

# Student Misconduct Procedure

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## Purpose

This procedure supports the Federation University's Regulations (Students) 2022 by detailing the process for reporting, investigating and managing incidents of Academic Misconduct and General Misconduct by students. It aims to ensure incidents are dealt with consistently, fairly and transparently.

## Scope

This procedure applies to all Federation University students including all Academic Divisions and those studying vocational education and training programs and with Partner Providers, in all situations or activities related to their roles at the University. Such situations and activities may extend beyond University campuses and day-to-day activities e.g. placements, field trips, conferences, events and functions, student senate/club/volunteer activities and University on-campus and off-campus residences.

Matters of research integrity and misconduct, including those relating to Higher Degree by Research students, are dealt with in accordance with the [Research and Research Training Policy](#) and the Research Integrity & Misconduct Procedure.

Where there is suspected misconduct that relates to sexual harm or discrimination, staff are required to consult with Student Equity and Inclusion who will advise if the suspected misconduct is to be dealt with under this Procedure.

## Legislative Context

- The Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)
- Higher Education Standards Framework (Threshold Standards) 2021
- Australian Skills Quality Authority Standards for VET Regulators (2015)
- Federation University Australia (Students) Regulations 2022

*Nothing in this Procedure affects any other right or remedy which the University may have against the student under other University legislation, other legislation or at common law. The student may also have other right or remedy under legislation or common law.*

## Definitions

TERM	DEFINITION
Academic Cheating Service	Means the provision of work to or the undertaking of work for students, in circumstances where the work: <ul style="list-style-type: none"> <li>a. is, or forms a substantial part of, an assessment task that students are required to personally undertake; or</li> <li>b. could reasonably be regarded as being, or forming a substantial part of, an assessment task that students are required to personally undertake.</li> </ul>
Academic Integrity Officer	The officer of the relevant Student's Academic Division or, in the absence of such an officer, the member of staff with responsibility for administration of a relevant course or unit.
Academic Misconduct	Has the same meaning as prescribed in the Federation University Australia (Students) Regulations 2022, and as set out below under 'Academic Misconduct'.

Academic Staff	The member(s) of staff at the relevant Academic Division.
Code of Conduct	Means a code of conduct issued by the University including the University <a href="#">Student Code of Conduct</a> Guidelines.
Divisions	Means a division of the University including: <ul style="list-style-type: none"> <li>• The Institute of Education, Arts and Community;</li> <li>• The Institute of Health and Wellbeing;</li> <li>• The Institute of Innovation, Science and Sustainability;</li> <li>• Federation TAFE;</li> <li>• Global Professional School;</li> <li>• Graduate Research School;</li> <li>• Federation Online; and</li> <li>• an organisational division or structure of the University, for example, a Research Centre.</li> </ul>
Former Student	Any person previously enrolled as a student in a unit or course of the University. This includes full-time, part-time, block-mode or distance education students, VET students and those enrolled at Partner Providers.
General Misconduct	Has the same meaning as prescribed in the Federation University Australia (Students) Regulations 2022, and as set out below under 'General Misconduct'.
Hearing	Means: <ol style="list-style-type: none"> <li>a. the misconduct hearing conducted by the relevant Institute; or</li> <li>b. a misconduct hearing conducted by the Student Misconduct Committee.</li> </ol>
Institute	Means an institute of the University including: <ul style="list-style-type: none"> <li>• The Institute of Education, Arts and Community;</li> <li>• The Institute of Health and Wellbeing; and</li> <li>• The Institute of Innovation, Science and Sustainability.</li> </ul>
Member of the Public	In addition to its natural meaning, this term includes prospective students and former students of the University.
Partner Provider	A third-party provider who has entered into an agreement with the University to deliver all or part of a unit or course to students.
Principles of natural justice	Means general procedural fairness in the handling of a complaint that involves all the following elements: <ul style="list-style-type: none"> <li>• the right to a fair and unbiased hearing</li> <li>• notice of the potential for an adverse decision</li> <li>• the right to attend hearings, if required, with a friend or support person</li> <li>• the opportunity for all parties involved to be heard</li> <li>• genuine consideration by the decision-maker of any submissions made</li> <li>• genuine inquiry into any areas of dispute</li> </ul>

