

# Student Misconduct Procedure

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|----------------------------|------------------------------------------|
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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 and Federation TAFE students, across all Academic Divisions, VET programs and Partner Providers, in any University-related activity or context.

Such situations and activities may extend beyond University or TAFE 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.

In relation to matters of research integrity and misconduct, including those relating to Higher Degree by Research students, where a student has been found to have breached the Australian Code for the Responsible Conduct of Research, they may be subject to the Academic Misconduct processes outlined in this procedure.

Where there is suspected misconduct that relates to sexual harm or discrimination, staff are required to consult with [Student Equity and Safer Communities](#) who will advise if the suspected misconduct is to be dealt with under this procedure.

### Complaints from Students, Members of the Public and Anonymous Reports

Students, members of the public and other persons who wish to raise concerns about the conduct of a student should submit their concerns through the University's complaints process.

Concerns may be submitted anonymously. However, where contact details are not provided, the University may be limited in its ability to investigate the matter or provide a response.

Where a complaint identifies potential student misconduct, the matter may be assessed and, where appropriate, referred for consideration under this procedure.

## Legislative context

- [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 2025](#)
- [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 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>• Graduate Research School;</li><li>• School of Medicine; and</li></ul> |

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                       | <ul style="list-style-type: none"> <li>an organisational division or structure of the University, for example, a Research Centre.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Authorised Officer                    | Means a person appointed as an authorised officer under section 60 of the <i>Federation University Australia (Operations) Regulations 2022</i> .                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Associate Dean, Learning and Teaching | Means the Associate Dean, Learning and Teaching (or equivalent position) responsible for academic leadership within an Institute or School.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Associate Directors                   | TAFE academic leadership positions with responsibility for the academic and operational oversight of TAFE programs within their portfolio.                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Academic Divisions                    | <p>Means a division of the University including:</p> <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>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>                                                                                              |
| Code of Conduct                       | Means a code of conduct issued by the University including the University <a href="#">Student Code of Conduct</a> .                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 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                               | <p>Means:</p> <ol style="list-style-type: none"> <li>the misconduct hearing conducted by the relevant Institute, TAFE or School; or</li> <li>a misconduct hearing conducted by the Student Misconduct Committee.</li> </ol>                                                                                                                                                                                                                                                                                                                                            |
| Institute                             | <p>Means an institute of the University including:</p> <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>                                                                                                                                                                                                                                                                                         |
| Institute/School Appeals              | <p>Within the Student Integrity Team:</p> <ul style="list-style-type: none"> <li>IISS Appeals - <a href="mailto:IISS.Appeals@federation.edu.au">IISS.Appeals@federation.edu.au</a></li> <li>IH&amp;W Appeals - <a href="mailto:health.appeals@federation.edu.au">health.appeals@federation.edu.au</a></li> <li>IEAC Appeals - <a href="mailto:educationarts.appeals@federation.edu.au">educationarts.appeals@federation.edu.au</a></li> <li>School of Medicine - <a href="mailto:medicine.appeals@federation.edu.au">medicine.appeals@federation.edu.au</a></li> </ul> |

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|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | <ul style="list-style-type: none"> <li>Student Misconduct Committee (SMC) - <a href="mailto:SMC@federation.edu.au">SMC@federation.edu.au</a></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 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              | <p>Means general procedural fairness in the handling of a complaint that involves all the following elements:</p> <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> <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Pro-Vice Chancellor, Learning and Teaching | The senior academic executive responsible for strategic leadership and oversight of the University's learning and teaching activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Sanction                                   | <p>Means a sanction for Student Misconduct as set out in Part 5 (Division 5) 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>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> <li>in the case of research misconduct concerning externally funded research under a contract requiring the misconduct to be dealt with in accordance with the Australian Code for Responsible Conduct of Research, take a course of action in accordance with that Code.</li> </ol> <p>If a matter is referred to the Student Misconduct Committee, the Committee may, in addition to the sanctions mentioned above, impose one or more of the following sanctions:</p> <ol style="list-style-type: none"> <li>impose a sanction referred to in sub-regulation (1);</li> </ol> |

