
Student Misconduct Policy – Higher Education

Policy Code: STU-008 **Version:** 9.0 **Effective Date:** 2 August 2018

Purpose:

This policy defines the actions that constitute academic or non-academic misconduct by higher education students and outlines the College process for investigating allegations of student misconduct. It also describes the potential consequences should an allegation be proven.

Definition of “College” – *In the higher education sector, ACPE Limited trades as The Australian College of Physical Education (ACPE); Australian College of Natural Medicine Pty Ltd trades as Endeavour College of Natural Health (Endeavour) and Wellnation; Study Group Australia Pty Limited trades as Martin College and Martin Higher Education (Martin HE). For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to each or any of these respective entities or trading names.*

Scope:

- All Campuses
- All higher education courses and subjects
- All higher education students
- All Academic staff (including contractors)

Policy Statement:

This policy applies to all students of the College, and to conduct occurring at any premises or facilities owned or occupied by the College, and to any events or activities conducted under the name and auspices of the College such as excursions, educational placements with external organisations and the like. This policy should be read in conjunction with the [Student Code of Conduct - HE](#) which describes the expectations of the College and higher education students’ behaviour. It is the College’s expectation that students will respect the values that underpin College life and will not intentionally act in a way that results in a breach of this Code. A breach of the Code may result in an

allegation of student misconduct. All allegations of student misconduct will be investigated in a manner that is fair, consistent and transparent providing all parties with an opportunity to be heard.

Student Misconduct

Student Misconduct can be defined as either academic, non-academic or research-related.

Student misconduct (academic) includes but is not limited to conduct that:

1. involves academic fraud, cheating, plagiarism, collusion and any other dishonest conduct by a student to gain academic or general advantage; and/or
2. contravenes or demonstrates disregard for the provisions of the Code, academic rules, policies, procedures and/or guidelines.

Student misconduct (non-academic) includes, but is not limited to conduct that:

1. contravenes or demonstrates disregard for the provisions of the Code, non-academic rules, policies, procedures and/or guidelines; and/or
2. adversely impacts on the College's reputation including the reputation of staff, students or other members of the College community; and/or
3. is criminal or unlawful on College premises or property, or on a location where a student is present under the auspices of the College; and/or
4. damages or wrongfully deals with any property under the control of the College, any property on College premises, or property on a location where a student is present under the auspices of the College; and/or
5. obstructs any staff, student or other member of the College community in the performance of their duties; and/or
6. assaults, threatens, bullies, harasses, or endangers any staff, student or other member of the College community or causes them fear for their personal safety; and/or
7. attempts to improperly influence any staff, student or other member of the College community in the performance of their duties; and/or disobeys any instruction of the College community, including the failure to leave any building or part of a building when directed to do so, or the failure to comply with an imposed penalty or agreed outcome under College rules and policies; and/or
8. impairs the reasonable freedom of other persons to pursue their studies or

- research or to participate in the life of the College; and/or
9. disrupts, interferes with, or is detrimental to the conduct of any teaching, study, assessment, research, or administration of the College; and/or
 10. refuses, withholds, or fails to identify oneself truthfully or furnishes false personal information to any staff, student or other member of the College community; and/or
 11. falsifies, or attempts to falsify, College records or official files/documents; and/or
 12. breaches confidentiality or privacy requirements or obligations in respect of the College, its staff, students, clients or other members of the College community (including via inappropriate communication on social media); and/or
 13. significantly obstructs or interferes with the business of the College; and/or
 14. encourages, persuades or incites any other person to engage in conduct or behaviour constituting non-academic misconduct.

Student misconduct (research) means a serious or deliberate breach of the *Australian Code for the Responsible Conduct of Research* or any relevant College policies and/or procedures that involves intent and deliberation; recklessness or gross and persistent negligence; serious consequences, such as false information on the public record; or adverse effects on research participants, animals or the environment. It includes, but is not limited to conduct that:

1. fails to declare or manage a serious conflict of interest;
2. fails to follow research proposals as approved by a research ethics committee;
3. conceals or facilitates research misconduct by others.

