

DRAFT STUDENT CONDUCT AND DISCIPLINE STATUTE

DIVISION 1: PRELIMINARY

1. This Statute may be cited as the “Student Conduct and Discipline Statute”.
2. This Statute is divided as follows:
 - DIVISION 1 PRELIMINARY
 - DIVISION 2 MEANING OF MISCONDUCT
 - DIVISION 3 MISCONDUCT DEALT WITH SUMMARILY
 - DIVISION 4 MISCONDUCT DEALT WITH BY THE VICE-CHANCELLOR
 - DIVISION 5 STUDENT DISCIPLINARY APPEALS
 - DIVISION 6 COURSES OF ACTION
 - DIVISION 7 EXPULSION FROM THE UNIVERSITY
3. In this Statute, except insofar as the context or subject matter otherwise indicates or requires:
 - “**Act**” means the University of the Sunshine Coast Act, 1998, as amended;
 - “**Dean**” means the Dean responsible for the relevant program of study and includes a person acting, for the time being, in the position;
 - “**misconduct**” has the meaning given by section 5;
 - “**Statute**” means any statute made under the Act;
 - “**student**” means a student who was enrolled and registered in a program of the University at the time of the alleged misconduct;
 - “**University premises**” includes buildings, grounds and vehicles which are under the control and management of the University and which are used for, or in connection with, the purposes of the University;
 - “**Vice-Chancellor**” means the Vice-Chancellor of the University and includes a person acting, for the time being, in the position.
4. References in this Statute to the giving of a notice or other document to a person are references to its being -
 - (a) either served on him or her in person; or

- (b) posted to him or her by registered post addressed to the last address known to the University as the student's place of residence,

and references to the date on which notice is given shall be the date on which notice is served on the student or three (3) business days after the notice is posted to the student.

DIVISION 2: MEANING OF MISCONDUCT

5. (1) In this Statute "misconduct" means conduct on the part of a student which unreasonably -
- (a) impairs the freedom of other persons to pursue their studies, researches, duties or lawful activities in, or to participate in the life of, the University;
 - (b) disrupts the due processes of the University; or
 - (c) causes damage to University property,
- or is otherwise detrimental to the proper order or good conduct of the University or is adverse to its academic standing or reputation.
- (2) Without limiting the generality of clause (1), a student is guilty of misconduct if the student -
- (a) wilfully disrupts or obstructs any teaching or research activity, examination, official meeting, ceremony or other proceeding of the University;
 - (b) wilfully obstructs, or attempts to obstruct or deter a member of the staff of the University in the performance of that member's duties;
 - (c) wilfully interferes with the freedom of movement within the University of any staff, students, guests or visitors;
 - (d) wilfully interferes with the freedom of speech within the University of any staff or students or of any speakers with a legitimate invitation to speak;
 - (e) wilfully, recklessly or negligently engages in conduct which results in or involves injury to any person or loss or destruction of, damage to or interference with any premises, facilities or property;
 - (f) enters a part of the University premises -
 - (i) to which entry is prohibited;
 - (ii) to which entry is permitted only with authority; or
 - (iii) remains on a part of the University premises referred to in paragraph (i) or (ii),

without authority, where the student knows, or ought reasonably to know, that entry to that area is prohibited or is permitted only with authority, as the case may be;

