

## Student General Misconduct Procedure

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**Policy Supported:**

Student Behavioural Integrity Policy

**Purpose:**

The purpose of this procedure is to set out the process for the management of student general misconduct.

**Audience:**

Staff, Students

**Objectives:**

- Align the University's student general misconduct procedure with:
  - The Higher Education Standards Framework (Threshold Standards) 2021
  - The Education Services for Overseas Students Act 2000 and the related National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
  - The Tertiary Education Quality and Standards Agency Act 2011
  - The Tertiary Education Quality and Standards Agency Amendment (Prohibiting Academic Cheating Services) Act 2020.
- Promote standards of behaviour that demonstrate the University values of honesty, respect and responsible care
- Identify behaviours that constitute student general misconduct

**Scope:**

Allegations of academic misconduct are dealt with under the *Student Academic Integrity Policy*, *Student Academic Misconduct Procedure*, *Research Integrity Policy* and *Research Integrity Procedure*. Matters relating to sexual harm are dealt with under the *Sexual Harm Policy*, *Sexual Harm Procedure* and *Sexual Harm Procedure Dubai*.

## Definitions:

*The definition of common terms appears in the Murdoch University Dictionary of Terms. Any defined terms below are specific to this document.*

- “Behavioural Reminder” means a direction issued to the Student requesting a change of behaviour and drawing their attention to relevant University expectations set out in the *Student Code of Conduct* and the *Student Behavioural Integrity Policy*.
- “Informal Intervention” means an action at local level that engages the Student in discussion about observed behaviour of concern. The engagement may occur in person, by phone or in writing and may require an action on the part of the Student.
- “Investigator” means a staff member appointed to gather evidence in cases of Student misconduct and provide a report to a Student Academic Integrity Panel or the Student General Misconduct Panel.
- “Student” means a person enrolled in a unit or course offered by the University at the time the alleged misconduct occurred.
- “Sexual Harm” has the meaning specified in the *Sexual Harm Policy*.

## Procedure:

1. Where a Student’s behaviour poses a serious and immediate risk or threat to the safety of the University community, the Student may be immediately excluded from the University in accordance with the *Student Integrity Regulations*.
  - 1.1 Within three University working days of exclusion the Director Student and Library Services must send the Student written notice of the terms of the exclusion, the reasons for it, and a copy of the *Student Integrity Regulations* or a website link to them.
  - 1.2 The exclusion will continue until either:
    - 1.2.1 its term expires
    - 1.2.2 it is revoked by the Vice Chancellor or nominee
    - 1.2.3 the matter has been referred for formal investigation and the process has concluded with no further requirement that the Student be excluded.

### *Communication with students*

2. All correspondence with a Student will be sent to the email address currently on file in the Murdoch student management system and will be sent from Student Integrity Services (SIS) team.
3. All Student written responses to general misconduct allegations will be sent to the Student Integrity Services email address.
4. Notifications to Students must include:
  - 4.1 details of the allegation
  - 4.2 the available evidence relevant to the reported conduct

- 4.3 relevant references to University legislation, policies or procedures
- 4.4 contact details for Murdoch Guild of Students as a source of information and assistance about the Student general misconduct process
- 4.5 contact details for counselling support available through the University Health and Counselling Service.
5. Any documents sent to the Student which contain details identifying alleged victims, witnesses, other Students or staff members may be redacted to the extent compatible with protecting safety.
6. If during the general misconduct process new evidence that is relevant to the reported misconduct is supplied or discovered, it must be sent to the Student who must have the opportunity to respond, within five University working days, to the new evidence if it was not supplied by them.

#### *Student General Misconduct Panel*

7. The Vice Chancellor will establish a pool of staff members from which a Student General Misconduct Panel (Panel) will be drawn to decide cases of general misconduct and impose outcomes where general misconduct is established.
8. The pool will consist of:
  - 8.1. Director Student and Library Services (Chair)
  - 8.2. Director Access Wellbeing & Equity or nominee
  - 8.3. one staff member from each of the Colleges appointed by the Executive Dean
  - 8.4. two additional professional staff members, not already identified by role, nominated by the Chair
  - 8.5. a staff member from each of the Transnational Education campuses appointed by the Dean of the campus
  - 8.6. two staff members with legal expertise appointed by the University Secretary.
9. A Panel will consist of three members of the pool including the Chair and two additional members selected by the Chair depending on the needs of the case or cases under review.
10. The Chair of a Student General Misconduct Panel may obtain assistance, advice, support, or evidence from any relevant person while maintaining confidentiality as far as practicable.
11. Where there is clear evidence that general misconduct has occurred and formal investigation is not required, the Chair, acting alone, may impose an outcome.
12. Panel members may not determine an allegation if they have a perceived, potential or actual conflict of interest. Members are regarded to have a conflict of interest if they have been associated with, or are alleged to have been associated with, the circumstances relating to the alleged general misconduct, or if they have, or have in the past had, a close association with the Student who is the subject of the allegation or the Student who made the allegation.

