



Student Misconduct Policy and Procedure

Purpose

1. The *Student Code of Conduct* outlines the Australian International Institute of Higher Education's ('the Institute') expectations of students in respect of personal behaviour. The Institute employs a range of strategies to promote and support appropriate student conduct and has the expectation that Institute staff will provide consistent guidance on appropriate behaviours.
2. In the case where the conduct of a student is in question, the Institute will follow a consistent and fair process of establishing and responding to misconduct as outlined in this Policy and Procedure.

Scope

3. This Policy and Procedure applies to:
 - a) all students enrolled at the Institute;
 - b) all forms of misconduct other than academic misconduct.
4. The *Student Academic Integrity Policy and Procedure* should be consulted for the management and investigation of academic misconduct matters.
5. The *Sexual Assault and Sexual Harassment Prevention Policy and Procedure* should be consulted for reporting and investigation of allegations within the scope of that Policy. Penalties for findings of misconduct under that Policy will be handled under the provisions within this Policy.

Definitions

6. There are no specific definitions for this Policy.

Policy

Principles

7. The Institute considers that respectful and collegial student behaviour is central to educational success and student attainment of the Institute's Graduate Attributes.
8. All students are required to abide by the *Student Code of Conduct* and Institute policies.
9. Where the Institute receives an allegation of misconduct or has reason to think that a student has breached the *Student Code of Conduct*, the Institute will investigate the matter confidentially, fairly, effectively and in a timely manner.
10. Where there is a confirmed finding that a student has breached the *Student Code of Conduct*, the Institute will respond in a consistent manner according to the provisions of this Policy and Procedure.



General and Major Misconduct

11. Student misconduct refers to any breach of the *Student Code of Conduct* by students at the Institute. Student misconduct may be found to be:
 - a) General; or
 - b) Major.
12. Examples of General Misconduct could include but are not limited to:
 - a) behaviour which brings the Institute into disrepute;
 - b) behaviour which is considered unduly offensive or disorderly;
 - c) failure to comply with a reasonable requirement or direction prescribed or given by a member of the Institute staff in performance of his or her duties or responsibilities;
 - d) obstructing or interfering with the use of any Institute premises, facilities or equipment;
 - e) gaining access to, or entering, a computer system or part of a computer system of the Institute without lawful authority to do so, or engaging in illegal or inappropriate or offensive use of the internet, social media, email or the Institute's network;
 - f) behaviour which interferes with the orderly conduct of any teaching group, assessment, examination or ceremony of the Institute, its governing bodies or other Institute activity, function or program;
 - g) engaging in conduct which involves unauthorised or unjustified interference with the property of any person;
 - h) engaging in conduct which attacks, bullies, harasses, unlawfully vilifies, victimises, threatens or intimidates any person or attempts to attack, bully, harass, unlawfully vilify, victimise, threaten or intimidate any person.
13. Examples of Major Misconduct are a serious breach of the *Student Code of Conduct* or repeated General acts of misconduct and could include, but is not limited to:
 - a) the use physical violence against any person;
 - b) wilfully damaging or stealing Institute property;
 - c) engaging in criminal behaviour or behaviour that causes serious distress to members of the Institute community;
 - d) committing any act or making any omission which has the capacity to endanger the safety or health of others where there is a serious risk of bodily harm;
 - e) any type of fraud, including fraudulent representation of grades or awards for prior learning, including through the unauthorised use of the Institute name, seal or trademarks;
 - f) tampering with and/or making a fraudulent representation involving any medical certificate;
 - g) any other type of fraudulent documentation provided to the Institute in order to favour the student;
 - h) bringing a weapon on to the campus, placement premises or site of any educational activity
 - i) any act or omission which leads to a conviction for a breach of State or Federal legislation in association with a member of the Institute community or that occurs on Institute property.



