

# General Misconduct Procedures

## 1. Governing policy

The *General Misconduct Procedures* relate to the implementation of the *General Misconduct Policy* and the *Accommodation Rules*. These procedures outline the process for managing allegations of general (i.e. non-academic) student misconduct (“misconduct”) and the levels of potential penalties or outcomes. Matters relating to academic integrity are outlined in the *Academic Integrity Policy* and *Academic Integrity Procedures*.

## 2. Scope

These procedures are relevant to all students involved in allegations of general misconduct and the staff handling cases of misconduct.

## 3. Procedures

### 3.1 Reporting misconduct

3.1.1 Any person may report, and has an obligation to report, alleged misconduct by a student and should do so by lodging a complaint in accordance with the *Complaints and Appeals Policy*. Confidentiality and privacy is maintained and any personal information required to be shared is done so in accordance with the *Privacy Policy*.

3.1.2 In addition, students seeking to formally report an allegation of sexual assault and sexual harassment should lodge a complaint in accordance with the *Complaints and Appeals Policy*. Confidential support and assistance is available to students in accordance with the *Sexual Assault and Sexual Harassment Policy* and associated procedures. Students are encouraged to contact the Student Success Centre Manager who can provide support through the process.

### 3.2 Investigating misconduct

3.2.1 The process outlined in Table 1 is followed to handle allegations of misconduct.

*Table 1. Process*

Process	Delegated authority	Timeframe
Informal warnings		
1. At the Institution's discretion, a student may be issued with a maximum of three informal warnings. 2. An informal warning is given verbally and a file note added to the student's record. No penalty is given. 3. Notify the student that a file note has been added to their record. 4. Update the Misconduct Register.	Any staff member	Immediate
<i>Level 1 – first offence and/or minor breaches</i>		
1. Refer the matter to the responsible officer, as outlined in Tables 2 and 3, for investigation. 2. Invite the student to respond (either face-to-face or via email) to the allegation within two working days. 3. Determine penalty, normally within 10 working days, in accordance with Table 2 (general misconduct) Table 3 (Accommodation Rule breach). 4. Email the student the outcome and advise of review of decision procedures outlined in the <i>Complaints and Appeals Policy</i> . 5. Update the student record and Misconduct Register.	See Tables 2 and 3	Student response within two working days Penalty determined within 10 working days
<i>Level 2 – repeat offences and/or major breaches</i>		

<p>1. Refer the matter to the responsible officer, as outlined in Tables 2 and 3, for investigation.</p> <p>2. Invite the student to respond (either face-to-face or via email) to the allegation within two working days.</p> <p>3. Convene a panel to determine penalty normally within 15 working days of alleged misconduct.</p> <p>4. Email the student the outcome and advise of review of decision procedures outlined in the <i>Complaints and Appeals Policy</i> and <i>Complaints and Appeals Procedures</i>, and for international students, inform them to seek advice from the Department of Home Affairs on the potential impact on their student visa.</p> <p>5. For international students, report any enrolment changes to the Department of Home Affairs (after appeals process complete).</p> <p><i>In exceptional circumstances, if the student's actions are perceived to be an immediate threat to the safety of people or wellbeing of property, immediate and temporary provisions may be utilised (see paragraph 3.5 of these procedures).</i></p>	See Tables 2 and 3	<p>Student response within two working days</p> <p>Convene General Misconduct Panel within 15 working days</p>
---	--------------------	--

### 3.3 Penalties

*Table 2. General misconduct penalties*

Table 2 applies to all acts of misconduct with the exception of misconduct that occurs within student accommodation. Students breaching the *Accommodation Rules* are dealt with under Table 3.