Responsibility

It is the responsibility of all members of the College community to report alleged incidents of Student Misconduct.

In the first instance, academic matters should be referred to a Senior Lecturer on the campus where the alleged incident has occurred. Instances of academic misconduct will be handled according to the [Student Integrity and Academic Misconduct Procedure - HE](#).

Non-academic matters should be referred in the first instance to a chosen Senior Lecturer or a Senior member of the Student Services Team. It is the responsibility of the senior staff member first notified to complete the necessary communication in the student record within the Student Interaction Module (Filemaker) regarding the incident

and submit it to the Director, Student Services for further action as indicated in this policy. The detail required in that communication is outlined in the Student Misconduct Record Work Instructions.

Classifications of Misconduct

The College has classified misconduct into two categories:

- General Misconduct
- Serious Misconduct.

Consequences for misconduct are determined by the classification which is applied after investigation of the allegation.

Examples of General Misconduct

General Misconduct by a student may include but is not limited to the following examples:

- Minor disturbances during academic activities (face to face or online) that interfere with the freedom of a student or limits the capacity of an academic staff member to fulfil their duties
- Minor disturbances in any College venue or activity that represent immature, boisterous or childish behaviour that is disruptive or offensive
- First instances of breaking, ignoring or being unaware of College rules or the Code of Conduct (dependent on the nature of the rule broken or ignored)
- Behaving in an unsafe manner in any College venue or activity
- Behaviour that causes offence whether intentional or otherwise
- Smoking on College property
- Drinking on College property unless at an organised event

Examples of Serious Misconduct

Serious Misconduct by a student may include but is not limited to the following examples:

- Repeated disruptions during academic activities (face to face or online) that interfere with the learning of other students
- Showing disrespect to College staff or other students (including via social media or other online activities)

- Showing disrespect to members of the public when acting on behalf of the College (e.g. clinic clients, practical placement supervisors)
- Bullying or harassing behaviour including (but not limited to) cyber-bullying, assault, intimidation or displaying aggression towards others at any time during academic activities, when representing the College publicly or when on campus
- Interfering with or causing wilful or negligent damage to or defacing any College property
- Theft of College property or any personal property from other individuals or organisations on College property
- Attending College activities (including academic and non-academic activities) under the influence, or being in possession of, alcohol, drugs or any other prohibited substance
- Attending College activities (including academic and non-academic activities) with weapons or items likely to cause harm or intimidation to others at any time
- Discriminating against anyone on the grounds of gender identity, sexual orientation, marital, parental or carer status, pregnancy, breastfeeding, age, physical features, impairment, race, ethnicity, political or religious belief or activity, or industrial activity
- Engaging in fraudulent or intentionally deceptive activity
- Wilful, violent or unsafe behaviour
- Repeated instances of breaking, ignoring or being unaware of College rules or the Code of Conduct.

Procedural Fairness

The College is committed to the principles of procedural fairness and natural justice. This includes:

- the presumption of innocence unless guilt is freely admitted or proved by clear and convincing evidence
- the right to be heard
- the right to be treated without bias
- the right to be informed of allegations being made and to be provided with an opportunity to respond to these
- the right to be given reasons for any decision.

The student shall be given an opportunity to correct information, explain mitigating circumstances and make a submission as to the penalty/ies that may be imposed.

No member of staff can make a determination on a misconduct matter if he or she has had prior involvement in any aspect of the allegation.

Students are entitled to due notice of any allegations of student misconduct made against them. Allegations may be amended at any time before their determination, provided the student has received notice.

The College takes multiple breaches of the Code seriously. Knowledge that a student has been found guilty of a past misconduct offence will be taken into account when determining the penalty/ies to be imposed.

The College is committed to investigating and determining allegations of student misconduct as expeditiously as is practical recognising that a student can be significantly affected by delay in the resolution of the matter. A specified time period may be extended at the discretion of the College.

