

# Student Conduct Policy

## Section 1 - Purpose

(1) The Student Conduct Policy promotes the principle of mutual respect by informing students of conduct which the University considers appropriate, and provides a framework and procedurally fair practices for dealing with allegations of misconduct.

## Section 2 - Policy Scope

(2) This Policy applies to any current or former student of the University in relation to their conduct as a student.

(3) The University may deal with misconduct under this Policy even if the student's award has been conferred, their enrolment is terminated or they have withdrawn from their program of study before proceedings commence or are finalised.

(4) In any case where a student is in a gathering or group of students and/or other persons and another of the group engages in activities that constitute misconduct, the student is taken to have engaged in misconduct if they did not take all reasonable steps to dissociate from the gathering or group as soon as practicable after they became aware of the misconduct.

(5) Where the misconduct may constitute a criminal offence and may be subject to a police investigation and/or Court proceedings, then the matter must be referred to the Office of General Counsel for advice to be sought and determine (amongst other considerations) whether proceedings under this Policy will be:

- a. continued, ensuring any actions taken by the University do not compromise or undermine any police investigation and/or Court proceedings; or
- b. suspended until any Police investigation and/or Court proceedings have been completed in its entirety (including any available appeals).

## Section 3 - Principles

(6) There is a reciprocal relationship between individual and community rights and responsibilities. All ACU students are expected to behave in a way that:

- a. allows reasonable freedom to others to pursue their studies, research, duties, community engagement and other lawful University activities, and to participate in the life of the University;
- b. recognises the University objective of pursuit of academic excellence and that academic standards and proper procedures are essential in achieving that objective;
- c. promotes the proper use of University facilities, information and the property of the University and of other persons and/or organisations on its campuses, on other sites at which it conducts its activities, and at other legitimate activities organised by the University's Student Associations;
- d. reflects the University's commitment to a healthy and safe learning environment, free from discrimination and

harassment; and

e. ensures that the reputation of the University is upheld.

(7) All actions under this Policy are to be based on values that are consistent with the University Mission and are to be underpinned by principles of mutual respect and procedural fairness for and by all students, staff and others who may be involved.

(8) This Policy is subject to Statute 13 on Freedom of Speech and Intellectual Freedom.

## Section 4 - Definitions

(9) Terms used in this Policy and associated Procedure are consistent with the [Glossary of Student and Course Terms](#). The following specific definitions also apply:

Term	Definition
Allegation notice	Allegation notice means the notice the University gives to a student to commence formal misconduct proceedings.
Authorised Officer	Authorised Officer is the person to whom instances of alleged student misconduct can be reported (See Section 12 – Schedule 1 of the <a href="#">Managing Student Misconduct Procedure</a> ).
Campus service order	Campus service order means any activity in aid of the University, or a student, of a kind which is declared by a Campus Dean or nominee to be a campus service order for the purposes of this Policy.
Decision Maker	Decision Maker means a Campus Dean or a Discipline Committee.
Exclusion	Exclusion means a temporary cancellation of a student's enrolment at the University for a period of up to two standard study periods; "exclude" has a corresponding meaning.
Student	Student includes any current or former student of the University.
Suspension	Suspension means prohibition from participating in any University activity and/or the temporary denial of access to all or specified University campuses or sites at which the University conducts its activities; "suspend" has a corresponding meaning.
University activity	University activity means any activity formally associated with the University such as representative sporting activities and University organised social or community activities, activities on student placement or exchange and activities on University student accommodation.

## Section 5 - Formal Communications

(10) The provisions relating to formal communications contained in the [Academic Regulations](#) will apply to any communications with students under this Policy.

(11) If a Campus Dean or Discipline Committee has reasonable grounds for believing that the receipt of correspondence or any other material may adversely affect the health of a student, they may obtain advice, including medical or other professional advice, on the most appropriate method for issuing correspondence or making any other material available to the student.

## Section 6 - Student Misconduct

(12) Student misconduct is any inappropriate, improper or unlawful conduct by a student or of a group of students on any campus, site or University premises that includes, but is not limited to:

a. behaviour that causes physical or psychological harm;

- b. behaviour that impairs another person's ability to participate in any University activity, or use University property;
- c. the removal, theft, intentional damage, illegal or inappropriate use of, or obstruction of access to, facilities, information or property including intellectual property;
- d. non-compliance with University Statute, Regulation or Policy and/or the reasonable direction of an authorised person, particularly where the safety and wellbeing of others is at risk;
- e. a breach of the professional conduct expectations or conduct code and/or policies of a professional experience placement provider, or the published Faculty or School protocols and/or guidelines relating to such placements;
- f. behaviour that constitutes unlawful discrimination and harassment;
- g. sexual misconduct which is any unwelcomed sexual act or behaviour that a person does not consent to, or that makes a person feel uncomfortable, humiliated, threatened or frightened;
- h. behaviour that encourages, persuades or incites any other person to engage in misconduct; or
- i. behaviour that has resulted in an award of the University that has been improperly obtained.

