

HEPP47 Student Misconduct Policy and Procedure

PURPOSE

This policy describes the disciplinary procedures followed for reports of student misconduct at Southern Cross Education Institute (Higher Education).

SCOPE

This policy applies to all students of Southern Cross Education Institute (Higher Education).

DEFINITIONS

Exclusion	A student must not enter all or part of SCEI-HE campus for the period that the exclusion applies and is subject to any conditions imposed.
Expulsion	A person ceases to be a student at SCEI-HE
Misconduct	Conduct contrary to accepted standards of behaviour as outlined in the Student Conduct Policy and Student Charter.
SCEI-HE	Southern Cross Education Institute (Higher Education)
Suspension	Prohibit a student for a specified period from attending any teaching or assessment session or enter the premises of SCEI-HE or represent SCEI-HE in any way as per the terms of the suspension.

POLICY

1. SCEI-HE takes misconduct seriously and any reports of this nature will become the subject of a thorough investigation.
2. When conducting an investigation, the investigating officer or panel is bound by the rules of natural justice.
3. All parties involved will maintain the strictest confidentiality regarding matter.
4. SCEI-HE has the right, and in fact at times the obligation, to report known criminal activity to appropriate legal authorities.

PROCEDURE

1. Reports of misconduct

- 1.1. Where a staff member has reasonable grounds to believe that a student has committed an act of misconduct, that person must report suspected misconduct to the Course Coordinator or Academic Director.
- 1.2. Upon receiving the report of misconduct, the Course Coordinator or Academic Director will appoint a delegate to investigate.
- 1.3. The nominated investigator will:
 - 1.3.1. Make enquiries regarding the nature of the misconduct
 - 1.3.2. Determine whether misconduct has been proven
 - 1.3.3. Prepare a report on the findings and submit to the Course Coordinator or Academic Director
 - 1.3.4. If misconduct has been proven the investigator should include recommendations of suitable

- 1.4. Upon receipt of the report, the Course Coordinator or Academic Director will either dismiss the report of misconduct or impose a suitable penalty.
- 1.5. Records of the report of misconduct is to be included in the student's administration file and noted in the electronic Student Management System.

2. Investigation Process

- 2.1. An Investigation Officer will be appointed to investigate and report on the matter of concern. The Course Coordinator or Academic Director will appoint the best person they see fit to conduct the investigation and may be appointed from either an internal or external source.
- 2.2. The Course Coordinator or Academic Director will base their appointment of the investigative officer on:
 - 2.2.1. The level of seriousness of the reported misconduct
 - 2.2.2. The impartiality of the investigator
 - 2.2.3. The skill, experience, and availability of the investigator
- 2.3. Once the Investigation Officer is appointed the following investigation process will take place in a timely manner.

3. Preparation and information collection

- 3.1. Review the report of misconduct and determine the most appropriate manner of investigation
- 3.2. Obtain relevant background information including (but not limited to):
 - 3.2.1. Relevant policies and procedures
 - 3.2.2. Codes of conduct
 - 3.2.3. Relevant legislation
 - 3.2.4. Student academic and administrative records
 - 3.2.5. Interviewing the relevant parties
- 3.3. Where the report of misconduct is of a serious nature, a panel may need to be formed to collectively undertake the investigation, make findings and recommendations. The panel will be formed by the Course Coordinator in consultation with the Academic Director.

4. Making a finding

- 4.1. The Investigation Officer or Panel will assess all the evidence collected and consider it:
 - 4.1.1. The strength and reliability of the evidence
 - 4.1.2. Impact on the student and SCEI-HE
 - 4.1.3. Policies and procedures of SCEI-HE
 - 4.1.4. Legal considerations
- 4.2. The Investigation Officer or Panel will determine whether the misconduct has been proved
- 4.3. If satisfied that misconduct has been proved, impose one or more penalties in accordance with this policy and procedure

5. Reporting

- 5.1. Upon finalising a detailed investigation, the Investigation Officer or Panel will be responsible for compiling a report to the Course Coordinator or Academic Director outlining the following:
 - 5.1.1. The report of misconduct;
 - 5.1.2. Account of relevant information received as well as information rejected as well as why rejected;
 - 5.1.3. Conclusions reached and reasons why;

- 5.1.4. Recommendations for penalties arising from conclusions;
- 5.1.5. The report should also include any transcripts, statements and/or evidence obtained in the course of the investigation.

5.2. Where the report involves serious misconduct that may necessitate heavier penalties or be subject to exclusion, suspension, expulsion the report may need to be made to the Course Coordinator or Academic Director.

5.3. All reports of misconduct are recorded in the Student Discipline Register.

6. Penalties

6.1. The Investigation Officer or Panel may, in relation to any reported student misconduct, take any one or more of the following courses of action:

- 6.1.1. where the allegation of misconduct is not supported by the evidence, dismiss the allegation;
- 6.1.2. place a record of misconduct on the student's record with no further penalty;
- 6.1.3. reprimand the student;
- 6.1.4. impose a conditional penalty intended to encourage rehabilitation and a change in behaviour to avoid further misconduct and may include for the student to:
 - 6.1.4.1. seek counselling;
 - 6.1.4.2. apologise to any person aggrieved by the misconduct; or
 - 6.1.4.3. be on probation for a specified period of time with conditions.
- 6.1.5. require the student to recompense SCEI-HE or to a person for property lost, damaged, or destroyed due, in whole or in part;
- 6.1.6. impose a financial penalty;
- 6.1.7. exclude the student from areas of SCEI-HE campus;
- 6.1.8. suspend the student for a period of time not exceeding one semester;
- 6.1.9. expel the student; or
- 6.1.10. impose a combination of these penalties.

7. Notice and Effect of Decision

7.1. Within ten days of any decision to impose a penalty under this Policy and Procedure, the student must be provided with written notice of the:

- 7.1.1. decision and the reasons for the decision;
- 7.1.2. penalty imposed and conditions attached;
- 7.1.3. right to appeal the decision under this Policy and Procedure.

7.2. A determination to suspend or expel a student will remain in effect until any appeal has concluded and been decided

7.3. Subject to the absolute discretion of the Course Coordinator or Academic Director, SCEI-HE shall not:

- 7.3.1. re-enrol;
- 7.3.2. issue any statement of results;
- 7.3.3. issue any transcript of academic record; or
- 7.3.4. confer any award to a student where that student has failed to pay or fulfil any penalty imposed under this Policy and Procedure by the required date.

8. Appeal

8.1. A student may appeal any decision made under this Policy and Procedure

- 8.2. A student may be accompanied and assisted but not represented by one other person at any time during the investigation and decision process
- 8.3. Where a student is legally represented, SCEI-HE may also be represented by legal counsel.

RELATED DOCUMENTS

HEMIS14 Student Charter
HEPP03 Student Complaints and Grievance Policy and Procedure
HEPP05 Academic Appeals Policy and Procedure
HEPP07 Student Conduct Policy
Student Discipline Register

LEGISLATIVE CONTEXT

Tertiary Education Quality and Standards Agency Act 2011 (Cwth)
Higher Education Standards Framework (Threshold Standards) 2015
The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 8 (specifically 8.8.1)
The Education Services for Overseas Students (ESOS) Act 2000

RESPONSIBILITIES

- Course Coordinator or Academic Director - Responsible for the implementation of this policy and procedure.

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