

Student Misconduct Regulations 2014

PART 1 - PRELIMINARY

1. Objective

The objective of these Regulations is to further define student misconduct and the applicable sanctions under the [Governance, Academic and Student Affairs Statute 2013](#) and to provide a framework for responding to student misconduct.

2. Authorising provision

These Regulations are made under the [Governance, Academic and Student Affairs Statute 2013](#) and sections 28, 29 and 30 of the [Victoria University Act 2010](#).

3. Commencement

These Regulations will come into operation on 1 October 2014

4. Definitions

In these Regulations:-

- a. authorised officer means any University employee or agent of the University;
- b. high-risk person means a person described under section 41 of the [Governance, Academic and Student Affairs Statute 2013](#);
- c. relevant area means the organisational unit (including a College) responsible for the student or students at the time when they are alleged to have committed the misconduct. Where this is unclear, the Provost (or their equivalent) will nominate a relevant area for the purposes of these regulations;
- d. notice unless otherwise specified, notice will mean notice that is provided in person, or sent either by post or by email, to a student's last known postal or email address;
- e. senior officer means anyone delegated by the Vice-Chancellor to manage student misconduct matters in accordance with these regulations;
- f. student means
 - i. a person enrolled at the University in a course leading to a degree, diploma, certificate, licence or other award; or
 - ii. a person whose study performance is being or is to be assessed by the University, notwithstanding that such a person is not enrolled at the University in a course leading to a degree, diploma, certificate, licence or other award;

Note

The above definition of student is from section 3 of the [Victoria University Act 2010](#) and Council Resolution C2010 - 070;

- g. student academic misconduct has the meaning given to it in regulation 8;
- h. student general misconduct has the meaning given to it in regulation 6;

- i. student misconduct has the meaning given to it by section 35 of the [Governance, Academic and Student Affairs Statute 2013](#);
- j. Student Misconduct Panel means a panel convened under Part 4 to hear and determine allegations of student misconduct.

PART 2 - STUDENT MISCONDUCT

Division 1 - Student General Misconduct

5. Purpose of this Division

The purpose of this Division is to prescribe conduct that is student general misconduct, for the purposes of section 37 of the [Governance, Academic and Student Affairs Statute 2013](#).

6. Student general misconduct

(1) Student general misconduct means conduct in connection with the University by a student which is, or is likely to be, detrimental to the University or its members. For the purposes of this regulation, a connection with the University includes where such conduct takes place on or around University premises, or while the student is engaged in University activities, or during activities approved by the University, whether or not on University premises.

(2) Without limiting sub-regulation (1) student general misconduct includes, but is not limited to -

- a. breaching a Statute, Regulation, policy or rule of the University or Act of Parliament;
- b. disrupting the orderly conduct of a University activity;
- c. disobeying any reasonable order or direction given by an authorised officer of the University;
- d. threatening personal injury or harm of any kind to any person;
- e. engaging in conduct which causes or may cause personal injury or harm to any person (including oneself), or damage or loss of property;
- f. without authorisation, using or obtaining access to University property, premises, facilities or services;
- g. without authorisation, using or obtaining access to electronic information, including computing programs, belonging to the University or another person's University records or information;
- h. providing false or misleading information to the University or falsifying a University record or document;
- i. publishing, distributing or making available (in any form or forum) any confidential information of or held by the University or improperly using such information;
- j. without authorisation, accessing or distributing information that breaches a person's privacy;
- k. harassing, stalking, bullying or intimidating any person, however facilitated and including by telephone or by the use of other technology;
- l. failing to adhere to policies, procedures or rules of external organisations while on placement, practicum, or undertaking research or work experience; or
- m. inciting another person to commit student general misconduct.

Division 2 - Student Academic Misconduct

7. Purpose of this Division

The purpose of this Division is to prescribe conduct that is student academic misconduct, for the purposes of section 36 of the [Governance, Academic and Student Affairs Statute 2013](#).