Procedure

Reporting and investigation

14. Where a student's conduct poses an immediate threat to themselves or any member of the community the student should be reported directly to Institute security. Criminal conduct will be referred to the Queensland Police.
15. In other circumstances if a student or a staff member observes what they believe is misconduct by a student, they must report it in writing to the Academic Dean using the Incident Reporting Form.
16. Students who are alleged to have breached the *Student Code of Conduct* are to be informed in writing by the Academic Dean of the nature of the allegations and possible penalties that will apply if misconduct is confirmed.
17. The Academic Dean will review submissions of alleged misconduct and provide an opportunity for the student to respond within ten (10) working days as part of the process of establishing misconduct. Students who wish to dispute the alleged misconduct will normally meet with the Academic Dean to review available evidence within this timeframe.
18. In cases where a student has no prior record of warning or misconduct, the Academic Dean may consider the following when making a determination:
 - a) the extent to which the misconduct deviated from expected behaviour;
 - b) the extent to which the Institute's students, staff, assets and reputation or third parties have been adversely impacted by the misconduct; or
 - c) any contributing, mitigating or aggravating factor.
19. Based on the evidence available the Academic Dean may:
 - a) modify or dismiss the charge;
 - b) counsel the student and issue a verbal warning;
 - c) require a written apology;
 - d) require the student to undergo training in relevant areas including Institute policies;
 - e) file a countersigned copy of the Incident Report Form on the student's file;
 - f) recommend that the matter be further considered by a Student Misconduct Panel (SMP).

Student Misconduct Panel

20. Where a decision is made to recommend the matter to an SMP, the Academic Dean will advise the student of:
 - a) the time, date and arrangements for a hearing which must allow for at least five working days' notice;
 - b) the allegation and any material relied upon in the decision to proceed to a hearing of an SMP;
 - c) their right to attend the hearing to present information and to have a support person present.



21. Membership of the SMP will consist of:
- the Academic Dean as Chair;
 - a senior member of the professional staff;
 - the Course Coordinator.

Outcomes, responses and penalties

22. As a result of the Hearing the SMP may:
- dismiss the allegation;
 - reach a finding of General or Major Misconduct and impose one or more penalties.

General Misconduct

23. Where it is determined that General Misconduct has occurred one of the following penalties may be imposed:
- issuance of a warning letter;
 - referral for counselling;
 - filing of a countersigned copy of the Incident Report Form in the student's file;
 - written apology;
 - a requirement for the student to undergo training in relevant areas including Institute policies;
 - exclusion of the student from a defined part of the campus or from Institute activities for a defined period;
 - any combination of the above.
24. Students will also be advised that this first offence has been entered on the Student Misconduct Register (SMR) and that any further breaches will be automatically deemed as Major Misconduct with associated penalties.

Major Misconduct

25. Where it is determined that a case of major misconduct has occurred one of the following penalties may be imposed:
- any of the penalties applicable to minor misconduct;
 - suspension or cancellation of the student's enrolment.

Notification

26. Within ten (10) days of any hearing the Academic Dean will advise the student in writing of:
- the outcome of the Hearing and penalties applied;
 - the reasons for the decision;
 - the student's right to appeal the decision up to 20 working days from the notification of outcome under the *Student Appeals Policy and Procedure*.
27. Where the student is an international student and the Institute intends to initiate a suspension or cancellation of their enrolment, the advice must include information advising that the suspension or cancellation may impact their student visa.
28. Where the finding is in favour of the student the matter will be deemed closed.



Readmission

29. Where a student may have received a penalty of exclusion or suspension for greater than a term of study, in order to be considered for re-enrolment, the student must first submit an application for re-admission for the next term of study. The outcome in these circumstances will be determined by the Teaching and Learning Committee.

Records

30. The SMR records all findings of any misconduct under this Policy and these records will form part of the Institute's disciplinary records and students' files. Where the Academic Dean or the SMP is satisfied that the allegation is unfounded no records will be kept.
31. When misconduct is found to have occurred, the following documentation will be maintained on the student's file (as applicable):
- the allegation notice sent to the student;
 - the student's response;
 - the notice of decision made by the Academic Dean and/or the SMP;
 - any student appeal;
 - any decision on the appeal made by the internal appeals body;
 - any outcome of the external appeal process.

Monitoring and improvement

32. The Institute collects de-identified data through the SMR on student misconduct, including by student cohorts. Student feedback is sought on their experience of student conduct and processes relating to the prevention of, and response to, misconduct.
33. The Institute uses the collected data to monitor trends in student misconduct.
34. The Executive Management Team monitors student misconduct matters on a monthly basis.
35. The Governing Council receives a quarterly report on student misconduct, including allegations, institutional response, and trends.
36. The Institute will improve its strategies for the prevention of, and response to, student misconduct based on the collected data, in particular the effectiveness of responses to breaches of the *Student Code of Conduct*.
37. The Institute will benchmark its performance against relevant sector data and will establish targets as appropriate.
38. The Academic Dean is responsible for making recommendation for improvement, including the need for targeted communication and educational campaigns.
39. The Governing Council receives an annual report on the adequacy and effectiveness of strategies for responding to student misconduct and approves recommendations for improvement as appropriate.

