

# Student Misconduct Rule

The Board of Trustees of Western Sydney University makes the following rule under section 41 of the [Western Sydney University Act 1997](#) and the [Western Sydney University By-law 2017](#).

## Part A - Preliminary

### Name of Rule

(1) This is the Western Sydney University (Student Misconduct Rule) 2015.

### Commencement

(2) This Rule commenced on 1 January 2016.

### Purpose and Application

(3) This Rule applies to all students of the University and to students registered in a University Affiliate Program.

(4) This Rule applies to misconduct where a student has graduated from the University, and a notice of allegation has been sent to the student under Part B or Part C prior to conferral of an award and taking into account clause (73).

(5) Students must at all times act within the expectations set out in the [Student Code of Conduct](#) and other relevant University policies. They must not engage in any one or more of the following types of Misconduct:

- a. Academic Misconduct;
- b. Research Misconduct; or
- c. General Misconduct;
- d. including Misconduct that occurs:
  - i. within a student residence located on any property under the control of the University;
  - ii. during any activity associated with the University anywhere within or outside Australia, including any off-Campus activity, field work, placements or exchanges or internships with other education providers, institutions or organisations or while using online or social media services monitored or facilitated by the University, or online or social media services that are used by student cohorts;
  - iii. during any period of intermission from enrolment, including breaks in Teaching Terms, leave of absence or because of deferment, temporary exclusion or suspension;
  - iv. in any mode of delivery of educational services, including on-Campus, online or distance education mode, regardless of whether these are delivered directly by the University or by a University Affiliate; or
  - v. where the Respondent Student has otherwise consented to be bound by this Rule (including under any agreement).

(6) For the avoidance of doubt, where an outcome is agreed and/or imposed under the [Student Misconduct Rule - Inappropriate Behaviour Guidelines](#), that outcome does not constitute a finding of Misconduct under this Rule.

## Part B - Investigation

### Reporting Misconduct

(7) For the purposes of Part B of this Rule, any reference to an Authorised Officer includes a reference to a Senior Authorised Officer.

(8) Any person who reasonably suspects a student has engaged in misconduct may report it to any one or more of the following:

- a. any member of staff, who if not an Authorised Officer, must then refer it promptly to the appropriate Authorised Officer with power to investigate misconduct of the nature alleged;
- b. directly to the appropriate Preliminary Decision-Maker in accordance with Schedule 1; or
- c. in the case of research misconduct report the matter to the Dean, Graduate Studies and Researcher Development.

Note: Staff employed by a University Affiliate must ensure that the report is made to the appropriate Authorised Officer in accordance with Schedule 1 to the Rule.

(9) Following discovery or referral of alleged misconduct, the Authorised Officer must, as soon as possible, make a preliminary assessment of the allegation and do one of the following things as appropriate:

- a. dismiss the matter if the Authorised Officer considers there is no substance to it; or
- b. deal with the matter under the [Student Misconduct Rule - Inappropriate Behaviour Guidelines](#) or another policy of the University; or
- c. if the alleged misconduct appears to be Category 2 or 3 misconduct, refer it to the Office of Governance Services for investigation and hearing by a Student Misconduct Committee; or for admitted misconduct to the relevant Senior Authorised Officer; or
- d. conduct a preliminary investigation of the allegation in accordance with this Part.

### Preliminary Investigation

(10) An Authorised Officer conducting a Preliminary Investigation into Research Misconduct must do so in accordance with the Australian Code of the Responsible Conduct of Research, 2018, and the balance of clauses (10) to (17) does not apply to such a Preliminary Investigation.

(11) An Authorised Officer undertaking a Preliminary Investigation into Academic Misconduct or General Misconduct may make inquiries and otherwise inform themselves in such a manner as they think fit, and the balance of clauses (11) to (17) applies to such a Preliminary Investigation.

(12) An Authorised Officer may delegate to any member of University staff, including any staff of the Complaints Resolution Unit, the authority to undertake any task or tasks involved in a Preliminary Investigation, save and except for making a decision under clauses (13), (14), (15), or (18) of this Rule, which decision must be made personally by the relevant Authorised Officer.

(13) Once the Authorised Officer has satisfied themselves that their Preliminary Investigation is complete but for hearing from the Respondent Student, the Authorised Officer must either:

- a. dismiss the allegation(s) if the Authorised Officer considers there is no case to answer, or that the case to answer is so trivial or vexatious as not to warrant further action; or
- b. provide the Respondent Student with a reasonable opportunity to respond to the allegation(s), either in an interview or in writing.

(14) If the Authorised Officer determines that a Respondent Student should respond to the allegation(s) in an interview, the Authorised Officer must notify the Respondent Student of that fact in writing, and:

- a. outline the allegation(s) with sufficient particulars to enable the Respondent Student to understand the allegations made against them;
- b. outline the sanction or range of sanctions likely to apply if the alleged misconduct is admitted or proven;
- c. invite the Respondent Student to attend an interview to discuss the allegation(s) at a reasonable date and time nominated by the Authorised Officer;
- d. notify the Respondent Student that they may bring along a support person or an advocate to the interview, but subject to the requirements of clause (142) to (144);
- e. notify the Respondent Student that if they do not attend the interview or deny the allegation, then the allegation will be heard in accordance with Part C – Hearing; and
- f. give the Respondent Student a copy of, or an electronic link to this Rule.

(15) If the Authorised Officer determines that the matter should be decided on the papers, the Authorised Officer must notify the Respondent Student of that fact in writing, and:

- a. outline the allegation(s) with sufficient particulars to enable the Respondent Student to understand the allegation(s) made against them;
- b. provide the Respondent Student with a reasonable period to provide their written response;
- c. outline the sanction or range of sanctions likely to apply if the alleged misconduct is admitted or proven;
- d. notify the Respondent Student that if they admit the allegation and it is a Category 1 misconduct matter sanctions may be applied in accordance with Part E;
- e. notify the Respondent Student that if they do not respond to the notice within the time specified or deny the allegation, then the allegation will be heard in accordance with Part C – Hearing; and
- f. enclose a copy of, or an electronic link to, this Rule.

(16) At any interview with the Respondent Student, the Authorised Officer is to:

- a. ensure the Respondent Student has been given notice of the allegation(s), and has received all evidence relating to the allegation(s);
- b. identify the Respondent Student, including by requesting to sight an official University identification card;
- c. explain the allegation(s);
- d. in cases where the [Student Misconduct Rule - Inappropriate Behaviour Guidelines](#) apply, outline that if the allegation is admitted, the matter can be progressed under those guidelines;
- e. invite the Respondent Student to respond to the allegation(s) but explain they are not mandated to do so; and
- f. make a record of the interview having regard to clauses (140) and (141) of this Rule.

(17) The Authorised Officer does not have to interview, or give copies of any evidence to, the Respondent Student during a preliminary investigation if the Authorised Officer reasonably believes that this would:

- a. unreasonably compromise or undermine the integrity of an investigation; or
- b. cause the University to breach its obligations under any law or policy regarding privacy; or
- c. risk the health, safety or welfare of the Respondent Student, any witness or any other person involved in the investigation of the allegation.

(18) Once the Authorised Officer has provided the Respondent Student with a reasonable opportunity to respond to the allegation(s) in accordance with Part B of this Rule, the Authorised Officer is to consider the whole of the evidence and do one of the following, as appropriate:

- a. dismiss the allegation(s) if the Respondent Student's response provides new information that causes the Authorised Officer to determine that there is no case to answer, or the case to answer is vexatious; or
- b. take no further action if the Authorised Officer is satisfied that, when the whole of the evidence is taken into account, including the Respondent Student's response (if any) to the allegation(s), there is no reasonable prospect that a finding of misconduct will be made against the Respondent Student; or
- c. in cases where the [Student Misconduct Rule - Inappropriate Behaviour Guidelines](#) apply, arrange for the matter to be dealt with under those guidelines; or
- d. arrange for the matter to be dealt with under another University rule, policy or process, rather than the matter being dealt with as misconduct under this Rule; or
- e. if the Respondent Student has admitted the misconduct, as appropriate:
  - i. impose a sanction for Category 1 misconduct;
  - ii. agree on an outcome under the [Student Misconduct Rule - Inappropriate Behaviour Guidelines](#);
  - iii. if the Decision-Maker is a Senior Authorised Officer, impose a sanction in accordance with clauses (25) to (29) of this Rule including for Category 2 matters; or
  - iv. refer it to the Office of Governance Services for consideration as Category 2 or 3 misconduct; or
- f. in any other case:
  - i. if the Authorised Officer is satisfied on reasonable grounds that the alleged misconduct constitutes Category 1 misconduct – further investigate, hear and decide it in accordance with Part C – Hearing;
  - ii. if the Decision-Maker is a Senior Authorised Officer, and is satisfied on reasonable grounds that the alleged misconduct constitutes Category 2 General Misconduct, the Senior Authorised Officer may:
    - send a notice to the Respondent Student of that decision and invite them to provide their written consent to have a Senior Authorised Officer hear and determine the matter; and
    - if the Respondent Student provides that written consent – further investigate, hear and decide the matter in accordance with Part C – Hearing, or otherwise refer the matter to another Senior Authorised Officer who has responsibility under Schedule 1 for hearing and deciding Category 2 General Misconduct matters; or
  - iii. otherwise refer it to the Office of Governance Services to be managed in accordance with this Rule.

## Notice to Student

(19) Following a decision under clause (18), the Authorised Officer must notify the Respondent Student of the decision made, and, if imposing a sanction:

- a. advise the Respondent Student of the right to appeal under Part D – Appeals; and
- b. enclose a copy of, or an electronic link to, this Rule.

## Part C - Hearing

### Who Investigates, Hears and Decides Misconduct or Appeals

(20) Schedule 1 to this Rule sets out the persons that have the power to investigate, hear and decide misconduct and impose sanctions.

(21) For the avoidance of doubt, and subject to clauses (25) to (29) and clause (69), a Senior Authorised Officer is only able to hear and decide Category 2 General Misconduct or apply a Category 2 sanction in respect of such misconduct if the Respondent Student has provided their express written consent to that course of action, whether in accordance with clause 18(f)(ii) or otherwise.

(22) An allegation made against the Respondent Student may be withdrawn, in whole or in part, at any time after the

Respondent Student is sent a Notice of Preliminary Investigation but prior to sending the Respondent Student a notice or report under clauses (29) or (43) of this Rule but only if that Decision-Maker is satisfied that when the whole of the evidence is taken into account, including the Respondent Student's response to the allegation(s), there is no reasonable prospect that a finding of misconduct will be made against the Respondent Student.

