

Student Misconduct Policy and Procedures

Purpose

This policy aims to bring together the key elements of the Central Institute of Technology and Innovation's (the Institute) framework for dealing with student misconduct in a manner that is clear, consistent, and fair, and in accordance with the principles of natural justice.

Scope

This Policy applies to all Institute students. This policy also applies to staff when dealing with matters relating to student misconduct.

Related Documents

This policy should be read in conjunction with the following Institute documents:

- Assessment Policy and Procedures
- Staff Code of Conduct Policy and Procedures
- Academic Integrity and Misconduct Policy and Procedures
- Anti-Discrimination Policy and Procedures
- Bullying, Harassment and Violence Prevention and Response Policy and Procedures.
- Student Code of Conduct Policy and Procedures

All documents referenced in this policy can be accessed via the CITI website.

Definitions

For the purpose of this Policy, the following definitions apply:

Term	Definition
Staff Member	Any person who is an employee of the Institute. This includes full-time, part-time, sessional, and casual staff.
Student	Any person enrolled as a student at the Institute. This includes enrolment in all modes of study and at all locations.
Conduct	Conduct means the personal behaviour of a person.
General Misconduct	General Misconduct refers to behavior or actions that are considered inappropriate, unethical, or illegal in a particular context or setting. It can be committed by individuals, organizations, or groups and may involve a breach of law, regulations, policies, or professional codes of conduct.
Academic Misconduct	Academic misconduct refers to any behavior or action that violates the standards of academic integrity, including cheating, plagiarism, fabrication, falsification, and collusion. These behaviours are considered inappropriate in academic settings because they undermine the learning process and the credibility of academic institutions.



Term	Definition
Cheating	Cheating refers to the use of unauthorized materials, information, or assistance during an exam or assignment.
Plagiarism	Plagiarism is the use of someone else's work or ideas without proper attribution.
Collusion	Collusion involves working with others to deceive or misrepresent one's own work or ideas.
Natural Justice	Natural Justice is a fundamental human right. All staff and students are entitled to a decision by a disinterested and unbiased adjudicator, and that all parties shall be given adequate notice of the case against them, and a right to respond.
Cancellation of Enrolment	Cancellation of enrolment refers to the process of removing a student from a course or program of study. This can happen for various reasons, including academic or disciplinary reasons, financial issues, or personal circumstances.
Complaint	<p>A complaint refers to an expression of dissatisfaction or concern about an educational institution, program, or individual. It is a formal or informal statement that something is not meeting expectations or standards and requires attention or action.</p> <p>Complaints can come from various stakeholders, including students, staff, or other members of the community. They can be related to a range of issues, such as</p>

Term	Definition
	academic matters, safety and security, discrimination, harassment, or other types of misconduct.
Appeal	<p>An appeal refers to the process of requesting a review of a decision or action made by an educational institution or authority. It is a formal procedure that allows individuals or organisations to challenge decisions related to academic matters, such as grades, admissions, disciplinary actions, or other educational policies.</p> <p>Generally, appeals are made on the basis of procedural errors, new evidence, or the failure to consider relevant factors. Appeals may also be made on the grounds of discrimination, bias, or unfair treatment.</p> <p>The outcome of an appeal in education may include the reversal of a decision, the modification of a decision, or a recommendation for further action. Appeals can provide an opportunity for individuals to have their concerns heard and to ensure that decisions are made in a fair and transparent manner.</p>

Policy Principles

1. **Fairness and Natural Justice:** All allegations of student misconduct will be managed in a fair, impartial, and timely manner, ensuring students are informed of concerns, provided an opportunity to respond, and treated in accordance with the principles of natural justice.