(13) Any allegation of student misconduct will be dealt with in accordance with the [Managing Student Misconduct Procedure](#).

## Section 7 - Support During the Student Misconduct Process

(14) A student may seek confidential, independent advice from the Student Advocacy Service at any stage.

(15) In any discussions, interview or hearing in which a student participates during any process under this Policy, the student may, at their discretion, be accompanied by one other person whom the student designates as their support person.

(16) A support person may not be a person:

- a. with a qualification in law; or
- b. who was involved in, associated with, or alleged to have been involved in, or associated with, the matter under review.

(17) Aboriginal and/or Torres Strait Islander students may:

- a. designate an Aboriginal and/or Torres Strait Islander person as their support person, other than a person with a qualification in law; and/or
- b. seek cultural support of Aboriginal and/or Torres Strait Islander staff through ACU's Indigenous Higher Education Units.

(18) A support person may speak where required for reasons of clarification but may only make submissions on behalf of a student if invited to do so by the responsible officer or committee dealing with the matter.

## Section 8 - Composition and Constitution of Discipline Committee

(19) A Discipline Committee will not include any person who has been involved in the circumstances of the matter which results in an allegation of misconduct.

(20) A Discipline Committee will be appointed by the Academic Registrar and will comprise:

- a. a Campus Dean (as Chair);
- b. one student, selected from the elected representatives of the ACU National Student Association (ACUNSA), any Campus Student Association or the student members of Academic Board; and
- c. one member of staff, drawn from a panel established by the Deputy Chief Operating Officer and Director, Campus Leadership through an expression of interest process for a two-year term.

(21) Any member of a Discipline Committee handling a student sexual misconduct allegation must have completed specialist training from the Safeguarding and Student Safety team or an external organisation working in the area of sexual harm. The Academic Registrar will consult with the Director, Student Experience in these matters to select the Chair and members of the committee from the eligible staff and students who have received this training.

(22) A quorum of the Committee is all three members.

(23) The Chair has a deliberative vote and, if required, a casting vote.

(24) The Academic Registrar will appoint a secretary to the Discipline Committee. A staff member may also be appointed to provide confidential procedural advice. These staff members are not entitled to vote.

## Section 9 - Penalties

(25) Penalties may be imposed by a Campus Dean, or a Discipline Committee.

(26) When deciding a penalty to be imposed a Campus Dean or Discipline Committee will consider:

- a. the form of the misconduct as described in section 6 of this Policy;
- b. the impact of the misconduct on any person;
- c. any relevant explanations and mitigating circumstances;
- d. any previous findings of student misconduct.

(27) A Campus Dean may impose one or more of the following penalties:

- a. reprimand the student;
- b. require the student to apologise formally to another party, in person or in writing;
- c. require the student to pay compensation for damage to any person, or to property or facilities of the University;
- d. fine the student an amount equal to the amount determined to be the cost arising from unauthorised use by the student of any service or facility provided by the University;
- e. require the student to refrain from having any, or any specified contact with any particular student(s) or member(s) of staff for such period of time as deemed necessary or appropriate;
- f. impose a campus service order;
- g. recommend ACU Residential Life management exercise options under a student's rental agreement between the student and the University to issue a breach notification.

(28) A Discipline Committee may impose any of the penalties at clause (27) and/or one or more of the following:

- a. fine the student over and above clauses (27)c. and (27)d.;