|                                                |                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                | <ul style="list-style-type: none"> <li>b. suspend the student for a specified period;</li> <li>c. exclude the student; and/or</li> <li>d. prevent the student from re-enrolling, receiving results, graduating or receiving an award.</li> </ul>                                                                          |
| Senior Officer                                 | Senior Officer means the Vice-Chancellor, Acting Vice-Chancellor or a Deputy Vice-Chancellor appointed under Part 4, Division 1 of the Federation University Australia Statute 2021.                                                                                                                                      |
| 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, Federation TAFE, VET students and those enrolled at Partner Providers. Student may also include a former student (as definition above).                            |
| Student Integrity Team Officer                 | Student Integrity Team Officer means a staff member within the Student Integrity team responsible for administering and supporting the management of matters under this procedure.                                                                                                                                        |
| Student Misconduct                             | Means general or academic misconduct by a student.                                                                                                                                                                                                                                                                        |
| Student Misconduct Committee                   | Student Misconduct Committee means the committee established by the University to hear and determine student misconduct matters referred to it because of the seriousness of the alleged misconduct and/or a history of previous upheld misconduct findings, and to determine outcomes in accordance with this procedure. |
| Student Misconduct Officer                     | Student Misconduct Officer means a staff member authorised by the University to investigate allegations of misconduct, conduct hearings where applicable, determine outcomes, and impose penalties in accordance with this procedure.                                                                                     |
| Student Misconduct Committee Executive Officer | Member of the Student Integrity Team                                                                                                                                                                                                                                                                                      |
| TAFE                                           | Federation TAFE means the vocational education and training (VET) division of Federation University Australia, responsible for the delivery of TAFE programs and qualifications within the University's dual sector structure.                                                                                            |
| 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).                                                                                                                                                   |

## General

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

## 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 date of hearing.

## Support person

Nothing in this procedure limits a participant's right to procedural fairness, including the opportunity to be heard and to seek support or advice.

A party may be accompanied by a support person at any meeting, interview or hearing held as part of a misconduct process.

A support person may provide personal, practical or emotional support to the party but must not act as the party's advocate or representative unless expressly permitted under this procedure.

A support person may be internal or external to the University and may be legally qualified, but must not act in a legal professional capacity in the process unless expressly permitted by the University.

A support person may be excluded, or conditions may be placed on their participation, if the decision-maker reasonably considers that the support person:

- is disrupting the process;
- is preventing the fair and orderly conduct of the process;
- presents a conflict of interest that cannot be appropriately managed; or
- poses a risk to the safety, wellbeing, privacy or confidentiality of another person.

A support person may speak only when invited to do so by the person conducting the meeting or hearing, or with that person's permission.

An Aboriginal or Torres Strait Islander student may request culturally appropriate support during a review or appeal process, including assistance from a relevant Aboriginal and Torres Strait Islander support officer or service where available.

The University will take reasonable steps to facilitate culturally safe participation in the process.

## Advocates

Parties are ordinarily expected to represent themselves in review and appeal processes.

A student who, because of disability, illness, communication difficulty, trauma, or other exceptional circumstances, is unable to participate effectively in a review or appeal process without assistance may apply to the person or body hearing the matter for permission to have an advocate attend and/or make submissions on the student's behalf.

The University will determine any such application on a case-by-case basis.

The University may require the student to provide:

- a written request;
- a signed authority appointing the proposed advocate and specifying the scope of that authority; and
- reasonable supporting documentation confirming the functional impact of the student's circumstances on their ability to participate effectively in the process.

Where appropriate, the University may rely on information already held by its accessibility, disability support or student support services, and will not ordinarily require diagnostic information or detailed medical records unless reasonably necessary.

An advocate may be legally qualified but must not act in a legal professional capacity in the process unless expressly permitted by the University.

An advocate must not be involved in, or alleged to have been involved in, the matter under review or appeal and must comply with any directions given by the decision-maker about the conduct of the process.