	Examples (excluding accommodation)	Responsibility
<p>Informal warnings</p> <p><i>Informal warnings are issued for minor and isolated examples of behaviour that do not warrant a formal allegation.</i></p>		

<p>File note added to student record, no penalty given and an entry added to the Misconduct Register.</p>	<ul style="list-style-type: none"> <li>• Minor breach of policy and/or procedures.</li> <li>• Disruptive or unacceptable behaviour that has caused annoyance to others.</li> <li>• Failure to follow reasonable directions from staff.</li> <li>• Providing misleading information.</li> <li>• Minor damage to property.</li> <li>• Misuse or interference of the Institution's property.</li> <li>• Misuse of facilities or a breach of facility rules.</li> <li>• Divulging, without authority, confidential or personal information of another student or staff member.</li> <li>• Any other examples of minor misconduct as determined by the Institution.</li> </ul>	<p>Any staff member</p>
<p><i>Level 1 – first offence and/or minor breaches</i></p> <p><i>This level tends to be an isolated example of behaviour which falls short of the expected standards.</i></p> <p><i>Level 1 misconduct normally relates to a first offence and has not been subject to a warning.</i></p>		

<ul style="list-style-type: none"> <li>• No further action be taken but a reprimand be recorded. <ul style="list-style-type: none"> <li>• Written warnings.</li> </ul> </li> <li>• Replacement cost for property damage.</li> <li>• Formal apology to aggrieved party.</li> <li>• Community service that is of benefit to the student and Institution commensurate to the act of misconduct.</li> <li>• Mediation, such as counselling. <ul style="list-style-type: none"> <li>• Student prevented from participating in an activity or using a facility up to a maximum of three weeks, as long as it does not affect a student's ability to study.</li> </ul> </li> <li>• Entry added to the Misconduct Register.</li> </ul>	<ul style="list-style-type: none"> <li>• Minor breach of policy and/or procedures.</li> <li>• Disruptive or unacceptable behaviour that has caused annoyance to others.</li> <li>• Failure to follow reasonable directions from staff.</li> <li>• Providing misleading information. <ul style="list-style-type: none"> <li>• Minor damage to property.</li> <li>• Misuse or interference of the Institution's property.</li> </ul> </li> <li>• Misuse of facilities or a breach of facility rules. <ul style="list-style-type: none"> <li>• Divulging, without authority, confidential or personal information of another student or staff member.</li> </ul> </li> <li>• Any other examples of minor misconduct as determined by the Institution.</li> </ul>	<p>Vice President (Student Life) and/or Chief Operations Officer / Associate Vice President (Campus and Operations)</p>
<p><i>Level 2 – repeat offences and/or major breaches</i> <i>This level may relate to repeated offences, major breaches of expected standards.</i></p>		

<ul style="list-style-type: none"> <li>• Suspension from the Institution, including any of its facilities, for a defined period.*</li> <li>• Permanent exclusion or excluded for a defined period from the Institution.*</li> <li>• Such other penalty or action considered appropriate.</li> <li>• Referral to relevant government authorities (e.g. Australian Federal Police, Australian Security Intelligence Organisation, Department of Home Affairs) as appropriate.</li> <li>• Entry added to the Misconduct Register.</li> </ul>	<ul style="list-style-type: none"> <li>• Participating in or permitting illegal activity on campus premises. <ul style="list-style-type: none"> <li>• Sexual assault or sexual harassment.</li> </ul> </li> <li>• Serious inappropriate behaviour such as violence (or threats of), vandalism, vilification, harassment, etc.</li> <li>• Threatening or endangering the life of another person or themselves. <ul style="list-style-type: none"> <li>• Theft.</li> <li>• Behaviour that brings the Institution into disrepute.</li> </ul> </li> <li>• Any act or omission which leads to a conviction or a breach of the Criminal Code or any other state or federal legislation.</li> <li>• Repeated offences where penalties have been given.</li> <li>• Failure to comply with a previously imposed penalty. <ul style="list-style-type: none"> <li>• Any other examples of major misconduct as determined by the Institution.</li> </ul> </li> </ul>	General Misconduct Panel
---	--	--------------------------

*\* For international students under 18 years of age, the institution will act in accordance with the Under 18 Student Policy and Standard 5.6 of the National Code.*

*Table 3. Accommodation misconduct penalties*

A breach of the Accommodation Rules constitutes misconduct and penalties are determined using the accommodation misconduct penalties in Table 3. Allegations of misconduct that occur in or around accommodation buildings by a resident student are subject to the penalties in Table 3. All other misconduct that occurs outside the accommodation will be considered as general misconduct under Table 2.