## **Fresh or New Allegations**

(23) If a fresh or new allegation(s) is made against the Respondent Student at any time before a hearing commences, regardless of whether it is related to the original allegation(s), then the new allegation(s) may be heard and decided together with the original allegation at the discretion of the relevant Decision-Maker. However, the Respondent Student must first be sent:

- a. another Notice of Hearing containing the fresh allegation(s) that meets the requirements set out in clause (30); and
- b. an opportunity to be heard in relation to that new allegation(s) according to the procedure prescribed in this Part.

(24) If information is disclosed to the Decision-Maker during a hearing that may or does form the basis for a fresh or new allegation(s) of misconduct against the Respondent Student, then the Decision-Maker must either:

- a. hear and determine that fresh or new allegation(s) at that hearing, but only if:
  - i. the information constitutes an admission by the Respondent Student to misconduct other than the misconduct alleged in the Notice of Hearing; or
  - ii. in any other case, the Respondent Student consents to that course of action, or
- b. adjourn the hearing, and cause a fresh Notice of Hearing to be served on the Respondent Student that includes the fresh or new allegation(s).

## **Admissions of Misconduct**

(25) A Respondent Student may, at any time before a hearing commences, admit an allegation of misconduct and, if so, must be given a reasonable opportunity to make an oral or written statement about any sanction to be imposed by the Authorised Officer or Senior Authorised Officer.

(26) Subject to clause (27) of this Rule, if a Respondent Student admits all allegations of misconduct (or facts giving rise to those allegations) before a hearing commences, the sanction will be decided by:

- a. if Category 1 misconduct, the Authorised Officer, Senior Authorised Officer or Committee investigating or hearing the allegation; or
- b. if Category 2 misconduct, a Senior Authorised Officer or a Committee; or
- c. if Category 3 misconduct, the Board of Trustees.

(27) If a Respondent Student admits all allegations of misconduct (or facts giving rise to those allegations) at any time before or during a hearing, and the allegations of misconduct are of such a nature that they are capable of being dealt with under the [Student Misconduct Rule - Inappropriate Behaviour Guidelines](#), the relevant Decision-Maker may arrange for the matter to be dealt with under those guidelines.

(28) If a Respondent Student admits to only some of the allegations of misconduct (or facts giving rise to those allegations) before a hearing commences, then:

- a. if the alleged misconduct constitutes Category 1 misconduct and the Authorised Officer, Senior Authorised Officer, or Committee who will hear and decide the allegation is satisfied on reasonable grounds that the

Respondent Student has admitted a substantial part of the allegation(s), they may impose a Category 1 sanction in respect of the admitted allegations, and either:

- i. subject to clause (22) of this Rule, withdraw the balance of the allegations; or
  - ii. hear and determine the balance of the allegations in accordance with this Part; or
- b. if the alleged misconduct constitutes Category 2 misconduct, a Senior Authorised Officer or a Committee is yet to make any decision under clause (18), and that Decision-Maker is satisfied on reasonable grounds that the Respondent Student has admitted a substantial part of the allegation(s), a Senior Authorised Officer or a Committee may either:
- i. impose a Category 1 or 2 sanction in respect of the admitted allegations, and either:
    - subject to clause (22) of this Rule, withdraw the balance of the allegations; or
    - hear and determine the balance of the allegations in accordance with this Part; or
  - ii. determine that the matter proceed to be heard and decided in accordance with this Part.

(29) The Decision-Maker must notify the Respondent Student of the final sanction imposed, and the notice must include:

- a. a general description of the misconduct (or facts giving rise to the allegation of misconduct) admitted by the Respondent Student;
- b. details of any sanction imposed;
- c. a statement of reasons for imposing that sanction;
- d. except where a Category 3 sanction is imposed by the Board of Trustees, a statement that the Respondent Student has a right to appeal that sanction under Part D – Appeals; and
- e. a copy of, or an electronic link to, this Rule.

## **Notice of Hearing**

(30) At least 10 business days before hearing an allegation of misconduct, the Respondent Student must be sent a notice that:

- a. gives sufficient particulars of the allegation to enable the Respondent Student to provide a response;
- b. subject to clause (31), include all relevant evidence being considered;
- c. states the date, time and place for the hearing;
- d. includes statements to the following effect:
  - i. that if the Respondent Student admits the allegation, sanctions may be applied in accordance with Part E – Respondent Student;
  - ii. that the Respondent Student may produce evidence, or call witnesses during the hearing;
  - iii. that if the Respondent Student does not produce certain evidence or call certain witnesses during the hearing, and that evidence or witnesses are known or reasonably available to the Respondent Student at the date of the hearing, then the Respondent Student will not be permitted to later rely on that evidence in any appeal;
- e. the Respondent Student may bring along a support person or an advocate to the hearing, but subject to the requirements of clauses (142) to (144); and
- f. if the Respondent Student does not attend the hearing without reasonable excuse, then the allegation will be heard and decided in the Respondent Student's absence; and
- g. encloses a copy of, or an electronic link to, this Rule.

(31) A Notice of Hearing must include copies of any evidence about the allegation then available. Any available evidence may be excluded or redacted if disclosure at that time could unreasonably:

- a. compromise the integrity of the investigation of the alleged misconduct; or
- b. cause the University to breach its obligations under any law or policy regarding privacy; or
- c. place the health, safety or welfare of any person, including any witness, at risk.

(32) If allegations or particulars to allegations contained within a Notice of Hearing need to be amended, the Respondent Student must be sent a fresh notice that complies with clause (30).

(33) Nothing in this clause prevents a Respondent Student requesting an earlier hearing date or agreeing to the 10-day notice period being reduced, provided that the Respondent Student's written consent is obtained.

## **Requirements at Hearing**

(34) At any hearing of an allegation of misconduct, the Authorised Officer, Senior Authorised Officer or Committee must:

- a. ensure that the Respondent Student has been given Notice of the Hearing under clause (30);
- b. confirm that the Respondent Student has received and understood the relevant evidence that relates to the allegation giving regard to clause (31);
- c. identify the Respondent Student, including by requesting to sight the Respondent Student's official University identification card;
- d. confirm whether the Respondent Student admits, does not admit, or denies the allegation;
- e. give the Respondent Student a reasonable opportunity to respond to the allegation and any evidence, and to present their own evidence or give any statements;
- f. consider all available evidence about the allegation and make findings of fact based on any relevant evidence;
- g. decide whether any or all of the allegation(s) are proven on the balance of probabilities, and:
  - i. if so, decide what, if any, sanction should be imposed in respect of the proven allegation(s); and/or
  - ii. if not, dismiss the allegation(s) and take no further action.

(35) At a hearing, a Respondent Student is entitled to a reasonable opportunity to:

- a. call witnesses to give evidence on their behalf;
- b. respond to any evidence;
- c. present any evidence or give oral or written statements or submissions; and
- d. subject to clauses (37) to (40) and any Guidelines, question witnesses.

(36) Any hearing conducted under Part C may be recorded in any form in accordance with clauses (140) to (144) of this Rule.

## **Questioning Witnesses**

(37) There is no automatic right for a Respondent Student to cross-examine witnesses in proceedings under this Rule. Questioning of witnesses may be permitted by an Authorised Officer, Senior Authorised Officer, or the Chair of a Committee subject to this clause or any other provision of this Rule or related guideline.

(38) A Respondent Student or, if applicable, their advocate may only question witnesses:

- a. directly, with the permission of the Authorised Officer, Senior Authorised Officer, or Chair of a Committee; or
- b. through the Authorised Officer, Senior Authorised Officer, or the Chair of a Committee.

(39) The Authorised Officer, Senior Authorised Officer, or the Chair can, if appropriate, direct that witnesses may only

be questioned using some form of telecommunications (such as video conferencing) and with or without the Respondent Student being present. If this occurs, the Respondent Student must be given details of the substance of that witness' evidence and a reasonable opportunity to respond to that evidence before any finding is made.

(40) The Authorised Officer, Senior Authorised Officer, or Chair can direct that questioning of a witness cease, or continue in an alternative form contemplated in clause (39), if the Decision-Maker is satisfied on reasonable grounds that:

- a. the witness is being subjected to irrelevant or unreasonable questions; or
- b. there appears to be a risk to the health, safety or welfare of that witness.

## **Failure of Student to Attend Hearing or Respond to Notice and Adjournments Generally**

(41) A hearing must proceed to its conclusion if the Respondent Student does not attend the hearing without reasonable excuse.

(42) The Authorised Officer, Senior Authorised Officer, or Chair has discretion to adjourn a hearing or extend a deadline for a short period of time, if the Decision-Maker is satisfied that doing so is reasonable to do so in the circumstances.

## **Decision and Report**

(43) Following a hearing, the Authorised Officer, Senior Authorised Officer, or Committee must:

- a. dismiss the allegation if satisfied that the allegation is:
  - i. not proven on the balance of probabilities; or
  - ii. so trivial as not to warrant imposing a sanction; or
- b. find that the allegation is proven on the balance of probabilities and, as appropriate:
  - i. take no further action;
  - ii. if an Authorised Officer, impose a Category 1 sanction;
  - iii. if a Senior Authorised Officer, impose a Category 1 sanction, or for admitted misconduct impose a Category 2 sanction;
  - iv. if a Committee, impose a Category 1 sanction, a Category 2 sanction or, where clause (74) applies, recommend to the Board of Trustees that a Category 3 sanction be imposed.

(44) The Authorised Officer, Senior Authorised Officer, or Committee is to prepare and send the Respondent Student a report that sets out:

- a. the findings of fact;
- b. a summary of the evidence on which those findings of fact are based;
- c. whether the allegation is dismissed or any finding of misconduct made;
- d. any applicable sanction(s);
- e. a statement of reasons; and
- f. the availability of any internal appeal from the decision.

(45) A decision (including any sanction) takes effect immediately from the date on which the report is sent to the Respondent Student, subject to any appeal.

(46) If a Respondent Student withdraws from any relevant Subject or Program after being served with a Notice of Preliminary Investigation then the relevant Decision-Maker may proceed to investigate, hear, and determine the



allegation(s) in accordance with Part B – Preliminary Investigation and Part C – Hearing.

## Part D - Appeals

(47) A Respondent Student may appeal to an Appeals Committee against a finding of misconduct or the imposition of a Category 1 sanction or Category 2 sanction on one or more of the following grounds:

- a. that the finding of misconduct was made in breach of the requirements of procedural fairness or of a material requirement of this Rule;
- b. that there is new or fresh evidence that is relevant to the original finding(s) of misconduct and that evidence was not known or reasonably available to the Respondent Student before the finding of misconduct was made and could reasonably be expected to affect the finding of misconduct or the sanction imposed; or
- c. that the sanction imposed is:
  - i. inconsistent with Part E – Sanctions for Misconduct; and/or
  - ii. excessive and out of proportion to the misconduct, taking into account any current and relevant Guidelines.