Handling the Alleged Misconduct

The following process will be used for non-academic student misconduct. For information about the process for handling academic student misconduct, please refer to the Student Integrity and Academic Misconduct Procedure - HE. For information about the process for handling research misconduct, please contact the Office of Research.

The procedures for dealing with possible non-academic student misconduct are designed to be as limited and responsive as possible.

The College Council (ACNM), Board of Directors (ACPE) and Academic Board (SGA) delegate authority to the Director, Student Services (ACNM) and Head of College (ACPE & SGA) to deal with an allegation of misconduct by either:

- i) making a decision to accept or dismiss the allegation and providing reasonable penalties based on classification of misconduct if the allegation is accepted; or
- ii) referring the allegation to the Student Misconduct Committee.

Step 1

If a staff member or student experiences or observes what they believe may be 'Misconduct', they should advise the Senior Student Services or Student Engagement Centre staff member on site.

As a preliminary step, it is at the discretion of the observer experiencing the perceived

misconduct as to whether they question or advise the individual concerned, before notifying the staff member.

In advising the staff member, the observer who experienced possible misconduct should provide sufficient details of the alleged misconduct and any supporting evidence which can then be forwarded to the Director, Student Services (ACNM) or the Associate Dean (Students and Services) (ACPE – delegated by the Dean/Head of College) or the National Academic Director (SGA – delegated by the Head of College) by the staff member.

Step 2

The delegated individual (listed above) will review the allegation and supporting evidence along with any information of previous incidents that may be on the student's record, and will take one of the following actions within 5 working days:

1. dismiss the allegation; or
2. contact the student, put the allegation to them and invite them to comment.

If it is decided to dismiss the allegation, this would mean that there is little or no supporting evidence to support the allegation and there are no clear grounds for the allegation to be put to the student. In all other instances, the student will be contacted either via telephone, face to face meeting or in writing and will have the right to reply to the allegation within 10 working days (this may be either in writing, via an organised meeting, or in some instances may occur verbally during the telephone conversation).

Step 3

If the student replies to the allegation, the delegated individual will record the response and any additional supporting evidence on the student's record. All evidence will then be taken into consideration, and the delegated individual will determine a classification of misconduct.

ACPE & SGA only - For allegations classified as serious misconduct, the delegated individual will then refer the matter to the Head of College for further action.

The relevant decision-maker will then choose either option (a) or (b) below within 5 working days of the student reply; or, if the student does not reply, the decision will be made within 5 working days of the required response date:

- a) make a decision on the matter and advise the student (and relevant internal staff) of the outcome and any associated penalty/ies; or
- b) refer the matter to the Student Misconduct Committee (Serious Misconduct only).

The decision-maker may at any time during their deliberations, request information or advice from others who may be able to assist with the investigation.

In certain circumstances of Serious Misconduct, the decision-maker may advise the student of a temporary exclusion from all student activities pending the results of the investigation and the final outcome of the Student Misconduct Committee. All rights will be returned if the student is deemed to be innocent. Circumstances in which this may occur are of a serious or criminal nature such as assault or fear for personal safety by members of the College community. The student will be advised in writing of the terms of their exclusion by the decision-maker. When handling matters related to international students, the decision-maker should refer to the [Deferring, Suspending or Cancelling Enrolment Policy – International](#).

Student Misconduct Committee (Step 4)

Allegations of student misconduct may be referred to the Student Misconduct Committee if the student appeals the decision of the decision-maker, or if the allegations are considered to be of a serious nature that could have a significant impact on the student or the reputation of the College.

The Student Misconduct Committee is an ad hoc committee that is brought together only in instances where a misconduct allegation requires further investigation or if the decision-maker requires further advice. Further information on the committee including membership and Terms of Reference can be found in the College's [Academic Governance Framework](#).

As part of the committee's investigation, it may require students and staff involved in the allegation to attend a further meeting or provide information on request.