Penalties	Examples	Responsibility
-----------	----------	----------------

<p>Informal warnings</p> <p><i>Informal warnings are issued for minor and isolated examples of behaviour that do not warrant a formal allegation.</i></p>		
<p>Verbal warning, file note added to student record, no penalty given and an entry added to the Misconduct Register.</p>	<ul style="list-style-type: none"> <li>• Disruptive or unacceptable behaviour that has caused annoyance or disturbance to others (such as noise and social gathering misdemeanours).</li> <li>• Smoking.</li> <li>• Unregistered guests.</li> <li>• Animals in rooms (other than registered assistance dogs).</li> <li>• Binge drinking.</li> <li>• Irreconcilable flatmate dispute.</li> <li>• Minor damage to accommodation property.</li> <li>• Rooms left at an unacceptable level of cleanliness upon check-out.</li> <li>• Biohazard removal or clean-up.</li> <li>• Access device or lock damage or loss.</li> <li>• Giving the student's access device to another person and/or allowing another person to occupy the student's room without authorisation from the institution.</li> <li>• Breach of an Accommodation Rule.               <ul style="list-style-type: none"> <li>• Any other examples of minor breaches as determined by the Institution.</li> </ul> </li> </ul>	<p>Manager on Duty</p>
<p><i>Level 1 – first offence and/or minor breaches</i></p> <p><i>This level tends to be an isolated example of behaviour which falls short of the expected standards.</i></p> <p><i>Level 1 misconduct normally relates to a first offence and has not been subject to a warning.</i></p>		

<ul style="list-style-type: none"> <li>• Written warnings.</li> <li>• Suspension of privileges (such as hosting a guest or social gatherings).</li> <li>• Relocation to another room in the same or in other accommodation.</li> <li>• Entry added to the Misconduct Register.</li> </ul>	<ul style="list-style-type: none"> <li>• Disruptive or unacceptable behaviour that has caused annoyance or disturbance to others (such as noise and social gathering misdemeanours).</li> <li>• Smoking.</li> <li>• Unregistered guests.</li> <li>• Animals in rooms (other than registered assistance dogs).</li> <li>• Binge drinking.</li> <li>• Irreconcilable flatmate dispute.</li> <li>• Minor damage to accommodation property.</li> <li>• Rooms left at an unacceptable level of cleanliness upon check-out.</li> <li>• Biohazard removal or clean-up.</li> <li>• Access device or lock damage or loss.</li> <li>• Giving the student's access device to another person and/or allowing another person to occupy the student's room without authorisation from the institution.</li> <li>• Breach of an Accommodation Rule. <ul style="list-style-type: none"> <li>• Any other examples of minor breaches as determined by the Institution.</li> </ul> </li> </ul>	<p>Chief Operations Officer and/or Associate Vice President (Campus and Operations) and/or Manager on Duty</p>
---	---	--

*Level 2 - repeat offences and/or major breaches*

*This level may relate to repeated offences, major breaches of expected standards.*



