy, the College will not charge the reporting student with misconduct.

5.3 Preliminary Action

5.3.1 After receiving a written report of misconduct, the Designated Officer must conduct a preliminary assessment of the allegation, to be concluded within ten business days. When conducting this assessment, the Designated Officer may interview the respondent student. In this case, the respondent student must be invited to attend an interview to discuss the allegation and offered the opportunity to bring a support

person. They must also be provided with a copy of this policy. If the respondent student does not attend the interview or respond to the Designated Officer's invitation, then the process will continue in his/her absence. The Designated Officer is not obliged to provide the student respondent with the written allegation or provide the name of the student reporting the allegation, especially if it may compromise the integrity of the investigation or the safety of any other students involved.

- 5.3.2 Following the interview, or if no interview is conducted, the Designated Officer may do one of the following:
- a) dismiss the allegation if it is deemed trivial or misconceived and does not warrant any further action;
 - b) if the student respondent denies the allegation, arrange for an investigation (see Item 5.4);
 - c) if the student respondent admits the allegation, impose a penalty (see Item 5.7).
- 5.3.3 The Designated Officer must inform, in writing, the reporting student and the student respondent of the outcome of the preliminary assessment. If an investigation is to proceed, all parties must be notified if they will be required to provide further evidence, written statements, or participate in more interviews. The accused student must be provided with as much information as possible, in writing, about the case, keeping in mind the conditions under Item 5.3.1.

5.4 Investigation

- 5.4.1 Investigations will be conducted by an Investigating Officer who may or may not be the same person as the Designated Officer.
- 5.4.2 The investigative process must be concluded within ten business days.
- 5.4.3 The Investigating Officer must compile as much information as possible about the case. The Investigating Officer must consider all available evidence about the allegation and make findings of fact on any relevant evidence.
- 5.4.4 The Investigating Officer must give the student respondent a reasonable opportunity to respond to any new claims, findings or evidence and to present his/her own evidence or statements. Reporting students and respondent students may also be permitted to call witnesses to give evidence who must be prepared to be questioned by the Investigating Officer.
- 5.5.5 The Investigating Officer may choose to conduct a hearing, if appropriate, with the presence of all students involved in the case, including witnesses and support persons. If a hearing takes place, minutes must be recorded and another staff member must be present.

5.5 Decision

- 5.5.1 At the conclusion of an investigation, the Investigating Officer, if different from the Designated Officer, will present a report of his/her findings to the Designated Officer. The Designated Officer will then decide if the allegation is proven or not proven.
- 5.5.2 In making a decision regarding whether the allegation is proven, any previous findings relating to a past misconduct offence should not be taken into consideration other than

for serial offences. After evaluating the evidence presented, it should be considered whether it is more likely than not, on the balance of probability, that the allegation against the student is proven.

5.5.2 If proven, a penalty will be decided upon (see Item 5.7).

5.5.3 If not proven, the allegation is dismissed.

5.5.4 Reporting student and the student respondent will be notified of the outcome in writing. The notification must set out:

- a) the findings of fact;
- b) a summary of the evidence on which those findings of fact are based;
- c) any finding of misconduct;
- d) if applicable, any penalty to be imposed;
- e) the grounds and methods for lodging an appeal against the decision and/or the penalty.

5.5.5 Students must be notified of the decision within five business days after the conclusion of the investigation.

5.6 Appeal

5.6.1 An appeal against the finding of misconduct may only be made in accordance with the Non-Academic Grievance Procedures and on any one or more of the following grounds:

- a) a failure to accord procedural fairness at any stage of the process;
- b) new or fresh evidence is presented that was not known or reasonably available to the Investigating Officer before the decision was made;

5.6.2 An appeal against the penalty may only be made if:

- a) inconsistent with Item 5.7; or
- b) it is believed to be excessive and out of proportion to the act of misconduct, taking into account any current rules and policies.

5.6.3 To lodge an appeal a student respondent must write to the Designated Officer no later than fifteen days following notification of the misconduct decision. A notice of appeal must specify:

- a) the finding or penalty under appeal;
- b) the grounds for the appeal; and
- c) details and copies of any new or fresh evidence, if this is the grounds of the appeal.

5.6.4 If an appeal is lodged according to the conditions stated above, the Designated Officer must delegate the appeals process to another staff member. If any new or fresh evidence is presented as the grounds of the appeal, the reporting student must be notified and given the opportunity to respond.