(48) There is no internal appeal available from:

- a. an outcome imposed under the [Student Misconduct Rule - Inappropriate Behaviour Guidelines](#); or
- b. a decision to recommend imposition of, or to impose, a Category 3 sanction.

### Lodging an Appeal

(49) A Respondent Student must lodge an appeal with the Office of Governance Services no later than 20 business days following notification of a finding made or sanction imposed for misconduct.

(50) At the time the Respondent Student lodges an appeal, they must specify:

- a. the finding or sanction under appeal;
- b. the ground(s) of appeal under clause (47); and
- c. if the appeal is made under clause (47)b., details and copies of any new or fresh evidence.

(51) The Director, Governance Services may refuse to accept an appeal if they are satisfied on reasonable grounds that:

- a. the appeal does not articulate any arguable Ground of Appeal set out in clause (47) of this Rule; or
- b. the appeal was not lodged within the time period set out in clause (49) of this Rule.

### Appeals Procedures

(52) The Appeals Committee:

- a. must hold a hearing for an appeal where a ground of appeal is on the basis of new or fresh evidence; or
- b. may, in its discretion, hold a hearing or decide the appeal on papers for an appeal that does not involve new or fresh evidence.

(53) At least 10 business days before hearing an appeal, the Respondent Student must be sent a notice that:

- a. specifies the date, time and place for the hearing;
- b. includes statements to the effect that:

- i. the Respondent Student may bring along a support person or an advocate to the hearing, but subject to the requirements of clauses (142) to (144); and
- ii. if the Respondent Student does not attend the hearing without reasonable excuse, then the allegation will be heard and decided in the Respondent Student's absence; and
- iii. encloses a copy of, or an electronic link to, this Rule.

(54) At least 10 business days before deciding an appeal on the papers, the Respondent Student must be sent a notice that:

- a. states that the appeal will be decided on the papers; and
- b. includes all relevant evidence being considered giving regard to clause (55);
- c. invites the Respondent Student to make any further written submissions in support of the appeal by a deadline not less than 3 business days from the date of the hearing; and
- d. includes a statement that the Appeals Committee will proceed to decide the appeal if the Respondent Student does not respond within that time; and
- e. includes copies, or an electronic link of this Rule.

(55) Any evidence gathered may be excluded or redacted if disclosure at that time could unreasonably:

- a. compromise the integrity of the investigation of the alleged misconduct; or
- b. cause the University to breach its obligations under any law or policy regarding privacy; or
- c. place the health, safety or welfare of a person, including any witness at risk.

(56) Any hearing conducted under Part D must be recorded in any form in accordance with clauses (140) to (141) of this Rule.

(57) An appeal must proceed to its conclusion if the Respondent Student does not:

- a. attend the hearing without reasonable excuse; or
- b. respond to a notice given under clauses (53) and/or (54) within the specified deadline.

(58) If a Respondent Student withdraws an appeal before the Appeals Committee decides it, then:

- a. the appeal shall be deemed to be dismissed; and
- b. the original decision (including any sanction) shall stand.

## **Appeal Decision**

(59) The Appeals Committee must limit its inquiry to:

- a. the grounds of appeal specified in the notice of appeal and in accordance with clause (47); and
- b. any errors made by the original Decision-Maker that are identified by the Appeals Committee in its investigation or hearing of the appeal, provided that such error constitutes a material breach of the requirements of this Rule.

(60) For appeals involving a ground of new or fresh evidence, the Appeals Committee is to:

- a. decide whether that ground is made out; and
- b. if so, consider and decide the allegation afresh, taking into account that new or fresh evidence, and make a finding on the balance of probabilities; or

c. if that ground is not made out, dismiss the appeal.

(61) For appeals on any other ground, the Appeals Committee must:

- a. dismiss the appeal if the ground is not made out; or
- b. uphold the appeal (in whole or in part) if:
  - i. a ground of appeal is made out; and
  - ii. the original finding of misconduct should be varied or set aside; or
  - iii. the original sanction should be substituted for a more appropriate sanction.

(62) If the Appeals Committee dismisses an appeal, then the original finding of misconduct and decision to impose a sanction will stand.

(63) If the Appeals Committee upholds an appeal, it must either:

- a. substitute its own finding and, if applicable, set aside or vary any decision regarding a sanction (in which case the Appeals Committee will have all of the powers held by the original Decision-Maker); or
- b. decide that the original finding or decision regarding a sanction should not be set aside or varied, despite upholding the appeal, and confirm that finding or sanction.

(64) Any appeal must be decided on the basis of:

- a. the material and evidence that was before the original Decision-Maker;
- b. where a ground of appeal is made under clause (45)b., any fresh or new evidence submitted by the Respondent Student; and
- c. any submissions of the Respondent Student or of the University concerning the appeal.

## **Notification of Outcome of Appeal**

(65) The Appeals Committee is to prepare and send to the Respondent Student a report that sets out:

- a. its findings and decision (including any sanctions) on the appeal;
- b. a summary of the evidence or submissions on which its decision is based;
- c. a statement of reasons; and
- d. if the Respondent Student is an overseas student, any avenues of external review or appeal available to the student in accordance with the [National Code 2018](#) enacted under the [Education Services for Overseas Students Act 2000 \(Cth\)](#) (as amended); or
- e. if the Respondent Student is a domestic student, information on how the student may obtain advice or assistance regarding any avenues of external review or appeal available to the student in accordance with domestic law.

(66) The decision of the Appeals Committee takes effect immediately from the date on which it sends its report to the student.

## **No Further Internal Appeal Available**

(67) There is no further avenue of internal review or appeal following completion of an appeal under this Part D – Appeals.

## Part E - Sanctions for Misconduct

(68) There are three categories of sanctions that may be imposed for misconduct by the relevant Decision-Maker as specified in Schedule 1 to this Rule.

(69) Nothing in this Rule prevents a Senior Authorised Officer or a Committee applying Category 1 sanctions for findings of Category 2 misconduct.

(70) Non-compliance with imposed sanctions constitutes Category 2 misconduct and may be heard and determined by a Senior Authorised Officer in accordance with Part C – Hearings upon referral from the Director, Governance Services, who may also dispense with the requirement to conduct a Preliminary Investigation under Part B – Investigation.

### Category 1 Sanctions

(71) A Category 1 sanction is any one or more of the following:

- a. a reprimand;
- b. amendment of a mark and/or grade for a Subject or assessment:
  - i. by reducing the mark, including to zero; and/or
  - ii. to a “Fail”; and/or
  - iii. to a “Practicum Fail” for an assessment task, examination or final grade
- c. a direction to pay up to \$500.00 for repair or replacement of damaged or lost property;
- d. a direction to give an apology;
- e. a direction not to approach, contact or attempt to contact a staff member or another student, but only to the extent that this does not unreasonably interfere with the Respondent Student's ability to attend classes or undertake their studies for a period of up to the greater of 6 months or one Teaching Term;
- f. a direction to undertake a short course or instructive program, or other training that is considered appropriate that addresses the conduct that was the subject of the allegations;
- g. a direction that the Respondent Student gives a written undertaking to not repeat or continue the behaviour or activity that is the subject of the finding of misconduct;
- h. exclusion or deferral from undertaking or completing a placement, practicum or other form of professional experience for the whole or any part of one Teaching Term;
- i. restricted or conditional access to or use of any Campus (including buildings and the shuttle bus service), facilities or services for a period of up to the greater of 6 months or one Teaching Term;
- j. temporary exclusion for a period of up to the greater of 6 months or one full Teaching Term from a:
  - i. specified Subject;
  - ii. Program or research degree; or
  - iii. from undertaking a specified activity (including research or field work, a placement or other form of professional experience) in connection with a Program or research degree,
- k. in the case of a year-long Subject, temporary exclusion for the period of that Subject;
- l. restriction or variation to enrolment and/or Subject registration including tutorials and lectures.

### Category 2 Sanctions

(72) A Category 2 sanction is any one or more of the following:

- a. temporary exclusion for a period of up to the greater of two years or four Teaching Terms from a:
  - i. specified Subject;
  - ii. Program or research degree; or

- iii. from undertaking a specified activity (including research or field work, a placement or other form of professional experience) in connection with a Program or research degree;
- b. permanent exclusion from a specified Program;
- c. a direction to pay a specified amount for reasonable costs of repair or replacement of damaged or lost property;
- d. restricted or conditional access to or use of any Campus (including buildings), facilities or services for a period of up to the greater of two years or four Teaching Terms;
- e. suspension for a period of up to two years;
- f. expulsion;
- g. if a Respondent Student is already eligible for conferral of an award, deferral or non-conferral of that award;
- h. block on issuing of transcript of academic record or release of results for Subject/s.

(73) The following types of misconduct are automatically characterised as Category 2 misconduct:

- a. misconduct involving a Sexual Offence;
- b. other types of assault;
- c. misconduct involving serious harassment, victimisation, vilification or bullying;
- d. misconduct involving motting, hazing or similar activities;
- e. misconduct involving unauthorised access to personal information of others or University systems or data;
- f. a failure to comply with a Temporary Restriction Order or Suspension Order;
- g. any other matter as prescribed by this Rule.

### **Category 3 Sanctions**

(74) A Category 3 sanction is the revocation of an award conferred on the Respondent Student. For the purposes of this Rule, it can be imposed for misconduct where a student has graduated from the University and if a notice of allegation has been issued under Part B or Part C prior to the conferral of the award. Otherwise, the matter is to be investigated and dealt with under the [Revocation of Awards Rule](#).

(75) A Category 3 sanction, in respect of misconduct dealt with under this Rule, may only be imposed by the Board of Trustees. A Category 3 sanction may be recommended to the Director, Data Integrity, Quality and Operations following findings made by either a Student Misconduct Committee, Appeals Committee or a Senior Authorised Officer at the conclusion of proceedings under this Rule.

(76) The provisions of Part - E of the [Revocation of Awards Rule](#) apply to Category 3 sanctions.