The decision-maker may refuse, limit or withdraw permission for an advocate to speak on behalf of a student, or may exclude an advocate from a hearing, where the advocate:

- disrupts the process;
- fails to comply with directions;
- gives rise to a conflict of interest; or
- otherwise compromises the fair and orderly conduct of the review or appeal.

## Reasonable adjustments

The University will take reasonable steps to ensure that internal review and appeal processes are accessible and procedurally fair.

Where appropriate and in accordance with the University's regulatory requirements, the University will make reasonable adjustments to enable a person to participate effectively in the process, including by:

- permitting the presence of a support person or advocate;
- allowing attendance by telephone or video conference;
- adjusting timeframes;
- providing documents in an accessible format;
- arranging interpreting or communication support; or
- making other reasonable procedural adjustments having regard to the person's circumstances.

## Support and wellbeing

Students can access a range of academic, wellbeing and support services provided by the University. Further information is available on the [Your Wellbeing](#) webpage.

## Confidentiality

All participants in a review or appeal process must respect the privacy and confidentiality of information obtained through the process and must only use or disclose that information for the purpose of the process, or as otherwise permitted or required by law.

Nothing in this procedure prevents a party from disclosing information:

- to a support person, advocate, carer or immediate family member where reasonably necessary for support;
- to a medical practitioner, counsellor, psychologist or other health professional;
- to a student representative body, advocacy service or adviser;
- for the purpose of obtaining legal, financial or other professional advice;
- for the purpose of making a complaint or disclosure to an external authority or oversight body; or
- where disclosure is otherwise permitted or required by law.

The University will collect, use, store and disclose personal and health information in accordance with applicable privacy and records management laws and University policies and procedures.

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](#).

## Good faith and fairness

All reports of Student Misconduct must be made in good faith and include all relevant information available to assist the University in assessing and resolving the matter.

The University is committed to considering and investigating reports of Student Misconduct fairly and in accordance with this Procedure. Misuse of the Student Misconduct process, including the provision of false or misleading information, or inappropriate behaviour towards those involved in the process, may result in disciplinary action.

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.

Upon receipt, a report will be assigned for assessment and, where required, investigation. The University will make a genuine attempt to review reports and progress matters in a timely manner. Timeframes may vary depending on the nature, complexity and circumstances of the matter.

Where a report proceeds under the Student Misconduct process, the student will be notified of the allegation within ten (10) working days and provided with information regarding the next steps.

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

In accordance with the [Federation University Australia \(Students\) Regulations 2022](#) (Part 5, Division 6).

**Summary exclusion** If a student behaves in a disruptive, disorderly, offensive, unsafe or threatening manner while on University premises, using University facilities and services or engaging in University activities, a University staff member, Authorised Officer or security officer may exclude the student from the University premises, using University facilities and services or engaging in University activities immediately and for a reasonable period, taking into account the nature, complexity and severity of the matter.

**Emergency intervention and serious incidents** 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.

## 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. Refer to the [Artificial Intelligence Guidelines](#);
- 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.

## 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, occupational 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 misconduct

|   | Activity                           | Responsibility      | Steps                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---|------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A | Investigating Suspected Misconduct | Any member of staff | <p>Where a staff member suspects that a student or former student may have engaged in academic or general misconduct, they should gather sufficient supporting information, and where relevant documentation, to enable a report to be submitted where there are reasonable grounds for concern.</p> <p>If a staff member is uncertain whether a matter constitutes academic or general misconduct, they may refer to available guidance materials. Classification may be amended during the assessment process.</p> <p>The following University resources are available to assist staff in identifying and assessing suspected academic misconduct:</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 Responsibilities Guidelines</a>;</li> <li>• <a href="#">Academic Misconduct Determination Guidelines</a>; and</li> <li>• <a href="#">Federation University (Student) Regulations 2022</a>.</li> </ul> |

|   |                                |  |                                                                                                                                                                                                                                                                                                                  |
|---|--------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                |  | For additional guidance, staff may refer to the <a href="#">Academic Integrity webpage</a> or the <a href="#">General Misconduct webpage</a> . Staff may also contact, a Student Misconduct Officer or contact their Institute or School Appeals team, or the <a href="#">Student Integrity</a> team for advice. |
| B | Reporting Suspected Misconduct |  | <p>At any time, a staff member may report a student or former student for suspected misconduct in accordance with this procedure.</p> <p>Reports must be submitted via the University's <a href="#">reporting portal</a> and should include any relevant supporting evidence available to the staff member.</p>  |

