

## Student Misconduct Policy

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<b>Description</b>	This policy sets out the procedures for dealing with allegations of student misconduct.

### Related documents

[Student Misconduct Procedures](#)

[Student Charter](#)

[Student Sexual Assault, Harassment, Bullying and Discrimination Policy](#)

[Procedures for Reporting and Responding to Student Sexual Assault, Harassment, Bullying and Discrimination](#)

[Griffith Health Local Protocol - Fit for Professional Practice](#)

[Student Wellbeing and Safety Policy](#)

[Student Wellbeing and Safety Procedures](#)

[Health Safety and Wellbeing Policy](#)

[Student Complaints Policy](#)

[Student Complaints Procedures](#)

[Information Technology Code of Practice](#)

[Staff Guidelines for Decision-Making in Student Cases](#)

[Information Security Policy](#)

[Personal Information Privacy Plan](#)

[Academic Transcripts Policy](#)

[Griffith University Copyright Matters](#)

[Staff Sexual Assault and Sexual Harassment Policy](#)

[Staff Harassment, Bullying and Discrimination Policy](#)

[Reporting and Resolution of Staff Sexual Assault, Harassment, Bullying and Discrimination Procedures](#)

[Griffith University Act 1998](#)

[\[Definitions\]](#) [\[Misconduct\]](#) [\[Reporting misconduct\]](#) [\[How decision-makers proceed\]](#) [\[Decision-maker's jurisdiction and penalty powers\]](#) [\[Decision-maker may refer matter to another decision-maker\]](#) [\[Powers of the student misconduct committee\]](#) [\[Composition of the student misconduct committee\]](#) [\[Decisions which may be appealed\]](#) [\[Procedure for lodging appeal\]](#) [\[Who hears an appeal\]](#) [\[Procedure for hearing an appeal\]](#) [\[Composition of misconduct appeals committee\]](#) [\[Powers of the appeal bodies\]](#) [\[Appeal operates to stay proceedings\]](#) [\[Campus service orders\]](#) [\[Suspension and exclusion\]](#) [\[Standard of proof and onus of proof\]](#) [\[Withholding results\]](#) [\[Interim suspension\]](#) [\[Notice\]](#)

## PART 1 - PRELIMINARY

### 1. DEFINITIONS

The dictionary in [Schedule 1](#) defines particular words used in this policy.

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## 2. MISCONDUCT

- 2.1 A student who, without reasonable cause -
- 2.1.1 breaches any statute or University rule;
  - 2.1.2 fails to comply with a lawful direction, order or request of a University employee; and/or obstructs or attempts to interfere with an employee's lawful performance of their duty;
  - 2.1.3 does an act or omission which may endanger the safety or health of any person;
  - 2.1.4 unlawfully assaults, attempts to assault, or threatens to assault any person or causes any person to hold reasonable fear for their safety or physical or psychological well-being;
  - 2.1.5 impairs the ability of any person to participate in any legitimate University activity;
  - 2.1.6 does any act or omission which disrupts or tends to disrupt the peace or good order of the University or to bring the University into disrepute;
  - 2.1.7 discloses confidential information concerning any matter relating to the University;
  - 2.1.8 damages or wrongfully deals with, or interferes with, or causes damage or loss to any property in or on a University site or property belonging to a third party where the damage, wrongful dealing or interference occurs during a course of study by the student;
  - 2.1.9 misuses the information technology facilities (including software) or communication facilities of the University;
  - 2.1.10 fails to comply with any decision or order made under this policy;
  - 2.1.11 makes a false representation regarding a matter affecting them as a student of the University;
  - 2.1.12 harasses, bullies, intimidates or threatens any University employee or student at the University;
  - 2.1.13 falsifies an academic transcript or other document provided by the University, or purported to be provided by the University, concerning a student or a University employee;
  - 2.1.14 breaches any University policy including, but not limited to, those concerning harassment and discrimination, privacy, intellectual property, occupational health and safety, use of the library, computers, computer facilities, information technology and information technology facilities and use of or access to University sites; or
  - 2.1.15 breaches any Act of the Commonwealth or of the State of Queensland to which the University is subject, while in or on a University site or using University services or facilities;
- is guilty of misconduct.
- 2.2 This policy applies to all misconduct committed by a student in or on a University site or by using University services or facilities, whether or not in connection with an academic program, or if committed otherwise than on a University site or by using University services or facilities, committed while performing tasks as part of an academic program.
- 2.3 A student who attempts to do any of the acts, omissions or things set out in [section 2.1](#) is guilty of misconduct.
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## PART 2 - DEALING WITH POSSIBLE MISCONDUCT

