

Student Misconduct Policy and Procedure

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| Approving body | Governing Board |
| Date approved | 24 Apr 2025 |
| Date of effect | Commencement of operation |
| Next scheduled review | Two years from when policy commences |
| Policy owner | Chief Executive Officer (CEO) |
| Policy contact | Chief Executive Officer (CEO) |
| Related Documents | Student Academic Integrity Policy and Procedure Student Equity and Diversity Policy and Procedure Quality Assurance Framework Records and Data Management Policy and Procedure Sexual Assault and Sexual Harassment Prevention Policy and Procedure Student Code of Conduct Student Grievance Policy and Procedure |
| Related Legislative and Regulatory Instruments | HESF Section 2.3 HESF Section 2.4 HESF Section 5.2 HESF Standard 6.1.4 HESF Standard 6.2.1 HESF Standard 7.2.2 HESF Standard 7.3.3 <i>Education Services for Overseas Students Act 2000 (Cth)</i> <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</i> <i>Education Services for Overseas Students Regulations 2001 (Cth)</i> |

Purpose

1. The *Student Code of Conduct* outlines **Zenith Innovation Institute's (Zenith / the Institute)** expectations of students in respect of personal behaviour. The Institute employs a range of strategies to promote and support appropriate student conduct and has the expectation that Institute staff will provide consistent guidance on appropriate behaviours.
2. In the case where the conduct of a student is in question, the Institute, through this Student Misconduct Policy and Procedure will follow a consistent and fair process of establishing and responding to misconduct.

Scope

3. This Policy and Procedure applies to:
 - (a) all students enrolled at the Institute; and
 - (b) all forms of student misconduct other than academic misconduct.
4. The *Student Academic Integrity Policy and Procedure* should be consulted for the management and investigation of academic misconduct matters.
5. The *Sexual Assault and Sexual Harassment Prevention Policy and Procedure* should be consulted for reporting and investigation of allegations within the scope of that Policy. Penalties for findings of misconduct under that Policy will be handled under the provisions within this Policy.

Policy

Principles

6. The Institute considers that respectful and collegial student behaviour is central to educational success and student attainment of the Institute's Graduate Attributes.
7. All students are required to abide by the *Student Code of Conduct* and Institute policies.
8. Where the Institute receives an allegation of misconduct or has reason to think that a student has breached the *Student Code of Conduct*, the Institute will investigate the matter confidentially, fairly, effectively and in a timely manner.
9. Where there is a confirmed finding that a student has breached the *Student Code of Conduct*, the Institute will respond in a consistent manner according to the provisions of this Policy and Procedure.

General and Major Misconduct

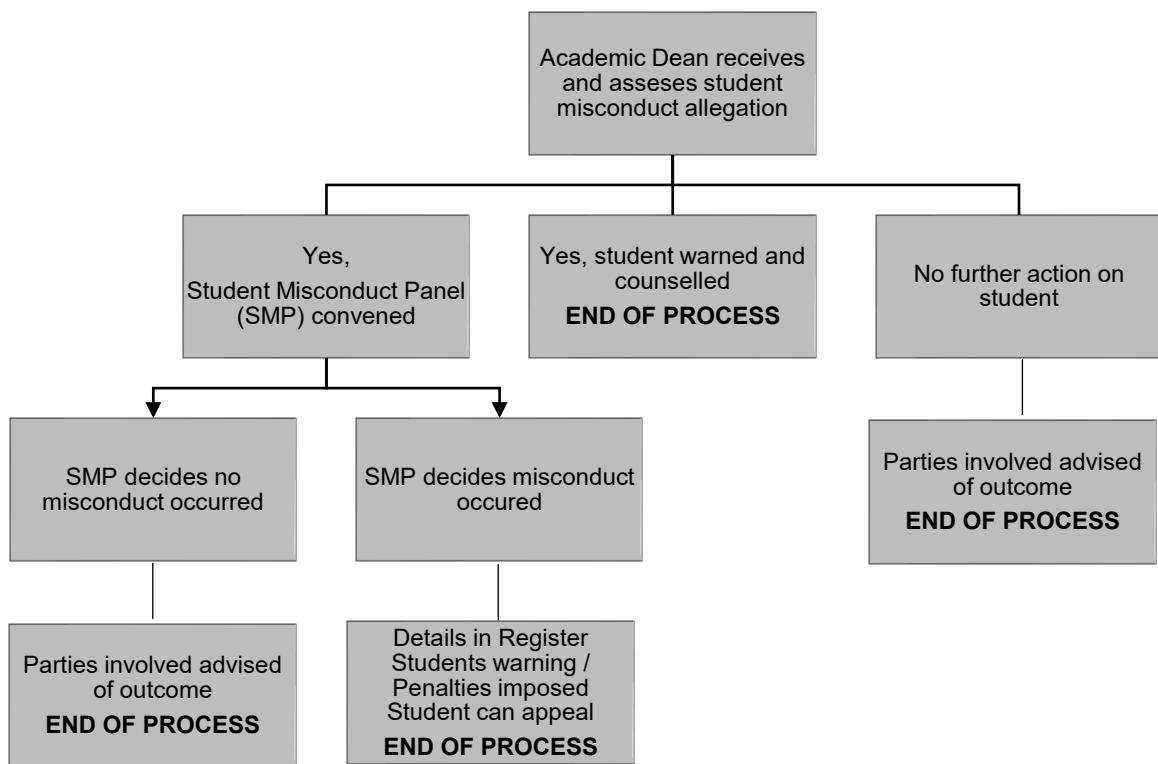
10. Student misconduct refers to any breach of the *Student Code of Conduct* by students at the Institute.
11. Examples of Misconduct could include but are not limited to:
 - (a) behaviour which brings the Institute into disrepute;
 - (b) behaviour which is considered unduly offensive or disorderly;
 - (c) failure to comply with a reasonable requirement or direction prescribed or given by a member of the Institute staff in performance of their duties or responsibilities;

