

## STUDENT NON-ACADEMIC MISCONDUCT POLICY

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## 1. Purpose

The purpose of this policy is to define and describe the actions that constitute non-academic misconduct, the College's processes for investigating allegations of non-academic misconduct, and the range of penalties that may be applied where allegations are proven.

## 2. Scope

This policy applies to all enrolled students participating in coursework units in all courses of study at APIC. This policy applies to instances of non-academic misconduct in both physical and virtual environments. This document should be read in conjunction with other related policies. (see Related Documents)

## 3. Definitions

<b>Item</b>	<b>Definition</b>
<i>Academic activity</i>	Includes and is not limited to developing, delivering, attending or otherwise participating in lectures, tutorials or other modes of delivery (e.g. internships); planning, producing or supervising research; or otherwise sharing knowledge, experience, or skills with others.
<i>Academic misconduct</i>	Any dishonest or inappropriate behaviour by a student in an assessment task or other academic activity including and not limited to: <ul style="list-style-type: none"> <li>• cheating;</li> <li>• collusion;</li> <li>• fraud; or</li> <li>• plagiarism</li> </ul>
<i>Allegation</i>	An assertion of misconduct made against a student.
<i>Exclusion</i>	Permanent cancellation of a student's enrolment in their course and the termination of their rights and privileges as a student of APIC, including their right to re-apply for admission.
<i>Harassment</i>	Unwelcome behaviour that is offensive, belittling or abusive to another person or group of people.
<i>Non-academic misconduct</i>	With the exclusion of academic misconduct, any inappropriate, dishonest or criminal behaviour by a student that breaches the Student Code of Conduct, including and not limited to any behaviour which: <ul style="list-style-type: none"> <li>• prejudices the reputation of the College;</li> <li>• endangers the wellbeing of others; or</li> <li>• is punishable in a court of law</li> </ul>
<i>Onshore international student</i>	A holder of a student visa, who is not a citizen of Australia or New Zealand, or who is not an Australian permanent resident, or who is a temporary resident of Australia.
<i>Suspension</i>	Temporary cancellation of a student's enrolment in a unit of study or course.
<i>Victimisation</i>	Subjecting or threatening to subject a person to personal or academic disadvantage as a direct result of their being subject to an allegation of misconduct, reporting or intending to report an act of misconduct, or in relation to their role in the investigation of an allegation of misconduct.

Item	Definition
<i>Vilification</i>	A public act which incites others to treat a person badly, with contempt, or to severely ridicule.

## 4. Policy Principles

The following principles and practice form the foundation for this policy.

APIC is committed to providing a fulfilling learning environment and this commitment is underpinned by an expectation that students will conduct themselves in a manner consistent with the College's values.

Every student has a responsibility to ensure that they fully understand this policy and to consciously ensure that their behaviour or omissions do not constitute or facilitate breaches of this policy.

Expectations of students with regard to expected standards of behaviour and non-academic misconduct in particular will be transparent and regularly reinforced.

When identified, acts of student non-academic misconduct will be dealt with immediately and with due regards to procedural fairness, the context within which the behaviour occurred, and equity and consistency in the application of any disciplinary action.

In cases where an act of student non-academic misconduct involves violence, threats or abuse, or any other risk to the safety of persons or causes serious damage to property, an offending student may be temporarily removed from APIC premises. (refer [Critical Incident Policy](#))

Hearings of allegations of non-academic misconduct by students will be conducted impartially and in a non-adversarial manner by a Student Misconduct Committee. (refer Student Misconduct Committee Terms of Reference)

Any party involved in a misconduct investigation fearing or experiencing harassment, vilification or victimisation should immediately discuss the matter directly with the Dean.

Any action taken under this policy does not preclude the College from commencing legal action against a student found to have engaged in non-academic misconduct and reporting any allegation(s) of fraudulent or criminal behaviour to the police or other external organisation (e.g. professional registration or accreditation body, regulatory authority).

Onshore international students should be aware that, dependant on the severity of the alleged behaviour, outcomes applied under this policy may affect their visa and their permission to stay in the country – therefore limiting their ability to complete their course of study.