13. If at any time a panel member becomes aware that they have a conflict of interest, they must declare their interest, inform the Chair and act in accordance with the *Conflict of Interest Policy*.
14. The Director Academic Quality, Curriculum Management and Policy will ensure that:
  - 14.1. general misconduct decision-makers and staff members assigned to investigate cases of general misconduct are provided with relevant training and support
  - 14.2. all allegations of general misconduct are entered into the online Student integrity system.

#### *Informal Interventions*

15. University staff may direct a Student, verbally or in writing, to cease or modify concerning behaviour in accordance with the *Student Integrity Regulations*.
16. Behaviours that may be managed informally by staff include:
  - 16.1. rude or demanding communication with staff or Students that is an isolated incident
  - 16.2. brief disruption of a teaching or learning activity that is an isolated incident
  - 16.3. smoking on campus.
17. Informal interventions will be educative, may remind Students of their obligations under the *Student Code of Conduct* and the *Student Behavioural Integrity Policy* and may include information about relevant support services.

#### *Reporting General Misconduct*

18. Any member of the University can report a case of possible Student general misconduct.
19. A staff member who considers that a Student has engaged in general misconduct, other than conduct dealt with as an informal instance, must enter a case into the online system, unless the behaviour is alleged Sexual Harm in which case it must be reported in accordance with the *Sexual Harm Policy*.
20. A Student who considers that another Student may have engaged in general misconduct may report the matter to the Director Academic Quality, Curriculum Management and Policy or email [Studentintegrityservices@murdoch.edu.au](mailto:Studentintegrityservices@murdoch.edu.au).

#### *Formal Interventions*

21. The Director Academic Quality, Curriculum Management and Policy will determine if the alleged conduct:
  - 21.1. was carried out by a Student who was enrolled in a unit or course at the time of the incident
  - 21.2. occurred on University premises (including online spaces and platforms), was at a University affiliated event or in some other way connected to the University
  - 21.3. constitutes one or more of the behaviours designated as misconduct in the *Student Integrity Regulations*

- 21.4. and may dismiss the allegations if the reported behaviour does not meet all the criteria.
22. If the Director Academic Quality, Curriculum Management and Policy dismisses an allegation, notification will be sent to the person who reported the behaviour and may be sent to the Student.
23. If the Director Academic Quality, Curriculum Management and Policy determines that general misconduct has taken place they will decide if the reported behaviour requires:
- 23.1. Level 1 Intervention - Behavioural Reminder for first time offences that are minimally disruptive and do not cause harm. Examples include:
- 23.1.1. aggressive or disrespectful communication where there is no direct threat of harm
- 23.1.2. inappropriate online communication connected to the University
- 23.1.3. non-compliance with a direction from staff.
- 23.2. Level 2 Intervention – there is clear evidence of general misconduct and the matter does not require formal investigation.
- 23.3. Level 3 Intervention – formal investigation and evidence gathering. Cases requiring Level 3 Intervention include:
- 23.3.1. any Student behaviour that involves:
- 23.3.1.1. risk of, or actual, harm or injury (physical, emotional or psychological) including all physical assaults except Sexual Harm which is dealt with under the *Sexual Harm Policy*.
- 23.3.1.2. serious fraud/false representation to obtain a financial or other non-academic benefit
- 23.3.1.3. bribery or attempted bribery
- 23.3.1.4. theft and behaviour that causes or may cause substantial property damage and/or loss
- 23.3.2. cases re-classified from Level 1 Intervention or Level 2 Intervention because the Student has a previous established instance or instances of general misconduct
- 23.3.3. cases referred by the Chair of the Panel for further investigation.

*Level 1 Intervention - Behavioural Reminder*

24. The Director of Student and Library Services will issue a Behavioural Reminder that:
- 24.1. informs the Student of the reason for concern
- 24.2. reminds the Student of expected behavioural standards
- 24.3. requests a change in behaviour
- 24.4. informs the Student of relevant support services

- 24.5. informs the Student that a written response is not required unless they wish to contest the allegation.
25. The Behavioural Reminder may also:
  - 25.1. direct the Student to attend a meeting with a designated person/s to discuss their behaviour
  - 25.2. direct the Student to attend relevant training
  - 25.3. recommend the Student attend counselling.
26. If the Student wishes to contest the allegation, they must submit a written response within five University working days of receiving the Behavioural Reminder.
27. The case will require Level 3 Intervention if the Student:
  - 27.1. denies engaging in the behaviour of concern
  - 27.2. refuses to comply with any direction contained in the Behavioural Reminder
  - 27.3. persists in the behaviour of concern
  - 27.4. has a previous Level 1 Intervention for general misconduct.