### **Minimum Sanctions for Certain Types of Misconduct**

(77) For all findings involving the following types of misconduct, where it is the first occasion the Respondent Student has been found to have engaged in misconduct of that type, unless the Authorised Officer, Senior Authorised Officer, or Student Misconduct Committee is satisfied on reasonable grounds that there are relevant mitigating factor, including Exceptional Circumstances that warrant a lesser sanction, then the following sanctions apply as a minimum:

- a. for misconduct involving a Sexual Offence – suspension for 1 year;
- b. for other types of assault – suspension for 6 months;
- c. for misconduct involving serious harassment, victimisation, vilification, or bullying – suspension for 6 months;
- d. for misconduct involving motting, hazing or similar activities – suspension for 6 months;
- e. for misconduct involving unauthorised access to personal information of others or University systems or data – suspension for 6 months;
- f. for misconduct involving fraudulent conduct, including falsification or fabrication of documents submitted under

declaration to the University:

- i. a fail grade and a reduction of a mark to zero for the Subject that relates to the misconduct; and
- ii. temporary exclusion from the Subject to which the conduct relates.

(78) For all findings involving the following types of misconduct where it is not the first occasion in which the Respondent Student has been found to have engaged in misconduct of that type, unless the Authorised Officer, Senior Authorised Officer, or Student Misconduct Committee is satisfied on reasonable grounds that there are Exceptional Circumstances that warrant a lesser sanction, then the following sanctions apply as a minimum:

- a. for misconduct involving a Sexual Offence – expulsion;
- b. for other types of assault – expulsion;
- c. for misconduct involving serious harassment, victimization, vilification, or bullying – expulsion;
- d. for misconduct involving motting, hazing or similar activities – expulsion;
- e. for misconduct involving unauthorised access to personal information of others or University systems or data – expulsion;
- f. for misconduct involving fraudulent conduct, including falsification or fabrication of documents submitted under declaration to the University:
  - i. a fail grade and a reduction of a mark to zero for the Subject that relates to the misconduct; and
  - ii. if it is the second proceedings in which the Respondent Student has been found to have engaged in that conduct – suspension for 12 months; or
  - iii. if it is the third (or subsequent) proceedings in which the Respondent Student has been found to have engaged in that conduct – expulsion.

(79) Nothing in clauses (77) and (78) prevents the imposition of a more severe sanction under this Rule.

(80) For the avoidance of doubt, a Respondent Student engages in only one occasion of misconduct of a certain type for the purposes of clauses (77) and (78), in circumstances where:

- a. the Respondent Student has admitted to only some of the allegations of misconduct (or facts giving rise to those allegations) made against them;
- b. a Decision-Maker has, in accordance with clause (28) of this Rule, imposed a sanction in respect of that admitted misconduct; and

all or part of the allegations of misconduct that were not admitted have been heard and determined in accordance with Part C – Hearing, resulting in further findings of misconduct against the Respondent Student.

### **Restrictions or Conditions following Temporary Exclusion or Removal**

(81) Any readmission to the University or a Program following temporary exclusion or suspension is subject to any:

- a. applicable criteria for admission or entry to the University or that Program at the time of readmission; and
- b. if applicable, conditions or restrictions specified in the decision including demonstrated compliance with any sanction imposed.

### **Suspended Sanctions**

(82) A Decision-Maker may, after obtaining advice from the Office of General Counsel, impose a sanction that is suspended with or without conditions.

(83) A Respondent Student may be required to comply with one or more conditions of suspending a sanction:

- a. Examples of conditions may include but not limited to:
- i. to undertake to do or not to do something to minimise risk of further misconduct or to the health, safety and welfare of any person, such as restrictions on communications or interactions with another person;
  - ii. to undertake counselling, training or other remedial action;
  - iii. to apologise either verbally or in writing to any person aggrieved by the Respondent Student's misconduct;
  - iv. to contact or report to a specified person, such as an Academic Program Advisor or other relevant person, at specified intervals.

(84) If the Respondent Student fails to comply with a condition imposed under clause (83), then the full sanction will apply and take effect immediately when the University gives the Respondent Student notice to that effect.

### **Effective Date**

(85) The effective date of a sanction may be adjusted, backdated or delayed to take account of:

- a. the start or finish of a Teaching Term;
- b. the length of any previous summary Temporary Restriction or Suspension Order made in relation to the Respondent Student for the misconduct; or
- c. any other factor considered by the Authorised Officer, Senior Authorised Officer or the Student Misconduct Committee including if there are any Extenuating Circumstances considered relevant to the effective date of a sanction pursuant to clause (86).

### **Matters to be Taken into Account**

(86) Subject to clause (73), a sanction must be proportionate to the type and circumstances of the misconduct, and take into account the following:

- a. the nature, frequency, and seriousness of the misconduct;
- b. any previous record of misconduct against the Respondent Student, including sanctions or penalties imposed and the Respondent Student's compliance with any sanctions or penalties imposed;
- c. the timing of any admission of misconduct by the Respondent Student;
- d. any relevant mitigating factors, including any Exceptional Circumstances;
- e. the objective of preventing future incidences of misconduct;
- f. the objective of protecting the University community and the good governance and reputation of the University;
- g. any University policies, conventions or guidelines relating to standards of behaviour (including academic honesty and integrity) expected of students.

(87) Any sanction imposed under this Rule in relation to conduct that occurred within a student residence does not affect or preclude any other action concerning the Respondent Student's continued occupancy of or access to that student residence.

### **Effect of Sanctions**

(88) The effect of a Category 3 sanction (to revoke an award) is described in the [Revocation of Awards Rule](#).

(89) A sanction to not confer or to defer conferral of an award means the Respondent Student will not be permitted to graduate from their award Program either during the deferral period or at all.

(90) For the avoidance of doubt, in circumstances where a sanction imposed is limited a change to a Respondent Student's mark for an assessment and not the entire Subject, subject to any requirements, limitations, or exclusions

set out in the relevant policies, that sanction does not disentitle the Respondent Student from making any applications under the following policies entitled to the provisions under:

- a. the University's [Assessment Procedures - Review of Grade](#);
- b. the University's [Assessment Policy](#) in respect of supplementary assessments; and
- c. the University's [Enrolment Policy](#) in respect to withdrawal without academic penalty and is limited to the remission of debt only.

(91) A sanction to expel a student means that:

- a. the Respondent Student's current enrolment will be cancelled immediately and any fees paid for that enrolment period may be forfeited subject to the [Student Fees Policy](#).
- b. the Respondent Student can never be re-admitted or enrolled in any Program, registered in any Subject or other curriculum element at the University;
- c. the Respondent Student is not permitted to come onto any University lands or use any of its facilities for any reason;
- d. the expulsion will be recorded on the Respondent Student's internal and external academic transcript records permanently.

(92) A sanction to exclude a student, either permanently or for a specified period of time, from a Program of study at the University means as follows:

- a. the Respondent Student's current Program enrolment will be terminated immediately and any fees paid for that enrolment period may be forfeited subject to the [Student Fees Policy](#);
- b. the Respondent Student will not be permitted to enrol in or graduate from their Program, either for the period of exclusion or at all (as the case may be);
- c. the Respondent Student is not permitted to seek a supplementary assessment or apply for a review of grade for the Subject affected by the misconduct;
- d. the Respondent Student is not permitted to come onto any University lands or use any of its facilities subject to any conditions placed on the exclusion by the Student Misconduct Committee or the Senior Authorised Officer allowing access to specific services or facilities;
- e. the exclusion will be recorded on the Respondent Student's University record;
- f. the exclusion will be recorded on the Respondent Student's internal transcript and on the external academic transcript for the period of exclusion (whichever applies);
- g. if an exclusion is for a specified period of time, the Respondent Student will be required to re-apply for admission to their award Program and comply with any conditions applicable for re-admission at the end of the exclusion period (including any conditions imposed as part of the sanction);
- h. the Respondent Student will not be permitted to apply for, and will be ineligible to receive credit for prior learning for any studies undertaken during the exclusion period.

(93) A sanction to temporarily exclude a student for a specified period of time from a Subject(s) at the University means as follows:

- a. the Respondent Student's current registration in that Subject will be terminated immediately and any fees paid for that enrolment period may be forfeited subject to the [Student Fees Policy](#);
- b. the Respondent Student is not permitted to seek a supplementary assessment or apply for a review of grade for the Subject affected by the misconduct;
- c. the Respondent Student will not be permitted to register in the Subject(s) for the exclusion period;
- d. the exclusion will be recorded on the Respondent Student's internal and external academic transcript records



for the period of exclusion;

- e. the exclusion will be recorded on the Respondent Student's University record permanently;
- f. the Respondent Student will not be permitted to apply for, and will be ineligible to receive credit for prior learning for any studies undertaken during the exclusion period in lieu of the affected Subject(s).

(94) A sanction to suspend a student means as follows:

- a. the Respondent Student's current enrolment will be terminated immediately and any fees paid for that enrolment period may be forfeited subject to the [Student Fees Policy](#);
- b. the Respondent Student will not be permitted to enrol in or graduate from their Program, for the period of suspension;
- c. the Respondent Student is not permitted to come onto any University lands or use any of its facilities, including the shuttle bus service, for any reason;
- d. the suspension will be recorded on the Respondent Student's internal and external academic transcript records for the period of suspension;
- e. the Respondent Student will not be permitted to apply for, and will be ineligible to receive credit for prior learning for any studies undertaken during the suspension period.

(95) A sanction that a 'fail grade' to be applied to a Subject means as follows:

- a. any fees paid by the Respondent Student for that Subject may be forfeited subject to the [Student Fees Policy](#); and
- b. any change of grade following a withdrawal without academic penalty is subject to the requirements of the University's [Enrolment Policy](#) and is limited to the remission of debt only.

(96) An Authorised Officer, Senior Authorised Officer or a Student Misconduct Committee may impose conditions on any sanction that deals with any of the matters outlined in this clause.

(97) An Authorised Officer, Senior Authorised Officer or a Student Misconduct Committee may amend the effect of any sanction as outlined if there are any Extenuating Circumstances considered relevant to the imposition of the sanction pursuant to clause (86).

## **Part F - Committee Constitution**

### **Convening and Constitution**

(98) All Committees shall be convened by the Director, Governance Services and should be gender diverse.

(99) Except for external members, Committee members must be selected from the members of the relevant Student Misconduct Panel.

(100) Each Committee is to comprise three members:

- a. at least one of whom must be an academic staff member from the Student Misconduct Panel;
- b. one of whom must be a student from the Student Misconduct Panel;
- c. one of whom may be a professional staff member from the Student Misconduct Panel where the allegation relates to general misconduct only; and
- d. one of whom may be an external person appointed under clause (101).

## External Members

(101) The Director, Governance Services may appoint one external member to a Committee as follows if it is considered appropriate in the circumstances of the proceedings:

- a. a person who is admitted as an Australian legal practitioner for a minimum of seven years or who holds or has previously held office as a judicial or tribunal member anywhere in Australia; or
- b. a senior academic from another university, who is from the same or similar discipline as the Respondent Student, and who is not involved in supervising or examining the Respondent Student.