## Investigating and Hearing

|    | Activity                              | Responsibility                          | Steps                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----|---------------------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Intake Assessment and Case Allocation | Student Misconduct Officer (or nominee) | <p>An Officer from the Student Integrity team will review the report for completeness and assign it to a Student Misconduct Officer for vetting.</p> <p>The Student Misconduct Officer will review the alleged misconduct in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. The Student Misconduct Officer reviews the Misconduct Report and supporting evidence and considers the nature and severity of the alleged misconduct, together with any previous upheld findings of misconduct.</li> <li>2. Based on that assessment, the Student Misconduct Officer determines whether the matter will proceed to an Institute/TAFE/School hearing or be referred to the Student Misconduct Committee.</li> </ol> <p>Circumstances in which a matter may be referred to the Student</p> |

|    |                       |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----|-----------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                       |                            | <p>Misconduct Committee include, but are not limited to, the following: Students with a record of at least two previous upheld findings of misconduct; and</p> <ol style="list-style-type: none"> <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> <li>Students who have graduated from Federation University, who may face recommendations of the revocation rescission of an awarded qualification.</li> </ol> <p>For matters relating to alleged Academic Misconduct, Student Misconduct Officers should refer to the Academic Misconduct Determination Guide for further guidance in determining the severity of alleged Academic Misconduct.</p> |
| 2. | Notifying the student | The Student Integrity Team | <p>An officer from the Student Integrity team will notify the student in accordance with the following:</p> <ol style="list-style-type: none"> <li>Where the Student Misconduct Officer determines that the matter will proceed to an Institute/TAFE/School hearing, the Student Integrity team will, within ten (10) working days of that determination, notify the student of the allegation and provide the supporting evidence. <ol style="list-style-type: none"> <li>The notification will include information on how the student may request to attend the hearing and/or provide a written response and supporting evidence if applicable for</li> </ol> </li> </ol>                                                                                              |

|    |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                       |         | <p>consideration by the hearing committee.</p> <ol style="list-style-type: none"> <li>2. Where the Student Misconduct Officer determines that the matter will be referred to the Student Misconduct Committee, the Student Integrity team will, within ten (10) working days of that determination, notify the student of the allegation and provide the supporting evidence. <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> </ol> </li> <li>3. Notifications in both instances are sent to the students university email, and should include all material supporting the Misconduct Report that is available at the time of notification. Any material that is to be considered by the decision-maker must be made available to the student and the student must be provided with a reasonable opportunity to respond before the decision is made. Any material not provided to the student, at the time of the 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 Misconduct Notification in accordance with the following:</p> <p><b>Institute/TAFE/School notifications</b></p> <ol style="list-style-type: none"> <li>1. The student may request a hearing within seven (7) working days of being notified of the Misconduct Report. If a</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|  |  |  | <p>student does not request a hearing, the matter will still proceed, all submitted evidence considered and a decision will be made.</p> <ol style="list-style-type: none"> <li>2. Within seven (7) working days of receiving a hearing request, an officer of the Student Integrity team notifies the student of the hearing details. The student will be given at least five (5) working days' notice of the hearing.</li> <li>3. If the student wishes to respond in writing to the allegation(s) or contest the proposed sanction set out in the Misconduct Report, they must submit their written response, together with any evidence they intend to rely on during the hearing, at least one (1) working day before the scheduled hearing date.</li> </ol> <p><b>Student Misconduct Committee notifications</b></p> <p>A student is not required to request a hearing before the Student Misconduct Committee.</p> <ol style="list-style-type: none"> <li>1. Where a matter is referred to the Student Misconduct Committee, the Committee will schedule the hearing and advise the student of the hearing date, time and location.</li> <li>2. The student will be given at least seven (7) working days' notice of the hearing.</li> <li>3. The student may choose to respond to the allegation(s) and contest the proposed sanction set out in the Misconduct Report in writing at least one (1) working day before the scheduled hearing date. Any evidence which the student intends to rely on during the hearing</li> </ol> |
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|----|---------|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |         |                                                                                                                   | must also be submitted at least one (1) working day prior to the scheduled hearing date.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4. | Hearing | <p>Student Misconduct Officer (or nominee)</p> <p>Student Integrity Team,</p> <p>Student Misconduct Committee</p> | <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 where the student has provided verbal consent. If the hearing is not recorded, minutes must be taken.</li> <li>2. Students have the right to be accompanied by a support person at a hearing.</li> </ol> <p>Where the Student Misconduct Officer determines the matter should proceed to an Institute/ TAFE/School hearing, the Student Integrity team will arrange the hearing.</p> <ol style="list-style-type: none"> <li>1. The hearing will be conducted by a Student Misconduct Officer panel, who will determine the outcome of the matter. The hearing may proceed, and all submitted evidence considered in the absence of the student if they do not attend.</li> </ol> <p>Where the Student Misconduct Officer determines that a matter should be referred to the Student Misconduct Committee, the matter will be referred to a Student Misconduct Committee Officer within the Student Integrity Team, who will arrange the hearing.</p> <ol style="list-style-type: none"> <li>1. The Student Misconduct Committee will conduct the hearing and determine the outcome. The hearing may proceed, and all submitted evidence considered in the absence of the student if they do not attend.</li> <li>2. A Student Misconduct Officer or other appropriate representative may be invited</li> </ol> |