*Level 2 Intervention - clear evidence of General Misconduct*

28. Written notification will be sent to the Student informing them that an allegation of general misconduct has been made.
29. The Student has five University working days in which to make a written response.
30. At the conclusion of the five-day period, unless the Student denies the allegation or contests the evidence, the Senior Coordinator Student Integrity Services will forward the evidence and the Student's response, if received, to the Chair of the Student General Misconduct Panel for a decision.
31. If the Student denies the allegation or contests the evidence, the case is re-classified for Level 3 Intervention.
32. After reviewing the Level 2 Intervention case documents, the Chair of the Student General Misconduct Panel must:
  - 1.1. dismiss the case
  - 1.2. decide that general misconduct has occurred
  - 1.3. refer the case for further investigation.
33. If general misconduct is established the Chair of the Panel must impose an outcome. Outcomes are set out in Schedule 1 of the *Student Integrity Regulations*.
34. The Student must be notified in writing, as soon as practicable, of the Chair's decision, any outcome imposed, available support services and the right of internal appeal.
35. If the Chair requests further investigation the case will be reclassified for Level 3 Intervention.

*Level 3 Intervention – appointment of an Investigator and decision by the Student General Misconduct Panel*

36. The Director Office of Academic Quality, Curriculum Management and Policy will assign the case to a staff member, the Investigator.
37. The Investigator will gather any evidence relevant to the case and consult with discipline and University legal staff if necessary.
38. Where required, the Vice Chancellor will authorise the Investigator to consult any person with relevant expertise and experience from outside the University to assist with the investigation.
39. At the conclusion of evidence gathering written notification must be sent to the Student informing them that an allegation of general misconduct has been made and offering the opportunity to attend an online interview with the Investigator in the presence of a member of the Student Integrity Services Team.
40. The Student must be given five University working days notice of:
  - 40.1. the time and date of the interview
  - 40.2. the right to have a support person present. The person may not act as a legal representative.
  - 40.3. the opportunity to answer and ask questions
  - 40.4. the staff members who will be present at the interview
  - 40.5. any relevant support services the University may make available to the Student.
41. The support person:
  - 41.1. can assist the Student to prepare for the interview
  - 41.2. provide support to the Student but may not advocate on the Student's behalf
  - 41.3. can contribute to the meeting if invited to do so by the Investigator but must not otherwise interject or obstruct the proceedings.
42. The Student can also make a written response to the allegation in addition to or in place of attendance at the interview.
43. The Student's written response can be submitted at any time up to and including three University working days after the interview date.
44. At the conclusion of the investigation, the Investigator will prepare a report and forward it to the Chair of the Student General Misconduct Panel.

*Level 3 Intervention - Decision by the Student General Misconduct Panel*

45. The Chair will convene a Panel to consider the case, as soon as practicable.
46. The Panel must:
  - 46.1. dismiss the case
  - 46.2. rule that general misconduct has occurred.
47. If general misconduct is judged to have occurred, the Panel must impose an outcome. Outcomes are listed in Schedule 1 of the *Student Integrity Regulations*.

48. The Student must be notified in writing, as soon as practicable, of the Panel's decision, any outcome imposed, available support services and the right of internal appeal.

#### *Student Appeal*

49. A Student can appeal a general misconduct decision in accordance with the *Student Appeals Policy*.

#### *Sharing information*

50. The Senior Coordinator Student Integrity Services may share the outcome of a student general student case with:
  - 50.1. the person/s who reported the case
  - 50.2. any relevant person/s to the extent that it is necessary to maintain safety and good order or to manage any Student affected by the case or is required by law.

#### *Reporting*

51. On completion the case will be closed in the online system with an appropriate closure status.
52. All documents relevant to the case and all communication with the Student or Students involved must be lodged in the Student Misconduct online system.
53. At half yearly intervals the Director Academic Quality, Curriculum Management and Policy will prepare a report, using deidentified data, detailing the number and type of cases of general misconduct, the outcomes, trends and any subsequent appeals, and forward it to:
  - 53.1. the Audit and Risk Committee
  - 53.2. the Student Wellbeing Committee
  - 53.3. Academic Council.

#### **Related Documents:**

[Suspension, Cancellation, Approved Leave and Withdrawal from Courses Procedure](#)

[Exclusion from University Land Guideline](#)

[Student Appeals Policy](#)

[Social Media Policy](#)

[IT Conditions of Use Policy](#)

[Password Policy](#)

[Intellectual Property Regulations](#)

[Copyright Policy](#)

[Sexual Harm Policy](#)

[Sexual Harm Procedure](#)

[Sexual Harm Procedure - Dubai](#)

[Conflict of Interest Policy](#)

[Student Code of Conduct](#)

**Approval and Implementation:**

<b>Approval Authority:</b>	Vice Chancellor
<b>Responsible Officer(s):</b>	Director Academic Quality Curriculum Management and Policy
<b>Committee with oversight:</b>	Quality and Standards Committee
<b>Contact Officer:</b>	Senior Coordinator, Student Integrity Services

**Revision History:**

<b>Approved/ Amended/ Rescinded</b>	<b>Date Approved</b>	<b>Effective Date</b>	<b>Next Review Date</b>	<b>Resolution No. (if applicable)</b>
Administrative Amendment	14/12/2022			
Approved	17/11/2022	01/01/2023	17/11/2025	