

Student Behaviour and Conduct Ordinance

Version 2 – Commenced 16 May 2022

1) Preamble

- 1.1 All provisions in this ordinance prior to 25 September 2020 are revoked and replaced.
- 1.2 Student academic misconduct and research misconduct are excluded from this ordinance and are administered by other instruments.

2) Commencement and review

- 2.1 This ordinance takes effect on 25 September 2020 and will be reviewed periodically.

3) Purpose

- 3.1 This ordinance sets out:
 - a) the penalties and outcomes for students who have been found to have engaged in or exhibited inappropriate behaviour(s)
 - b) the rights to appeal a finding of inappropriate behaviour
 - c) urgency provisions relating to allegations of inappropriate behaviour that require immediate action, and the right of authorised officers and University staff to issue reasonable directions.

4) Definitions

In this ordinance:

authorised officer means a person(s) nominated by the University to deal with allegations against students in accordance with a University approved procedure.

decision maker means the person in the position identified by University approved procedure to make a decision after an investigation of a complaint of inappropriate behaviour.

inappropriate behaviour is behaviour that is not accepted by the University or is contrary to the University's expectations of behaviour as identified in the University's *Behaviour Policy*. There are three levels of inappropriate behaviour: unsatisfactory conduct; misconduct; and serious misconduct.

investigation means an investigation undertaken in response to an allegation of inappropriate behaviour either by a member of the University community or by an external party, and in accordance with a University approved procedure.

misconduct is the unsatisfactory conduct of a student, where the conduct involves a substantial or repeated failure to reach or maintain a reasonable standard of behaviour.

serious misconduct is conduct which is either:

- a) wilful or deliberate inappropriate behaviour that is inconsistent with the continuation of study or research; or
- b) inappropriate behaviour that causes serious or imminent risk to the health and/or safety of a person.

student means a person who was a student at the time of any alleged inappropriate behaviour including a person who:

- a) has been admitted as a student of the University but who has not yet enrolled in any program or unit of study or research;
- b) is enrolled in a unit of study or research provided by the University;
- c) is enrolled in a course of study but is not actively enrolled in a unit of study or research and has not sought a leave of absence nor has withdrawn;
- d) is enrolled in a program or unit of study or research at or offered by an educational institution affiliated with the University which is approved as an award program or a unit of study or research by the University;
- e) has completed a program or unit of study or research at the University but has not yet been awarded the applicable academic award; or
- f) is on leave of absence from or who has deferred enrolment in a program or unit of study or research offered by the University or by an affiliated educational institution which is approved as an award program or unit of study or research by the University.

University approved procedure means a procedure formally approved in writing by the University.

unsatisfactory conduct is behaviour of a student that falls short of the standard of behaviour that a member of the University community is entitled to expect of a student, where the extent, seriousness or impact of the behaviour is not substantial.

5) Investigations

5.1 Investigations and determinations of allegation(s) of inappropriate behaviour by a student will be undertaken according to University approved procedure.

5.2 Only the Deputy Vice-Chancellor (Academic) may find that a student has engaged in serious misconduct and decide a penalty.

6) Health considerations

6.1 Where a student has been found to have engaged in or exhibited inappropriate behaviour, and where the University has reasonable grounds to believe that the student's behaviour might be the result of a health condition, the student:

- a) may be referred for assessment to an independent health professional or medical practitioner (at the University's cost); and
- b) may be required to take a period of leave or exclusion from the University on health or medical grounds.

7) Unsatisfactory conduct or misconduct

7.1 Where a student is found to have engaged in or exhibited unsatisfactory conduct or misconduct, one or more outcomes or penalties in accordance with section 7.3 may apply.

7.2 Wherever reasonably possible, an authorised officer will attempt to reach an agreement with the student as to the appropriate outcomes or penalties.

7.3 One or more of the following outcomes or penalties may apply in a finding of unsatisfactory conduct or misconduct:

- a) the student is counselled about the standards to be met and, if applicable, outlining any available support mechanisms which may assist the student to meet those standards in the future;
- b) the student undertake counselling or other remedial measures;
- c) the student pay compensation towards repair or replacement of damaged or lost property;
- d) the student apologise either verbally or in writing to any person aggrieved by the student's conduct;
- e) the student participate in an assisted resolution process including a facilitated discussion, mediation, shuttle mediation or conciliation;
- f) the student assist with a University event or activity;
- g) the student prepare a written reflective piece;
- h) a reprimand (which is issued on the student's internal academic record);
- i) a warning or formal direction is issued to the student, in order to prevent further occurrences of unsatisfactory conduct or misconduct;
- j) a direction that the student refrain from having any or such specified contact with particular students, members of staff, or other members of the University community;
- k) the student is placed on a required period of leave or exclusion (including on health or medical grounds);
- l) imposing certain conditions on the student in order to return to or re-enrol at the University;
- m) any other reasonable outcome that is appropriate in the circumstances of the matter.

7.4 Where the authorised officer is unable to reach an agreement with the student in accordance with section 7.2, they may decide to impose one or more of the outcomes or penalties listed in section 7.3 on the student.