5.6.5 Any appeal must be considered on the basis of:

- a) the material and evidence that was before the Investigating Officer;
- b) any new or fresh evidence submitted for the appeal, if this is the grounds of the appeal;

c) any submissions of the respondent student or the reporting student concerning the appeal.

5.6.6 The staff member delegated with the responsibility of considering the appeal must then report his/her findings to the Designated Officer within ten business days of receiving the appeal notice. This report must indicate the following:

- a) If the appeal is dismissed, the original decision and/or penalty are sustained.
- b) If the appeal is allowed, the original decision and/or penalty is substituted.

5.6.7 The Designated Officer will then write to the respondent student and reporting student about the outcome of the appeal within one business day of receiving the report from the delegated staff member. This notice must set out the following:

- a) the findings and decision on the appeal;
 - b) a summary of the evidence or submissions on which it is based;
 - c) any avenues of external review or appeal available to the respondent student.
- External agencies include:

- Anti-Discrimination Board
- Council of Private Higher Education (COPHE)
- SW Police

5.7 Penalties

5.7.1 Penalties will be based on the guidelines in Appendix A for cases of general misconduct. Penalties for breaches of academic integrity, including academic misconduct, may be decided based on the Student Academic Integrity Policy.

5.7.2 Students found guilty of misconduct or admitting misconduct and receive a penalty, may appeal the penalty.

5.7.3 Where a penalty is appropriate, the following should be taken into account:

- a) any previous findings of misconduct and the penalty/ies imposed.
- b) The year or level of study of the student.
- c) Any intention behind the conduct, and the level and effect of that intention.
- d) Any personal health, family or other factors that contributed to the act of misconduct.
- e) Other matters considered relevant in the particular circumstances.

5.7.4 Students found guilty of misconduct may also be required to undergo counselling or training.

5.7.5 It is imperative that if a reporting student has been physically and/or emotionally hurt by the act of misconduct, that they be made aware of counselling services available and, depending on the circumstances, the possibility of receiving Special Consideration for their academic work (See Special Consideration Policy and Procedures). For procedures relating to the welfare of the victims of misconduct, see the Critical Incident Policy.

6. Roles and Responsibilities

- 6.1 It is the responsibility of the Designated Officer to keep notes and documentation at all stages of an investigation including records of meetings, discussions and actions proposed or taken. All records must be stored on a confidential file and in line with College policy.
- 6.2 It is the responsibility of the Dean of Studies/Director of Operations to report cases of academic misconduct and breaches of academic integrity once a year to the Academic Board, and cases of general misconduct to the Institute Board, also once a year. Cases of sexual harassment and sexual assault must be reported at the earliest possible convenience to the Institute Board.
- 6.3 It is the responsibility of all staff to report cases of criminal activity on campus and, when hearing reports of sexual harassment, rape, or assault, to encourage students to notify the police.
- 6.4 It is the responsibility of all students and staff to reasonably cooperate with the process outlined in these Procedures; not undermine the process in any way; and behave in an appropriate and civil manner during an investigation and during interviews.
- 6.5 The Campion Executive Committee has the responsibility of implementing this procedures when allegations of misconduct are made and reviewing the effectiveness of these procedures whenever they are tested.

7. References

- Universities Australia, *Respect. Now. Always. 10-Point Action Plan*, August 2017
- TEQSA *Guidance Note: Wellbeing and Safety*, 8 January 2018
- A range of documents were reviewed in developing these procedures and are gratefully acknowledged, in particular the student misconduct procedures from UNSW, the Student Misconduct Rule from Western Sydney University, and the Sexual Assault and Misconduct Policy from Seton Hall University in the United States

8. Policy History

Version	Date of approval	Amendment
1	Not available	Student Misconduct Policy
2	7 September 2013	Student Misconduct Policy replaced by Student Misconduct Procedures
3	April 2018	<ol style="list-style-type: none"> 1. Formatting 2. Addition of Item 1, amending introduction of previous policy; 3. Addition of definitions of Academic Integrity; General Misconduct; Sexual Harrassment; Respondent Student.

		4. Addition of Items 4, 5 and 6, using and amending existing wording.
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APPENDIX A:

Examples of misconduct and serious misconduct; relevant Designated Officers for that type of offence; and possible penalties.