### 3. REPORTING MISCONDUCT

- 3.1 A person may report possible misconduct by a student to a decision-maker.
  - 3.2 A decision-maker (on the decision-maker's own initiative or in response to a report) may make preliminary investigations to decide whether a student should be proceeded against for alleged misconduct.
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#### 4. HOW DECISION-MAKERS PROCEED

- 4.1 If a decision-maker decides to proceed against a student the decision-maker must give an allegation notice to the student. The allegation notice must:
    - 4.1.1 provide details of the alleged misconduct;
    - 4.1.2 state the relevant sub-sections of [section 2](#) (that is, sections [2.1.1](#) to 2.1.15) that are alleged to have been breached and then quote the relevant sub-sections;
    - 4.1.3 address each of the matters described in sections 4.3.2, 4.3.3 and 4.3.4 below;
    - 4.1.4 include reference to [section 20](#) of this policy which provides for the withholding of a student's academic results;
    - 4.1.5 include a copy of this policy.
  - 4.2 If the allegation notice alleges a breach of sections [2.1.1](#), 2.1.14 or 2.1.15, the allegation notice must also specify the relevant University policy, rule or statute or Act of Parliament which has been breached and the relevant provision allegedly breached.
  - 4.3 When dealing with misconduct a decision-maker must -
    - 4.3.1 subject to this subsection, proceed in the way that the decision-maker considers appropriate, without being bound by the rules of evidence;
    - 4.3.2 give the student a copy of, or an opportunity to inspect, all relevant documents held by the decision-maker;
    - 4.3.3 give the student a reasonable opportunity to appear before the decision-maker to answer the allegations, including the time, date and place of such a meeting;
    - 4.3.4 allow the student to be accompanied by or represented by another person not being legally qualified; and
    - 4.3.5
      - (i) decide the student is not guilty of misconduct; or
      - (ii) decide the student is guilty of misconduct, and whether one or more of the orders allowed under [section 5](#) should be made; or
      - (iii) refer the allegation to the student misconduct committee as provided for in [section 7](#).
  - 4.4 As soon as practicable after a decision-maker has reached a decision, the decision-maker must give written notice of a decision to the student and must provide the Deputy Vice Chancellor (Education) with a copy of the notice. The notice must give reasons for the decision and outline any rights of appeal.
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#### 5. DECISION-MAKER'S JURISDICTION AND PENALTY POWERS

- 5.1 Decision-makers have delegated power to deal with any reports of misconduct, having regard to:
  - 5.1.1 the subject matter of the complaint; and
  - 5.1.2 the decision-maker's area of responsibility within the terms of their employment at the University.
- 5.2 If a decision-maker makes a finding of misconduct, that decision-maker may make one or more of the following orders:

- 5.2.1 reprimand the student;
  - 5.2.2 impose a probationary enrolment, provisional on the student's good behaviour;
  - 5.2.3 require the student to pay compensation to the University equal to the cost of restoring an item to the University or replacing it;
  - 5.2.4 require the student to undertake campus service for a specified period;
  - 5.2.5 suspend the student from accessing or using all or any specified University facilities or services for a specified period not exceeding six months, subject to [section 18.1](#) of this policy;
  - 5.2.6 suspend the student from attending all or any specified classes for a specified period not exceeding six months, subject to [section 18.1](#) of this policy; or
  - 5.2.7 refuse or cancel credit for any course.
- 5.3 In making an order under section 5.2, the decision-maker must decide on a penalty that is proportionate to the misconduct and having regard to what is just in all the circumstances.
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## **6. DECISION-MAKER MAY REFER MATTER TO ANOTHER DECISION-MAKER**