- (g) unlawfully assaults, or attempts to assault, a person on University premises;
- (h) wilfully damages or wrongfully deals with property of the University or property of a person within University premises;
- (j) cheats, acts dishonestly or unfairly or assists another person to cheat or act dishonestly or unfairly, or attempts to do so, at or in connection with an examination, test, assignment, dissertation, thesis or other means of academic assessment conducted by or on behalf of the University;
- (k) in an attempt to gain academic credit, plagiarises the work of another;
- (l) without lawful authority, obtains access to or alters or attempts to gain access to or to alter, a document or record, kept by the University, whether kept in hard copy, electronic or other form;
- (m) knowingly makes a false representation with respect to a matter which relates to the student as a student;
- (n) without lawful authority, discloses to a person information relating to the University or its affairs which is of a confidential nature and which the student knows, or ought reasonably to know, to be confidential;
- (o) fails to comply with a reasonable direction given by a member of staff of the University who has, prior to giving the direction, identified himself or herself to the student as a member of staff;
- (p) fails to disclose his or her name and address or to produce evidence of identity where required to do so by an officer of the University who -
 - (i) is making, in the course of duty, an enquiry or investigation to which the identity of the student is relevant; or
 - (ii) needs to know the student's identity for the purposes of a report to be made to a superior officer;
- (q) contravenes or fails to comply with a provision of a Statute or rule of the University;
- (r) fails to comply with or observe a requirement, suspension or exclusion imposed on the student under this Statute, or a penalty (other than a fine) imposed under another Statute or rule relating to the University.

- (3) For the purposes of clause 5(2)(k), a person plagiarises the work of another if that person presents the thoughts or words of the other as being his or her own, and the word for word reproduction of a written passage of more than insignificant length, or the paraphrasing of such a passage, is evidence of plagiarism unless the source of the material is acknowledged in the work.

DIVISION 3: MISCONDUCT DEALT WITH SUMMARILY

6. (1) Where misconduct is committed by a student in, or in connection with, an activity held within the University, whether a teaching or research activity, examination, official meeting, ceremony or other proceeding, the person with responsibility for that activity, whether or not that person is a member of staff of the University, may exclude the student from the activity being conducted for the duration of that activity.
- (2) A member of staff of the University with responsibility for the operation or management of a facility of the University, including the Library, may exclude a student from access to or use of that facility for a period not exceeding seven (7) days for misconduct arising out of the use of that facility by the student.
- (3) A member of staff who excludes a student under clause 6(2) shall, as soon as possible, report the misconduct and the subsequent exclusion to the Deputy Vice-Chancellor in writing.
- (4) Where a staff member identifies a student as having plagiarised the work of another, and that student has attempted to obtain academic credit for that work, the staff member shall report the plagiarism to the Dean who may do one or more of the following:
 - (a) reprimand the student;
 - (b) set additional academic work for assessment;
 - (c) cause a 'Fail' grade to be awarded to any work associated with the plagiarism;
 - (d) cause a 'Fail' grade to be awarded for the course in which the plagiarism was attempted; or
 - (e) exclude the student from the course in which the plagiarism was attempted.
- (5) A Dean who takes action against a student under clause 6(4) shall, as soon as possible, report the matter to the Vice-Chancellor in writing.

DIVISION 4: MISCONDUCT DEALT WITH BY THE VICE-CHANCELLOR

7. Where misconduct is known by a member of staff or a student, or is suspected by a member of staff or a student on reasonable grounds to have been committed, by a student on University premises -
 - (a) the member of staff (if not the Vice-Chancellor) or the student shall report the misconduct in writing to the Vice-Chancellor who shall make such enquiries into the alleged misconduct as the Vice-Chancellor thinks necessary; or
 - (b) if the Vice-Chancellor - make such enquiries into the alleged misconduct as the Vice-Chancellor thinks necessary.
8. (1) The Vice-Chancellor may or, where requested to do so by the student alleged to have committed the misconduct, shall appoint a committee consisting of at least three (3) members to assist in enquiries under clause 7.
 - (2) At least one (1) of the members of the committee referred to in clause 8(1) shall be a student.
9. (1) The Vice-Chancellor, or the committee appointed by the Vice-Chancellor under clause 8(1), as part of the enquiries conducted under clause 7 -
 - (a) shall give the student alleged to have committed the misconduct full opportunity to explain the conduct;
 - (b) may interview any other person the Vice-Chancellor or the committee, as the case may be, feels may be able to assist with the enquiries; and
 - (c) shall provide the student alleged to have committed the misconduct with the opportunity to respond to any information gathered as part of enquiries conducted under clause 7.
 - (2) The opportunity to respond in clause 9(1)(c) shall include the opportunity to -
 - (a) either in person or by his or her representative, call and examine witnesses, and to cross-examine other witnesses; and
 - (b) submit, call for and / or examine documents, correspondence, written statements and other papers relevant to the alleged misconduct.
 - (3) The Vice-Chancellor may, if the Vice-Chancellor deems it necessary for the management and good government of the University, suspend the student alleged to have committed the misconduct for a period not exceeding seven (7) days or until the completion of the enquiries, whichever is the earlier.
10. (1) At the conclusion of the enquiries under clause 7, with or without the assistance of a committee and on the basis of the findings, the Vice-Chancellor shall take one or more of the courses of action listed in clause 16.

