

CHS Student Non-Academic Misconduct Policy & Procedures

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1. Purpose

The purpose of this policy is to define and describe the actions that constitute non-academic misconduct, the College's processes for investigating allegations of non-academic misconduct, and the range of penalties that may be applied where allegations are proven.

2. Scope

This policy applies to all enrolled students participating in coursework units in all courses of study at CHS.

3. Definitions

Term	Definition
Academic activity	Includes but not limited to developing, delivering, attending or otherwise participating in lectures, tutorials or other modes of delivery (e.g. internships); planning, producing or supervising research; or otherwise sharing knowledge, experience, or skills with others.
Academic misconduct	Any dishonest or inappropriate behaviour by a student in an assessment task or other academic activity including but not limited to: (a) cheating; (b) collusion; (c) fraud; or (d) plagiarism
Allegation	An assertion of misconduct made against a student.
Exclusion	Permanent cancellation of a student's enrolment in their course and the termination of their rights and privileges as a student of CHS, including their right to re-apply for admission.
Harassment	Unwelcome behaviour that is offensive, belittling or abusive to another person or group of people.
Non-academic misconduct	With the exclusion of academic misconduct, any inappropriate, dishonest or criminal behaviour by a student that breaches the Student Code of Conduct, including and not limited to any behaviour which: <ul style="list-style-type: none">• prejudices the reputation of the College;• endangers the wellbeing of others; or• is punishable in a court of law
Overseas student	A holder of a student visa, who is not a citizen of Australia or New Zealand, or who is not an Australian permanent resident, or who is a temporary resident of Australia.
Suspension	Temporary cancellation of a student's enrolment in a unit of study or course.
Victimisation	Subjecting or threatening to subject a person to personal or academic disadvantage as a direct result of their being subject to an allegation of misconduct, reporting or intending to report an act of misconduct, or in relation to their role in the investigation of an allegation of misconduct.
Vilification	A public act which incites others to treat a person badly, with contempt, or to severely ridicule.

4. Policy Statements

Principles

CHS adheres to the following principles regarding student non-academic misconduct:

- CHS is committed to providing a fulfilling learning environment and this commitment is underpinned by an expectation that students will conduct themselves in a manner consistent with the College's values.
- Every student has a responsibility to ensure that they fully understand this policy and to consciously ensure that their behaviour do not constitute or facilitate breaches of this policy.
- The College shall apply a transparent process to ensure that students maintain the expected standards of behaviour and consciously avoid instances of misconduct.
- When identified, acts of student non-academic misconduct will be dealt with immediately and with due regards to procedural fairness, the context within which the behaviour occurred, and equity and consistency in the application of any disciplinary action.
- In cases where an act of student non-academic misconduct involves violence, threats or abuse, or any other risk to the safety of persons or causes serious damage to property, an offending student may be temporarily removed from CHS premises (refer Critical Incident Policy).
- Hearings of allegations of non-academic misconduct by students will be conducted impartially and in a non-adversarial manner by a Student Misconduct Committee.
- Any party involved in a misconduct investigation fearing or experiencing harassment, vilification or victimisation should immediately discuss the matter directly with the Dean or the Principal.
- Any action taken under this policy does not preclude the College from commencing legal action against a student found to have engaged in non-academic misconduct and reporting any allegation(s) of fraudulent or criminal behaviour to the police or other external organisation (e.g. professional registration or accreditation body, regulatory authority, Department of Immigration).
- Onshore Overseas students should be aware that, depending on the severity of the alleged behaviour, outcomes applied under this policy may affect their visa and their permission to stay in the country – therefore limiting their ability to complete their course of study.

Parameters of Non-Academic Misconduct

Non-Academic Misconduct is, with the exclusion of academic misconduct (refer Academic Integrity Policy) any inappropriate, dishonest or criminal behaviour by a student that breaches the Student Code of Conduct, including and not limited to:

- behaviour that prejudices the reputation of the College, CHS staff or students;
- engaging in unlawful or criminal activities on College premises, or whilst participating in academic activities off-campus (e.g. internships and study overseas);
- damaging, destroying, stealing or otherwise misappropriating College assets, including facilities, furniture, library books, computing hardware or software;
- deliberately releasing computer viruses or other malware;
- misusing College assets including facilities, systems and equipment, to engage in illegal activity or activity prohibited by College policies;
- harassing, vilifying, bullying, abusing, threatening, assaulting or otherwise endangering the safety of CHS staff or students;
- making misleading or vexatious appeals against any decision or action by the College;

- making misleading or vexatious complaints;
- obstructing or unreasonably disrupting CHS staff or students from undertaking their normal activities at the College;
- any attempts to improperly influence CHS staff or students in the performance of their duties, including studies;
- breaching any confidentiality or privacy requirements or obligations of the College, CHS staff, or students;
- failing to follow any reasonable direction(s) of a CHS staff member;
- altering, falsifying or fabricating any document or record of the College (e.g. Interim Academic Record) or any documentation that the College requires the student to submit (e.g. academic transcripts, medical certificates or other supporting documentation);
- refusing to provide acceptable identification when instructed to do so by a CHS staff member;
- knowingly providing false or misleading information to the College;
- failing to comply with an outcome or penalty imposed under any policy of the College; or
- encouraging, persuading or coercing another student to engage in any behaviour that may constitute an act of non-academic misconduct.