2. **Respect, Dignity, and Wellbeing:** The Institute will manage student misconduct in a manner that upholds the dignity, safety, and wellbeing of all parties, recognising the potential impact of misconduct processes on students, staff, and the broader Institute community.
3. **Proportionality and Consistency:** Responses to student misconduct will be proportionate to the nature and severity of the behaviour and applied consistently, taking into account individual circumstances and any relevant mitigating or aggravating factors.
4. **Integrity and Academic Standards:** The Institute is committed to maintaining high standards of integrity, ethical conduct, and academic honesty, and will take appropriate action to address behaviour that undermines the values, reputation, or academic standards of the Institute.
5. **Transparency and Accountability:** Student misconduct processes will be clearly documented, communicated, and administered in a transparent manner, with defined roles, responsibilities, and review mechanisms to ensure accountability and continuous improvement.

Policy Statement

1. Natural Justice

The principles of procedural fairness apply to any proceedings or determination under Student Code of Conduct (the Code).

2. Confidentiality

- 2.1 All parties involved in a case or a proceeding under the Code and procedures referred to in this Policy are to maintain confidentiality. Information and records about a misconduct matter are divulged only to those with direct involvement in the case with the following possible exceptions:
 - 2.1.1 Where there is the risk of harm to a person or persons.



- 2.1.2 Where the matter is subject to legal proceedings or other actions which require that the Institute.
- 2.1.3 presents records by way of a subpoena or similar methods.
- 2.1.4 Where a student lodges a complaint or appeal regarding a decision under this Policy.
- 2.1.5 Where there is a clear public interest or obligation to share information (such as a duty to disclose information to a professional accreditation board, or a duty to report under legislation).
- 2.1.6 Where the Institute is obligated or able to do so under the Institute's Information and Privacy Policy

3. Minimising Disadvantage and Support Person

- 3.1 All due consideration will be given to ensuring the student is not unfairly disadvantaged as a result of the application of procedures under this Policy.
- 3.2 Students have the right to nominate a support person. The support person cannot be a staff member from the Institute, engaged in law enforcement, or a legal practitioner. The support person must be over 18. The support person is not permitted to speak or respond during the meeting. The support person cannot interfere with or disrupt the meeting. The support person cannot record the meeting.
- 3.3 The Institute will endeavour to make the proceedings as accessible as possible for all parties, and this may include the provision of interpreters or translators as appropriate.

4. Timely Response to Reports

The Institute is committed to resolution of any student misconduct matter in a timely fashion.



5. Impact of Alleged Student Misconduct

- 5.1 In assessing the impact of misconduct on students, staff, the Institute and broader academic community, the Institute may invite any person who has been affected by the behaviour of a student to write a structured victim impact statement.
- 5.2 This statement, if made, will describe the impact/effect/consequences of the misconduct on those affected, and may be used by the Institute or other related bodies/committees in aiding their investigation, deliberations, or decision-making.
- 5.3 This statement, if made, may be provided to the student against whom allegations of misconduct have been made, and that student may have the opportunity to provide a response to the Institute or other related body/committee.

6. Academic Misconduct

- 6.1 Academic Misconduct is conduct by a student that is in breach of any academic policy of the Institute or in any way undermines or otherwise puts at risk the academic integrity of any program, subject of study or assessment (including examinations) or the Institute's academic reputation. Academic misconduct leads to sanctions under this Policy. Examples of academic misconduct include, but are not limited to:
 - 6.1.1 Cheating, or bringing unauthorised materials or devices into an examination or assessment activity.
 - 6.1.2 Collusion, or working with another person in order to gain an unfair advantage in assessment.
 - 6.1.3 Copying another person's answers or improperly obtaining answers to questions in an examination or other form of assessment.
 - 6.1.4 Submitting work for assessment that is not the student's own work.
 - 6.1.5 Communicating in an examination, or other test, with other students, or bringing into the examination room any textbook, notebook, memorandum, other written material or electronic device or any other item not authorised by the person who set the examination or the examinations supervisor in charge or other supervisor of a test.