Appeals

40. A student may appeal against a decision made under this Policy under the provisions of the *Student Appeals Policy and Procedure*.



Responsibilities

41. All students and staff are responsible for familiarising themselves with the requirements of the *Student Code of Conduct* and this Policy.
42. The Academic Dean is responsible for:
 - a) initial assessment of allegations of misconduct;
 - b) investigating and determining allegations that do not require referral;
 - c) referring allegations to a Student Misconduct Panel where appropriate;
 - d) convening a Student Misconduct Panel and advising students of the outcome;
 - e) reporting to the Governing Council on a quarterly and annual basis on student misconduct cases;
 - f) making recommendations for improvement in Institute processes.



Associated information

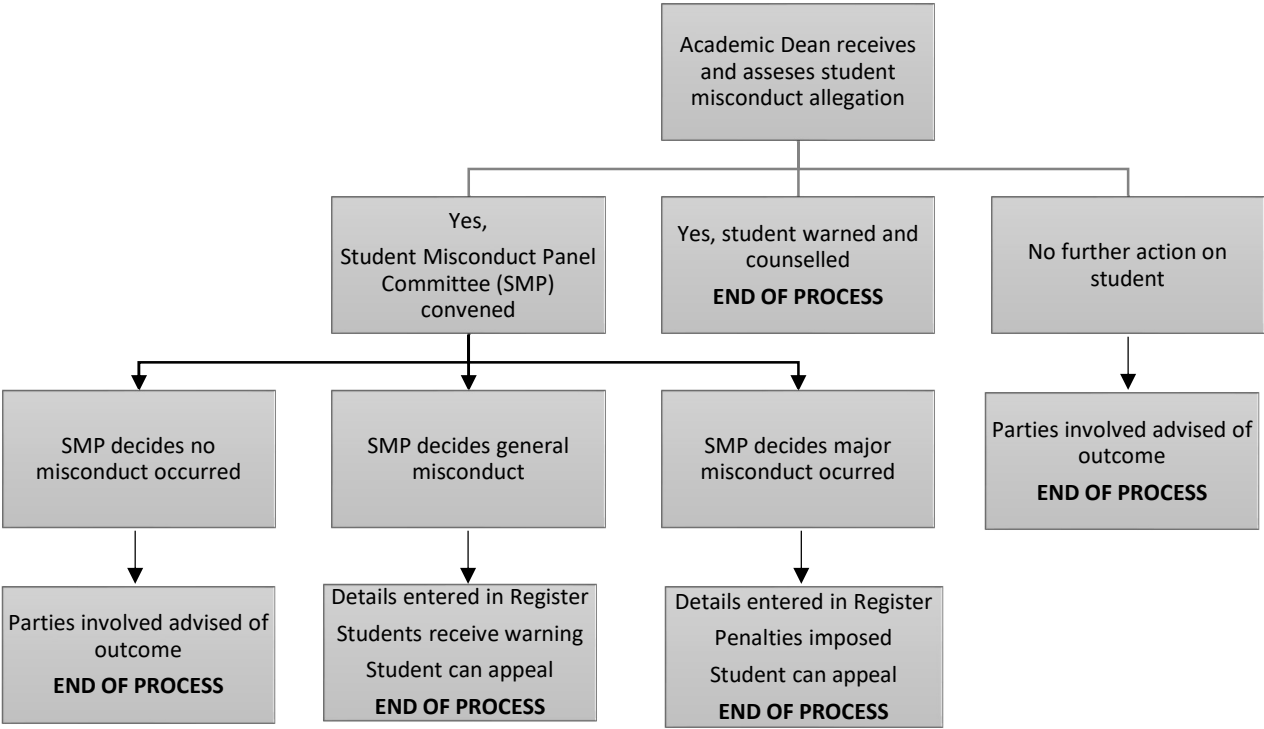
Approving body	Governing Council
Date approved	23 October 2020
Date of effect	Commencement of operation
Next scheduled review	Two years from when policy commence
Policy owner	Chief Executive Officer
Policy contact	Chief Executive Officer
Related AIIHE Documents	<i>Academic Integrity Policy and Procedure</i> <i>Student Equity and Diversity Policy and Procedure</i> <i>Quality Assurance Framework</i> <i>Records Management Policy and Procedure</i> <i>Sexual Harassment and Sexual Assault Prevention Policy and Procedure</i> <i>Student Code of Conduct</i> <i>Student Grievance Policy and Procedure</i>
Higher Education Standards Framework (Threshold Standards) 2015 (Cth)	Section 2.3 Section 2.4 Section 5.2 Standard 6.1.4 Standard 6.2.1 Standard 7.2.2 Standard 7.3.3
Other related external instruments/documents	Related Legislation <ul style="list-style-type: none"><i>Tertiary Education Quality and Standards Agency Act 2011 (Cth)</i><i>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</i> Good Practice Documents <ul style="list-style-type: none"><i>TEQSA Guidance Note: Corporate Governance</i>