## Quorum

(102) The quorum for any Committee is two members, one of whom must be:

- a. the Chair; or
- b. if the Chair is an external person appointed under clause (101):
  - i. that Chair; and
  - ii. one academic staff member.

## Disqualifications and Casual Vacancies

(103) A person is disqualified from appointment to a Committee if that person:

- a. is a witness in any proceedings or appeal before that Committee;
- b. is from the same School in which the Respondent Student is enrolled;
- c. has been involved in reporting, investigating, deciding or giving advice or recommendations about the allegation or appeal before that Committee; or
- d. otherwise declares a conflict of interest to the Director, Governance Services.

(104) Subject to clause (105) a person ceases to be a member, or is disqualified from membership of, a Committee if that person:

- a. if appointed as a staff member, ceases to be a staff member of the University for any reason;
- b. if appointed as a student, ceases to be a student for any reason;
- c. if that person's appointment is revoked by the Director, Governance Services for any reason;
- d. resigns from the Committee; or
- e. dies.

(105) A person appointed to a Committee from a Student Misconduct Panel may continue as a member of the Committee if, after the hearing or consideration of a matter commences, they:

- a. ceases to be a member of the relevant Student Misconduct Panel; or
- b. has completed the requirements of their degree or graduated from the University.

(106) If a vacancy on a Committee occurs after that Committee begins to hear or consider a matter, but before it makes a decision, then the Director, Governance Services, in consultation with the remaining Committee members, shall decide as follows, taking into account what is convenient and fair in the circumstances:

- a. to direct the remaining members to hear and decide the allegation or appeal, as long as there is a quorum;
- b. to appoint a replacement member; or

- c. to dissolve that Committee and convene a new Committee.

## **Chair**

(107) The Chair of a Committee is to be:

- a. an academic staff member designated by Director, Governance Services; or
- b. if one is appointed, the external member appointed under clause (101).

(108) The Chair:

- a. has power to make any decision or give a direction in relation to procedural matters, including to adjourn a hearing or extend a deadline, in addition to any other powers or functions specified in this Rule; and
- b. does not have a casting vote if there is an equality of votes.

## **Part G - Temporary Restriction Orders**

(109) A Temporary Restriction Order may be summarily imposed on a Respondent Student:

- a. where the circumstances warrant immediate or urgent action; and
- b. where that Respondent Student's conduct is unreasonably:
  - i. antisocial; or
  - ii. disruptive or a threat to others or to the academic or business activities or systems of the University; or
- c. in respect of any conduct by that Respondent Student for which a Suspension Order may be made under Part H – Suspension Orders.

### **Who may Impose**

(110) The Authorised Restriction Officers designated in Schedule 2 have power to summarily impose Temporary Restriction Orders as specified in Schedule 2.

### **Procedure**

(111) A Temporary Restriction Order:

- a. may be given orally or in writing;
- b. takes effect immediately from when it is given; and
- c. may be imposed for a length of time not exceeding three clear business days from the date it is made.

(112) An Authorised Restriction Officer may inform themselves as to any matter before imposing a Temporary Restriction Order, but does not have to give the Respondent Student an opportunity to be heard before making that order.

### **Nature and Scope**

(113) A Temporary Restriction Order may withdraw, restrict or limit any right, entitlement or privilege applicable to a Respondent Student of the University, including:

- a. attendance at, lectures, placements, field work or other activities related to the Respondent Student's study or enrolment (which includes exclusion from the premises on which that activity occurs);
- b. entry onto any lands or into buildings of the University;

- c. access to or use of any facilities, services or other resources of the University (including libraries, laboratories, equipment or computers);
- d. directing the Respondent Student not to contact or approach another student or any member of staff of the University while on University lands or through use of any University facilities, services or other resources.

(114) A Temporary Restriction Order:

- a. must be proportionate to the circumstances;
- b. should if reasonably practicable try to minimise any unreasonable academic disadvantage to the Respondent Student; but
- c. is to take account of, as the paramount consideration, any risk to the:
  - i. health, safety and welfare of the Respondent Student or of others; and
  - ii. security or integrity of any University land, buildings business or systems (including any academic activity).

## **Notification**

(115) An Authorised Restriction Officer must within one business day of making a Temporary Restriction Order:

- a. confirm its nature, scope and length in writing to the student, if given orally;
- b. provide written notification to the person specified in Schedule 2 to whom it must be notified, and provide the following details:
  - i. a recommendation as to whether the incident warrants further investigation or proceedings for misconduct;
  - ii. the nature, scope, length and dates of the Temporary Restriction Order; and
  - iii. a brief description of the incident;
  - iv. when and where the alleged incident occurred;
  - v. the name and student identification number of the student.

(116) Following notification, the person to whom the Temporary Restriction Order is notified must decide whether the incident warrants further investigation or action for misconduct. If so, that person must either:

- a. refer the matter under Part B of this Rule if the person does not have the power to investigate the alleged misconduct under Schedule 1 to this Rule; or
- b. commence a Preliminary Investigation of the matter under Part B of this Rule if the person does have the power to investigate the alleged misconduct under Schedule 1 to this Rule.

## **Compliance**

(117) A Respondent Student who is given a Temporary Restriction Order must comply with it and failure to do so is Category 2 misconduct.

## **No Internal Appeal**

(118) There is no internal avenue of review or appeal against a decision to summarily impose a Temporary Restriction Order.

## **Part H - Suspension Orders**

## Purpose

(119) A Suspension Order may be imposed on a Respondent Student for the purpose of preventing or minimising any of the following risks:

- a. risk to the health, welfare or safety of the Respondent Student or to others;
- b. risk to the security or integrity of any land, buildings, business or systems of the University (including any research activity);
- c. risk to the integrity of any evidence or investigation into suspected or alleged misconduct;
- d. risk that the conduct giving rise to the alleged misconduct will occur or continue.

(120) For a Respondent Student accused of general misconduct involving a Sexual Offence, serious bullying or harassment or a criminal offence punishable by 12 or more months' imprisonment (regardless of whether the Respondent Student is charged with that offence), a Suspension Order will be imposed automatically for the duration of proceedings under this Rule, unless the Respondent Student can reasonably satisfy the Senior Authorised Officer that:

- a. the Respondent Student is unlikely to pose any risk specified in clause (119); or
- b. the risk can be managed without the need for a Suspension Order, but only on the condition that the Respondent Student gives a written undertaking, and continues, to comply with any reasonable management strategies specified by a Senior Authorised Officer.

## Nature and Scope

(121) Only a Senior Authorised Officer can impose a Suspension Order.

(122) A Suspension Order may withdraw, restrict or limit any right, entitlement or privilege applicable to a Respondent Student of the University, including:

- a. attendance at lectures, placements, field work or other activities related to the Respondent Student's study or enrolment; entry onto any lands or into buildings of the University;
- b. access to or use of any facilities, services or other resources of the University (including libraries, laboratories, equipment or computers);
- c. directing the Respondent Student not to contact or approach another student or any member of staff of the University while on University lands or through use of any University facilities, services or other resources; or
- d. any other action deemed appropriate to address the misconduct or behaviour.

(123) A Suspension Order:

- a. subject to clause (120), must be proportionate to the circumstances;
- b. may be made at any time before or after an investigation (including a preliminary assessment investigation) or before a hearing for misconduct commences under this Rule;
- c. takes effect immediately from the date on which the Suspension Order is notified to the Respondent Student receives written notice of the Suspension Order or a later time specified in that notice;
- d. may be imposed for a specified period of time or for an indefinite period of time until conclusion of proceedings under this Rule; and
- e. may be extended or renewed.

## Notification

(124) A Suspension Order must be in writing and must:

- a. specify the alleged conduct to which the suspension relates;
- b. specify the nature and length of the Suspension Order and from when it takes effect;
- c. include a statement of reasons for imposing the Suspension Order.

(125) If the Suspension Order is to be issued for more than 30 days, or for the duration of proceedings under this Rule, the notice must also:

- a. invite the Respondent Student to make written and/or oral submissions within 10 business days after the Suspension Order is sent on the issue of suspension only; and
- b. tell the Respondent Student that if no submissions are received by that deadline, then the Suspension Order will remain in effect for the duration specified in the notice.

(126) The Senior Authorised Officer must consider any submissions made by the Respondent Student made in accordance with clause (125).

## **Variation, Lifting and Expiry**

(127) A Senior Authorised Officer may vary or lift a Suspension Order at any time to take account of any submission made by the Respondent Student under clause (125) or changes in circumstances, including the continued likelihood of any risks, by following the process specified in this Part.

(128) A Suspension Order ends on the earliest of:

- a. 5.00 pm on the expiry date specified in the notice;
- b. if and when it is lifted; or
- c. conclusion of proceedings under this Rule.

## **Compliance**

(129) A Respondent Student against whom a Suspension Order is made must comply with it and failure to do so is Category 2 misconduct.

(130) A Respondent Student who gives an undertaking in accordance with clause (120)b. of this Rule must comply with it. Failure to do so constitutes Category 2 misconduct.

## **No Internal Appeal**

(131) There is no avenue of internal review or appeal against a Suspension Order, including a decision not to vary or lift a Suspension Order.

# **Part I - Miscellaneous**

## **Procedural Requirements and Powers**

(132) Authorised Officers, Senior Authorised Officers, and Student Misconduct Committee have power to carry out those functions specified in this Rule (including Schedules 1 and 2), and are required to:

- a. act as quickly and with as little formality as possible, subject to the requirements of this Rule;
- b. treat all allegations of misconduct as allegations of the University; and
- c. treat all proceedings under this Rule as inquisitorial proceedings, not adversarial proceedings.

(133) Authorised Officers, Senior Authorised Officers, and Committees:

- a. may decide their own procedures, subject to this Rule and any Guidelines;
- b. are not bound by the rules of evidence;
- c. may make inquiries and obtain evidence about any matter, consistent with the rules of procedural fairness, including health or risk assessments;
- d. may obtain advice or assistance from another person in exercising their functions (although they cannot delegate the exercise of their function except as permitted under clauses (167) to (169), including by taking legal advice on jurisdictional or procedural issues; and
- e. may exercise functions that are preliminary or ancillary to the exercise of any function delegated under this Rule.

(134) Authorised Officers, Senior Authorised Officers and Committees may be assisted in an investigation by the Office of Governance Services and or any other relevant business unit or contractor of the University.

## **Student and Staff Cooperation**

(135) All students and members of the staff of the University must:

- a. reasonably cooperate with any process conducted under this Rule;
- b. not do or attempt to do anything (including withholding or tampering with evidence) to undermine or interfere with the integrity of a process under this Rule; and
- c. behave in an appropriate and civil manner in any hearing.