8) Misconduct or serious misconduct

8.1 Where a student is found to have engaged or exhibited misconduct or serious misconduct, one or more of the following penalties may be imposed:

- a) a reprimand which is noted on the student's internal academic record,
- b) the removal of the student's access to any service provided by the University, permanently or for a specified time and on any specified terms and conditions;
- c) a direction that the student refrain from having any or such specified contact with particular students, members of staff, or other members of the University community or any conditions on enrolment (or re-enrolment), that are reasonable and necessary to protect those students or members of staff;

- d) the exclusion of the student from specified parts of the University premises including residential accommodation premises, either permanently or for a specified time and on any specified terms and conditions;
- e) the suspension of the student's enrolment at the University for a specified time;
- f) in the case of serious misconduct, the permanent exclusion and cancellation of the student's enrolment at the University;
- g) revocation or deferral of an academic award conferred by the University;
- h) scholarship cancellation; or
- i) any other reasonable penalty that is appropriate in the circumstances of the matter.

9) Right of appeal

9.1 A student may appeal a finding of inappropriate behaviour or the penalty or outcome applied in accordance with the relevant University approved procedure and this ordinance within 10 working days of the University issuing the decision, on one or more of the following grounds:

- a) the penalty or outcome is manifestly excessive in proportion to the form of inappropriate behaviour; and/or
- b) there is relevant evidence that the student did not have at the time of the decision, and which could not by reasonable diligence have been obtained at that time, and that would be reasonably expected to have affected the decision; and/or
- c) material procedural error (including breach of the requirements of procedural fairness) that would be reasonably expected to have affected the decision.

9.2 Where a student appeals a decision pursuant to section 9.1, a penalty or outcome imposed on a student will not be enforced until the appeal has been heard and determined (appeal period).

10) Non-compliance with outcomes or penalties

10.1 Where a student who has had a penalty or outcome imposed as a result of a finding of inappropriate behaviour, does not comply with that penalty, the University may restrict or limit the student's ability to:

- a) enrol;
- b) receive any results of assessment;
- c) graduate or receive a diploma, degree or any certificate stating that the student is qualified to graduate or receive a diploma, degree or any certificate from the University; or
- d) receive a certificate of academic record.

11) Urgency provisions

11.1 Where inappropriate behaviour by a student warrants immediate action, a decision maker may, after consulting with anyone as appropriate, authorise, verbally or in writing, one or more of the following actions be taken, pending the outcome of the investigation of the allegation:

- a) temporary block of the student's access to the University's information, communications or technology services;
- b) restriction or exclusion of a student from specified University activities, property, facilities or residential accommodation;

- c) suspension of the student's enrolment from the University for a specified time.
- 11.2 Without limiting section 10.1, such action is appropriate where the decision maker reasonably believes that the student:
- a) is behaving, or is likely to behave, in such a way as to pose a risk of injury to themselves, other students, members of staff or the public, or a risk of significant harm or damage to property;
 - b) has failed to comply with previous reasonable directions of a member of staff of the University, and has repeatedly disrupted the activities of the University; or
 - c) has repeatedly breached University policies, procedures, ordinances or other related documents in such a way as to cause disruption to the activities of the University.
- 11.3 The decision maker, within 3 working days of taking action under this section 11, must send (if not already done so):
- a) a written notice to the student advising of the action taken and the grounds for doing so, and setting out the allegation of misconduct or serious misconduct and the procedure for dealing with the matter; and
 - b) a copy of the notice to the authorised officer for further investigation in accordance with a University approved procedure.

12) Reasonable directions and orders

- 12.1 An authorised officer or a University staff member with responsibility for management of a University facility or activity has authority to give a reasonable direction to a student:
- a) to ensure the safety of the student or of any other person;
 - b) to prevent damage to, or destruction of, University property or facilities;
 - c) to ensure the orderly conduct of any lecture, tutorial, or any other form of teaching, learning, research or University activity; or
 - d) for the maintenance of good order.
- 12.2 Where a direction for a student to discontinue their inappropriate behaviour has not been complied with, an authorised officer or a staff member with responsibility for management of a University facility or activity has authority to verbally order that a student be summarily excluded from those facilities, or participation in those activities, where the authorised officer or staff member believes that:
- a) the student is disrupting, or causing or encouraging others to disrupt, the use of facilities or participation in activities; or
 - b) there is a threat to the safety of persons or property.
- 12.3 An order for exclusion under section 12.2 must specify the period of exclusion which may include:
- a) up to the duration of the activity; or
 - b) up to 72 hours.
- 12.4 An order for exclusion must be administered in accordance with University approved procedure.

13) Transitional provisions

- 13.1 Proceedings that were in progress under a prior version of this ordinance prior to 25 September 2020 must be completed in accordance with the version of the ordinance they commenced under.

Made by University Council on 28 August 2020. Minor amendment (position title changes) approved by Director Governance and Compliance on 16 May 2022.

[Version history](#)