ORDINANCE NO 9

STUDENT DISCIPLINE

The Council of the University of Tasmania makes the following Ordinance under the University of Tasmania Act 1992.

PART 1 - INTRODUCTION

Commencement and revocation

1.1 This ordinance takes effect on 1 March 2003.

1.2 Ordinance 58 (Student Discipline) is revoked, together with Ordinances 66, 78 and 87, which amended Ordinance 58.

Definitions

“academic misconduct” includes cheating, plagiarism and any other conduct by which a student -
(a) seeks to gain, for themselves or for any other person, any academic advantage or advancement to which they or that other person are not entitled; or
(b) improperly disadvantages any other student.

“academic unit” means the secondary organisational unit in the academic structure of the University, reporting directly to the College Executive Deans, as per Ordinance 14 – Academic Structure.

“act” includes omission.

“College” means
(a) the primary organisational unit in the academic structure of the University, as per Ordinance 14 – Academic Structure
(b) the University College; or
(c) in relation to courses administered through the Academic Division, College means that Division.

“Decision maker” means a person or body making a decision under this Ordinance.
“Discipline Appeals Committee” means the committee set up under clause 4.1.

“Discipline Panel” means the panel set up under clause 1.6.

“general misconduct” means misconduct of a type specified in clause 2.1.1.

“harassment or discrimination” has the meaning defined under Part 4 of the University Harassment and Discrimination Policy.

“lawyer” means:
(a) a person whose name is currently on the roll of practitioners of the Supreme Court of Tasmania or the Supreme Court of any other State or Territory; or
(b) a member of the academic staff of the Law School;
and, for the purposes of clauses 1.6.2 and 1.6.3 only, includes a person who holds a degree in law from a recognised tertiary institution whether or not that person is also included in paragraph (a) or (b).

“Registrar” includes any person authorised by the Registrar for the relevant purpose.

“reprimand” means a formal notation on the student’s academic record on the University Student Record System.

“residential college” means -
(a) Christ College; or
(b) Jane Franklin Hall; or
(c) St John Fisher College; or
(d) Kerslake Hall; or
(e) Leprena; or
(f) Investigator Hall; or
(g) Endeavour Hall; or
(h) Norfolk Hall; or
(i) any other student accommodation approved by the Council for the purposes of this ordinance.

“senior officer” means –
(a) Provost
(b) Deputy Vice-Chancellor
(c) Pro Vice-Chancellor
(d) Chief Operating Officer
(e) Chief Executive, University College
(f) Executive Dean including the Dean of Graduate Research
(h) Head of Academic Unit
(i) Executive Director, Student Operations
(j) Head of Section
(k) head of a residential college
(l) manager of student accommodation
(m) general manager of a student association
   and includes a person to whom a senior officer delegates functions under
   this ordinance in accordance with clause 1.4
(n) Registrar.

“section” means a unit of an Administrative Division approved by Council including but
not limited to Academic Administration, the Library, Information Technology
Services, International Services, Asset Management Services.

“student” means a person currently enrolled in any course, unit or other program of
study and includes:
(a) a person who was a student at the time of any alleged misconduct; and
(b) a person who becomes a student after allegedly committing an act of
   academic misconduct; and
(c) a student of another university or higher education institution who is
   granted reciprocal rights of access to the University of Tasmania’s
   premises or library or information technology facilities.

“university premises” includes -
(a) the premises of the university, whether within Tasmania, interstate or
    overseas;
(b) all premises leased to or occupied by the Tasmania University Union Inc;
(c) any other premises owned or occupied by the university;
(d) the premises of a residential college or off campus accommodation owned
    or operated by the University;
(e) the location of clinical or professional placements that form part of a
    course offered by the university;
(f) the location of camps, field placements, workshops and any other study
    activities controlled or supervised by the university;
(g) any other place in the temporary possession, whether actual or
    constructive, of the university;
(h) including the University’s rights of access and egress.

“university service work” means work that is approved by the Chief Operating Officer
for the purposes of this definition.

1.2.2 A person who is an enrolled student in any year is, for the purposes of this
ordinance, an enrolled student until the end of the enrolment period for
semester 1 of the next year.
1.3 Delegation by the Chief Operating Officer

1.3.1 The Chief Operating Officer may delegate any functions under this ordinance, other than this power of delegation, to:

(a) the Registrar; or
(b) a member of academic staff of the rank of associate professor or above; or
(c) a member of professional staff appointed at or above HEO Level 10.

1.3.2 A delegation must be in writing and dated.

1.3.3 The Chief Operating Officer may delegate under this clause to more than one person.

1.3.4 “Chief Operating Officer” in this ordinance, other than in clauses 1.3.1 and 1.3.3, includes a person to whom the Chief Operating Officer has delegated the relevant function in accordance with this clause.