	<ul style="list-style-type: none"> <li>the person complained about having full knowledge of the nature and substance of the complaint</li> <li>the person making a complaint not determining the outcome, but may be a party to it</li> <li>the right to an independent, unbiased decision-maker</li> <li>a final decision that is based solely on the relevant evidence</li> </ul>
Sanction	<p>Means a sanction for Student Misconduct as set out in regulation 52 of the Federation University Australia (Students) Regulations 2022, and includes any of the following:</p> <ol style="list-style-type: none"> <li>reprimand and/or caution the student;</li> <li>direct that the student undertake a course of corrective action;</li> <li>recommend that the student undertake a course of counselling;</li> <li>suspend the student for a specified period;</li> <li>deny the student access to or use of University premises, University facilities and services and University activities for a specified period;</li> <li>require the student to refrain from contact;</li> <li>impose conditions on the student's attendance at University premises, University facilities and services and University activities;</li> <li>require the student to re-submit the whole or part of the assessment, examination or research paper;</li> <li>disallow or amend a mark or grade for the whole or part of an assessment, examination or research; and/or</li> <li>fail the student in a unit or course.</li> </ol>
Senior Officer	An officer of the University community in a senior position as detailed in the University Statute and Regulations.
Staff	Includes any person who has an employment contract with the University on a full-time, part-time, sessional or casual basis, or those employed through a contract for services.
Student	Any person enrolled as a student in a course or unit of the University. This includes full-time, part-time, block-mode or distance education students, VET students and those enrolled at Partner Providers. Student may also include a former student (as definition above).
Student Integrity Officer	The officer who administers the University's complaint processes and acts as the Executive Officer for the Student Misconduct Committee and online complaints portal (excluding staff complaints or grievances). The Student Integrity Officer can be contacted at <a href="mailto:Student.Integrity@federation.edu.au">Student.Integrity@federation.edu.au</a> .
Student Misconduct	Means general or academic misconduct by a student.
Student Misconduct Officer	The officer employed by the University whose responsibilities, in accordance with University legislation and procedures, include initiating, coordinating and/or conducting an investigation into alleged Student Misconduct.
Support Person	Means a person who accompanies a party to a complaint during any stage of the procedure. May be internal or external to the University and should not be a qualified legal practitioner unless approved by the University.

Working Day	Means an ordinary business day of the University (excluding weekends, public holidays or days on which the University is officially closed, e.g. Christmas close-down).
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## General

Refer to Annexure A for a summary of the Student Misconduct process.

## Responsibility

The persons responsible for decisions under this procedure are set out in the tables below.

## Students under 18

Where a student is under the age of 18 years, the parent/guardian of the student will be notified of the alleged misconduct and must be present at a hearing.

## Right to an advocate or Support Person

All students have the right to a support person during any stage of the student misconduct process. The support person may be internal or external to the University and should not be legally trained, or if they are, not be acting in any legal capacity, to represent them during the student misconduct process. A support person is primarily an observer and may speak where invited to do so by the person responsible for conducting the relevant meeting or discussion.

If a student identifies as Aboriginal or Torres Strait Islander, they have the right to an Aboriginal Success Support Officer as an additional advocate.

A student, whose capacity for self-advocacy is impaired, has the right to an advocate of their choice who is not legally trained, or if they are, who is not acting in any legal capacity, to represent them during the student misconduct process. The right to an advocate speaking on behalf of a student at a hearing must be approved by the Chair.

## Student support

The University has a number of services available to students who require academic or general support. Further information is available at [Current students](#).

## Confidentiality

All persons involved in the Student Misconduct process, including the support person, must maintain confidentiality and only discuss the Student Misconduct with persons who need to know in order to assist in the resolution of the Student Misconduct, during the student misconduct process. This responsibility extends to the Student, their Support Person and any advocate representing the student. Failure to maintain confidentiality may result in disciplinary or other action under the applicable University Statute and/or Regulations. This does not prevent any party from discussing the matter with any confidential support service including academic coordinators, course coordinators, student advocacy or student misconduct officer, and/or aboriginal representatives if they have any concerns or queries.

Public interest disclosures, including reports about the improper or corrupt conduct of University officers (within the meaning of the Public Interest Disclosures Act 2012), must be made to the [Independent Broad-based Anti-Corruption Commission \(IBAC\)](#). Further information regarding public interest disclosures can be found in the University's [Protected Disclosures Procedure](#)

## Anonymous reporting

If a person reports Student Misconduct anonymously, the University might be limited in the actions it can take to resolve it. If the person does not provide relevant and current contact information, the University may not be able to provide a response to the complainant.

## Good Faith and Fairness

Every report must be made in good faith and must include all relevant facts to assist the University to resolve it. The University is committing to making a genuine attempt to resolve reports of Student Misconduct. Inappropriate language and behaviours, or misuse of the Student Misconduct process, may lead to additional disciplinary action.

This procedure will be applied in a consistent and fair manner.

The University will not tolerate retributive actions or the victimisation of a person who raises a concern or report in good faith.

## Timeliness

The University does not have a defined time limit for the making of a report, however, each report should be made as promptly as possible. In the case of current and former students, the report must relate to issues arising from the period of the student's admission to, or enrolment at, the University.

The University will respond to an allegation of misconduct within ten (10) working days of receiving a report of academic or general misconduct or a referral to the Student Misconduct Committee. The student will be notified of the hearing details, including date, place and time. In instances where a preliminary investigation is warranted, this timeline may be extended at discretion of university.

Historic reports of misconduct can become difficult to fairly and accurately resolve and, in some circumstances, the University may determine that a report has been submitted too late to be considered and acted upon.

## Summary exclusions and serious incidents

If a student behaves in a disruptive, disorderly, offensive, unsafe or threatening manner while on University premises, or while using University facilities and services or while engaging in University activities, the student may be excluded from University premises, using University facilities and services or engaging in University activities immediately and for a reasonable period, as determined by an Authorised Officer of the university.

If a student has engaged in serious General Misconduct or a student's conduct or presence otherwise poses a risk of injury or damage to any person or property or to the interests or to the reputation of the University, a **senior officer** may, immediately and without a Hearing:

- a. exclude the student from the University premises indefinitely or for a specific period as determined by the senior officer; and
- b. suspend or terminate the student's enrolment.