5. Procedures

5.1 Temporary removal of students

Any person having responsibility for the management of an academic activity on College premises, or for the management of College facilities, is empowered to temporarily remove any student(s) from that activity or facility where there is evidence that the student(s) are engaged or planning to engage in an act(s) of non-academic misconduct (refer Critical Incident Policy). Examples of where temporary removal may be warranted include but not limited to:

- any act that disrupts, endangers, threatens, or causes injury or damage to persons or to CHS facilities;
- non-academic misconduct in CHS libraries or computer laboratories; or
- non-academic misconduct in College common areas (e.g. student break-out areas and kitchens)

Any temporary removal of a student engaged in an academic activity may be imposed for the duration of the activity, and for a period no longer than 48 hours from the time of the temporary removal.

5.2 Reporting and Hearing Allegations of Non-Academic Misconduct

- a) Allegations that a student(s) has engaged in an act(s) of non-academic misconduct should be made in writing to the Registrar as soon as is practically possible after the alleged act has occurred.
- b) The written report to the Registrar will include all relevant information and any evidence relating to the alleged misconduct. All information relating to the investigation of an allegation of misconduct is considered confidential and will not normally be disclosed to parties not directly involved in the investigation other than for authorised or lawful purposes.
- c) Upon receipt of the written report the Registrar in consultation with the Principal will investigate the matters raised in the report.
- d) The Registrar shall notify the student in writing via email of the alleged misconduct within ten working days of receiving the first date that allegation was reported, and invite the student to

respond to the allegation(s) in person at a meeting to be held no later than ten (10) working days from the date of the first notification to the student.

- e) The Registrar may seek assistance in conducting the investigation from an individual staff member or a working party, none of whom have had prior involvement in the case.
- f) If the student has not responded within five working days from the date of the notification, the investigation of the alleged misconduct by the Registrar may proceed in the student's absence.
- g) The student will be informed of the finding and outcome(s) of the investigation by the Registrar in writing via email by the Registrar, no later than ten working days following the date of the meeting.

All findings of student non-academic misconduct and sanctions imposed must be fully documented and recorded on the Student Management System.

5.3 Sanctions for Acts of Non-Academic Misconduct

Upon determination that a student has engaged in an act of non-academic misconduct the following sanctions may be applied.

- no further action if the misconduct is of a minor nature;
- an agreement by the student to undertake behavioural counselling, or similar program;
- a written warning and/or reprimand, including the obligations to exhibit a professional and honest behaviour;
- barring the student from enrolment in a specified unit(s) of study for a period of up to two consecutive teaching sessions;
- limiting access to specified CHS activities, facilities or services for a nominated period, not more than one year on condition that access is in accordance with specified conditions;
- denial of access to specified CHS activities, facilities or services for a nominated period, not more than one year;
- an order for the student to pay the full cost of restoration for damage done to College assets;
- an order for the student to apologise in writing to the aggrieved person(s);
- an order for the student to undertake a community service project in benefit to the College;
- suspension from the student's course for a nominated period, not more than one year;
- exclusion;
- any such other penalty or action as considered appropriate given the nature and seriousness of the misconduct.

Students suspended from their course will have their rights and privileges as a student of CHS withdrawn for the period of the suspension.

Any action taken under this policy does not preclude the College from commencing legal action against a student found to have engaged in substantial misconduct or reporting the allegation(s) to the police or other external organisation (e.g. professional registration or accreditation body, regulatory authority).

5.4 Non-Academic Misconduct Appeals

Student appeals against a finding of academic misconduct or against an outcome in response to a finding of academic misconduct must be made in accordance with the procedures laid down in Section 7 of the Student Non-Academic Grievance Policy & Procedures.

6. Responsibilities

The College has an obligation to:

- publish and promote its policies on non-academic misconduct to all academic staff and students
- implement and apply its policies on non-academic misconduct consistently
- use fair and well-publicised procedures for considering any cases where students are accused of non-academic misconduct
- incorporate a program to inform students of conduct expected of them at CHS (e.g. distribute information and cover expected student conduct at the time of orientation).
- implement appeal processes consistent with the College's Non-Academic Grievance, Complaints and Appeals Policy and Procedure.

The Registrar is accountable for the ongoing development, approval, implementation awareness and effectiveness of this Policy.

Additionally, the Registrar is responsible for:

- overseeing the application of the CHS's non-academic misconduct policy and processes as well as effective resolution of all reported misconducts
- maintaining the College's Register of non-academic misconduct
- ensuring non-academic misconduct matters are appropriately reported to the College's Governing Board.

Director of studies and functional managers are responsible for ensuring their staff are aware of this Policy and their responsibilities defined herein.

Academic and professional staff are responsible for upholding of the College values, vigilance to be alert on potential for misconduct and to follow this Policy in dealing with the suspected misconduct or allegations of misconduct brought to their notice by other students or staff members.

Students are responsible for being aware of, and complying with this in accordance with the Student Code of Conduct that form part of their contract for studying in the College.

7. Records

Records associated with this policy will be maintained according to the Records Management Policy and Record Retention and Disposal Schedule.

8. Related Documents

- CHS Strategic Plan
- CHS Academic Integrity Policy and Procedures
- CHS Critical Incident Policy
- CHS Student Code of Conduct

- CHS Student Grievance and Appeals Policy
- CHS Student Misconduct Committee Terms of Reference
- CHS Privacy Policy

9. Related legislation

- Higher Education Support Act 2003
- Tertiary Education Quality and Standards Agency (TEQSA) Act 2011
- TEQSA Higher Education Standards Framework (Threshold Standards) 2015
- Education Services for Overseas Students (ESOS) Act 2000 and National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
- Migration Act 1958 (Cth)
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007
- Higher Education Support Act 2003 (Cth)
- Privacy Act 1988 (Cth)