8. Student academic misconduct

(1) Academic misconduct means -

- a. conduct by a student that is designed or calculated to, or has the effect of, providing a misleading basis for admission, assessment or academic progress.
 - b. conduct by a student in connection with research or learning activities that is dishonest, reckless, or seriously deviates from accepted standards within the scientific and scholarly community.
- (2) Without limiting sub-regulation 8(1), student academic misconduct includes, but is not limited to -

- a. cheating or attempting to gain an unfair academic advantage in an examination or an assessment task;
- b. plagiarism, collusion or otherwise breaching the academic integrity requirements of the University;
- c. asking another person to complete assessable work or knowingly enabling another student to plagiarise his or her work;
- d. failing to comply with examination or assessment rules or directions;
- e. impersonating, or allowing herself or himself to be impersonated by another for any assessment task;
- f. forging or falsifying academic results, data or records;
- g. publishing, distributing or making available (in any form or forum) any confidential information of or held by the University, including any information that breaches any person's privacy;
- h. taking into, or using in connection with, any assessment task any material or device other than material or a device specifically permitted by the University; or
- i. research misconduct as described in the Australian Code for the Responsible Conduct of Research and/or a breach the University's published standards for conduct of ethical and responsible research.

PART 3 - RESPONDING TO POTENTIAL STUDENT MISCONDUCT

9. Authorised officers to give reasonable orders and directions

(1) Authorised officers have the power to give students reasonable directions -

- a. to ensure the safety of the student or of any other person;
- b. to prevent damage to or destruction of University property or facilities;
- c. for the proper performance of the staff member's duties regarding the custody, maintenance or use of University property or facilities;
- d. to ensure the orderly and proper conduct of -
 - i. any teaching or learning group;
 - ii. research activity;
 - iii. examination;
 - iv. ceremony of the University;
 - v. any meeting of Council or
 - vi. a board, committee or other body constituted by or pursuant to the [Victoria University Act 2010](#), Statutes or regulations, policies or procedures or appointed by any such body which has been so constituted; or
- e. for the maintenance of good order.

(2) Without limiting sub-regulation 9(1), where an authorised officer has reasonable grounds to believe that a student has committed or may be committing student misconduct, they may, where they consider it necessary for the maintenance of good order, temporarily withdraw permission for the student to participate in a University activity, use or enter all or particular University premises or facilities for a reasonable period that does not exceed 48 hours.

10. Reporting Student Misconduct

(1) Where an authorised officer believes that a direction in accordance with regulation 9 is insufficient or inappropriate to fully address the alleged conduct, they must promptly report the matter to a senior officer within the relevant area.

(2) If an authorised officer believes that, taking into consideration any relevant circumstances, the alleged behaviour

suggests that the student may be a high-risk person, they must also refer the matter to the University Safety and Triage team for consideration under the [Exclusion for Health and Safety Reasons Regulations 2014](#) and relevant procedures.

(3) All allegations of misconduct arising out of incidents occurring in or under the auspices of -

- a. the Student Residences; or
- b. a host institution

should, in the first instance, be determined in accordance with the Student Residences or the host institutions rules and associated procedures. Where the manager of the Student Residences or an authorised officer believes the response to be insufficient to address the alleged misconduct, they may refer the matter to a senior officer from the relevant area who will then deal with the matter in accordance with these regulations.

11. Response to alleged student misconduct by senior officer

(1) When a senior officer from the relevant area receives a report of alleged student misconduct, they will inform themselves as they see fit, in order to make a preliminary decision under sub-regulations 11(2) and 11(3).

(2) If, after informing themselves as they see fit, the senior officer believes that the matter has been adequately dealt with by the authorised officer, or that the allegation has no merit, they may dismiss the allegation or take no further action.

(3) Where a senior officer is of the view that the alleged misconduct may have occurred and requires further action, they will -

- a. refer the matter back to the authorised officer to address in accordance with regulation 9;
- b. investigate the alleged student misconduct in accordance with regulation 15; or
- c. where the alleged student misconduct is considered to be serious, refer the matter to the Student Misconduct Panel.