The committee will determine an outcome and will notify the student in writing of this outcome and any associated penalty/ies within 10 working days of the committee's decision.

The committee secretariat will be responsible for ensuring that the student's record is updated with information on outcomes and penalties.

If the student wishes to further appeal the outcome of the Student Misconduct Committee, then the appeal will be considered immediately as a Stage 4 grievance and the College will arrange external mediation as detailed in the [Grievance Policy – Higher Education](#) or [Complaints and Appeals Policy - International](#).

Outcomes & Penalties

General Misconduct

Possible outcomes determined by the decision-maker for allegations found to be General Misconduct may include, but are not limited to, the following:

- allegations made against the student are dismissed
- verbal reprimand/warning against further misconduct via telephone or in person
- a formal written warning via email or letter and recorded on student file
- requested written and/or verbal apology to those involved
- student to attend alternative class sessions based on availability of timetabled classes
- restricted access to certain College facilities for a period of time
- student to attend the Student Assistance Program counselling or
- a combination of the above.

Serious Misconduct

Possible outcomes determined by the decision-maker or the Student Misconduct Committee for allegations found to be Serious Misconduct may include, but are not limited to, the following:

- a formal written warning via email or letter and recorded on student file
- requested written and verbal apology to those involved
- student to attend counselling with either internal counsellor or the Student Assistance Program
- student to initiate and complete action designed to mitigate the consequences of the serious misconduct to the satisfaction of the decision-maker
- immediate withdrawal of the student from professional placement or clinic activities
- exclude the student from representing the College at any College activity for a period of time (e.g. University Games, educational expos)
- exclude the student from representing the student body on College governing bodies
- 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
- suspend the student from the College for a specified period of time, not

exceeding 12 months

- cancel credit or enrolment for any subject/unit of study
- withhold results
- exclude the student from the College permanently
- refer the matter to an external agency for action (e.g. Police or ICAC); or
- a combination of the above.

Appeals

If the student wishes to further appeal the outcome determined by the decision-maker they must respond to the written notification of the outcome within 10 working days of receipt of the decision, requesting an investigation by the Student Misconduct Committee.

If the student wishes to further appeal the outcome of the Student Misconduct Committee, they must lodge a grievance within 10 working days of receipt of the committee's decision in accordance with Stage 4 of either the [Grievance Policy – Higher Education](#) for domestic students or the [Complaints and Appeals Policy - International](#) for international students.

Related Procedures:

[Student Integrity & Academic Misconduct Procedure - HE](#)

Definitions: **Student** – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

Further Information:

Related Policies: [Grievance Policy – Higher Education](#)
[Complaints and Appeals Policy - International](#)
[Student Code of Conduct – Higher Education](#)
[Academic Governance Framework](#)
[Deferring, Suspending or Cancelling Enrolment Policy – International](#)

Benchmarking: University of Western Sydney, Griffith University, Melbourne University, Swinburne, RMIT

Supporting Research and Analysis: Not applicable

Related Documents: [Student Misconduct Record Work Instructions](#)

Related Legislation: [Higher Education Standards Framework \(Threshold Standards\) 2011](#)

Guidelines: Not applicable

Policy Author:	Director Student Services – Jennifer Osborne
Policy Owner:	Director Student Services & Retention
Contact:	Director – Jennifer Osborne Jennifer.Osborne@endeavour.edu.au
Approval Body:	College Council (ACNM) Dean/Head of College (ACPE) Academic Board (SGA)
Approval Date:	ACNM College Council Date: 26 August 2016 ACPE Academic Board Date: TBA SGA Academic Board (East) Date: TBA
Policy Status:	Full revision – combining higher education policies
Responsibilities for Implementation:	Director, Student Services Dean/Head of College Head of College Associate Dean (Students and Services) National Academic Director Program Leaders Senior Academics Student Services staff
Key Stakeholders:	Director, Student Services Dean/Head of College Head of College Associate Dean (Students and Services) National Academic Director Academic staff Students Student Services staff Student Engagement Centre staff Counsellor