Student Misconduct Rule - Student Misconduct Panel Guidelines

1. Preliminary

(1) These Guidelines are the Student Misconduct Panel Guidelines ("Guidelines") and are made by the Vice-Chancellor and President or the Senior Deputy Vice-Chancellor and Provost under clause 69 of the Western Sydney University Student Misconduct Rule.

(2) The Guidelines take effect from 1 January 2021 and replace and supersede previous Misconduct Panel Guidelines. Any person who, before 1 January 2021, was appointed or elected as a Panel Member, and whose term of office continues beyond that date, continues to be a Panel Member until his or her term of office expires or otherwise terminates.

2. Purpose and application

(3) These Guidelines establish the framework and procedures for selection and membership of Student Misconduct Panels. Members of Student Misconduct Committees and Appeals Committees convened under the Student Misconduct Rule are selected from Student Misconduct Panels to hear and decide allegations of student misconduct (including appeals).

(4) These Guidelines are to be read in conjunction with the Student Misconduct Rule.

3. Definitions

(5) Unless otherwise stated, words and phrases contained in these guidelines shall have the same meaning as set out in the Student Misconduct Rule.

(6) For the purposes of these Guidelines, a reference to a School means any one or more of the following:

a. School of Business;
b. School of Computer, Data and Mathematical Sciences;
c. School of Education;
d. School of Engineering, Design and Built Environment;
e. School of Health Sciences;
f. School of Humanities and Communication Arts;
g. School of Law;
h. School of Medicine;
i. School of Nursing and Midwifery;
j. School of Psychology;
k. School of Science;
l. School of Social Sciences;
m. Graduate Research School.

(7) For the purposes of these Guidelines a reference to The College means Western Sydney University – The College.

4. Panels

(8) There will be three groups of panel members established and members from the groups will be invited to constitute the Student Misconduct Panel from time to time, as needed.

a. the Student Panel, comprised of undergraduate and postgraduate students of the University and students of The College;
b. the Academic Staff Panel, comprised of academic staff members of the University and of The College;
c. the Professional Staff Panel, comprised of professional staff members of the University and of The College.

5. Student Panel

(9) The Student Panel is to comprise of at least 10 members, and must be a mix of undergraduate and postgraduate students.

(10) To qualify for membership of the Student Panel, undergraduate students must have been enrolled at the University or The College for the equivalent of no less than two teaching sessions of full-time study.

(11) Students who have previously been found guilty of student misconduct under the Student Misconduct Rule or any antecedent policies are ineligible for appointment to the Student Panel.

(12) The Dean of each School and the Chief Executive Officer of The College must appoint at least two students from that School who qualify for membership.

6. Academic Staff Panel

(13) The Academic Staff Panel is to comprise of at least 10 members.

(14) To qualify for membership of the Academic Staff Panel, academic staff members must be employed by the University at Lecturer Level C or above, or employed by The College at the level of Learning and Teaching Coordinator or above, on a continuing basis or under a contract of not less than two years' duration remaining from the date of appointment to the panel.

(15) The Dean of each School and the Chief Executive Officer of The College must appoint at least one academic staff member from that School or College who qualifies for membership.

7. Professional Staff Panel

(16) The Professional Staff Panel is to comprise of at least three members of the professional staff of the University at the level of HEW 8 or higher and/or The College at Level 8 or higher, who are employed on a continuing basis or under a contract of not less than two years' duration remaining from the date of appointment to the panel.

(17) Professional staff members may apply for appointment to the Professional Staff Panel by sending an application to the Director, Governance Services, who may approve that application.

(18) The following professional staff members are ineligible for appointment to the Professional Staff Panel:

a. the University Secretary;
b. lawyers and other staff employed in the Office of General Counsel;
c. staff employed in the Office of Governance Services;
d. staff employed in the Complaints Resolution Unit;
e. staff employed in Campus Safety and Security;
f. staff employed in the Office of the Vice-President, People and Advancement; and

g. staff employed in the Counselling Service, Disability Service, Student Welfare Service and the Student Representation and Participation unit within the Student Participation and Success portfolio staff.

(19) The Director, Governance Services, in consultation with the University Secretary, may reject an application for membership of the Professional Staff Panel, if the Director reasonably believes that the inherent requirements of that person's position with the University or The College would automatically disqualify them for membership of a Student Misconduct Panel or an Appeals Panel in accordance with clause 34 of the Student Misconduct Rule.

8. Aboriginal and Torres Strait Islander Panel members

(20) Where a student of Aboriginal and Torres Strait Islander descent is alleged to have engaged in any type of misconduct to be managed under the Student Misconduct Rule, a nominee of the Pro Vice-Chancellor, Aboriginal and Torres Strait Islander Education, Strategy and Consultation must be included as a member of the student misconduct panel.

(21) To qualify as a nominee, academic staff members must be employed by the University at Lecturer Level C or above, or employed by The College at Learning and Teaching Coordinators or above, on a continuing basis or under a contract of not less than two years' duration remaining from the date of appointment to the panel.

(22) To qualify as a nominee, professional staff must be employed at the level of HEW 8 or higher, and employed on a continuing basis or under a contract of not less than two years' duration remaining from the date of appointment to the panel.

(23) Clauses relating to Holding Office below apply to all nominees.

9. Holding Office

(24) Panel Members are appointed for a term of two years commencing 1 January of the relevant year.

(25) Panel Members are eligible for reappointment, subject to the eligibility criteria specified in these Guidelines.

(26) If a Panel Member's appointment ends before the conclusion of any matter before a Committee on which that Panel Member is serving, that Panel Member remains a member of that Committee until the conclusion of the matter before that Committee.

(27) Subject to clause 34(2)(c) of the Student Misconduct Rule, a person ceases to be a Panel Member if that person:

a. resigns in writing; or
b. ceases to meet the eligibility criteria for membership of that Panel.

(28) The vacancy is to be filled as soon as possible after it occurs.

10. Disqualification from membership of student Misconduct Committees or Appeals Committees

(29) Clause 34 of the Student Misconduct Rule applies in respect of qualification of Panel Members for membership of a Student Misconduct Committee or an Appeals Committee.

Status and Details

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