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|----|-----------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                         |                        | to attend to provide context and background information relevant to the matter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5. | Outcomes of Hearing                     | Student Integrity Team | <p>Following the hearing, an officer from the Student Integrity Team will advise the student of the outcome within seven (7) working days. Where this timeframe cannot be met, the student will be advised of the expected timeframe for notification. This applies to hearings conducted at both the Institute/TAFE/School level and by the Student Misconduct Committee.</p> <p>The Outcome Letter will include:</p> <ul style="list-style-type: none"> <li>• whether the allegation was upheld, dismissed or partially upheld/dismissed;</li> <li>• any penalties or sanctions imposed, where applicable;</li> <li>• information about the student's review or appeal rights, where applicable; and</li> <li>• information about available wellbeing and educational support services.</li> </ul> |
| 6. | Appealing a Misconduct Hearing Decision | Student                | <p>A student may apply to appeal a decision in accordance with the following, as per the <a href="#">Student Appeal Procedure</a>:</p> <ol style="list-style-type: none"> <li>1. An application for appeal must be lodged within thirty (30) days of the student being notified of the Hearing outcome from the Student Integrity team.</li> <li>2. 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 taken into account by the decision-maker; or</li> </ul> </li> </ol> </li> </ol>                                                                             |

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|  |  |  | <ul style="list-style-type: none"> <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> <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> </ul> <p>An appeal submission must be made via the University's <a href="#">reporting portal</a>.</p> |
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The section below outlines the way in which the University treats subsequent allegations of student misconduct.

## Recording of Misconduct Outcomes

- All allegations of student misconduct must be recorded in the University's approved case management system.
- Where an allegation of student misconduct is dismissed:
  - the matter **must not** be recorded in fdlGrades; and
  - the allegation and its outcome must be retained in the approved case management system in accordance with the University's record retention requirements.
- Each allegation of student misconduct must be considered and determined on its own merits. Where an allegation is upheld, an appropriate outcome or penalty may be imposed in accordance with this procedure.
- For the purposes of recording offences in fdlGrades, multiple upheld findings of student misconduct arising within the same semester are recorded as a single offence. The first upheld finding is recorded as the student's **First Offence**, regardless of the number of upheld findings in that semester.
- Any subsequent upheld finding of student misconduct occurring in a later semester is recorded as the student's next offence in accordance with this procedure.
- Past upheld offences will be taken into consideration when determining whether a matter should be referred to the Student Misconduct Committee.