- 6.1 A decision-maker may, at any time before the decision-maker has given written notice of decision to the student, refer the matter to another decision-maker.
  - 6.2 The fact that a matter has been referred to another decision-maker or that an allegation notice has been issued previously does not in any way restrict the powers of that decision-maker to deal with or impose orders on the student.
  - 6.3 If a matter is referred to another decision-maker, that decision-maker may rely on a previous allegation notice or may give to the student a new allegation notice, which may include different allegations of misconduct.
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## **7. POWERS OF THE STUDENT MISCONDUCT COMMITTEE**

- 7.1 The student misconduct committee may deal with any matter which is referred to it by a decision-maker. If a finding of misconduct is made, the chairperson of the student misconduct committee, on the advice of the student misconduct committee, may make one or more of the following orders:
  - 7.1.1 reprimand the student;
  - 7.1.2 impose a probationary enrolment, provisional on the student's good behaviour;
  - 7.1.3 require the student to pay compensation to the University equal to the cost of restoring an item to the University or replacing it;
  - 7.1.4 require the student to undertake campus service for a specified period;
  - 7.1.5 suspend the student from accessing or using all or any specified University facilities or services for a specified period not exceeding six months, subject to section 19.1 of this policy;
  - 7.1.6 suspend the student from attending all or any specified classes for a specified period not exceeding six months, subject to [section 18.1](#) of this policy;
  - 7.1.7 refuse or cancel credit for any course; or
  - 7.1.8 exclude the student from the University for a specified period or permanently, subject to [section 18.2](#) of this policy.
- 7.2 When dealing with any matter referred to it by a decision-maker, the student misconduct committee must follow the procedures set out in [section 4](#) (other than section 4.3.5 (iii)), as if it were a decision-maker.

- 7.3 In making an order under [section 7.1](#), the student misconduct committee must decide on a penalty that is proportionate to the misconduct and having regard to what is just in all the circumstances.
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## **8. COMPOSITION OF THE STUDENT MISCONDUCT COMMITTEE**

- 8.1 The student misconduct committee comprises -
- 8.1.1 1 senior academic staff member, appointed by the Vice Chancellor for a term of 3 years, who will be the chairperson;
  - 8.1.2 1 member of the academic staff, appointed by the Vice Chancellor for a term of 1 year; and
  - 8.1.3 1 person who is a student at the time of appointment, appointed by the Vice Chancellor for a term of 1 year after consulting the chairpersons of the relevant student bodies.
- 8.2 The Deputy Registrar may appoint a person to act as secretary to the student misconduct committee. The secretary is to provide the student misconduct committee with administrative support but does not vote.
- 8.3 The chairperson has a deliberative vote, and a casting vote in the event of a deadlock.
- 8.4 A quorum of the student misconduct committee is 2.
- 8.5 If, in a particular case, a member of the student misconduct committee is absent or declines to sit, or the Vice Chancellor considers it appropriate that the member not sit, the Vice Chancellor may appoint a person to sit in the member's place for the purposes of dealing with that case, such person to be qualified under the same paragraph of [section 8.1](#) as the member who that person is replacing.
- 8.6 The Vice Chancellor may appoint a member of the student misconduct committee, including a replacement member, to act as chairperson during the absence of the chairperson.
- 8.7 If a member leaves the student misconduct committee during their term, the Vice Chancellor may appoint a person qualified under the relevant paragraph of [section 8.1](#) to fill the casual vacancy for the remainder of the term such person to be qualified under the same paragraph in [section 8.1](#) as the member who has left the student misconduct committee.
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## **PART 3 - APPEALS**

### **9. DECISIONS WHICH MAY BE APPEALED**

- 9.1 There is no right of appeal against a decision of a decision-maker where a decision-maker decides that the student should not be proceeded against for alleged misconduct under section 3.2, or where a decision-maker decides that the student is not guilty of misconduct under section 4.3.5 (i).
- 9.2 Subject to section 9.1, the student may appeal -
- 9.2.1 a decision of a decision-maker;
  - 9.2.2 a first instance decision of the student misconduct committee; or
  - 9.2.3 an appellate decision of the student misconduct committee where the order imposed by the student misconduct committee is one of permanent exclusion from the University, that the student has committed misconduct, or any order imposed on the student.
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## 10. PROCEDURE FOR LODGING APPEAL