## 5. Non-Academic Misconduct

Non-Academic Misconduct is, with the exclusion of academic misconduct (refer [Academic Integrity Policy](#)) any inappropriate, dishonest or criminal behaviour by a student that breaches the [Student Code of Conduct](#), including and not limited to:

- behaviour that prejudices the reputation of the College, APIC staff or students;
- engaging in unlawful or criminal activities on College premises, or whilst participating in academic activities off-campus (e.g. internships and study overseas);
- damaging, destroying, stealing or otherwise misappropriating College assets including facilities, furniture, library books, computing hardware or software;

- deliberately releasing computer viruses or other malware;
- misusing College assets including facilities, systems and equipment, to engage in illegal activity or activity prohibited by College policies;
- harassing, vilifying, bullying, abusing, threatening, assaulting or otherwise endangering the safety of APIC staff or students;
- making misleading or vexatious appeals against any decision or action by the College;
- making misleading or vexatious complaints;
- obstructing or unreasonably disrupting APIC staff or students from undertaking their normal activities at the College;
- any attempts to improperly influence APIC staff or students in the performance of their duties, including studies;
- breaching any confidentiality or privacy requirements or obligations of the College, APIC staff, or students;
- failing to follow any reasonable direction(s) of an APIC staff member;
- altering, falsifying or fabricates any document or record of the College (e.g. Interim Academic Record) or any documentation that the College requires the student to submit (e.g. academic transcripts, medical certificates or other supporting documentation);
- refusing to provide acceptable identification when instructed to do so by an APIC staff member;
- knowingly providing false or misleading information to the College;
- failing to comply with an outcome or penalty imposed under any policy of the College; or
- encouraging, persuading or coercing another student to engage in any behaviour that may constitute an act of non-academic misconduct.

### 5.1. Temporary removal of students

Any person having responsibility for the management of an academic activity on College premises, or for the management of College facilities, is empowered to temporarily remove any student(s) from that activity or facility where there is evidence that the student(s) are engaged or planning to engage in an act(s) of non-academic misconduct. (refer [Critical Incident Policy](#))

Examples of where temporary removal may be warranted occur include and are not limited to:

- any act that disrupts, endangers, threatens, or causes injury or damage to persons or to APIC facilities;
- non-academic misconduct in APIC libraries or computer laboratories; or
- non-academic misconduct in College common areas (e.g. student break-out areas and kitchens)

Any temporary removal of a student engaged in an academic activity may be imposed for the duration of the activity, and for a period no longer than 48 hours from the time of the temporary removal.

## 6. Reporting and Hearing Allegations of Non-Academic Misconduct

Allegations that a student(s) has engaged in an act(s) of non-academic misconduct should be made in writing to the Manager of Student Services as soon as is practically possible after the alleged act has occurred.

The written report to the Manager of Student Services will include all relevant information and any evidence relating to the alleged academic misconduct. All information relating to the investigation of an allegation of misconduct is considered confidential, and will not normally be disclosed to parties not directly involved in the investigation other than for authorised or lawful purposes.

Upon receipt of the written report the Manager of Student Services will – on the basis of the information supplied – make a determination as to whether or not the allegation(s) should be heard by a Student Misconduct Committee. (refer Student Misconduct Committee Terms of Reference)

If the Manager of Student Services determines that the allegation(s) should be heard by a Student Misconduct Committee, they will inform the Registrar to notify the student in writing and via email of the alleged misconduct within ten working days of receiving the written report, and to invite the student to respond to the allegation in person at a meeting with the Student Misconduct Committee.

The meeting date for the hearing of the allegation by the Student Misconduct Committee should be no later than ten working days from the date of the notification to the student.

If the student has not responded within five working days from the date of the notification, the Student Misconduct Committee meeting can be held in the student's absence.

The student will be informed of the finding and outcome(s) of the Student Misconduct Committee meeting in writing and via email by the Registrar, no later than ten working days following the date of the meeting. (see 7. Outcomes for Acts of Non-Academic Misconduct)

All findings of student non-academic misconduct and outcomes imposed must be fully documented and recorded on the Student Management System.