<ul style="list-style-type: none"> <li>• Costs for damage and/or loss</li> <li>• Immediate termination of accommodation and/or exclusion from accommodation for a specified period of time.</li> <li>• Decline future applications.</li> <li>• Suspension from the Institution, including any of its facilities, for a defined period.*</li> <li>• Permanent exclusion or excluded for a defined period from the Institution.*</li> <li>• Referral to relevant government authorities (e.g. Australian Federal Police, Australian Security Intelligence Organisation, Department of Home Affairs) as appropriate.</li> <li>• Such other penalty or action considered appropriate.</li> <li>• Entry added to the Misconduct Register.</li> </ul>	<ul style="list-style-type: none"> <li>• Acts of violence.</li> <li>• Serious inappropriate behaviour, such as serious harassment, vilification or threats of violence. <ul style="list-style-type: none"> <li>• Sexual assault or sexual harassment.</li> </ul> </li> <li>• Intentionally endangering or threatening the life of another person or oneself.</li> <li>• Participating in, or permitting illegal activity. <ul style="list-style-type: none"> <li>• Acts of vandalism.</li> </ul> </li> <li>• Bringing the Institution into disrepute.</li> <li>• Replacement cost for damage to or loss of property.</li> <li>• Deliberate or false activation of a fire alarm or damage to fire safety equipment including replacement, reinstatement or repair.</li> <li>• Failure to pay fees, fines and/or costs.</li> <li>• History of accommodation debt on more than two occasions.</li> <li>• Accessing restricted or prohibited areas. <ul style="list-style-type: none"> <li>• Repeated breaches of the Accommodation Rules.</li> </ul> </li> <li>• Any other examples of major breaches as determined by the Institution.</li> </ul>	<p>General Misconduct Panel</p>
---	---	---------------------------------

### 3.4 General Misconduct Panel

3.4.1 A panel is convened by the Chief Operations Officer if the misconduct warrants a penalty that involves suspension from studies or any of the Institution's facilities including accommodation. The convening officers ensures that the allegation is fully investigated before the panel meets and that the student has been given the opportunity to respond to the allegation in advance.

### 3.4.2 Panel membership normally consists of:

1. Chief Operations Officer (Chair);
2. Registrar;
3. Student Success Centre Manager

3.4.3 The chair has authority to appoint additional members as required. Membership may be changed if a member discloses a real or perceived conflict of interest. Penalties imposed by the panel are commensurate with the proven allegation and are based on past precedents.

### 3.5 Immediate and temporary removal

3.5.1 In extreme cases, where a student's behaviour is perceived to be an immediate threat to the safety of people or wellbeing of property, the Chief Operations Officer may immediately and temporarily remove a student from campus facilities. This provision may be utilised for those accused of sexual assault or sexual harassment.

3.5.2 The temporary removal period may normally be up to 14 days but it may remain in force until a General Misconduct Panel investigation has concluded (or the outcome of a police investigation determined) and the student notified of the outcome.

3.5.3 Students removed under these provisions, will be deemed to have committed Level 2 (repeat offences and/or major breaches) misconduct and a panel will be convened within 15 working days to determine the appropriate penalty or outcome.

### 3.6 Outcome

3.6.1 If a student is dissatisfied with the penalty or outcome, he/she may ask for the decision to be reviewed under the Complaints and Appeals Policy and Complaints and Appeals Procedures by lodging a complaint within 20 working days from the date of the decision.

## 4. Compliance and monitoring

4.1 For international students on a student visa, the Institution ensures that any suspensions, cancellations or expulsions are undertaken in accordance with the Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

4.2 The Institution monitors incidents of misconduct and precedents regarding penalties to ensure fairness and consistency.

## 5. Reporting

5.1 For international students, a suspension or cancellation of the student's enrolment will be reported to the Department of Home Affairs via PRISMS as soon as practicable. Students will need to seek advice from immigration on the potential impact on their student visa.

5.2 Incidents of general misconduct are reported annually to the Executive Management Group. For misconduct matters that involve the police, the Board of Directors are informed immediately.

## 6. Records management

6.1 All cases of general misconduct must be entered onto the General Misconduct Register which is maintained by the Vice President (Student Life).

## 7. Related documents

*Academic Integrity Policy*

*Complaints and Appeals Policy*

*Complaints and Appeals Procedures*

*General Misconduct Policy*

*Student Code of Conduct*



Approved by the Board of Directors on 14 September 2020