(4) Senior officers may also take any other action reasonable in the circumstances, including, where they consider it necessary for the maintenance of good order, temporarily withdrawing permission for the student to participate in a University activity, use or enter all or particular University premises or facilities for a reasonable period, not exceeding one week.

PART 4 - STUDENT MISCONDUCT PANEL

12. Student Misconduct Panel composition

(1) The Student Misconduct Panel will be comprised of -

- a. the Academic Registrar, or their nominee, who will act as the panel Chair except in cases involving alleged Research Misconduct where the Pro-Vice Chancellor Research, or their nominee, will act as the panel Chair; and
- b. two other senior officers who will be appointed by the Chair in accordance with the relevant procedures.

(2) The Student Misconduct Panel must not include anyone who has, or may be perceived to have, a bias or conflict of interest in the matter.

13. Student Misconduct Panel functions

(1) Where a report of alleged student misconduct is received, the Chair of the Student Misconduct Panel must consider the report and make any further inquiries they believe may be necessary in order to make a decision under sub-regulations 13 (2) and 13(3).

(2) If, after informing themselves as they see fit, the Chair believes that the allegation has no merit, they may dismiss

the allegation or take no further action.

(3) If the Chair of the Student Misconduct Panel is of the view that the alleged misconduct may have occurred and requires further action, the Chair will -

- a. where they do not consider the alleged misconduct to be serious, refer the matter back to the senior officer to address in accordance with regulation 11; or
- b. convene a Student Misconduct Panel to investigate the allegations in accordance with regulation 15 and any relevant procedures, before making a majority rule decision.

14. Temporary removal pending completion of process

The Student Misconduct Panel Chair may also take any other action reasonable in the circumstances including, where they consider it necessary for the maintenance of good order, withdrawing permission for the student to participate in a University activity, use or enter all or particular University premises or facilities or services, pending the completion of the investigation process and notification of the decision.

PART 5 - INVESTIGATION

15. Investigation

(1) Prior to the investigation meeting, the senior officer or Student Misconduct Panel will provide the student with written notice, including -

- a. particulars of the alleged student misconduct;
- b. copies of all documents in their possession that will be relied upon when making a decision;
- c. the date, time and location of the investigation meeting; and
- d. information regarding the student's:-
 - i. right to be heard orally or by submitting a written response; and
 - ii. their right to be accompanied by a support person and/or assisted by a student advocate.

(2) The senior officer or Student Misconduct Panel in conducting the investigation will -

- a. act fairly and impartially;
- b. inform themselves as they think fit;
- c. make all enquiries they believe to be relevant; and
- d. not be bound by legal rules of evidence, technicalities or legal forms.

(3) When the investigation is complete, the senior officer or Student Misconduct Panel will make a decision as to whether they are persuaded that the allegation of student general misconduct and/or student academic misconduct is substantiated or not.

(4) If a student acknowledges the alleged behaviour, or if the senior officer or the Student Misconduct Panel finds that there has been student misconduct, they may impose a sanction in accordance with Part 6 or, in cases involving research misconduct, recommend to the Vice-Chancellor that she or he impose a sanction in accordance with Part 6.

16. Notice of decision to student

(1) The student must be informed of the outcome of the investigation decision within 5 working days of the decision being made.

(2) Where a decision is made that the allegation of student misconduct is substantiated, the student must also be informed of -

- a. the sanction to be imposed;

- b. the reasons for the decision, including the findings on material facts; and
- c. their right to appeal in accordance with the Appeals Regulations 2014 and the time within which an appeal may be made.

PART 6 - SANCTIONS

17. Purpose of this Part

The purpose of this Part is to prescribe the sanctions that may be imposed where a student is found to have committed student misconduct for the purposes for the purposes of section 39 of the [Governance, Academic and Student Affairs Statute 2013](#).