- (d) obstructing or interfering with the use of any Institute premises, facilities or equipment;
- (e) gaining access to, or entering, a computer system or part of a computer system of the Institute without lawful authority to do so, or engaging in illegal or inappropriate or offensive use of the internet, social media, email or the Institute's network;
- (f) behaviour which interferes with the orderly conduct of any teaching group, assessment, examination or ceremony of the Institute, its governing bodies or other Institute activity, function or program;
- (g) engaging in conduct which involves unauthorised or unjustified interference with the property of any person; and
- (h) engaging in conduct which attacks, bullies, harasses, unlawfully vilifies, victimises, threatens or intimidates any person or attempts to attack, bully, harass, unlawfully vilify, victimise, threaten or intimidate any person.
- (i) the use physical violence against any person;
- (j) wilfully damaging or stealing Institute property;
- (k) engaging in criminal behaviour or behaviour that causes serious distress to members of the Institute community;
- (l) committing any act or making any omission which has the capacity to endanger the safety or health of others where there is a serious risk of bodily harm;
- (m) any type of fraud, including fraudulent representation of grades or awards for prior learning, including through the unauthorised use of the Institute name, seal or trademarks;
- (n) tampering with and/or making a fraudulent representation involving any medical certificate;
- (o) any other type of fraudulent documentation provided to the Institute in order to favour the student;
- (p) bringing a weapon on to the campus, placement premises or site of any educational activity; and
- (q) any act or omission which leads to a conviction for a breach of State or Federal legislation in association with a member of the Institute community or that occurs on Institute property.

Procedure

12. An overview of the Institute's process for handling student misconduct is provided below in Figure 1.

Figure 1 | Student Misconduct Procedure Diagram



Reporting and investigation

13. Where a student's conduct poses an immediate threat to themselves or any member of the community or Institute, the student should be reported directly to Institute's security and action taken to ensure the safety of the student and others. Criminal conduct will be referred to the police and law enforcement.
14. In other circumstances, if a student or a staff member observes what they believe is misconduct by a student, it is reported in writing to the Academic Dean using the Incident Reporting Form.
15. Students who are alleged to have breached the *Student Code of Conduct* are to be informed in writing by the Academic Dean of the nature of the allegations and possible penalties that will apply if misconduct is confirmed.
16. The Academic Dean will review submissions of alleged misconduct and provide an opportunity for the student to respond within ten (10) working days as part of the process of establishing misconduct. Students who wish to dispute the alleged misconduct will normally meet with the Academic Dean to review available evidence within this timeframe.
17. In cases where a student has no prior record of warning or misconduct, the Academic Dean may consider the following when making a determination:
 - (a) the extent to which the misconduct deviated from expected behaviour;
 - (b) the extent to which the Institute's students, staff, assets and reputation or third parties have been adversely impacted by the misconduct; or
 - (c) any contributing, mitigating or aggravating factor.
18. Based on the evidence available, the Academic Dean may:

- (a) modify or dismiss the charge;
- (b) counsel the student and issue a verbal warning;
- (c) require a written apology;
- (d) require the student to undergo training in relevant areas including Institute policies;
- (e) file a countersigned copy of the Incident Report Form on the student's file; and
- (f) recommend that the matter be further considered by a Student Misconduct Panel (**SMP**).