## Monitoring Academic and General Misconduct

|    | Activity                                                                | Responsibility                                | Steps                                                                                |
|----|-------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------|
| 1. | Providing Academic Divisions misconduct trend reports to Academic Board | Associate Dean, Learning and Teaching (ADLTs) | 1. Associate Dean Learning and Teaching (ADLT) roles and Associate Directors will be |

|    |                                                             |                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|    |                                                             | TAFE – Associate Directors<br>Heads of Discipline                                            | <p>provided with Academic and General Misconduct data biannually relevant to their Academic Division from the Student Integrity team.</p> <p>2. ADLTs and Associate Directors will facilitate, in collaboration with Heads of Discipline, a review of the data provided and submit a biannual report to the Learning and Teaching Quality Committee, on the template provided by the Learning and Teaching Quality Committee.</p> |
| 2. |                                                             | Pro Vice-Chancellor, Learning and Teaching<br>Chair, Learning and Teaching Quality Committee | <p>1. The PVC, Learning and Teaching will provide an overarching annual report to the Learning and Teaching Quality Committee.</p> <p>2. Following endorsement of the report by the Learning and Teaching Quality Committee, the report is submitted to Academic Board for approval.</p>                                                                                                                                          |
| 3. | Monitoring Academic Misconduct trends across the University | Academic Board                                                                               | <p>1. Academic Board will monitor Academic and General Misconduct trends across the University and Federation TAFE and, as appropriate, take/advice on further preventative action, staff training and/or process improvements.</p>                                                                                                                                                                                               |

## Recording and Implementing Academic Misconduct Sanctions

|    | Activity                         | Responsibility                   | Steps                                                                                                                                                                                                                                                                                    |
|----|----------------------------------|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Recording a decision or Sanction | The Student Integrity Team (SIT) | <p>The Student Integrity team (or nominee) will record a decision, or the sanction as follows:</p> <p>1. The decision and any applicable sanction are recorded in Advocate Symplicity through completion of all required data fields.</p> <p>2. Advises Student Administration where</p> |

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|    |                                                   |                                              | applicable and updates fdlGrades.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 2. | Implementing a Sanction – suspension or exclusion | Student Administration 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 a student appeals a decision to suspend or exclude them, they will remain enrolled and may continue their studies while the internal appeals process is ongoing. The suspension or exclusion will only be implemented once all internal appeal avenues have been exhausted or the applicable appeal timeframe has lapsed.</li> <li>3. the student cannot enrol in a unit whilst the student's enrolment is suspended or terminated.</li> <li>4. students who are excluded will be required to re-apply for course admission once the exclusion period has ended.</li> <li>5. students who are suspended are required to re-apply for unit enrolment once their suspension period has ended.</li> </ol> |
| 3. | Implementing a sanction - other                   | Relevant Institute/TAFE/School 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/ TAFE.</li> <li>2. The relevant area of the University or TAFE will action the sanction, in conjunction with the Student Integrity Team Officer where applicable.</li> <li>3. Sanctions (excluding grade changes) or relevant actions (e.g. compliance reporting) will only be actioned once all internal avenues to appeal are</li> </ol>                                                                                                                                                                                                                                                                                                                                                     |

|  |  |  |                                                |
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|  |  |  | exhausted, or timelines to appeal have lapsed. |
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## Recording and Implementing General Misconduct Sanctions

Federation University Regulations (Students) provides detailed sanctions for findings of student misconduct. If the University decides that a 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. Student Integrity Team Officer or nominee) | <p>The Student Integrity team (or nominee) will record a decision, or the sanction as follows:</p> <ol style="list-style-type: none"> <li>1. The decision and any applicable sanction are recorded in Advocate Symplicity through completion of all required data fields.</li> <li>2. Advises Student Administration where applicable and updates fdlGrades.</li> </ol>                                                                                     |
| 2. | Implementing a Sanction – suspension or exclusion | Student Administration 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 a student appeals a decision to suspend or exclude them, they will remain enrolled and may continue their studies while the internal appeals process is ongoing. The suspension or exclusion will only be implemented once all</li> </ul> |