- (2) The Vice-Chancellor shall, within seven (7) days of taking action under clause 10(1) in respect of a student, notify that student in writing of the decision to take that action.
- (3) Where any action is taken under clause 10(1) the Vice-Chancellor shall report in writing to the Council at its next meeting detailing the reported misconduct, the enquiries made, the findings following investigation and the course or courses of action taken.

DIVISION 5: STUDENT DISCIPLINARY APPEALS

- 11. (1) A student affected by a decision of the Vice-Chancellor may appeal to the Student Disciplinary Appeals Committee against that decision or the severity of the disciplinary action taken or both the decision and the severity of the disciplinary action taken.
- (2) An appeal from a student under clause 11(1) shall be in writing, state the grounds for the appeal and be lodged with the Deputy Vice-Chancellor within fourteen (14) days after having received notification of that decision.
- 12. (1) The Council shall, at its first meeting each year, appoint a Student Disciplinary Appeals Committee.
- (2) A Student Disciplinary Appeals Committee shall consist of -
 - (a) a Chairperson, who may or may not be a member of the Council;
 - (b) a student of the University;
 - (c) a member of the Council, not being an official member.
- (3) If a member of the Student Disciplinary Appeals Committee is involved in any matter the subject of an appeal to the Student Disciplinary Appeals Committee, that member shall not participate in the appeal as a member of the Student Disciplinary Appeals Committee.
- (4) The Council may appoint a substitute member to take the place of any person excluded from participation under clause 12(3) or to fill a casual vacancy.
- (5) The Chairperson and members of the Student Disciplinary Appeals Committee shall continue in office until the appointments of the next Student Disciplinary Appeals Committee, except that a Student Disciplinary Appeals Committee shall continue in office to conclude the hearing of any appeal and to give its decision notwithstanding the appointment of a new Student Disciplinary Appeals Committee.
- (6) The minute secretary to Council shall act as secretary to the Appeals Committee.
- 13. An appeal shall be by way of a re-hearing.

14. (1) A Student Disciplinary Appeals Committee shall commence hearing an appeal not later than 28 days after the date on which the student lodges the notice of appeal.
 - (2) The Secretary to the Student Disciplinary Appeals Committee shall give each of the parties to the appeal not less than seven (7) days notice of the date, time and place of the hearing and the notice given to the student shall notify him or her of the provisions of clause 15.
 - (3) The decisions of the Student Disciplinary Appeals Committee shall be decided by a simple majority.
 - (4) Where, after the hearing of an appeal has begun, a member of a Student Disciplinary Appeals Committee is unable to be present for the duration of the hearing, the Chairperson shall advise the Council and a new Student Disciplinary Appeals Committee will be constituted.
 - (5) Where a new Student Disciplinary Appeals Committee is appointed under clause 14(4) it shall commence hearing the appeal no later than 28 days after the date on which it is appointed and shall give each of the parties to the appeal not less than seven (7) days notice of the date, time and place of the hearing.
 - (6) The powers of a Student Disciplinary Appeals Committee on an appeal are, as may be appropriate to the nature of the appeal, to -
 - (a) confirm or set aside a finding of the Vice-Chancellor; and / or
 - (b) confirm or set aside or vary a penalty imposed or recommended by the Vice-Chancellor.
 - (7) The Student Disciplinary Appeals Committee shall give written notice of its decision in respect of an appeal to the parties to the appeal within seven (7) days of that decision.
 - (8) Where the Student Disciplinary Appeals Committee has substituted for another course of action or confirmed a course of action that a recommendation be forwarded to the Council that a student be expelled from the University, all rights and privileges of that student as such shall be suspended until the Council gives effect to the recommendation or determines not to do so.
15. (1) The procedure of a Student Disciplinary Appeals Committee, including the order in which evidence may be called and the order in which addresses should be heard, shall be at the discretion of the Committee.
 - (2) A student shall be entitled to be represented before a Student Disciplinary Appeals Committee by a member of staff or by a student or by an employee of the Sunshine Coast University Student Guild.
 - (3) The University shall be entitled to be represented before a Student Disciplinary Appeals Committee by a member of staff of the University.