The senior officer will give written notice to the student of the decision as soon as reasonably practicable setting out the reasons for the decision. If the senior officer is reasonably satisfied that it is appropriate or necessary in the

circumstances, an exclusion may be expressed to take effect immediately and, if so expressed, shall take effect immediately, even if the written notice cannot be given to the student concerned.

## Part A: Academic Misconduct

Academic Misconduct is where a student:

- a. in relation to an examination or assessment:
  - cheats, for example, where a student falsifies or misrepresents data or results; uses or possesses any unauthorised or prohibited information, books, notes, paper or other materials;
  - engages in Plagiarism, for example, where a student copies from or otherwise uses the answer of any other person engaged in the performance of the same or comparable component of assessment or permits any other person to copy from or otherwise use the student's answer;
  - colludes with another person, for example, where a student without authorisation, materially contributes to a student's work or accepts such contribution from another person;
  - fails to comply with examination or assessment rules or directions, for example, where a student deliberately resubmits in whole or in part one's own work for another assessment item;
  - engages in other conduct with a view to gaining unfair or unjustified advantage, for example, where a student purchases or obtains assessment materials from commercial services or other individuals;
- b. uses Artificial Intelligence (including but not limited to ChatGPT/other GenAI tools) without authorisation and attribution. Guidelines related to the use of AI can be found [here](#).
- c. gives or provides one's own work to someone else without authorisation;
- d. forges or falsifies documents to gain for the student, or for any other person, any academic advantage or advancement to which the student or that other person is not entitled; or
- e. sells assessment materials to entities or individuals.

## Reporting Academic Misconduct

	ACTIVITY	RESPONSIBILITY	STEPS
A	Reporting Academic Misconduct	Any Member of the Public Any member of staff	<p>At any time, a staff member, student or a member of the public may report a student or former student for suspected Academic Misconduct in accordance with the following:</p> <ul style="list-style-type: none"> <li>• <a href="#">University Wide Academic Integrity Engagement Strategy</a></li> <li>• <a href="#">Academic Integrity Roles and Responsibility Guidelines</a></li> <li>• 'Academic Misconduct Determination Guide' for assistance in determining the severity of Academic Misconduct.</li> </ul> <ol style="list-style-type: none"> <li>1. Discuss with the relevant Academic Integrity Officer prior to making a report. The</li> </ol>



			<p>Academic Integrity Officer will advise whether there are grounds for reporting. For contact details of Academic Integrity Officers, refer to the <a href="#">Academic Integrity webpage</a>.</p> <p>2. Staff member to complete and submit the <a href="#">Academic Misconduct Report Form</a>.</p>
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## Investigating and Hearing

	ACTIVITY	RESPONSIBILITY	STEPS
1.	Investigating misconduct	Academic Integrity Officer (or nominee)	<p>The Academic Integrity Officer (or nominee) will investigate the Academic Misconduct in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. Investigates the Academic Misconduct Report and determines whether there are potential grounds for a Sanction.</li> <li>2. The administrative nominee contacts Student Services and Registrar via <a href="mailto:registrar@federation.edu.au">registrar@federation.edu.au</a> and refers to the student records management system to determine the student's record with respect to Academic Misconduct (if any). Only cases of confirmed Academic Misconduct should be kept on a student's record.</li> <li>3. The severity of the alleged Academic Misconduct and the student's record of Academic Misconduct (if any) will be relevant to: <ol style="list-style-type: none"> <li>a. the Sanction <a href="#">Academic Misconduct Determination Guidelines</a> for assisting in the determining the severity of the academic misconduct</li> <li>b. determine which University body will conduct a hearing should the student wish to contest</li> </ol> </li> </ol>



			the Academic Misconduct allegation(s) (see below).
2.	Notifying the student	Academic Integrity Officer (or nominee)	<p>The Academic Integrity Officer (or nominee) will notify the student in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. Within seven (7) working days of receiving the Academic Misconduct Report, the Academic Integrity Officer (or nominee) notifies the student of the Academic Misconduct Report, the proposed sanction, the student's right to contest the sanction and the name of the University body which will hear their case should they wish to contest it.</li> <li>2. The notification should include all material supporting the Academic Misconduct Report. Any material not provided to the student, at the time of notification or upon student request, may not be used either during the hearing or in making the decision.</li> </ol>
3.	Response from Student	Student	<p>The student may respond to the Academic Misconduct Report in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. The student may request a hearing which request must be made within seven (7) working days of being notified of the Academic Misconduct Report.</li> <li>2. Within seven (7) working days of receiving a Hearing request, the Academic Integrity Officer notifies the Student of the hearing details using the <a href="#">(1) Academic Misconduct</a> Notification Letter Template. The student will be given at least five (5) working days' notice of the hearing.</li> <li>3. The student may respond to the allegation(s) and contest the proposed sanction set out in the Academic Misconduct Report in writing at least one (1) working day before the</li> </ol>