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|----|---------------------------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                 |                                              | <p>internal appeal avenues have been exhausted or the applicable appeal timeframe has lapsed.</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>students who are excluded will be required to re-apply for course admission once the exclusion period has ended.</li> <li>students who are suspended are required to re-apply for unit enrolment.</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/TAFE/School or Department | <p>Where an alternative sanction has been issued, the relevant area of the University/TAFE/School will be notified by a Student Integrity Team Officer or, for matters heard by the Student Misconduct Committee, by the Executive Officer to the Student Misconduct Committee:</p> <ul style="list-style-type: none"> <li>The relevant area of the University/TAFE/School will action the sanction as appropriate.</li> <li>Sanctions (excluding grade changes) 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>                                                                                                                                                                                                                  |

## Process timelines

|    | Step                                                        | Timeframe                                                                                                  | Details                                                                                                                                                                                                                                                                                    |
|----|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Notification of misconduct                                  | Ten (10) working days                                                                                      | The student will be notified within ten (10) working days when an incident of misconduct has been confirmed as proceeding to an Institute/ School/TAFE hearing or consideration.                                                                                                           |
| 2. | Request a hearing                                           | Seven (7) working days                                                                                     | When a student receives a Misconduct Notification that is to be decided by the Institute/ TAFE/School, they have seven (7) working days to request a hearing.                                                                                                                              |
| 3. | Notification of hearing date - Institute/TAFE/ School       | Within seven (7) working days of hearing request;<br><br>at least five (5) working days' notice of hearing | Upon receiving a hearing request from the student, Student Integrity will respond to the request within seven (7) working days and provide the student with a proposed hearing date.<br><br>The student will be given at least five (5) working days' notice of the hearing date.          |
| 4. | Notification of hearing date - Student Misconduct Committee | Ten (10) working days                                                                                      | Where the Student Misconduct Officer determines that the matter will be referred to the Student Misconduct Committee, the Student Integrity team will, within ten (10) working days of that determination, notify the student of the hearing date.                                         |
| 5. | Submission of supporting material                           | One (1) full working day prior to the hearing                                                              | If the student wishes to respond in writing to the allegation(s) or contest the proposed sanction set out in the Misconduct Report, they must submit their written response, together with any evidence they intend to rely on, at least one (1) working day before the scheduled hearing. |
| 6. | Decision/Outcome letter                                     | Seven (7) working days                                                                                     | Following the hearing or consideration of the matter, an officer from the Student Integrity Team will advise the student of the outcome within seven (7) working days.                                                                                                                     |

|    |                                         |                  |                                                                                                                                                                                                                    |
|----|-----------------------------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                                         |                  | Where this timeframe cannot be met, the student will be advised of the expected timeframe for notification.                                                                                                        |
| 7. | Appeal to the Student Appeals Committee | Thirty (30) days | A student may appeal the outcome of a misconduct matter to the Student Appeals Committee within 30 days of receiving the outcome. An appeal must be submitted through the Student Appeals <a href="#">Portal</a> . |

## Supporting documents

- Federation University Australia (Students) Regulations 2022
- Federation University Australia Instrument and Register of Delegations
- [Academic Governance Policy](#)
- [Students and Support for Students Policy](#)
- [Academic Integrity Procedure](#)
- [Student Appeal Procedure](#)
- [Artificial Intelligence Guidelines](#)
- [Academic Integrity Officer \(AIO\) – Roles and Responsibilities Guidelines](#)
- [Academic Misconduct Flowchart](#)
- [TEQSA Academic Integrity: Guidance Note](#)

## 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 Pro Vice-Chancellors, Deans of Schools, University staff.
3. Documentation distribution, e.g. 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 the course or institution.                   | Student Integrity Case Management System.<br>fdlGrades | Manager Student Integrity | 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 Integrity Case Management System.<br>fdlGrades | Integrity                 | 7 years after final decision.  |

## Annexure A - Summary of Student Misconduct process

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