- b. confirm the withdrawal of the student from a professional experience unit or unit containing professional experience for misconduct under the [Academic Regulations](#) and award a fail result for the unit;
- c. restrict the student to enrolling in unit(s) that are offered online and suspend them from accessing any University campus or site for a period of up to two standard study periods;
- d. exclude the student from the University for a period of up to two standard study periods;
- e. cancel the student's enrolment and prohibit them from any future admission to, or enrolment with ACU;
- f. withdraw the student's right to use any vehicle (motorised or non-motorised) on any campus or site for any nominated period of time;
- g. suspend the student from participating in a particular University activity;
- h. suspend the student for up to 10 working days and on such terms and conditions as are deemed appropriate, from one or more of:
  - i. access to the University as a whole;
  - ii. access to all or specified areas of a campus or site; or
  - iii. use of any or specified University facilities;
- i. recommend ACU Residential Life management exercise options under a student's rental agreement between the student and the University to issue an eviction notification;
- j. recommend that the Vice-Chancellor and President:
  - i. suspends the allowance of a Student Association office bearer; or
  - ii. remove the student from the elected office of a Student Association;
- k. recommend that the Vice-Chancellor and President revokes an award that has been obtained on the basis of fraudulent information provided to ACU.

(29) In addition to, or in lieu of, the penalties above, the Discipline Committee may require that the student consult a counsellor, medical practitioner or specialist. Where such requirement is invoked in lieu of any other penalty, the substantive penalty will remain in effect until that requirement is satisfied.

## Section 10 - Recordkeeping and Notification

(30) The Office of the Academic Registrar must maintain a confidential record of all allegations and investigations of academic misconduct. The record will contain a summary of the matters considered or obtained by the decision maker and the written reasons for decision.

(31) The Office of the Academic Registrar must keep a register of all findings of misconduct and the penalties imposed under this Policy. The register will not include any sensitive information or the personal information of any complainant.

(32) Misconduct records which include all documentation and the correspondence between the University and a student under this Policy are retained by the University and are disposed of according to the University's [Records Retention and Disposal Schedule](#).

(33) Where there is a finding of misconduct, a summary is maintained on the permanent student file. The summary will not include any sensitive information or the personal information of any complainant.

(34) Subject to the University's [Privacy Policy](#), misconduct records may be made available:

- a. to persons within the University if, in the opinion of the Academic Registrar, they have a legitimate need to know; and
- b. to persons outside the University in response to a court order, warrant or subpoena.

(35) An annual de-identified summary and analysis of misconduct findings must be tabled at the Student Administrative Lifecycle and Policy Committee for noting at Academic Board each year.

## Section 11 - Revisions Made to This Policy

(36) The revision table includes revisions up until this document was migrated into the current policy platform. Any later changes will show in the Status and Details tab.

Date	Major, Minor or Editorial	Description of Revision(s)
29 June 2016	Minor	Amendment to Section 3.3.2 of Procedures in line with Critical Incident Management Policy
18 October 2017	Minor	Higher Education Standards Framework (Threshold Standards) 2015 compliance review
28 November 2018	Minor	An appeal against a student conduct decision will be done in accordance with the Student Appeals Policy
25 November 2020	Major	Reviewed under the Academic Board Policy Development and Review Schedule
7 July 2021	Minor	Consequential amendments to Procedures as a result of the Student Sexual Misconduct Prevention and Response Policy review.
15 September 2021	Minor	Consequential amendments to section 7.3 of the Policy arising from review of the Academic Integrity & Misconduct Policy.
16 November 2022	Minor	Consequential amendments to the Policy arising from review of the Student Complaints Policy.
1 March 2023	Minor	Minor changes to the composition of the Discipline Committee and addition of the requirement for members to have received specialised training before considering student sexual misconduct allegations. Procedures updated to add a new section for determining an allegation of student sexual misconduct. (Resolution AB SALPC 2022/43).
15 November 2023	Minor	Case management responsibilities changed to the Office of the Academic Registrar. This includes receipt, correspondence and recordkeeping responsibilities as well as the initiation and communication of interim suspension orders.
29 November 2023	Minor	Minor change to section 6.1 to include a breach of the professional conduct expectations on professional experience placement as a form of misconduct.
31 January 2024	Minor	Minor amendments to the penalties that can be applied by a Discipline Committee at clause (28).
27 March 2024	Minor	Changes to the Procedure reflect where administrative processes are undertaken by the appeals, complaints and conduct team in the Office of the Academic Registrar rather than by the Academic Registrar.

## Section 12 - Associated Information

(37) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	19th December 2023
<b>Review Date</b>	1st January 2025
<b>Approval Authority</b>	
<b>Approval Date</b>	19th December 2023
<b>Expiry Date</b>	21st July 2024
<b>Responsible Executive</b>	Cheryl Fullwood Academic Registrar
<b>Responsible Manager</b>	Gerard Goodwin-Moore National Manager, Student Policy and Appeals
<b>Enquiries Contact</b>	Kerry Blair Policy and Projects Officer <hr/> Student Administration