			scheduled hearing date. Any evidence which the student intends to rely on during the hearing must also be submitted at least one (1) working day prior to the scheduled hearing date.
4.	Hearing	Academic Integrity Officer (or nominee)	<p>Hearings will be conducted in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. Hearings may be conducted in person or via phone/video link and must be recorded if a student has provided verbal consent.</li> <li>2. Students have the right to be accompanied by a support person at a hearing.</li> <li>3. Where appropriate, the Academic Integrity Officer will provide details of academic integrity information and services the student can access to meet the University's expectations if the allegation is upheld.</li> <li>4. The Academic Divisions (where appropriate) will conduct most hearings for Academic Misconduct. The matter may be referred to the Student Misconduct Committee if additional information is obtained that increases the apparent severity of the Academic Misconduct (see below for the relevant circumstances in which this will occur).</li> </ol>
5.	Outcomes of Hearing	Academic Integrity Officer (or nominee)	The Academic Integrity Officer (or nominee) will advise the student of the outcome of the hearing in accordance with the table set out below - Advising Student of Hearing or Student Misconduct Hearing Outcome.
6.	Referral to Student Misconduct Committee Hearing	Academic Integrity Officer (or nominee)	<ol style="list-style-type: none"> <li>1. The hearing will not be conducted by the Academic Divisions and the Academic Integrity Officer will refer the allegation(s) of Academic</li> </ol>

			<p>Misconduct to the Student Misconduct Committee in the following circumstances:</p> <ol style="list-style-type: none"> <li>Students with a record of at least two previous cases of upheld Academic Misconduct; and</li> <li>allegations which, if established, might (in the opinion of the Academic Integrity Officer) be sufficient to warrant a Sanction of suspension or exclusion (refer to the <a href="#">Academic Misconduct Determination Guide</a> for assistance in determining the severity of alleged Academic Misconduct).</li> <li>Students who have graduated from Federation University, who may face recommendations of the rescission of the awarded degree</li> </ol> <ol style="list-style-type: none"> <li>Where the matter has been referred to the Student Misconduct Committee for a hearing, the Academic Integrity Officer (or nominee) notifies the student using the <a href="#">Academic Misconduct Hearing SDC Notification Template</a> and will send a copy to the Student Misconduct Committee Executive Officer. See 'Student Misconduct Committee Hearings' section of this Procedure.</li> </ol>
7.	Appeal to Student Appeals Committee	Student	<p>A student may apply to appeal a decision in accordance with the following:</p> <ol style="list-style-type: none"> <li>A student may apply to the Executive Officer of the Student Appeals Committee to appeal a decision.</li> <li>An application for appeal must be lodged within twenty (20) working days of the student being notified of the Hearing outcome or, where there is no</li> </ol>

			<p>Hearing, the outcome received from the Academic Integrity Officer.</p> <p>3. An application for appeal must be on one or more the following grounds:</p> <p>a. that there was relevant evidence which:</p> <ul style="list-style-type: none"> <li>was available to the decision-maker at the time the decision was made but was not taken into account by the decision-maker; or</li> <li>was not known by the student before the decision was made and could not reasonably have been known by the student before the decision was made;</li> </ul> <p>b. that the decision was manifestly wrong;</p> <p>c. that a procedural irregularity occurred which may have affected the decision</p> <p>d. that the Sanction imposed was manifestly excessive; or</p> <p>e. that there was a deemed refusal.</p>
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The table below outlines the way in which the University treats subsequent allegations of student academic misconduct.

Incident	Semester	Year	Possible Outcome	Record Keeping – Offence title	Details
<b>Incident 1</b>	Semester A	Year A	Upheld	First Offence  Tracked in FDL.	
		Year A	Dismiss	Should not be listed in FDL.  Institutes should retain	

				the record of the allegation within SharePoint to ensure record retention requirements are met.	
<b>Incident 2</b>	Semester A	Year A	Upheld	First Offence  Tracked in FDL.	Regardless of the nature of Incident 1 or 2, this is considered the First Offence. This provides more flexibility to the student as part of their learning corrective behaviour.
		Year A	Dismiss	Should not be listed in FDL. Institutes should retain the record of the allegation within SharePoint.  Institutes should retain the record of the allegation within SharePoint to ensure record retention requirements are met.	

## Monitoring Academic Misconduct

	ACTIVITY	RESPONSIBILITY	STEPS
1.	Providing Academic Divisions reports to Academic Board	Academic Integrity Officer	1. Academic Integrity Officers will provide quarterly reports to Institute Learning and

		<p>Directors, Learning and Teaching</p> <p>Chair, Learning and Teaching Quality Committee</p>	<p>Teaching Committee, which are then fed into the Learning and Teaching Quality Committee.</p> <ol style="list-style-type: none"> <li>Chair, Learning and Teaching Quality Committee will provide central reports to each institute (twice a year) aligned to academic integrity statistics.</li> <li>Each discipline will use the template to prepare a response and submit it to their Institute Learning and Teaching Committee and Learning and Teaching Quality Committee. The response will describe actions to manage risks identified as part of the academic integrity reports.</li> <li>The Chair, Learning and Teaching Quality Committee provides full reports and discipline responses to Academic Board indicating the number of Academic Misconduct reports, Hearings and upheld charges for their Academic Divisions, associated outcomes and steps that were used to address trends and risks.</li> </ol>
2.	Monitoring Academic Misconduct trends across the University	Academic Board	<ol style="list-style-type: none"> <li>Academic Board will monitor Academic Misconduct trends across the University and take/ advise further preventative action, staff training and/or process change as appropriate.</li> </ol>