- 10.1 In order to appeal any of the decisions set out in section 10, the student must give notice of the appeal to the Deputy Vice Chancellor (Education) within 20 working days of being given notice of the decision.
  - 10.2 The Deputy Vice Chancellor (Education) must give notice of an appeal to the chairperson of the relevant appeal body.
  - 10.3 The chairperson of the relevant appeal body may extend the time for compliance with section 10.1.
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## 11. WHO HEARS AN APPEAL

- 11.1 The student misconduct committee deals with any appeal from a decision of a decision-maker and proceeds by way of a new hearing under the procedures set out in [section 12.1](#).
  - 11.2 The misconduct appeals committee deals with any appeal from a decision of the student misconduct committee and proceeds by way of a new hearing under the procedures set out in section 12.1.
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## 12. PROCEDURE FOR HEARING AN APPEAL

- 12.1 In hearing an appeal, the student misconduct committee and the misconduct appeals committee ("the committee") must proceed in the way the chairperson of the committee decides but it must observe the following requirements:
  - 12.1.1 the secretary must at least 5 days before the date of the hearing give the student notice of the time and place of the hearing and of the rights granted under this subsection;
  - 12.1.2 the student may appoint a legal representative or another person to represent the student at the hearing;
  - 12.1.3 subject to section 12.1.8, the student together with any representative is entitled to be present throughout the hearing except where the members of the committee wish to confer privately among themselves or to consider their decision;
  - 12.1.4 the student or representative may call and examine relevant witnesses, cross-examine witnesses (other than witnesses called on part of the student) on relevant matters, and may address the committee on relevant matters at the conclusion of the evidence;
  - 12.1.5 the Vice Chancellor may appoint a legal representative or a member of the staff of the University to represent the University at the hearing, and a person appointed may call and examine relevant witnesses, cross-examine witnesses (other than witnesses called on part of the University) on relevant matters, and address the committee on relevant matters at the conclusion of the evidence;
  - 12.1.6 the chairperson of the committee may appoint a legal representative to provide legal advice to the committee;
  - 12.1.7 the committee may decide an appeal on the papers or on the basis of oral submissions made by the parties;
  - 12.1.8 the student and, if appointed, their representative must be given a copy of, or an opportunity to inspect, all evidence;
  - 12.1.9 at every hearing the committee has complete authority to keep order in the proceedings including the authority to order the removal of a person including a student or, if appointed, their representative;
  - 12.1.10 when 2 or more students are alleged to have committed offences arising out of the same occurrence or series of occurrences, the committee must decide whether their cases are to be heard separately or together;

- 12.1.11 a hearing before the committee must be conducted in closed session; and
  - 12.1.12 if the appeal does not relate solely to the orders made by the decision-maker, the committee must decide whether the student has committed misconduct.
  - 12.2 The chairperson must cause to be kept a record of the proceedings of each hearing containing a fair summary of the evidence submitted to or obtained by the committee and other minutes of its proceedings necessary to show fairly the way in which it conducted the inquiry.
  - 12.3 As soon as practicable after the committee has reached a decision, it must communicate the decision to the student and to the Deputy Vice Chancellor (Education).
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### **13. COMPOSITION OF MISCONDUCT APPEALS COMMITTEE**

- 13.1 The misconduct appeals committee is appointed by the Vice Chancellor for the purpose of hearing a particular appeal, and comprises -
    - 13.1.1 Chairperson, who is not a staff member or student of the University;
    - 13.1.2 1 member of staff who is a member of University Council provided the member is not the same staff member appointed to the student misconduct committee under [section 8.1.1](#) or [8.1.2](#) in respect of a particular appeal; and
    - 13.1.3 1 student, who may or may not be a member of University Council provided the student is not the same student appointed to the student misconduct committee under [section 8.1.3](#) in respect of a particular appeal.
  - 13.2 The Deputy Registrar may appoint a person to act as secretary to the misconduct appeals committee. The secretary is to provide the misconduct appeals committee with administrative support but does not vote.
  - 13.3 A legal representative appointed as advisor to the misconduct appeals committee in accordance with [section 12.1.6](#) may provide legal advice to the misconduct appeals committee but does not vote.
  - 13.4 The chairperson has a deliberative vote, and a casting vote in the event of a deadlock.
  - 13.5 A quorum of the misconduct appeals committee is 2.
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### **14. POWERS OF THE APPEAL BODIES**