(136) A Respondent Student or a witness may be directed to leave a hearing if their behaviour is unreasonably disruptive or in any way undermines the hearing process.

(137) Failure by affected students and staff to comply with clauses (135) or (136) will constitute misconduct.

(138) It will not constitute misconduct under clause (137) of this Rule if the student or staff member failed to comply with clause (135) or (136) because compliance would cause them to provide evidence to the University that the student or staff member:

- a. has engaged in misconduct under this Rule;
- b. has breached the terms of their employment, including the terms of any applicable Enterprise Agreement;
- c. has committed an offence against or arising under an Australian law or a law of a foreign country; or
- d. is liable to a civil penalty.

## **Hearing to be Conducted in Private**

(139) Hearings under this Rule must be conducted in private.

## **Recording of Proceedings under this Rule**

(140) All proceedings before a Student Misconduct Committee or an Appeals Committee will be recorded in an audio or audio-visual format. An Authorised Officer or Senior Authorised Officer may also designate any interviews or proceedings before them to be recorded.

(141) Where hearings are conducted by videoconferencing, the Respondent Student must access the hearing using such methods as directed by the Authorised Officer, Senior Authorised Officer or Student Misconduct Committee, and ensure that they are able to be appropriately identified. For example, a student may be directed to login to the videoconference using their official University student email account and/or provide information as requested to enable their identity to be verified before the hearing proceeds.

## Support Persons

(142) A Respondent Student may bring along a support person to assist the student or to speak on their behalf (including as an advocate) at any hearing or an allegation of misconduct or an appeal. However, that person must be available at the date and time specified in the notice of hearing.

(143) A support person may be directed to leave a hearing if that person unreasonably disrupts or delays the hearing. If this occurs, the hearing or appeal is to proceed to completion in the absence of that support person.

(144) Notwithstanding that a support person may advocate on behalf of the Respondent Student, the Authorised Officer, Senior Authorised Officer, or Student Misconduct Committee may direct the Respondent Student to answer any question put to them in relation to the allegations.

## Withholding Results and Restrictions on Graduation

(145) The Respondent Student is not entitled to be issued with any academic results that relate to allegations of misconduct until the finalisation of proceedings under this Rule. Sanctions imposed under this Rule may impact a Respondent Student's progression as set out in the [Progression Policy](#).

(146) The Respondent Student may not be entitled to graduate from the University until all proceedings related to the misconduct (including under this Rule) are completed, having regard to the requirements of the [Graduation Policy](#).

(147) The University must make reasonable allowance for any academic disadvantage a Respondent Student suffers (such as permission to re-sit an examination or an extension of time to complete an assessment task) following a Temporary Restriction Order or Suspension Order where subsequently:

- a. no further action is taken under this Rule; or
- b. the allegation of misconduct is not sustained; or
- c. a finding of misconduct is overturned on appeal.

## Fairness and Conflicts of Interest

(148) Authorised Officers, Senior Authorised Officers, and Committee members must always:

- a. act fairly, reasonably, and without bias;
- b. disclose promptly any actual or potential conflict of interest and manage or work around that conflict of interest in accordance with any policy of the University relating to conflicts of interest; and
- c. treat all matters dealt with under this Rule as strictly confidential and not discuss them with anyone else, except on a strictly 'need to know' basis for the purposes of this Rule, including seeking legal or other professional advice; and
- d. wherever possible, a Respondent Student must be notified promptly of any delays in investigating or making a decision in relation to misconduct.

## Other Action

(149) Any action taken under this Rule does not preclude the University from doing any of the following in relation to the circumstances involving the alleged misconduct:

- a. commencing legal action against the Respondent Student; or
- b. reporting the matter to the police or other external organisation (such as a professional registration body or a regulatory authority), regardless of whether the University is under a legal obligation to do so.



## **University may Designate Person to Present Evidence for University**

(150) The University may designate a person to present evidence or make submissions on behalf of the University to a Committee.

## **Status of Prescribed Deadlines**

(151) Except for minimum periods of notice to be given to a Respondent Student, any deadlines specified in this Rule are indicative only.

(152) Non-compliance with a deadline does not render a decision or action void or capable of being set aside merely for that reason.

## **Meaning of no Further Internal Review of Appeal**

(153) If a clause in this Rule states that a decision cannot be the subject of any further internal review or appeal under this Rule, then that decision cannot be the subject of any further review or appeal under any other internal rule, policy or process of the University.

(154) However, this does not preclude a Respondent Student from exercising a right of review of that decision by a court, tribunal or other external body with power to do so.

## **Administrative Errors or Omissions**

(155) A decision made under this Rule may be corrected where:

- a. there is an obvious clerical or typographical error or omission in the text;
- b. document (or a reference to it) was omitted;
- c. there is an error arising from an accidental slip or omission; or
- d. there is a defect of form.

(156) Any correction made to a decision must be notified to the Respondent Student promptly following discovery of that error, defect or omission.

## **Recording and Implementing Decisions**

(157) Subject to any right of appeal a Respondent Student has under this Rule, any finding of misconduct and any sanction(s) imposed shall be recorded on the University's electronic document and records management system relating to the Respondent Student in accordance with the [State Records Act 1998 \(NSW\)](#) and as specified in this Rule.

(158) All relevant University staff (including any prescribed in Schedules 1 or 2) will be notified about any decision or action taken under this Rule for the purpose of recording and implementing the decision.

## **Suspension of Misconduct Proceedings**

(159) A Senior Authorised Officer or Committee may, at any stage of proceedings under this Rule suspend or adjourn any proceedings under this Rule pending the outcome of any police investigation or criminal proceedings, or any other actual or potential legal proceedings about the same circumstances of the alleged misconduct.

(160) A decision under clause (159) does not:

- a. affect any Temporary Restriction Order or Suspension Order already made;
- b. prevent a Temporary Restriction Order or a Suspension Order from being made at any time in future; or

- c. prevent reactivation of or commencement of new proceedings (including another or a further investigation) under this Rule.

## Savings Provisions

(161) If before commencement or any amendments of this Rule, a hearing of an allegation or an appeal has already commenced under a process prescribed in an earlier version of this Rule, or under another rule or policy, but a decision has not yet been made, then that matter shall continue to be dealt with under that rule (or version of this Rule) or policy or under this Rule before amendment, until all processes are completed or exhausted.

(162) Any act, matter or thing that immediately before commencement or amendment of this Rule had effect pursuant to any by-law, rule, policy or other instrument of the University is taken to have effect under this Rule.

## Effect

(163) This Rule supersedes and revokes any previous rules, policies or procedures of the University or of The College relating to misconduct.

(164) Nothing in this Rule has the effect of invalidating any past act validly performed under any previous rule, policy or procedure of the University or The College relating to misconduct.

## Part J - Dictionary and Delegations of Authority

### Definitions

(165) In this Rule the following words have these meanings, unless the context otherwise requires.

| Word or expression | Definition  |
|--------------------|---|
| academic integrity | A commitment, even in the face of adversity, to six fundamental values: honesty, trust, fairness, respect, responsibility, and courage. From these values flow principles of behaviour that enable academic communities to translate ideals to action' (International Centre for Academic Integrity, 2014; <a href="#">TEQSA</a> , 2019). |

| Word or expression             | Definition   |
|--------------------------------|--|
| academic misconduct            | <p>Conduct by a student that is in breach of any academic policy of the University or in any way undermines or otherwise puts at risk the Academic Integrity of any Program, Subject or assessment (including examinations) or the University's academic reputation.</p> <p>Examples of academic misconduct include but are not limited to:</p> <ul style="list-style-type: none"> <li>a. bringing unauthorised materials or devices into an examination or assessment activity;</li> <li>b. working with another person or technology in order to gain an unfair advantage in assessment;</li> <li>c. copying another person's answers or improperly obtaining answers including from a third party (including any generative AI) to questions in an examination or other form of assessment;</li> <li>d. submitting work for assessment that is not the student's own work;</li> <li>e. re-submission of work for assessment that has previously been submitted for a different assessment without approval;</li> <li>f. communicating in an examination, (including via various media) or other test, with other students, or bringing into the examination room any textbook, notebook, memorandum, other written material or electronic device or any other item not authorised by the person who set the examination or the examinations supervisor in charge or other supervisor of a test;</li> <li>g. writing an examination answer, or consulting another person or materials, for an examination answer, outside the confines of the examination room, without permission to do so;</li> <li>h. attempting to read another student's work in an examination, or, in other circumstances, without their permission;</li> <li>i. where an individual work is required, making or receiving available notes, papers or answers related to the content of an examination or assignment (in whatever form) to or from another student, without the permission of the teacher of the Subject;</li> <li>j. not following the directions about seating location and movement about the examination room;</li> <li>k. where a student submits work in which ideas, words or other work are taken from a source and presented as if these are the student's own work, without appropriate acknowledgement of the original source, 'Appropriate acknowledgement' being the conventions of citation or acknowledgement recognised as acceptable to the University;</li> <li>l. Sharing assessments and exam questions or learning materials without the explicit permission of the teacher in writing; and</li> <li>m. a breach of the <a href="#">Student Code of Conduct</a> or Student Honour Code.</li> </ul> |
| Appeals Committee              | A Committee convened under Part F - Committee Constitution to decide appeals under Part D - Appeals.   |
| Authorised Nominee             | A person authorised to deal with matters referred under the <a href="#">Student Misconduct Rule - Inappropriate Behaviour Guidelines</a> as defined in those Guidelines or under clause (12) of the Rule.  |
| Authorised Officer             | <p>A person (other than a Committee or Senior Authorised Officer) with authority as specified in Schedule 1 or 2 of this Rule to:</p> <ul style="list-style-type: none"> <li>a. investigate, hear and decide Category 1 misconduct;</li> <li>b. impose a Category 1 sanction; or make a Temporary Restriction Order,</li> <li>c. and includes any person authorised by the Vice-Chancellor and President under clause (169).</li> </ul>  |
| Authorised Restriction Officer | A person referred to in Schedule 2 of this Rule.   |
| Campus                         | A place designated as a campus or teaching and learning space of the University or a University Affiliate, including any buildings, facilities or services available there.  |
| Category 1 misconduct          | Misconduct (whether it be academic, general or research) that is either specified as Category 1 misconduct in this Rule, if substantiated, would not be of sufficient seriousness to attract a Category 2 sanction.  |
| Category 2 misconduct          | Misconduct (whether it be academic, general or research) that is either specified as Category 2 misconduct in this Rule, if substantiated, would be of sufficient seriousness to attract a Category 2 sanction.  |
| Category 3 misconduct          | Misconduct (whether it be academic, general or research) that is either specified as Category 3 misconduct in this Rule, if substantiated, would attract a Category 3 sanction.  |
| Category 1 Sanction            | A sanction specified in clause (71).   |