## Recording and Implementing Academic Misconduct Sanctions

	ACTIVITY	RESPONSIBILITY	STEPS
1.	Recording a decision or Sanction	Academic Integrity Officer (or nominee)	<p>Academic Integrity Officer (or nominee) will record a decision, or the sanction as follows:</p> <ol style="list-style-type: none"> <li>Completes <a href="#">Academic Misconduct Report Hearing Outcome</a> Form.</li> </ol>

			2. Advises Student Services and Registrar and updates student records management system.
2.	Implementing a Sanction – suspension or exclusion	Student Services and Registrar	<p>If the Student Misconduct Committee has determined a sanction of suspension or exclusion:</p> <ol style="list-style-type: none"> <li>1. the student's study plan is updated;</li> <li>2. where the student has appealed the decision to suspend or exclude, the student's enrolment will be maintained whilst the appeals process is ongoing. Changes to enrolment will only be made once all avenues to appeal are exhausted, or timelines to appeal have lapsed; and</li> <li>3. the student cannot enrol in a unit whilst the student's enrolment is suspended or terminated.</li> <li>4. the student may need to re-apply for enrolment when the exclusion period has ended.</li> </ol>
3.	Implementing a sanction - other	Relevant Institute or Department	<ol style="list-style-type: none"> <li>1. Where a sanction has been issued (e.g. a fail grade), the Executive Officer to the Student Misconduct Committee will notify the relevant area of the University.</li> <li>2. The relevant area of the University will action the sanction as appropriate.</li> <li>3. Sanctions or relevant actions (e.g. compliance reporting) will only be actioned once all avenues to appeal are exhausted, or timelines to appeal have lapsed.</li> </ol>

## Part B: General Misconduct

General Misconduct is wide-ranging and can include behaviour where a student:

- a. fails to comply with a Code of Conduct;
- b. while on University premises, using University property, facilities or services or engaging in University activities:



- commits an offence;
- engages in conduct which causes the University to be guilty of a crime;
- intentionally or recklessly causes injury to another person;
- engages in improper behaviour, including:
  - i. harassment;
  - ii. threatening or intimidating behaviour;
  - iii. use of abusive or offensive language;
  - iv. disorderly behaviour;
  - v. breach of the peace;
  - vi. access, display, download, upload or broadcast of offensive material;
  - vii. acting in breach of laws or rules of conduct relating to smoking, alcohol consumption, use of drugs, gambling, occupation health and safety or discrimination;
- intentionally or recklessly causes damage to, or commits theft of University property or property on university premises;
- interferes with or improperly or unsafely uses University property, facilities or services;
- c. interferes with University teaching or learning activities;
- d. engages in conduct which is detrimental to the reputation of the University;
- e. engages in a pattern or sequence of conduct which places substantial demands on University resources, vexatiously or without proper justification;
- f. forges University documents or documents submitted to the University;
- g. offers a bribe or other improper inducement in relation to the provision of University services or the performance of the functions or duties of University staff;
- h. falsely claims an identity, qualification, prior learning or experience;
- i. falsely uses a title;
- j. acts in breach of a University statute or regulation relating to conduct;
- k. engages in a breach of copyright; or
- l. incites another person to commit general misconduct.

## Reporting General Misconduct

	ACTIVITY	RESPONSIBILITY	STEPS
1.	Reporting General Misconduct	Any Member of the Public or University Community	<p>At any time, staff member, student or member of the Public may report a student or former student for suspected General Misconduct in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. Discuss with the relevant Student Misconduct Officer prior to making a report. The Student Misconduct Officer will advise whether there are grounds for reporting. For contact details of Student Misconduct Officer,</li> </ol>

			<p>refer to the <a href="#">General Misconduct</a> webpage.</p> <p>2. Complete a written report of the alleged General Misconduct, to a Student Misconduct Officer. For reports relating to sexual harm or discrimination (as defined in the University's <a href="#">Equal Opportunity and Valuing Diversity Guidelines</a>), the Student Misconduct Officer must seek advice from the Manager, Student Equity and Inclusion.</p>
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## Investigation and Hearing

	ACTIVITY	RESPONSIBILITY	STEPS
1.	Investigating misconduct	Student Misconduct Officer (or nominee)	<p>The Student Misconduct Officer (or nominee) will investigate the General Misconduct in accordance with the following:</p> <p>On receipt of a written report regarding general misconduct, the Student Misconduct Officer will consider the report and make any enquiries necessary. The Student Misconduct Officer may then:</p> <ul style="list-style-type: none"> <li>Dismiss the report and determine that no further action is required</li> <li>Issue an informal written warning to the student, which will be recorded.</li> <li>Determine the case will proceed to a hearing at the Institute/ Department level.</li> </ul> <p>Refer the allegations to the Student Misconduct Committee (refer to step 6 for criteria):</p> <p>The Student Misconduct Officer will make arrangements necessary in relation to the hearing, including fixing a time, date, and place for a hearing to</p>

			occur to hear the allegations against the student.
2.	Notifying the student	Student Misconduct Officer (or nominee)	<p>The Student Misconduct Officer (or nominee) will notify the student in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. Within seven (7) working days of receiving the General Misconduct report, the Student Misconduct Officer (or nominee) notifies the student in writing of the place, date and time of the Hearing. The notice will include a statement of the general misconduct report and any material relied on by the University and notify the student that they may present a submission in answer to the report. The student will be given at least seven (7) working days' notice of the hearing unless the student requests the hearing to be expediated.</li> <li>2. The notification should include and/or refer to all material supporting the general misconduct report. Any material not provided to/ explained to the student, at the time of notification or upon student request, may not be used either during the hearing or in making the decision.</li> </ol>
3.	Response from Student	Student	<p>The student may respond to the general misconduct report in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. Students will be provided an opportunity to respond to the allegations at the hearing. Additionally, students may provide a written response to the allegation prior to the hearing. Should a student wish to do this, the written submission must be submitted to the Student Misconduct Officer (in the case of Institute/ Department level hearings) or the Executive Officer of the Student Misconduct</li> </ol>