- 14.1 The student misconduct committee and the misconduct appeals committee must affirm, set aside, substitute their own decision or vary the decision appealed by the student and may make any one or more of the following orders:
  - 14.1.1 reprimand the student;
  - 14.1.2 impose a probationary enrolment, provisional on the student's good behaviour;
  - 14.1.3 require the student to pay compensation to the University equal to the cost of restoring an item to the University or replacing it;
  - 14.1.4 require the student to undertake campus service for a specified period;
  - 14.1.5 suspend the student from accessing or using all or any specified University facilities or services for a specified period not exceeding six months, subject to [section 18.1](#) of this policy;
  - 14.1.6 suspend the student from attending all or any specified classes for a specified period not exceeding six months, subject to [section 18.1](#) of this policy;
  - 14.1.7 refuse or cancel credit for any course; or
  - 14.1.8 exclude the student from the University for a specified period or permanently, subject to [section 18.2](#) of this policy.



- 14.2 In making an order under section 14.1, the student misconduct committee and the misconduct appeals committee must decide on a penalty that is proportionate to the misconduct and having regard to what is just in all the circumstances.
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## **15. FINALITY OF APPEAL DECISION**

- 15.1 The decisions of the Misconduct Appeals Committee are final and there is no further recourse to appeal within the University.
- 15.2 Where the student remains dissatisfied with the outcome of an appeal process, the student may lodge a complaint with the Queensland Ombudsman (please refer to the following Web address: <http://www.ombudsman.qld.gov.au/>)
- 15.3 The student misconduct appeal process within the University should be exhausted before a complaint is lodged with the Ombudsman.
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## **16. APPEAL OPERATES TO STAY PROCEEDINGS**

- 16.1 An appeal from a decision suspends the implementation of that decision.
- 16.2 Despite section 16.1, a decision-maker or the student misconduct committee may make a decision (an "implementation direction") that the decision is to be implemented despite the appeal.
- 16.3 A student may apply to the chairperson of the body that is to hear the appeal ("the chairperson") to nullify an implementation direction.
- 16.4 The chairperson must consider urgently an application to nullify an implementation direction.
- 16.5 The chairperson, in deciding whether to nullify an implementation direction, must include consideration of the following factors:
- 16.5.1 implementation before appeal would result in undue hardship to the student;
  - 16.5.2 implementation or suspension would most assist the appeal body's ability to deal with the matter; and
  - 16.5.3 implementation or suspension would be most likely to maintain the position prior to the implementation direction being enacted.
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## **PART 4 - IMPLEMENTATION AND ENFORCEMENT OF ORDERS**

### **17. CAMPUS SERVICE ORDERS**

- 17.1 A campus service order-
- 17.1.1 must require the student to perform campus service at the places and times, in the way and subject to the conditions, the decision-maker imposing the order decides;
  - 17.1.2 may direct that the student not be awarded a result in any assessment or receive or be granted credit for any course or program or receive any degree or other award of the University, until all work is completed to the satisfaction of the decision-maker; and
  - 17.1.3 is not complied with until the decision-maker considers that the work required has been satisfactorily completed.
- 17.2 If the Deputy Vice Chancellor (Education) finds that a student has not satisfactorily complied with a campus service order, the Deputy Vice Chancellor (Education) may make one or more of the orders which the student misconduct committee may make under [section 7](#) (except permanent exclusion or suspension).
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## **18. SUSPENSION AND EXCLUSION**