- (4) During a hearing by a Student Disciplinary Appeals Committee -
- (a) the student shall be entitled -
- (i) subject to clause 15(6), to be present with his or her representative throughout the hearing, except when the Chairperson and members wish to confer privately among themselves or to consider their decision; and
 - (ii) either in person or by his or her representative to call and examine witnesses, to cross-examine other witnesses and to address the Student Disciplinary Appeals Committee;
 - (iii) to submit, to call for and / or to examine documents, correspondence, written statements and other papers relevant to the appeal; and
- (b) the University 's representative may -
- (i) call and examine witnesses, cross-examine other witnesses and address the Student Disciplinary Appeals Committee; and
 - (ii) submit, call for and / or examine documents, correspondence, written statements and other papers relevant to the appeal.
- (5) Hearings of a Student Disciplinary Appeals Committee shall be in private.
- (6) A Student Disciplinary Appeals Committee shall have full authority to keep order at its hearings and may order the removal, for unruly conduct, of a person, including the student in respect of whom the hearing is taking place or the student's representative.
- (7) Where a student fails to appear at a hearing of which notice has been given in accordance with this Statute, a Student Disciplinary Appeals Committee may, at its discretion, proceed with the hearing in the student's absence or adjourn the hearing.

DIVISION 6: COURSES OF ACTION

16. The Vice-Chancellor or a Student Disciplinary Appeals Committee shall, in relation to the student alleged to have committed the misconduct, take one or more of the following courses of action -
- (a) where the allegation of misconduct is not supported by the evidence, dismiss the allegation;
 - (b) take no further action;
 - (c) caution the student;
 - (d) reprimand the student;

- (e) require the student to attend counselling sessions for a specified period;
- (f) fine the student an amount not exceeding 10 penalty units;
- (g) require the student to undertake community service for a period not exceeding one hundred (100) hours;
- (h) require the student to make restitution to the University or to a person for property lost, damaged or destroyed due, in whole or in part, to the conduct of the student;
- (i) suspend the student from any or all teaching activities for a specified period not exceeding twenty-eight (28) days;
- (j) exclude the student from the use of any or all University facilities, including the Library, for a specified period not exceeding twenty-eight (28) days;
- (k) exclude the student from University premises or a specified part or parts of University premises for a specified period not exceeding twenty-eight (28) days;
- (l) where the misconduct arose in connection with the assessment of the student in a course, reduce the assessment of performance of the student and substitute a lower grade;
- (m) where the misconduct arose in connection with the assessment of the student in a course, cancel the assessment of the student and substitute a "Fail" grade;
- (n) recommend to the Council that a degree or other award be withheld from the student;
- (o) recommend to the Council that the student be expelled from the University.

DIVISION 7: EXPULSION FROM THE UNIVERSITY

17. A student who has been expelled from the University shall not be re-enrolled as a student except with the permission of the Council.

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