			Committee (in the case of Student Misconduct Committee hearings) at least one (1) working day before the scheduled hearing date. Any evidence which the student intends to rely on during the hearing must also be submitted at least one working day prior to the scheduled hearing date.
4.	Hearing	Student Misconduct Officer	<p>Hearings will be conducted in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. Hearings may be conducted in person or via phone/video link and will be recorded with the verbal consent of all parties. If consent is not obtained, written minutes must be recorded.</li> <li>2. Students have the right to be accompanied by a Support Person at a Hearing.</li> <li>3. Where appropriate, the Student Misconduct Officer will provide detailed information and services the student can access in order to meet the University's expectations if the allegation is upheld.</li> <li>4. The Student Misconduct Officer and any additional administrative staff will conduct the Hearing for general misconduct. The matter may be referred to the Student Misconduct Committee if additional information is obtained that increases the apparent severity of the general misconduct (see below for the relevant circumstances in which this will occur).</li> </ol>
5.	Outcomes of Hearing	Student Misconduct Officer or nominee	The Student Misconduct Officer (or nominee) will advise the student of the outcome of the Hearing in accordance with the table set out below - Advising

			Student of Hearing or Student Misconduct Hearing Outcome.
6.	Referral to Student Misconduct Committee Hearing	Student Misconduct Officer (or nominee)	<ol style="list-style-type: none"> <li>The hearing will not be conducted by the Student Misconduct Officer and the Student Misconduct Officer will refer the allegation(s) of General Misconduct to the Student Misconduct Committee in the following circumstances: <ol style="list-style-type: none"> <li>Students with a record of at least two previous cases of proven General Misconduct; and</li> <li>allegations which, if established, might (in the opinion of the Student Misconduct Officer) be sufficient to warrant a Sanction of suspension or exclusion.</li> </ol> </li> <li>Where the matter has been referred to the Student Misconduct Committee for a hearing, the Student Misconduct Officer (or nominee) notifies the student and will send a copy to the Student Misconduct Committee Executive Officer.</li> </ol>
7.	Appeal to Student Appeals Committee	Student	<p>A Student may apply to appeal a decision in accordance with the following:</p> <ol style="list-style-type: none"> <li>A Student may apply to the Executive Officer of the Student Appeals Committee to appeal a decision.</li> <li>An application for appeal must be lodged within twenty (20) working days of the student being notified of the hearing outcome or, where there is no hearing, the outcome communication received from the Student Misconduct Officer.</li> <li>An application for appeal must be on one or more the following grounds:</li> </ol>

			<ol style="list-style-type: none"> <li>a. that there was relevant evidence which: <ul style="list-style-type: none"> <li>• was available to the decision-maker at the time the decision was made but was not taken into account by the decision-maker; or</li> <li>• was not known by the student before the decision was made and could not reasonably have been known by the student before the decision was made;</li> </ul> </li> <li>b. that the decision was manifestly wrong</li> <li>c. that a procedural irregularity occurred which may have affected the decision;</li> <li>d. that the Sanction imposed was manifestly excessive; or</li> <li>e. that there was a deemed refusal.</li> </ol>
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## Student Misconduct Committee Hearings

### Conducting Student Misconduct Committee Hearings

	ACTIVITY	RESPONSIBILITY	STEPS
1.	Receiving a report of Misconduct	Student Misconduct Committee Executive Officer	<ol style="list-style-type: none"> <li>a. Receive a report of general or academic misconduct from any Academic Division, portfolio or member of the public.</li> </ol>
2.	Consideration of report	Student Misconduct Committee Executive Officer and Chair of Student Misconduct Committee	<p>The outcome of the report consideration will be provided within seven (7) working days of the decision being made.</p> <ol style="list-style-type: none"> <li>a. The Executive Officer, in conjunction with the Chair, will decide whether the report of alleged student misconduct contains sufficient relevant material to either:</li> </ol>

			<ul style="list-style-type: none"> <li>• Refer the complaint back to the relevant area of the University for further review.</li> <li>• To dismiss the complaint, in which case the student and referrer will be notified by the Student Misconduct Executive Officer</li> <li>• To fix a hearing date and notify the parties accordingly.</li> </ul>
3.	Confirming details of hearing	Student Misconduct Committee Executive Officer	<ol style="list-style-type: none"> <li>a. For Student Misconduct Committee Hearings, the Student Misconduct Committee Executive Officer notifies the Student of the hearing time and date, the Committee members and any information relevant to the scheduled hearing.</li> <li>b. The student will be provided with a link to the relevant documentation and evidence being considered by the Committee. Any material not provided to/explained to the student, at the time of notification or upon student request, may not be used either during the hearing or in making the decision.</li> <li>c. Students will be notified at least seven (7) working days prior to the scheduled hearing unless the student requests the hearing to be expediated.</li> <li>d. Students who are Aboriginal and/or Torres Strait Islander will be provided the option to receive support from the Aboriginal Education Centre.</li> </ol>
4.	Response from student	Student	<p>The student may respond to the Notice of Hearing and report of misconduct in accordance with the following:</p> <ol style="list-style-type: none"> <li>a. Students will be provided an opportunity to respond to the allegations at the hearing. Additionally, students may provide a written submission</li> </ol>