- 18.1 A person or body empowered to suspend or exclude a student may direct that the suspension or exclusion be set aside or deferred upon the conditions that the person or body decides.
  - 18.2 A student excluded on disciplinary grounds may apply for readmission to the Deputy Vice Chancellor (Education), via lodgement of a Request for Readmission form with a Student Centre, three years from the date specified in the notation on the Official Academic Transcript. The decision of the Deputy Vice Chancellor (Education) is final.
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## **PART 5 - GENERAL**

### **19. STANDARD OF PROOF AND ONUS OF PROOF**

- 19.1 The standard of proof for all decisions made under this policy is the balance of probabilities.
  - 19.2 The onus of proof for all decisions made under this policy does not rest with the student at risk of having such a decision made against the student.
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### **20. WITHHOLDING RESULTS**

If a student has been given an allegation notice the Deputy Vice Chancellor (Education) may withhold the student's academic results until the proceedings (including an appeal) are finalised.

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### **21. INTERIM SUSPENSION**

- 21.1 The Deputy Vice Chancellor (Education) may suspend a student on considering it necessary to avert a substantial risk of:
    - 21.1.1 injury to a person;
    - 21.1.2 damage to property; or
    - 21.1.3 serious disruption of a University activity.
  - 21.2 Before imposing the suspension the Deputy Vice Chancellor (Education) must make a reasonable effort (having regard to the seriousness and urgency of the risk) to provide the student with an opportunity to explain why the suspension ought not to be imposed.
  - 21.3 The Deputy Vice Chancellor (Education) must, as soon as practicable, give written notice of the suspension to the student either in person or by mail.
  - 21.4 A suspension takes effect when notice of it is received by the student, or is reasonably expected to have been received by the student.
  - 21.5 A suspension ends if after 10 days no allegation notice has been given to the student or if 14 days after the allegation notice is given the student misconduct committee has not held its first meeting.
  - 21.6 If an allegation notice has been given to the student within 10 days of the suspension, or the student misconduct committee has held its first meeting within 14 days of the allegation notice being given to the student, the suspension shall continue until the proceedings are finalised or it is lifted by the Deputy Vice Chancellor (Education), the student misconduct committee or the misconduct appeals committee.
  - 21.7 The Deputy Vice Chancellor (Education) must lift the suspension if satisfied that the risk that necessitated it has passed.
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## **22. NOTICE**

A notice to a student is sufficient if it is in writing and is -

- 22.1 given to the student via the student's University email address; or
- 22.2 posted by mail to the student at the address which was most recently advised by the student as their mailing address.

## SCHEDULE 1: DICTIONARY

In this policy -

**"allegation"** means the allegation or allegations of misconduct in the allegation notice;

**"allegation notice"** means the notice which contains the allegation and which the University gives to a student to commence formal misconduct proceedings;

**"campus service"** means activity in aid of the University or a student of a kind which is determined by the Deputy Vice Chancellor (Education) to be campus service for the purposes of this policy;

**"University Council"** means the Council of the University;

**"Dean"** means a person bearing that title, including a person for the time being acting in or occupying that title, or a person in a position that is substantially similar, including the Director of the Queensland Conservatorium and the Director of the Queensland College of Art. "Dean" includes Associate Deans or Deputy Deans.

**"decision-maker"** means a Dean, Pro Vice Chancellor or Office Director, including the person for the time being acting in or occupying that position, or, if the position no longer exists, the position substantially similar;

**"misconduct"** is defined in [section 2](#);

**"Office Director"** means a person bearing that title, including a person for the time being acting in or occupying that title, or a person in a position that is substantially similar;

**"Pro Vice Chancellor"** means a person bearing that title, including a person for the time being acting in or occupying that title, or a person in a position that is substantially similar;

**"Deputy Vice Chancellor (Education)"** means a person bearing that title, including a person for the time being acting in or occupying that title, or a person in a position that is substantially similar;

**"site"** includes any land or part thereof which for the time being is the property of the University or in its possession or under its control, together with any structure of any kind whether permanent or temporary on that land;

**"student"** means a student enrolled in the University;

**"University"** means the Griffith University established by the Griffith University Act 1998;

**"University rules"** means University rules made pursuant to the Griffith University Act 1998;

**"Vice Chancellor"** means a person bearing that title, including a person for the time being acting in or occupying that title, or a person in a position that is substantially similar.