18. Sanctions for student general misconduct

(1) Where a student is found to have committed student general misconduct, one or more of the following sanctions may be imposed by a senior officer after taking into account all the particular circumstances of the case -

- a. reprimanding and/or cautioning the student;
- b. a restorative sanction that is appropriate and proportionate in all the circumstances;
- c. requiring the student to refrain from contact with a specified person or persons;
- d. restricting or denying access to some or all of the University premises, facilities services or activities for a period of up to one month; or
- e. requiring the payment for the cost of the damage, or a contribution towards the cost of the damage, caused by the misconduct.

(2) Where a student is found to have committed student general misconduct, the Student Misconduct Panel may impose one or more of the following sanctions after taking into account all the particular circumstances of the case -

- a. reprimanding and/or cautioning the student;
- b. a restorative sanction that is appropriate and proportionate in all the circumstances;
- c. requiring the student to refrain from contact with a specified person or persons;
- d. restricting or denying access to some or all of the University premises, facilities, services or activities for a period of up to one month;
- e. requiring the payment for the cost of the damage, or a contribution towards the cost of the damage, caused by the misconduct;
- f. imposing a condition on enrolment in the unit or course;
- g. imposing a charge in accordance with section 48 of the [Governance, Academic and Student Affairs Statute 2013](#);
- h. suspension from a unit or a course;
- i. suspension from the University;
- j. exclusion from the University; or
- k. termination of enrolment or higher degree candidature.

19. Sanctions for student academic misconduct

(1) Where a student is found to have committed student academic misconduct, one or more of the following sanctions may be imposed by a senior officer after taking into account all the particular circumstances of the case -

- a. reprimanding and/or cautioning the student;
- b. recording a failure or zero mark or result or other appropriate mark or result for all or any part of an assessment task;

- c. requiring the student to repeat an assessment task;
 - d. requiring the student to refrain from association with a specified person or persons for the purposes of study or assessment;
 - e. requiring resubmission of one or more assessment tasks; or
 - f. requiring a student to undertake alternative assessment for the Unit on terms determined by the senior officer.
- (2) Where a student is found to have committed student academic misconduct, the Student Misconduct Panel may impose, or recommend to the Vice-Chancellor to impose, one or more of the following sanctions after taking into account all the particular circumstances of the case -

- a. reprimanding and/or cautioning the student;
- b. recording a failure or zero mark or result or other appropriate mark or result for all or any part of an assessment task;
- c. requiring the student to repeat an assessment task;
- d. requiring the student to refrain from association with a specified person or persons for the purposes of study or assessment;
- e. requiring resubmission of one or more assessment tasks;
- f. requiring a student to undertake alternative assessment for the Unit on terms determined by the Student Misconduct Panel;
- g. suspending the student from a Unit or a course;
- h. requiring a retraction or correction of an article;
- i. termination of enrolment/higher degree candidature;
- j. recommending to the Vice-Chancellor or nominee that the award not be made;
- k. suspension from the University;
- l. exclusion from the University; or
- m. recommending to the Vice-Chancellor that the award be revoked in accordance with the [Awards Regulations](#).

20. Sanction to be stayed pending appeal

The sanction or sanctions will not come into effect until the expiration of the appeal period, or where an appeal is lodged, until the appeal process is complete.

PART 7 - APPEAL

21. Appeals

If a student is the subject of an adverse decision made under these Regulations, they may appeal the decision through the University's Appeal Process set out in the [Student Appeals Regulations 2014](#), provided they meet the prescribed grounds and lodge the appeal application within the prescribed period.

PART 8 - REVOCATION

22. Revocation

(1) The Student Misconduct Interim Regulations 2013 are revoked.

(2) Without limiting the meaning of sub-regulation (1) any student discipline proceedings which commenced before the making of these regulations must be dealt with as though these regulations had not been made.

Status and Details

Status	Historic
Effective Date	1st October 2014
Review Date	1st June 2019
Approval Authority	University Council
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Expiry Date	9th April 2019
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