			<p>to the Committee prior to the hearing. Should a student wish to do this, the written submission must be submitted to the Executive Officer of the Student Misconduct Committee at least one working day before the scheduled hearing date.</p> <p>b. Any evidence which the student intends to rely on during the hearing must also be submitted at least one (1) working day prior to the scheduled hearing date.</p>
5.	Hearing	Chair of the Student Misconduct Committee	<p>Hearings will be conducted in accordance with the following:</p> <ul style="list-style-type: none"> <li>a. Hearings may be conducted in person or via phone/video link and will be recorded with the verbal consent of all parties. If consent is not obtained, written minutes must be recorded.</li> <li>b. Students have the right to be accompanied by a support person at a hearing.</li> <li>c. The Chair of the Student Misconduct Committee will conduct the hearing for general misconduct, including associated staff required to conduct the hearing.</li> <li>d. If a student does not attend the hearing at the specified time, the Committee may determine to hear and determine the matter in the student's absence.</li> </ul> <p>To ensure culturally appropriate proceedings, a member of the Aboriginal Education Centre or an Aboriginal and/or Torres Strait Islander person must sit on the committee when an Aboriginal and/or Torres Strait Islander student is going through the process of a misconduct hearing.</p>

## Advising Student of Hearing Outcome

	ACTIVITY	RESPONSIBILITY	STEPS
1.	Confirming Sanction without a hearing being conducted by the Division	Student Misconduct Officer (or nominee)	<p>Student Misconduct Officer (or nominee) will confirm the Sanction as follows:</p> <ol style="list-style-type: none"> <li>1. If the Student does not respond to the notification and/or does not request a Hearing, the Sanction specified in the original decision will apply.</li> <li>2. Send the Student the <a href="#">Sanction Confirmation Letter</a> confirming the Sanction that will be actioned.</li> </ol>
2.	Advising Student of outcome following a Hearing by the Division.	Student Misconduct Officer	<ol style="list-style-type: none"> <li>1. Within seven (7) working days of the hearing the Student Misconduct Officer can: <ol style="list-style-type: none"> <li>a. impose one or more of the Sanctions; or</li> <li>b. take no further action.</li> </ol> </li> <li>2. In particular circumstances, at the Student Misconduct Officer's discretion, the Student Misconduct Officer or nominee will notify any other persons involved in the general misconduct of the sanction imposed.</li> </ol>
3.	Advising Student of outcome following a Student Misconduct Committee Hearing	Student Misconduct Committee Executive Officer	<ol style="list-style-type: none"> <li>1. The Student Misconduct Committee may determine that the allegation is: <ol style="list-style-type: none"> <li>a. upheld</li> <li>b. dismissed</li> <li>c. partially upheld/dismissed</li> </ol> </li> <li>2. If the allegations are upheld/partially upheld, the Student Misconduct Committee will determine a sanction in accordance with the Students Regulation.</li> <li>3. In particular circumstances, at the Chair of the Student Misconduct Committees' discretion, the Executive Officer for the Student Misconduct Committee, or the</li> </ol>

			<p>Chair's nominee, will notify any other persons involved in the General Misconduct of the Sanction imposed.</p> <p>Within seven (7) working days' of a Student Misconduct Committee Hearing, the Student Misconduct Committee Executive Officer will notify the student of the outcome via email. The outcome letter will outline the details of any appeal rights the student may have should they wish to appeal the decision.</p>
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## Appealing Student Misconduct Committee Hearing Decision

	ACTIVITY	RESPONSIBILITY	STEPS
1.	Appealing a decision made by a Student Misconduct Committee Hearing	Student	<p>A Student may apply to appeal a decision of the Student Misconduct Committee in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. A Student may apply to the Executive Officer of the Student Appeals Committee to appeal a decision.</li> <li>2. An application for appeal must be lodged within thirty (30) days of the student being notified of the Hearing outcome.</li> <li>3. An application for appeal must be on one or more the following grounds: <ol style="list-style-type: none"> <li>a. that there was relevant evidence which: <ul style="list-style-type: none"> <li>• was available to the decision-maker at the time the decision was made but was not considered by the decision-maker; or</li> <li>• was not known by the student before the decision was made and could not reasonably have been known by the</li> </ul> </li> </ol> </li> </ol>

			<p>student before the decision was made;</p> <p>b. that the decision was manifestly wrong;</p> <p>c. that a procedural irregularity occurred which may have affected the decision;</p> <p>d. that the sanction imposed was manifestly excessive; or</p> <p>e. that there was a deemed refusal.</p>
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## Recording and Implementing General Misconduct Sanctions

Federation University Regulations (Students) provides detailed sanctions for findings of student misconduct. If the decides that's student has committed student misconduct, the decision may be made to apply one or more of the following sanctions:

- Reprimand or caution
- A course of corrective action
- A course of counselling
- Suspension for a specified period
- Deny access or impose conditions on attendance to use of University premises, facilities and/or activities
- Require the student to refrain from contact
- Re-submission in whole or part of an assessment, examination, or research
- Disallowance or amendment of a mark or grade
- Failure of a unit or course of study
- In the case of research, possible sanctions as allowed by the Australian Code for Responsible Conduct of Research

	ACTIVITY	RESPONSIBILITY	STEPS
1.	Recording a decision or Sanction	Relevant staff member (e.g. Executive Officer to the Student Misconduct Committee, Student Misconduct Officer or nominee)	Staff to file decision notice and any meeting minutes taken throughout the process in relevant folder on staff's respective SharePoint site.
2.	Implementing a Sanction – suspension or exclusion	Student Services and Registrar	<p>If the Student Misconduct Committee or Senior Officer has determined a sanction of suspension or exclusion:</p> <ul style="list-style-type: none"> <li>• the student's study plan is updated;</li> <li>• where the student has appealed the decision to suspend or exclude, the student's</li> </ul>

			<p>enrolment will be maintained whilst the appeals process is ongoing. Changes to enrolment will only be made once all avenues to appeal are exhausted, or timelines to appeal have lapsed; and</p> <ul style="list-style-type: none"> <li>the student cannot enrol in a course or unit whilst the student's enrolment is suspended or terminated.</li> <li>the student may need to re-apply for enrolment when the exclusion period has ended.</li> </ul> <p>If a senior officer has determined to exclude the Student from the University premises indefinitely or for a specific period or terminate a student's enrolment:</p> <ul style="list-style-type: none"> <li>the student's enrolment in their course is ended;</li> <li>the student will need to re-apply for enrolment when the exclusion period has ended.</li> </ul>
3.	Implementing a sanction - other	Relevant Institute or Department	<p>Where an alternative sanction has been issued, the Student Misconduct Officer or nominee (Institute or Department level hearings) or the Executive Officer to the Student Misconduct Committee (Student Misconduct Committee hearings) will notify the relevant area of the University.</p> <ul style="list-style-type: none"> <li>The relevant area of the University will action the sanction as appropriate.</li> <li>Sanctions or relevant actions (e.g. compliance reporting) will only be actioned once all avenues to appeal are exhausted, or timelines to appeal have lapsed.</li> </ul>

## Supporting Documents

- [Academic Governance Policy](#)
- [Students and Support for Students Policy](#)
- [Academic Integrity Procedure](#)

- [Student Appeal Procedure](#)
- [Regulation 51 – The Student Misconduct Committee](#)
- [Academic Integrity Officer \(AIO\) – Roles and Responsibilities Guidelines](#)
- [Academic Misconduct Flowchart](#)
- [TEQSA Academic Integrity: Guidance Note](#)

#### Forms.

- [1 Academic Misconduct Notification Letter Template](#) (DOCX 29.8kb)
- [2 Academic Misconduct Hearing SDC Notification Letter Template](#) (DOCX 23.0kb)
- [3 Academic Misconduct Hearing Details Confirmation Letter Template](#) (DOCX 31.0kb)
- [4 Academic Misconduct Penalty Confirmation Letter Template](#) (DOCX 24.8kb)
- [5 Academic Misconduct Hearing Penalty Upheld Letter Template](#) (DOCX 20.4kb)
- [6 Academic Misconduct Hearing Penalty Dismissed Letter Template](#) (DOC 36.5kb)
- [7 Academic Misconduct Hearing SDC Referral Letter Template](#) (DOCX 23.1kb)
- [Academic Integrity Officer - Roles & Responsibilities](#) (PDF 255.6kb)
- [Academic Misconduct Determination Guidelines](#) (PDF 269.3kb)
- [Academic Misconduct Pre-Hearing Appeal Form](#) (DOCX 84.8kb)
- [Academic Misconduct Report Form v1.0](#) (DOCX 84.6kb)
- [Academic Misconduct Report Hearing Outcome Form v1.0](#) (DOCX 86.4kb)
- [Artificial Intelligence Guidelines](#) (DOCX 192.5kb)

## Responsibility

- Chief Learner Experience Officer (as the Approval Authority) is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.
- Director, Student Services and Registrar (as the Document Owner) is responsible for maintaining the content of this procedure as delegated by the Approval Authority.

## Promulgation

This procedure will be communicated throughout the University via:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website.
2. Distribution of e-mails to Executive Dean of Institute/Dean of the Global Professional School, VET/CEO Federation TAFE, University staff.
3. Documentation distribution, eg. posters, brochures.
4. Notification to Institutes/Schools/Federation TAFE

## Implementation

This procedure will be implemented throughout the University via:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website.
2. Staff induction sessions.

## Records Management

Title	Location	Responsible Officer	Minimum Retention Period
Misconduct Report Form and associated paperwork where allegations are proven and the Student is permanently excluded or expelled from the course or institution.	Student Services and Registrar	Chair, Academic Board	15 Years after final decision.
Misconduct Report Form and associated paperwork where the allegations are proven and the Student is penalised or sanctioned (including temporary suspension) but is not excluded or expelled.	Student Services and Registrar	Chair, Academic Board	7 years after final decision.

## Annexure A - Summary of Student Misconduct process