MISCONDUCT		
Alleged Misconduct	Designated Officer	Penalties if Misconduct is Proven
Level One Breach of Academic Integrity (see Student Academic Integrity Policy):	Dean of Studies	Any one or more of the following penalties <ul style="list-style-type: none"> • Formal reprimand or formal warning; • Resubmission • Reduction in marks for the assessment item; • Remedial educative action.
Misuse of the teaching and learning facilities or resources; alleged failure to treat teaching staff and other students with courtesy, tolerance and respect	Dean of Studies	Any one or more of the following penalties: <ul style="list-style-type: none"> • Formal reprimand or formal warning; • Financial penalty of up to \$200; • Withdrawal or restriction of access to resources for a period not exceeding the remainder of the semester;
Misuse of Library facilities or resources	Director of Operations	
Misuse of Campion IT facilities or resources	Director of Operations	
Minor behavioural breach – e.g. refusal to follow reasonable instructions; lack of courtesy; breach of policies or procedures	Director of Operations	Any one or more of the following penalties: <ul style="list-style-type: none"> • Formal reprimand or formal warning; • Financial penalty of up to \$200; • Withdrawal or restriction of access to resources, events or activities for a period not exceeding the remainder of the semester;
Misuse of the facilities or resources of the College residential accommodation	Director of Operations	
Any other misconduct not covered elsewhere	Director of Operations	Any one or more of the penalties listed above, as appropriate.

SERIOUS MISCONDUCT	
Alleged Serious Misconduct	Penalties if Serious Misconduct is Proven
<p>Misconduct when assessed at the lower level results in a recommended penalty greater than those permitted at that level; or repeat offences classed as a minor behavioural breach and/or wilful disregard of College Rules, policies and procedures and/or wilful disregard of reasonable instructions by College staff.</p>	<p>Any one or more of the following penalties:</p> <ul style="list-style-type: none"> • Formal reprimand or formal warning; • Withdrawal or restriction of access to resources, events or activities for a period not exceeding 12 months; • Conditions placed on the student's enrolment or re-enrolment; • Suspension from the College for a period not exceeding 24 months; • Expulsion from the College; • Delay graduation [and certification of program completion] for a period not exceeding 12 months; • A fine not exceeding \$500; • Remedial educative action.
<p>Behaviour considered in serious breach of the Student Code of Conduct – e.g. unlawful; discriminatory; sexually inappropriate; endangering health and/or safety; bullying; harassing; invading another's privacy; or causing any person to fear for their personal safety</p>	
<p>Level Two Academic Misconduct (see Student Academic Integrity Policy):</p>	<p>Any one or more of the following penalties, aside from those listed as Level One breach of Academic Integrity:</p> <ul style="list-style-type: none"> • Reduction in marks; • Failure in the unit; • Suspension from the College for up to two weeks • Exclusion (in cases of repeated breaches)

<p>Serious misconduct relating to entry into a course or receiving an award the student was not legitimately eligible for, or entitled to.</p>	<p>Any one or more of the following penalties:</p> <ul style="list-style-type: none"> • Revocation of the relevant award [degree, certificate, prize or scholarship]; • Annul grades awarded on an academic transcript; • Any one or more of the penalties listed above, as appropriate.
<p>Any other serious misconduct not covered elsewhere</p>	<p>Any one or more of the penalties listed above, as appropriate.</p>

APPENDIX B

Sample text notifying a student of an allegation

Dear [*student's name*]

An allegation of [*academic/student*] misconduct concerning you has been referred to me by [*staff member's name*]. It is alleged that (*insert details of the allegation*). [*If plagiarism, also include: I also attach a copy of the work in which plagiarism is suspected, with the relevant sections identified.*]

In accordance with the College's Student Misconduct Procedure, I have been appointed as the Investigating Officer designated for enquiries into the allegation against you. A copy of the procedure has been attached. You should read this document carefully, in particular Section 5 as it outlines how this matter will be investigated. I have also attached a copy of the Campion Student Code of Conduct.

In order to investigate a matter, you have the opportunity to attend an interview. If you wish to do so, please contact me by [*insert date not less than seven days away*]. You may bring a support person or friend to the interview if you wish.

Alternatively, you can provide a written statement by [*insert date not less than seven days away*] and I will finalise the investigation on the basis of the information I have before me and the statement you send me.

If you wish to obtain independent advice about or assistance with the College's student misconduct procedure, the Students Association is able to provide student advocacy services.

If you have any questions about these allegations or the misconduct processes, please contact me.

Regards,

[*name*]

Investigating Officer