## 7. Outcomes for Acts of Non-Academic Misconduct

Upon determination that a student has engaged in an act of non-academic misconduct the following outcomes may be applied.

- no further action;
- an agreement by the student to undertake behavioural counselling, or similar program;
- a written warning and/or reprimand including an agreement to expected future behaviour;
- barring the student from enrolment in a specified unit(s) of study for a period of up to two consecutive teaching sessions;
- limiting access to specified APIC activities, facilities or services for a nominated period, not more than one year on condition that access is in accordance with specified conditions;
- denial of access to specified APIC activities, facilities or services for a nominated period, not more than one year;
- an order for the student to pay the full cost of restoration for damage done to College assets;
- an order for the student to apologise in writing to the aggrieved person(s);
- an order for the student to undertake a community service project in benefit to the College;
- suspension from the student's course for a nominated period, not more than one year;
- exclusion;
- any such other penalty or action as considered appropriate given the nature and seriousness of the misconduct.

Students suspended from their course will have their rights and privileges as a student of APIC withdrawn for the period of the suspension.

Any action taken under this policy does not preclude the College from commencing legal action against a student found to have engaged in substantial academic misconduct or reporting the allegation(s) to the police or other external organisation (e.g. professional registration or accreditation body, regulatory authority).

## 8. Non-Academic Misconduct Appeals

Student appeals against a finding of non-academic misconduct, or against an outcome in response to a finding of non-academic misconduct, can be made in writing to the Dean.

Appeals should be made no later than ten working days following the notification to the student of the finding and outcome(s) of the Student Misconduct Committee.

An appeal can only be made on one or more of the following grounds, which must be addressed in the appeal letter by the student:

- the student believes there is evidence that the finding by the Student Misconduct Committee and/or the outcome(s) imposed was made in breach of procedural fairness;
- the student believes there is and can produce substantial new evidence relating to the original allegation of non-academic misconduct, which was not previously available to the Student Misconduct Committee; or
- the student believes that the outcome(s) imposed by the Student Misconduct Committee was unjustifiably severe.

Upon receipt of the appeal letter the Dean will – on the basis of the information supplied – make a determination as to whether the appeal should be upheld or dismissed.

If the Dean determines that the appeal should be upheld, they may:

- overturn the outcome(s) imposed by the Student Misconduct Committee and apply no outcome; or
- overturn the outcome(s) imposed by the Student Misconduct Committee and apply a lesser outcome(s).

If the Dean determines that the appeal should be dismissed, the original finding by the Student Misconduct Committee and the outcome(s) imposed will be maintained.

The Dean will, within ten working days of receiving the appeal letter, notify the student in writing and via email of the determination on their appeal and any variation to the outcome(s) imposed by the Student Misconduct Committee.

If the student is satisfied that their non-academic misconduct appeal has been resolved they must confirm their agreement directly in writing with the Dean within ten working days of receipt of the resolution.

If the student is not satisfied that their non-academic misconduct appeal has been resolved by the Dean, they may request the matter be referred to the President for resolution. If their non-academic misconduct appeal remains unresolved following consideration by the President, the student may request review through an external independent mediator. (refer [Student Grievance and Appeals Policy](#))

The College shall maintain a student's enrolment while their non-academic misconduct appeal is being investigated through both internal and external process as set out in this policy.

All non-academic misconduct appeal outcomes must be fully documented and recorded on the Student Management System and the Student Grievances Register.

## 9. Policy Suspensions

This policy supersedes the following:

Document ID	Approval Date
Asia Pacific International College General Regulations Section 11. Code of Conduct and Discipline, clause: 11.1 Expected Conduct 11.2 Disciplinary Action 11.3 Referring the Allegation to the Discipline Committee 11.8 Penalties by Discipline Committee	27 April 2016

## 10. Document Change Control

Version	Change Description	Date	Author
1.3	Section 6. amend referrals to Student Misconduct Committee to come from the Manager of Student Services. Section 8. administrative amendments to improve clarity around escalation of appeals.	21 July, 2017	Craig Ellis