Document history

Version	Author	Changes	Approval Date
1.0	Not applicable	Original version	23 October 2020

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Appendix 1: Student Misconduct Flowchart



Appendix 2 – Student Misconduct Penalties Matrix

Guidelines

Type and level of misconduct: Multiple or repeated incidents of misconduct may be viewed more seriously than a single offence and previous findings may be considered in the determination of an appropriate penalty.

Behaviours: The same types of behaviour that are considered breaches of the Code and associated policies may be treated differently depending on the seriousness of the offence.

Penalties: The range of available penalties is a guide only. Student Misconduct Panels may suggest other similar measures that are appropriate to the circumstances revealed by their investigations.

Type and level of misconduct	Example behaviours	Range of available penalties
Determined by Academic Dean		
No prior history and not deemed to be Major Misconduct	<ul style="list-style-type: none"> – any behaviour that breaches the Code and/or Institute policies that is not considered serious enough to convene a Student Misconduct Panel (eg smoking on campus) 	<ul style="list-style-type: none"> – counselling and a verbal warning – Incident Report Form in the student’s file – a written apology – training in relevant areas including Institute policies
Matters determined by a Student Misconduct Panel		
No prior history and a finding of General Misconduct	<ul style="list-style-type: none"> – behaviour which brings the Institute into disrepute – unduly offensive or disorderly behaviour – failure to comply with a reasonable direction by a member of the Institute staff – obstructing or interfering with the use of any Institute premises, facilities or equipment – unauthorised entry or tampering with Institute IT facilities – engaging in illegal or inappropriate or offensive 	<ul style="list-style-type: none"> – issuance of a warning letter – referral for counselling – Incident Report Form in the student’s file – entry on the Student Misconduct Register – a written apology – training in relevant areas including Institute policies – exclusion of the student from a defined part of the campus or from Institute activities for a defined



Type and level of misconduct	Example behaviours	Range of available penalties
	<ul style="list-style-type: none">use of the internet, social media, email or the Institute's network– disruption to teaching, assessment, examination or ceremony of the Institute, its governing bodies or other Institute activity, function or program– unauthorised or unjustified interference with the property of any person– engaging, or attempting to engage in, conduct which attacks, bullies, harasses, unlawfully vilifies, victimises, threatens or intimidates any person	<p>period</p> <ul style="list-style-type: none">– any combination of the above
Prior history and/or a finding of Major Misconduct	<ul style="list-style-type: none">– the use of physical violence against any person– wilfully damaging or stealing Institute property– engaging in criminal behaviour or behaviour that causes serious distress to members of the Institute community– committing any act or making any omission which has the capacity to endanger the safety or health of others where there is a serious risk of bodily harm– any type of fraud, including fraudulent representation of grades or awards for prior learning, including through the unauthorised use of the Institute name, seal or trademarks	<ul style="list-style-type: none">– any of the penalties applicable to minor misconduct;– suspension or cancellation of the student's enrolment.



Type and level of misconduct	Example behaviours	Range of available penalties
	<ul style="list-style-type: none">– tampering with and/or making a fraudulent representation involving any medical certificate– any other type of fraudulent documentation provided to the Institute in order to favour the student– bringing a weapon on to the campus, placement premises or site of any educational activity– any act or omission which leads to a conviction for a breach of State or Federal legislation in association with a member of the Institute community or that occurs on Institute property	