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 by students, applicants and persons identifying themselves as a current or former student.

Section 2 - Policy Scope

(2) This Policy applies to:

a. any current or former student of the University in relation to their conduct on University premises, or engaged in University activity;
b. an applicant for admission in relation to the authenticity of their application; and
c. a person identifying themselves as a current or former student.

(3) This Policy excludes:

a. the fabrication or falsification of data, results, references, sources or other information that constitutes academic misconduct under the Student Academic Integrity and Misconduct Policy; and
b. the exercise of intellectual freedom or freedom of speech by a student in accordance with Statute 13 - Freedom of Speech, Intellectual Freedom and Academic Freedom which does not constitute student misconduct under this Policy.

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under this Policy even if the student's award has been conferred, their enrolment is terminated or they have withdrawn from their program of study before proceedings commence or are finalised.

(5) In any case where a student is in a gathering or group and another member 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.

(6) 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).

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of staff printing this document to always refer to the ACU Policy Portal for the latest version.

Section 3 - Principles

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

a. allows reasonable freedom to others to pursue their studies, research, work, 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 University premises and / or when engaged in University activity;
d. reflects the University's commitment to a respectful, healthy and safe learning environment, free from discrimination and harassment; and
e. ensures that the reputation of the University is upheld.

(8) 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.

(9) The University will uphold the rights of students to enjoy freedom of speech and intellectual freedom without penalty in accordance with Statute 13 - Freedom of Speech, Intellectual Freedom and Academic Freedom.

Section 4 - Definitions

(10) 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 Managing Student Misconduct Procedure.
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 the Academic Registrar or nominee, a Campus Dean or a Discipline Committee.
Fraudulent information	Fraudulent information includes any information that is intended to deceive or to dishonestly gain a benefit which is inclusive of, but not limited to: • altering, falsifying, concealing or fabricating any document; and / or • providing false or misleading information.
Student	Student includes any prospective, current or former student of the University.

Section 5 - Formal Communications

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

(12) If the Academic Registrar or nominee, 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

(13) Student misconduct is any inappropriate, improper or unlawful conduct by a person within the scope of clause (2) of this Policy 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 sexual assault and sexual harassment as defined in the Student Prevention and Response to Sexual Harm or Gender-Based Violence Procedure;
h. gender-based violence as defined in the Prevention and Response to Gender-Based Violence Policy;
i. providing fraudulent information to ACU, or misrepresenting an ACU award; or
j. behaviour that encourages, persuades or incites any other person to engage in misconduct;
k. behaviour that has resulted in an award of the University that has been improperly obtained; or
l. any retaliatory action taken or threatened against a student or member of staff who has lodged, investigated or determined a formal complaint under the Student and Public Complaints Policy, a report of academic misconduct under the Student Academic Integrity and Misconduct Policy, or a report of student misconduct under this Policy.

(14) 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

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

(16) 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.

(17) 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.

(18) 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.

(19) 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

(20) 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.

(21) 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.

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

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

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

(25) 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

(26) Penalties may be imposed for student misconduct by the Academic Registrar or nominee, a Campus Dean, or a Discipline Committee.

(27) The Academic Registrar, or nominee, may impose one or more of the following penalties for student misconduct under clause (13)h. of this Policy. The penalty imposed will be related to the purpose for which the fraudulent information was submitted which includes but is not limited to:

a. cancel an application for admission;

b. exclude a person from any future admission or readmission to ACU;
c. require that any fee paid be forfeited;
d. a mark of zero (0) or 'unsatisfactory' will be awarded for the relevant piece of assessment by the National Unit Lead in accordance with Schedule 1 of this Policy;
e. a result of Fail NN with a mark of zero (0) or Fail Ungraded NU will be awarded in the relevant unit by the National Head of School or equivalent in accordance with Schedule 1 of this Policy;
f. exclusion from the University for a period of up to two standard study periods by the Executive Dean in accordance with Schedule 1 of this Policy;
g. credit for the recognition of prior learning will be refused or cancelled by the Course Adviser;
h. cancel a student's scholarship;
i. recommend that the Vice-Chancellor and President revokes an award that has been obtained on the basis of fraudulent documentation provided to ACU.

(28) 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.

(29) A Campus Dean may impose one of 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 complete specified remedial action(s);
d. require the student to pay compensation for damage to any person, or to property or facilities of the University;
e. 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;
f. 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;
g. impose a campus service order;
h. recommend ACU Residential Life management exercise options under a student's rental agreement between the student and the University to issue a breach notification.

(30) A Discipline Committee may impose any of the penalties at clause (29) and / or one or more of the following:

a. 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;
b. 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;
c. exclude the student from the University for a period of up to two standard study periods;
d. cancel the student's enrolment and prohibit them from any future admission to, or enrolment with ACU;
e. withdraw the student's right to use any vehicle (motorised or non-motorised) on any campus or site for any nominated period of time;
f. suspend the student from participating in a particular University activity;

g. 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;
h. recommend ACU Residential Life management exercise options under a student's rental agreement between the student and the University to issue an eviction notification;
i. 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;
j. recommend that the Vice-Chancellor and President revokes an award that has been obtained on the basis of fraudulent information provided to ACU.

(31) In addition to, or in lieu of, the penalties above, a Discipline Committee may require that the student undertake specified remedial action(s) or consult a counsellor, medical practitioner or specialist. Where referral to the ACU Counselling Service is to be recommended, this should first be discussed with the Director, Student Experience and Enhancement to determine the suitability of such referral.

(32) Where a remedial action requirement under clause (31) 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

(33) 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.

(34) 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.

(35) 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.

(36) 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.

(37) Subject to ACU's obligations under the Privacy Act 1988 (Cth), the University's Privacy Policy and any statutory reporting obligations, 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 / or
b. to persons outside the University in response to a court order, warrant or subpoena; and / or
c. to the appropriate Authorities or Regulators, relevant professional accrediting bodies, or affected organisations on the advice of the Office of General Counsel.

(38) An annual de-identified summary and analysis of misconduct findings must be tabled at Academic Board for noting each year.

Section 11 - Associated Information

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

Section 12 - Schedules

Schedule 1: Submission of Fraudulent Information in a Unit

(40) Fraudulent information submitted for the purpose of gaining an advantage in a unit includes, but is not limited to the alteration or falsification of:

a. an application for extension of time for submission of an assessment task;
b. an application for special consideration;
c. an application for a deferred examination;
d. an application for formal review or appeal;
e. pre-professional experience placement compliance documentation;
f. professional experience placement records.

(41) Unless the Academic Registrar or the Executive Dean is satisfied that there are exceptional circumstances that warrant a lesser penalty, the minimum penalties in Table 1 will be applied. Such exceptions will be reported in the summary and analysis of misconduct findings at clause (37) of this Policy.

Table 1. Minimum penalties for the submission of fraudulent information in a unit

Mark of zero (0) or 'unsatisfactory' awarded for the relevant piece of assessment by the National Unit Lead	1st occasion, excluding pre-placement compliance documents or placement records
Result of Fail NN with a mark of zero (0) or Fail Ungraded NU awarded in the unit by the National Head of School, or equivalent	2nd occasion; or 1st occasion of pre-placement compliance documents or placement records
Exclusion from the University for a period of up to two standard study periods by the Executive Dean	3rd occasion 2nd occasion of pre-placement compliance or placement records

Status and Details

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Responsible Executive	Helen Murnane Academic Registrar
Responsible Manager	Gerard Goodwin-Moore National Manager, Student Policy and Appeals
Enquiries Contact	Annette Dennis Coordinator, Complaints and Conduct Student Administration