Student Misconduct Panel

- 19. Where a decision is made to recommend the matter to an SMP, the Academic Dean will advise the student of:
 - (a) the time, date and arrangements for a hearing which must allow for at least five working days' notice;
 - (b) the allegation and any material relied upon in the decision to proceed to a hearing of an SMP; and
 - (c) their right to attend the hearing to present information and to have a support person present.
- 20. Membership of the SMP will consist of:
 - (a) the Academic Dean as Chair;
 - (b) a senior member of the professional staff; and
 - (c) the Course Coordinator.

Outcomes, responses and penalties

- 21. As a result of the Hearing the SMP may:
 - (a) dismiss the allegation; and
 - (b) reach a finding of Misconduct and impose one or more penalties.

General Misconduct

- 22. Where it is determined that a Misconduct has occurred one of the following penalties may be imposed based on the Students Misconduct Penalties Matrix:
 - (a) issuance of a warning letter;
 - (b) referral for counselling;
 - (c) filing of a countersigned copy of the Incident Report Form in the student's file;
 - (d) written apology;
 - (e) a requirement for the student to undergo training in relevant areas including Institute policies;
 - (f) exclusion of the student from a defined part of the campus or from Institute activities for a defined period;
 - (g) suspension or cancellation of the student's enrolment or
 - (h) any combination of the above.

23. Students will also be advised that this first offence has been entered on the Student Misconduct Register (**SMR**) and that any further breaches will be automatically deemed as Major Misconduct with associated penalties.

(a) .

Notification

24. Within ten (10) days of any hearing the Academic Dean will advise the student in writing of:

- (a) the outcome of the hearing and penalties applied;
- (b) the reasons for the decision; and
- (c) the student's right to appeal the decision up to twenty (20) working days from the notification of outcome under the Student Appeals Policy and Procedure.

25. Where the student is an international student and the Institute intends to initiate a suspension or cancellation of their enrolment, the advice must include information advising that the suspension or cancellation may impact their student visa.

26. Where the finding is in favour of the student the matter will be deemed closed.

Readmission

27. Where a student may have received a penalty of exclusion or suspension for greater than a term of study, in order to be considered for re-enrolment, the student must first submit an application for re-admission for the next term of study. The outcome in these circumstances will be determined by the Teaching and Learning Committee.

Records

28. The SMR records all findings of any misconduct under this Policy and these records will form part of the Institute's disciplinary records and students' files. Where the Academic Dean or the SMP is satisfied that the allegation is unfounded no records will be kept.

29. When misconduct is found to have occurred, the following documentation will be maintained on the student's file (as applicable):

- (a) the allegation notice sent to the student;
- (b) the student's response;
- (c) the notice of decision made by the Academic Dean and/or the SMP;
- (d) any student appeal;
- (e) any decision on the appeal made by the internal appeals body; and
- (f) any outcome of the external appeal process.

Appeals

30. A student has the right to raise a grievance before an allegation of misconduct is made. However, grievances and misconduct allegations serve different purposes:

- (a) Grievances allow students to seek informal resolution regarding Institute services or staff conduct before escalation;

- (b) Misconduct Reports require formal investigation due to breaches of the Student Code of Conduct;
- (c) Filing a grievance does not exempt a student from misconduct penalties, but students are encouraged to voice concerns prior to formal misconduct allegations where appropriate.

A student may appeal against a decision made under this Policy under the provisions of the *Student Appeals Policy and Procedure*.

Monitoring and improvement

31. The Institute collects de-identified data through the SMR on student misconduct, including by student cohorts. Student feedback is sought on their experience of student conduct and processes relating to the prevention of, and response to, misconduct.
32. The Institute uses the collected data to monitor trends in student misconduct.
33. The Executive Management Team monitors student misconduct matters on a monthly basis.
34. The Governing Board (GB) receives a quarterly report on student misconduct, including allegations, institutional response, and trends.
35. The Institute will improve its strategies for the prevention of, and response to, student misconduct based on the collected data, in particular the effectiveness of responses to breaches of the *Student Code of Conduct*.
36. The Institute will benchmark its performance against relevant sector data and will establish targets as appropriate.
37. The Academic Dean is responsible for making recommendation for improvement, including the need for targeted communication and educational campaigns.
38. The GB receives an annual report on the adequacy and effectiveness of strategies for responding to student misconduct and approves recommendations for improvement as appropriate.