| <b>Word or expression</b> | <b>Definition</b>  |
|---------------------------|--|
| Category 2 Sanction       | A sanction specified in clause (72).   |
| Category 3 Sanction       | A sanction specified in clause (74).   |
| Chair                     | A person appointed to chair a Committee.   |
| Committee                 | A Student Misconduct Committee or an Appeals Committee convened under Part F – Committee Constitution.   |
| Dean                      | Any one of the following:<br>a. the Dean of a University School;<br>b. the Dean, Graduate Studies and Researcher Development;<br>c. the Chief Executive Officer of Western Sydney University - The College.  |
| Decision-Maker            | The responsible Authorised Officer or Committee that makes a decision under this Rule.   |
| exclude or exclusion      | A sanction with the effect set out in clauses (92) or (93).  |
| expel or expulsion        | A sanction with the effect set out in clause (91).   |
| Exceptional Circumstances | Events or circumstances that are unusual, uncommon, or abnormal that would render the application of the relevant provision of this Rule to the Respondent Student harsh, unjust, or unreasonable.<br>Examples of exceptional circumstances include, but are not limited to:<br>a. any admission of misconduct made during a Preliminary Investigation under Part B;<br>b. significant contrition shown by the Respondent Student, such as offers or attempts to make amends;<br>c. punishment or sanctions that will apply to the Respondent Student in addition to any sanctions imposed under this Rule; and<br>d. events or circumstances relevant to the timing of the misconduct and which were beyond the Respondent Student's control. |

| Word or expression                  | Definition   |
|-------------------------------------|--|
| general misconduct                  | <p>Conduct by a student that is contrary to accepted standards of behaviour at the University including conduct that:</p> <ul style="list-style-type: none"> <li>a. places at risk the health, safety or welfare of any person;</li> <li>b. places at risk the business or other operations, systems or activities of the University;</li> <li>c. disrupts or interferes with another person's ability to access or enjoy the University's facilities or services;</li> <li>d. breaches the <a href="#">Student Code of Conduct</a>;</li> <li>e. constitutes a sexual offence;</li> <li>f. constitutes sexual harassment within the meaning of, or otherwise breaches the <a href="#">Sexual Harassment Prevention Policy</a>;</li> <li>g. constitutes bullying within the meaning of, or otherwise breaches the <a href="#">Bullying Prevention Policy</a>;</li> <li>h. is inconsistent with or otherwise breaches the <a href="#">Acceptable Use of Digital Services Policy</a>;</li> <li>i. is inconsistent with or otherwise breaches the <a href="#">Discrimination, Harassment, Vilification and Victimisation Prevention Policy</a>;</li> <li>j. is inconsistent with or otherwise breaches the <a href="#">Respect and Inclusion in Learning and Working Policy</a>;</li> <li>k. is inconsistent with or otherwise breaches the <a href="#">Privacy Policy</a> and/or <a href="#">Privacy Management Plan</a>.</li> <li>l. constitutes motting and/or hazing, or otherwise breaches the <a href="#">Motting and Hazing Prevention Policy</a>;</li> <li>m. breaches guidelines or other directions given by University staff in relation to acceptable standards of behaviour during University activities.</li> </ul> <p>Examples of general misconduct include but are not limited to:</p> <ul style="list-style-type: none"> <li>n. bullying, harassing, vilifying, victimising or threatening another person, including because of that person's cultural or religious identity, gender, sexual orientation or disability;</li> <li>o. behaving in an unreasonably antisocial or offensive manner for any reason;</li> <li>p. not following a direction reasonably and lawfully given by a staff member of the University or a University Affiliate, including non-compliance with a Temporary Restriction Order or a Suspension Order;</li> <li>q. refusing to produce identification, including a student identification card, when asked lawfully to do so by a University staff member or University Affiliate;</li> <li>r. engaging in unprofessional behaviour while undertaking a practicum or placement as part of the student's Program;</li> <li>s. engaging in hazing, motting or other unauthorised initiation activities of a similar kind;</li> <li>t. unauthorised access to or use of any University property, systems or facilities or those of another organisation or person;</li> <li>u. submitting forged or fraudulent medical or other documentation to the University;</li> <li>v. any other conduct that is in breach of any policy of the University in relation to acceptable standards of behaviour.</li> </ul> |
| Guidelines                          | Guidelines issued under clauses (170) and (171).   |
| Misconduct                          | Any or all of Academic Misconduct, Research Misconduct or General Misconduct.  |
| Minimum Sanction                    | A sanction specified in clauses (77) and (78).   |
| Notice of Hearing                   | A notice referred to in clauses (30) to (33).  |
| Notice of Preliminary Investigation | A notice referred to in clauses (14) and (15).   |
| Office of Governance Services       | The University's Office of Governance Services, or another administrative unit with responsibility for managing student misconduct.  |
| Program                             | A formally approved program of study (whether coursework or research, or a combination of both) regardless of whether it leads to the award of a degree, diploma or other qualification of the University or a University Affiliate.   |
| Research Misconduct                 | Conduct by a student in connection with research that breaches the University's <a href="#">Responsible Conduct of Research Policy</a> and/or other applicable law, regulation or code relating to research, such as the Australian Code for the Responsible Conduct of Research, including misconduct that occurs during Stage 2 of the Masters of Research.  |

| Word or expression           | Definition   |
|------------------------------|--|
| Senior Authorised Officer    | Any delegation afforded to an Authorised Officer under this Rule also applies to a Senior Authorised Officer. Any of the following: <ul style="list-style-type: none"> <li>a. the Vice-Chancellor and President;</li> <li>b. the Senior Deputy Vice-Chancellor and Vice-President, Research, Enterprise and Global;</li> <li>c. a Deputy Vice-Chancellor;</li> <li>d. a Vice-President;</li> <li>e. the Chief Marketing and Experience Officer;</li> <li>f. Provost;</li> <li>g. Pro Vice-Chancellor, Learning and Teaching;</li> <li>h. Pro Vice-Chancellor and Provost of Western Sydney University, Indonesia</li> <li>i. Campus Provost.</li> </ul>  |
| Respondent Student           | A person who, at the time of the alleged misconduct alleged against them: <ul style="list-style-type: none"> <li>a. is admitted to the University or a University Affiliate to undertake a Program or Subject, whether or not enrolled or registered;</li> <li>b. has completed a Program or Subject at the University or a University Affiliate, but has yet to graduate;</li> <li>c. is otherwise studying or undertaking a student-related activity at the University or a University Affiliate, including as part of any exchange or other arrangement with another university or education provider;</li> </ul> but does not include a person: <ul style="list-style-type: none"> <li>d. who is an employee of the University or of a University Affiliate; and</li> <li>e. the alleged misconduct is required to be dealt with under the terms of that person's employment with (as the case may be) the University or that University Affiliate.</li> </ul> |
| Sanction                     | A Category 1 sanction, Category 2 sanction or Category 3 sanction as set out in Part E – Sanctions for Misconduct.   |
| Student Misconduct Committee | A Committee convened under Part F – Committee Constitution to hear and decide allegations of misconduct under Part C – Hearing.  |
| sexual offence               | Has the same meaning as in the <a href="#">Sexual Misconduct Prevention and Response Policy</a> .  |
| Student Misconduct Panel     | A panel established under Guidelines which academic and professional staff members or students can be selected to serve on a Student Misconduct Committee or an Appeals Committee.   |
| Subject                      | A component of a Program, including any field work, practicum or placement with an external person or body.  |
| suspension                   | A sanction with the effect set out in clause (94).   |
| Suspension Order             | An order made under Part H – Suspension Orders.  |
| Temporary Restriction Order  | An order made under Part G – Temporary Restriction Orders.   |
| Teaching Term                | A period of time during which a Subject is taught and assessed.  |
| The College                  | The controlled entity of the University known as Western Sydney University Enterprises Pty Ltd ACN 003 474 468 trading as Western Sydney University - The College CRICOS Code 02851G.  |
| University                   | Western Sydney University as established by the <a href="#">Western Sydney University Act 1997 (NSW)</a> .   |
| University Affiliate         | Any of the following: <ul style="list-style-type: none"> <li>a. The College;</li> <li>b. An organisation with whom the University has a third party arrangement under the <a href="#">Higher Education Standards Framework (Threshold Standards) 2021</a>;</li> <li>c. A person or an organisation with whom the University has arrangements in place for students to undertake placements, practicums or other activities as part of their Program requirements.</li> </ul>   |

## Interpretation

(166) In this Rule, unless the context requires otherwise:

- a. the singular includes the plural and vice-versa;
- b. other grammatical forms of defined words and expressions have corresponding meanings;
- c. a reference to a clause, a Part or a Schedule means a clause, part or schedule in this Rule;
- d. a reference to any law, by-law, regulation or other statutory instrument includes any amendment, re-enactment of replacement or it;
- e. a reference to a position within the University or The College (such as a dean) means the person employed in or appointed to that role, and includes any person acting in that role temporarily;
- f. a reference to “includes”, “including”, “for example” or other similar expressions does not limit what else is included;
- g. a reference to a business day means Mondays to Fridays inclusive, except:
  - i. public holidays gazetted in New South Wales; or
  - ii. days when the University is closed for business as published on its website from time to time.

## Power to Delegate

(167) An Authorised Officer or Senior Authorised Officer may designate another person in writing to act as Decision-Maker in their place if that Authorised Officer or Senior Authorised Officer:

- a. reasonably believes there is or may be a conflict of interest, or actual or perceived bias, if the Authorised Officer or Senior Authorised Officer exercises that function; or
- b. is otherwise unavailable to exercise that function.

(168) Any delegation of authority given under this Rule applies to the occupant of the position to whom it is made, including any person acting in that position.

(169) The Vice-Chancellor and President has authority to remove or to designate additional or replacement Authorised Officers in Schedules 1 and 2 at any time, including to take account of changes to organisational structure or where it is no longer appropriate for that Authorised Officer to continue exercising that function.

## Policy Documents

(170) The University may make Policy Documents not inconsistent with this Rule about any of the following matters:

- a. establishment of Student Misconduct Panels, including selection and membership;
- b. alternative methods for managing behaviours that warrant educative or remedial interventions rather than these being dealt with as misconduct under this Rule;
- c. to ensure misconduct is managed and sanctions are imposed appropriately and consistently under this Rule.