1.4 Delegation by a senior officer

1.4.1 A senior officer may delegate any functions under Part 2, other than this power of delegation, to:

(a) a member of academic staff of the rank of senior lecturer or above; or
(b) a member of professional staff appointed at or above HEO Level 10; or
(c) a senior administrative officer of an interstate or overseas agent of the University who is duly authorised in writing by the University.

1.4.2 A senior officer who has functions under Part 3 may delegate any of those functions, other than this power of delegation, to a member of staff who the delegator is satisfied has the skills and knowledge necessary to perform or exercise those functions.

1.4.3 A delegation must be in writing and dated.

1.4.4 A senior officer may delegate under this clause to more than one person.
1.5 **Time limits**

A time limit set out in this ordinance must be complied with if reasonably practicable. In exceptional circumstances where it is not possible for an action to be completed within the time limit, steps must be taken to ensure that the process is completed within a reasonable time. Under such circumstances the student will be kept informed of progress. However, despite anything else in this ordinance, no action is invalidated simply because a time limit is exceeded.

A reference to days means working days, ie days on which the University is ordinarily open for business, unless otherwise stated.

1.5 **Discipline Panel**

1.5.1 Academic Senate will, before the end of each year, appoint a Discipline Panel of at least 12 people for the following year.

1.5.2 The panel must include:
(a) at least 3 lawyers, at least one of whom is not employed in the Faculty of Law;
(b) at least 6 members of academic staff;
(c) 3 students nominated by the Tasmania University Union Inc, of whom at least 1 is a postgraduate student.

1.5.3 Each academic misconduct committee must be chaired by a panel member who is a lawyer.

1.6 **Guidelines for considering evidence**

1.6.1 A decision maker may consider evidence presented on behalf of one party in the absence of any other party.

1.6.2 A decision maker considering evidence under clause 1.7.1 must make sure that each party who has presented evidence –
(a) is informed of the substance of all evidence that the person or body intends to rely on in making the decision; and
(b) is given the opportunity to respond to it.

1.6.3 Academic Senate may from time to time issue guidelines for the consideration of evidence, including the conduct of hearings, under this ordinance.
**Part 2 – General Misconduct** - replaced by Ordinance 21 Student Behaviour and Conduct  
(Made by Council 14 December 2018)

**PART 3 - ACADEMIC MISCONDUCT**

3.1 **Procedure for academic misconduct cases.**

3.1.1 Any allegation of academic misconduct is to be notified as soon as possible in writing to:
(a) the relevant head of academic unit and, where applicable, the chair of the relevant college teaching and learning committee; or
(b) the Chief Executive, University College
(c) in the case of a research higher degree candidate, the Dean of Graduate Research.

The allegation must then be handled under this Part, with any reference to the head of academic unit meaning the head of the relevant academic unit, the Chief Executive, University College, or the Dean of Graduate Research. Each of these Senior Officers may delegate their responsibilities under clause 1.4.2 as appropriate.

3.1.2 The head of academic unit must, without delay and in any event within 10 days after the original notification of the alleged academic misconduct, notify the student who is the subject of the allegation of the substance of the allegation, and offer the student the opportunity to be heard. The head of academic unit must, with the notice, give the student a copy of this ordinance and a copy of information provided to support the allegation.

The head of academic unit must also notify the Registrar.

3.1.3 If the student wishes to be heard, the student must advise the head of academic unit of that fact within 10 days after the date of the notification. The head of academic unit must then arrange a meeting with the student within 10 days after receiving that advice from the student.

3.1.4 The head of academic unit must act fairly and give the student a reasonable opportunity to be heard in defence of the allegation and, if appropriate, in mitigation of penalty.
3.1.5 If the student does not give any advice under clause 3.1.3, the head of academic unit may determine the matter without further communication with the student and in the absence of any evidence or representation from the student.

3.1.6 The student may be accompanied to the meeting with the head of academic unit by a person who is not a lawyer. That person may assist the student.

3.1.7 If the head of academic unit decides that the student has not committed academic misconduct, the head of academic unit must advise all relevant parties within 3 days after making the decision.

3.1.8 A head of academic unit who, having given the student the opportunity to be heard, decides that the student has committed academic misconduct may –

(a) after consultation with the Registrar, impose one or more of the penalties set out in clause 3.1.9; or

(b) request the Registrar to refer the matter to an academic misconduct committee and advise the student accordingly.

3.1.9 These are the penalties referred to in clause 3.1.8(a) –

(a) a reprimand;

(b) monitoring the student’s compliance with assessment requirements, including discipline referencing requirements, within the school;

(c) a reduction in the marks allocated to the student for the particular component of assessment to which the academic misconduct relates;

(d) the cancellation of the student’s marks for that component of assessment;

(e) a requirement that the student successfully completes additional work or alternative assessment tasks.