Responsibilities

39. All students and staff are responsible for familiarising themselves with the requirements of the *Student Code of Conduct* and this Policy.
40. The Academic Dean is responsible for:
 - (a) initial assessment of allegations of misconduct;
 - (b) investigating and determining allegations that do not require referral;
 - (c) referring allegations to a SMP where appropriate;
 - (d) convening a SMP and advising students of the outcome;
 - (e) reporting to the GB on a quarterly and annual basis on student misconduct cases; and
 - (f) making recommendations for improvement in Institute processes.

Definitions

41. There are no specific definitions for this Policy.

Student Misconduct Penalties Matrix

Guidelines

Type and level of misconduct: Multiple or repeated incidents of misconduct may be viewed more seriously than a single offence and previous findings may be considered in the determination of an appropriate penalty.

Behaviours: The same types of behaviour that are considered breaches of the Code and associated policies may be treated differently depending on the seriousness of the offence.

Penalties: The range of available penalties is a guide only. Student Misconduct Panels may suggest other similar measures that are appropriate to the circumstances revealed by their investigations.

| Type and level of misconduct | Example behaviours | Range of available penalties |
|---|---|--|
| Determined by Academic Dean | | |
| No prior history and not deemed to be Major Misconduct | <ul style="list-style-type: none"> ■ any behaviour that breaches the Code and/or Institute policies that is not considered serious enough to convene a Student Misconduct Panel (eg smoking on campus) | <ul style="list-style-type: none"> ■ counselling and a verbal warning ■ Incident Report Form in the student's file ■ a written apology ■ training in relevant areas including Institute policies |
| Matters determined by a Student Misconduct Panel | | |
| No prior history and a finding of a low level of misconduct | <ul style="list-style-type: none"> ■ no harm or breaches of safety ■ damages of less than \$200 incurred | <ul style="list-style-type: none"> ■ issuance of a warning letter ■ referral for counselling ■ Incident Report Form in the student's file ■ entry on the Student Misconduct Register ■ a written apology ■ training in relevant areas including Institute policies ■ exclusion of the student from a defined part of the campus or from Institute activities for a defined period ■ any combination of the above |
| Prior history and/or a finding of serious misconduct | <ul style="list-style-type: none"> ■ a student/ staff or any Zenith stakeholder is harmed. Injured or threatened ■ damages of \$200 or more incurred | <ul style="list-style-type: none"> ■ referral for counselling ■ Incident Report Form in the student's file ■ entry on the Student Misconduct Register |



| Type and level of misconduct | Example behaviours | Range of available penalties |
|------------------------------|--------------------|--|
| | | <ul style="list-style-type: none">■ a written apology■ training in relevant areas including Institute policies■ exclusion of the student from a defined part of the campus or from Institute activities for a defined period■ any combination of the above suspension or cancellation of the student's enrolment. |

Version control

| Version | Changes | Approval Body | Approval Date |
|---------|--|----------------------|---------------|
| 1.0 | New Policy | Governing Board (GB) | |
| 1.1 | <p>Point 2 added “through this Student Misconduct Policy and Procedure”</p> <p>Point 3 b) added “student”</p> <p>Point 10 deleted “Student misconduct may be found to be either general; or major.”</p> <p>Point 11 replaced “General Misconduct” with “Misconduct”</p> <p>Point 12 deleted “Examples of Major Misconduct are a serious breach of the Student Code of Conduct or repeated general acts of misconduct and could include, but is not limited to:”</p> <p>Point 13 added “and action taken to ensure the safety of the student and others.”</p> <p>Point 21 b) deleted “General or Major”</p> <p>Point 22 deleted “General” and added “based on the Students Misconduct Penalties Matrix”</p> <p>Added point 22 g) “suspension or cancellation of the student’s enrolment”</p> <p>Deleted the “Major Misconduct” section</p> <p>Point 30 added “A student has the right to raise a grievance before an allegation of misconduct is made. However, grievances and misconduct allegations serve different purposes:</p> <ul style="list-style-type: none"> (a) Grievances allow students to seek informal resolution regarding Institute services or staff conduct before escalation; (b) Misconduct Reports require formal investigation due to breaches of the Student Code of Conduct; (c) Filing a grievance does not exempt a student from misconduct penalties, but students are encouraged to voice concerns prior to formal misconduct allegations where appropriate.” | Governing Board (GB) | 24 Apr 2025 |