(171) Policy Documents may be made by:

- a. the Academic Senate in relation to academic misconduct and research misconduct;
- b. the Vice-Chancellor and President or the Senior Deputy Vice-Chancellor in relation to the management of general misconduct, establishment and procedures of Student Misconduct Committees and the imposition of sanctions.

## Schedule 1 - Who Investigates, Hears and Decides Misconduct

| Authorised Officer or Committee | Responsibility |
|---------------------------------|----------------|
|---------------------------------|----------------|

| Authorised Officer or Committee  | Responsibility  |
|--|---|
| Appeals Committee  | <p>a. Investigate, hear and decide all appeals lodged under Part D – Appeals.</p> <p>b. Impose a Category 1 or 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees.</p>   |
| Campus Provost<br>(Senior Authorised Officer)  | <p>a. Investigate, hear and decide Category 1 or Category 2 General Misconduct that occurs within a campus or other premises (including Student residences) for which that person has responsibility.</p> <p>b. Impose a Category 1 or 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees, for General Misconduct that occurs within a campus or other premises (including Student residences) for which that person has responsibility.</p> <p>c. Impose a Suspension Order as specified in Part H.</p> <p>d. These responsibilities are in addition to any other responsibilities held by the person under this Schedule, by virtue of any other position they hold within the University.</p> |
| Chief Executive Officer or Deputy Chief Executive Officer of The College                             | Investigate, hear and decide Category 1 misconduct by a Respondent Student registered in, or undertaking a Subject taught within The College.   |
| Chief Marketing and Experience Officer<br>(Senior Authorised Officer)                                | <p>a. Investigate, hear and decide Category 1 and 2 General Misconduct.</p> <p>b. Impose a Category 1 or 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees for General Misconduct.</p> <p>c. Impose a Suspension Order under Part H.</p>  |
| Dean, Deputy Dean and Additional Authorised Officers designated by the Vice-Chancellor and President | Investigate, hear and decide Category 1 misconduct by a Respondent Student enrolled in, or undertaking a Subject taught within that School.   |
| Deputy Vice-Chancellor and Vice-President, Education<br>(Senior Authorised Officer)                  | <p>a. Investigate, hear and decide Category 1 Academic Misconduct.</p> <p>b. Impose a Category 1 sanction.</p> <p>c. Investigate Category 2 Academic Misconduct</p> <p>d. Impose a Category 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees, for admitted Academic Misconduct.</p> <p>e. Impose a Suspension Order as specified in Part H.</p>  |
| Director, Governance Services  | Investigate misconduct following a referral under Part B.   |
| Director of Academic Quality, Online Education Services  | Investigate, hear and decide Category 1 misconduct by a Respondent Student registered in, or undertaking a Subject taught by Online Education Services.   |
| Director, Sydney City Campus   | Investigate, hear and decide Category 1 misconduct by a Respondent Student registered in, or undertaking a Subject taught by Sydney City Campus.  |
| Pro Vice-Chancellor and Provost of Western Sydney University, Indonesia                              | <p>a. Investigate, hear and decide Category 1 Academic, General and Research Misconduct for students on Surabaya Campus only.</p> <p>b. Impose a Category 1 sanction for students on Surabaya Campus only.</p> <p>c. Investigate Category 2 Academic, General and Research Misconduct for students on Surabaya Campus only.</p> <p>d. Impose a Category 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees, for admitted Academic and General Misconduct for students on Surabaya Campus only.</p> <p>e. Impose a Suspension Order as specified in Part H for students on Surabaya Campus only.</p>  |
| Pro Vice-Chancellor, Learning and Teaching   | <p>a. Investigate, hear and decide Category 1 Academic and General Misconduct.</p> <p>b. Impose Category 1 sanction.</p> <p>c. Investigate Category 2 Academic and General Misconduct</p> <p>d. Impose a Category 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees, for admitted Academic and General Misconduct.</p> <p>e. Impose a Suspension Order as specified in Part H.</p>  |
| Pro Vice-Chancellor, Research  | Investigate, hear and decide Category 1 Research Misconduct.  |



| <b>Authorised Officer or Committee</b>   | <b>Responsibility</b>  |
|--|--|
| Provost  | <p>a. Investigate, hear and decide Category 1 Academic, General and Research Misconduct.</p> <p>b. Impose a Category 1 sanction.</p> <p>c. Investigate Category 2 Academic, General and Research Misconduct.</p> <p>d. Impose Category 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees, for admitted Academic and General Misconduct.</p> <p>e. Impose a Suspension Order in Part H.</p>   |
| Senior Deputy Vice-Chancellor and Vice-President, Research, Enterprise and Global<br>(Senior Authorised Officer) | <p>a. Investigate, hear and decide Category 1 misconduct and Category 2 General Misconduct.</p> <p>b. Impose a Category 1 sanction.</p> <p>c. Impose a Category 2 sanction for General Misconduct.</p> <p>d. Investigate Category 2 Academic and Research Misconduct.</p> <p>e. Impose a Category 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees for misconduct, in respect of admitted Academic and Research Misconduct.</p> <p>f. Impose a Suspension Order under Part H.</p> |
| Senior Vice-President and Chief Operating Officer<br>(Senior Authorised Officer)                                 | <p>a. Investigate, hear and decide Category 1 and 2 General Misconduct.</p> <p>b. Impose a Category 1 or 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees, for General Misconduct.</p> <p>c. Impose a Suspension Order under Part H.</p>  |
| Student Misconduct Committee   | Investigate, hear and decide all categories of misconduct and impose a Category 1 sanction or Category 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees.  |
| Vice-Chancellor and President<br>(Senior Authorised Officer)   | <p>a. Investigate, hear and decide Category 1 misconduct and Category 2 General Misconduct.</p> <p>b. Impose a Category 1 sanction.</p> <p>c. Impose a Category 2 sanction for General Misconduct.</p> <p>d. Investigate Category 2 Academic and Research Misconduct.</p> <p>e. Impose a Category 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees for misconduct, in respect of admitted Academic and Research Misconduct.</p> <p>f. Impose a Suspension Order under Part H.</p> |
| Vice-President and Chief Financial Officer<br>(Senior Authorised Officer)  | <p>a. Investigate, hear and decide Category 1 and 2 General Misconduct.</p> <p>b. Impose a Category 1 or 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees, for General Misconduct.</p> <p>c. Impose a Suspension Order under Part H.</p>  |
| Vice-President, Operations and Commercial<br>(Senior Authorised Officer)   | <p>a. Investigate, hear and decide Category 1 and 2 General Misconduct.</p> <p>b. Impose a Category 1 or 2 sanction, or recommend the imposition of a Category 3 sanction to the Board of Trustees, for General Misconduct.</p> <p>c. Impose a Suspension Order under Part H.</p>  |

## Schedule 2 - Authorised Officers Who May Impose Temporary Restriction Orders

| <b>Authorised Restriction Officer</b>                   | <b>Designated Restricted Areas or Activities</b>  | <b>Person to whom Restriction must be Notified within 24 Hours [clause (115)b.]</b>  |
|---|---|--|
| Any Campus Safety and Security Officer                  | Any building, land, facilities or services of the University (including Student residences) or a University Affiliate | Chief Marketing and Experience Officer, (as applicable), Dean or College Chief Executive Officer and Executive Director, Campus Operations |
| Campus Provost or Deputy Campus Provost                 | Any University building, lands, facilities or services on a Campus for which that Campus Provost has responsibility   | Chief Marketing and Experience Officer and Dean  |
| Director of Academic Quality, Online Education Services | Any online facilities, resources or other privileges  | Chief Marketing and Experience Officer and Dean  |

| <b>Authorised Restriction Officer</b>  | <b>Designated Restricted Areas or Activities</b>   | <b>Person to whom Restriction must be Notified within 24 Hours [clause (115)b.]</b>   |
|--|--|---|
| Director, Sydney City Campus   | Any facilities (including online), resources or other privileges   | Chief Marketing and Experience Officer and relevant School Dean   |
| Any member of academic staff of the University or a University Affiliate                                   | a. Any lecture theatre, laboratory or other teaching or research setting or facilities<br>b. Any area (including offices and common areas) within a School or The College building<br>c. Any area (on or off a Campus) where the Student undertakes any field work, placement or other activity related to their Program | Chief Marketing and Experience Officer, (as applicable) Dean or College Chief Executive Officer and Executive Director, Campus Operations |
| Any person supervising or monitoring an examination (including casual invigilators)                        | Any area where or in immediate vicinity of where an examination is being conducted   | Chief Marketing and Experience Officer and (as applicable) Dean or College Chief Executive Officer  |
| Any member of University or The College library staff  | Any University or The College library areas, facilities, resources or other privileges   | Executive Director, Library Services or The College Librarian and Executive Director, Campus Operations                                   |
| Any person (including any third party) responsible for the management of Western Sydney University Village | Any University Student residence land, building, facilities or privilege   | Chief Marketing and Experience Officer and Executive Director, Campus Operations  |
| Any Senior Authorised Officer  | Any University building, lands, facilities or services on any Campus (including Student residences)  | Chief Marketing and Experience Officer and Executive Director, Campus Operations  |

## Status and Details

|                           |  |
|---------------------------|--|
| <b>Status</b>             | Current  |
| <b>Effective Date</b>     | 4th November 2024  |
| <b>Review Date</b>        | 19th June 2028   |
| <b>Approval Authority</b> | Director, Governance Services                            |
| <b>Approval Date</b>      | 4th November 2024  |
| <b>Expiry Date</b>        | Not Applicable   |
| <b>Unit Head</b>          | Sophie Buck<br>Director, Governance Services<br>45701415 |
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| <b>Enquiries Contact</b>  | Sophie Buck<br>Director, Governance Services<br>45701415 |

## Glossary Terms and Definitions

**"Award"** - The qualification granted to a student after completion of all the requirements of a higher education course.

**"Program"** - A program of study consisting of at least four subjects or 40 credit points leading to an award of the University (Foundation Studies Program, Undergraduate Preparation Program, Diploma, Advanced Diploma, Undergraduate Certificate, Associate Degree, Bachelor Degree, Bachelor Honours Degree, Graduate Certificate, Postgraduate Certificate, Graduate Diploma, Postgraduate Diploma and Masters by Coursework Degree) which when successfully completed is conferred on the graduand by the Board of Trustees.

**"Subject"** - The subject of study in a program in which a student enrolls.

**"Term"** - A session at the University that runs for a set length of time during which teaching and assessments occur.

**"Academic Transcript"** - The official record of a student's study at the University, including all programs and subjects attempted.

**"Policy Document"** - Policy Document means the collective term for the University's hierarchy of documents held in the Policy DDS including Rules, Codes, Charters, Plans, Policies, Frameworks, Procedures and Schedules.