3.1.10 A head of academic unit who imposes a penalty under clause 3.1.8(a) must, within 3 days after imposing the penalty, notify the student and the Registrar in writing of the decision made and the penalty imposed.

3.1.11 Notice to the student must include notice that they are entitled to appeal on the grounds set out in Part 4.

3.2 Academic misconduct committee

3.2.1 When a head of academic unit requests the Registrar to refer an allegation to an academic misconduct committee under clause 3.1.8(b), the Registrar
must notify the student of that referral within 5 days after receiving the request.

3.2.2 The notice to the student must state the substance of the allegation, a copy of the information provided to support the allegation and the time and place at which an academic misconduct committee will convene to deal with the allegation.

3.2.3 The committee must be convened not earlier than 5 days, and not later than 15 days, after receipt by the student of the notice. The Registrar will arrange for a secretary to be provided to the committee.

3.2.4 The committee consists of 3 members of the Discipline Panel (one from each category specified in clause 1.6.2) who are nominated by the chair or deputy chair of Academic Senate. The committee members must not be members of the school in which the allegation originated or have been previously involved in the matter.

3.2.5 The student may attend the committee meeting and may make a written submission to the committee before the meeting or an oral submission at the meeting, or both. The student may address the committee or make a submission in writing to it in mitigation of penalty.

3.2.6 The student may be accompanied to the meeting by a person who is not a lawyer. That person may assist the student before the committee.

3.2.7 The committee may follow any procedure it thinks appropriate. It is not bound by the rules of evidence or other technicalities or legal forms, and it may inform itself in relation to any matter in any manner that it thinks fit. However, the committee must act fairly, and must, unless the student chooses not to attend the meeting -

(a) give each party the opportunity to state their case and to correct or contradict any relevant statement that they believe to be prejudicial to their case; and

(b) make sure that all documents that are to be relied on by any party at the meeting have been made available to the other parties.

3.2.8 The committee may, if it finds the allegation of academic misconduct made out, impose one or more of these penalties –

(a) a reprimand;

(b) a reduction in or cancellation of the marks allocated to the student for the particular component of assessment to which the academic misconduct relates;
(c) deeming the student ineligible to sit the final examination, or the awarding of a lower grade or failure to the student, for the unit to which the academic misconduct relates;

(d) a requirement that the student satisfactorily completes additional work or alternative assessment tasks;

(e) the imposition of probationary, assessment or other enrolment conditions;

(f) a fine of not more than $500;

(g) the exclusion of the student from the university, and suspension of their enrolment, permanently or for any period that it thinks appropriate.

3.2.9 In imposing a penalty under clause 3.2.8, it is desirable that the committee takes into account penalties imposed previously in the university in similar circumstances.

3.2.10 A committee that imposes a penalty under this clause must notify the student, the head of academic unit and the Registrar of its decision within 5 days after the penalty is imposed. The decision of the committee must be in writing and signed by the members of the committee.

3.2.11 Notice to the student under clause 3.2.10 must include notice that they are entitled to appeal on the grounds set out in Part 4.

3.2.12 The committee may, as it thinks appropriate and subject to clause 5.1.2, direct the Registrar to publish its decision (with or without naming the parties) and, in particular, may direct the Registrar to notify any relevant professional, government or other organisation or agency of the decision.

3.3 Appeals in academic misconduct cases

3.3.1 A student may appeal to the Discipline Appeals Committee against a decision of, or a penalty imposed by, a head of school or an academic misconduct committee under clause 3.1 or 3.2.

3.3.2 Part 4 applies to the appeals process.

PART 4 - APPEALS

4.1 Discipline Appeals Committee

4.1.1 A Discipline Appeals Committee will hear appeals under this ordinance.
4.1.2 The composition of the committee may vary from case to case, but the Registrar must make sure that each committee consists of -
(a) the Chair or Deputy Chair of Academic Senate (who must chair the meeting); and
(b) a head of academic unit or other senior officer nominated by the Chair of Academic Senate and the Registrar; and
(c) the Campus President of the Tasmanian University Union Incorporated for the campus at which the student is enrolled, or that Campus President’s nominee; or
(d) in the case of a postgraduate student, the postgraduate president of the Tasmanian University Union Incorporated, or their nominee.

4.1.3 The Registrar must make sure that no member of the appeals committee for a particular case was a member of the academic misconduct committee in that case or was involved in the case.

4.1.4 Despite clause 4.1.2, the Vice-Chancellor will hear an appeal under this ordinance against a decision of the Chief Operating Officer.

4.2 Grounds of appeal

4.2.1 The only grounds on which a student may appeal against a decision under this ordinance are:
(a) personal bias or ill will on the part of the person or body making the decision;
(b) failure to comply with the principles of natural justice, but a ground which alleges that the decision maker considered evidence in breach of the principles of natural justice will not be sufficient for the purposes of clause 4.3.3 if the decision maker considered that evidence in accordance with this ordinance and any relevant guidelines under clause 1.7.3;
(c) evidence that the student did not have at the time of the decision, and could not by reasonable diligence have obtained at that time, and that would probably have affected the decision;
(d) manifestly excessive or inappropriate penalty.

4.3 Notice of appeal

4.3.1 A student who wants to appeal against a decision made or a penalty imposed under this ordinance must lodge with the Registrar a written notice setting out:
(a) on which of the grounds specified in clause 4.2 they intend to rely; and
(b) the basis on which they believe that the ground of appeal is made out.

4.3.2 The notice must be lodged within 10 days after receipt by the student of the notice of the relevant decision or penalty, or any longer time allowed in a particular case by the Registrar.

4.3.3 Within 5 days after receipt of the notice, the Committee must meet and decide whether the notice of appeal discloses a reasonable basis on which any of the grounds set out in clause 4.2 could be made out. If the committee decides that the notice does not disclose that reasonable basis, it must not hear the appeal. The Registrar will notify the student in writing of the committee’s decision whether or not to hear the appeal.

4.3.4 If the committee decides that the notice discloses that reasonable basis, it must hear the appeal. In that case, the Registrar must make sure that the committee is convened within 15 days after the notice of appeal is lodged. The Registrar must give the student at least 5 days notice of the meeting. The Registrar will appoint a Secretary to the committee.

4.4 Hearing of appeal

4.4.1 The committee may follow any procedure it thinks appropriate. It is not bound by the rules of evidence or other technicalities or legal forms, and it may inform itself in relation to any matter in any manner that it thinks fit. However, the committee must -
(a) act fairly; and
(b) give both parties the opportunity to state their case and to correct or contradict any relevant statement that they believe to be prejudicial to their case; and
(c) make sure that all documents that are to be relied on by either party at the meeting have been made available to the other party.

4.4.2 The student may be accompanied to the meeting by a person who is not a lawyer. That person may assist the student before the committee.

4.4.3 After considering the material relied on in support of the appeal or in opposition to it, the committee must either dismiss the appeal or uphold it, and confirm, set aside or vary any penalty imposed. The Committee must make its decision within a reasonable time.

4.4.4 The committee must report its decision to Registrar within 5 days after it is made, and must notify the student within that time. The decision of the committee must be in writing and signed by the members of the committee.
4.4.5 The decision of the committee is final.

PART 5 - MISCELLANEOUS

5.1 Publication of determinations

5.1.1 The Registrar must make sure that the proceedings of an academic misconduct or appeals committee are recorded (mechanically or otherwise as appropriate).

5.1.2 The Academic Senate may from time to time issue guidelines for the publication of academic or general misconduct decisions.

5.1.3 The Registrar, on the advice of the appeals committee and subject to clause 5.1.2, may publish any determination of the committee.

5.1.4 The Registrar must report to Council any determinations of the appeals committee, whether or not the determinations are published.

5.2 Notice to students

5.2.1 Notice to a student may be given by sending it by prepaid post to the most recent appropriate address for the student as recorded on the university Student Record System, and must, in the absence of evidence of earlier receipt, be taken to have been received by the student -

(a) if that address is within Australia, on the third working day after it was sent; and

(b) if that address is outside Australia, on the tenth working day after it was sent.

5.3 Undischarged penalties

5.3.1 While a fine or a requirement for payment for repairs to property or for university service work remains unpaid or unfulfilled, or while a student is excluded from the university or their enrolment is suspended, the student may not-

(a) enrol; or

(b) receive any results of assessment; or

(c) graduate or receive a diploma or any certificate stating that the student is qualified to graduate or receive a diploma in the university; or
(d) receive a certificate of academic record - without the written consent of the Registrar.

5.3.2 A student will not at any time be given credit at the university for any study that is undertaken by the student at the university or any other institution while the student’s enrolment at the university is suspended.

5.4 Transitional provisions

5.4.1 Any discipline proceedings that are, at the commencement of this ordinance, under way under the Student Discipline Ordinance in force immediately before that commencement, must be completed under the previous ordinance as in force immediately before that commencement.

5.4.2 Any allegation of misconduct that concerns conduct that is alleged to have occurred before the commencement of this ordinance must be dealt with under the Student Discipline Ordinance in force immediately before that commencement. This subclause is subject to subclause 5.4.3.

5.4.3 Subclause 5.4.2 does not apply if the person making the allegation and the person who is the subject of the allegation advise the Registrar in writing that they want the matter dealt with under this ordinance.

Made by Council on 28 February 2003.

Sealed with the seal of the University of Tasmania on 6 March 2003.

Professor Daryl Le Grew
Vice-Chancellor

Ms Belinda Webster
University Secretary