- 6.1.6 Writing an examination answer, or consulting another person or materials, for an examination answer, outside the confines of the examination room, without permission to do so.
- 6.1.7 Attempting to read another student's work in an examination, or, in other circumstances, without their permission.
- 6.1.8 Where individual work is required, making or receiving available notes, papers or answers related to the content of an examination or assignment (in whatever form) to or from another student, without the permission of the teacher of the subject.
- 6.1.9 Not following the directions about seating location and movement about the examination room.
- 6.1.10 Where a student submits work in which ideas, words or other work are taken from a source and presented as if these are the student's own work, without appropriate acknowledgement of the original author. In the context of this Policy appropriate acknowledgement being the conventions of citation recognised as acceptable to the Institute and broader academic community.
- 6.1.11 Breach of the Student Code of Conduct.

7. General Misconduct

- 7.1 General Misconduct is conduct by a student that is contrary to accepted standards of behaviour at the Institute including conduct that:
 - 7.1.1 Places at risk the health, safety or welfare of any person.
 - 7.1.2 Places at risk the business or other operations, systems, or activities of the Institute.
 - 7.1.3 Disrupts or interferes with another person's ability to access or enjoy the Institute's facilities or services.
 - 7.1.4 Any other conduct that is in breach of any policy of the Institute in relation to acceptable standards of behaviour.
- 7.2 Examples of general misconduct include, but are not limited to:



- 7.2.1 Bullying, harassing, vilifying, victimising, or threatening another person, including because of that person's cultural or religious identity, gender, sexual orientation or disability.
- 7.2.2 Behaving in an unreasonably antisocial or offensive manner for any reason not following a direction reasonably and lawfully given by a staff member of the Institute.
- 7.2.3 Refusing to produce identification, including a student identification card, when asked lawfully to do so by an Institute staff member.
- 7.2.4 Engaging in unprofessional behaviour while undertaking a practicum or placement as part of the student's program.
- 7.2.5 Engaging in unauthorised initiation activities, hazing, motting, or activities of a similar kind.
- 7.2.6 Unauthorised access to or use of any Institute property, systems or facilities or those of another organisation, or person
- 7.2.7 Submitting forged or fraudulent medical or other documentation.

Procedures

The following procedures apply to student misconduct.

1. Immediate Exclusion

- 1.1 Any person with responsibility for management of the Institute and its facilities or activities has authority to summarily exclude a student from those facilities or participation in those activities where the person believes that the student is committing or has committed an act of misconduct in relation to use of the facilities or participation in the activity; and that
 - 1.1.1 The student is disrupting, or causing or encouraging others to disrupt, the use of facilities or participation in activities.

- 1.1.2 There is a threat to the safety of persons or property.
- 1.1.3 An order for exclusion may be made orally and take effect immediately and must specify the period of exclusion within the following limits:
- 1.1.4 Exclusion from a structured learning activity, including a lecture, tutorial, demonstration, laboratory, or practical.
- 1.1.5 Examination up to the duration of the activity.
- 1.1.6 Exclusion from a field trip up to the duration of the field trip.
- 1.1.7 Exclusion in any other circumstance up to 24 hours.

2. Follow-up Procedures

- 2.1 Within one full business day of order being made, a report of the incident (which may be a copy of the confirmation to the student) must be provided to the Academic Head.
- 2.2 The report must also be provided to the Registrar to place on the Student Misconduct Register.
- 2.3 Where the student's name is known to the person making the order, the terms of the order and the reasons for them must be confirmed to the student in writing by the Registrar or delegate.
- 2.4 Where the name of the student is not known, a summary of the events must be provided to the Academic Head.
- 2.5 The Institute may take further action depending on the nature of the incident.

3. Responsibilities

- 3.1 The person investigating an allegation of student misconduct will be referred to as the Responsible Officer.
- 3.2 In the instance of Academic Misconduct, the Academic Head or Delegate will conduct the inquiry into the alleged academic misconduct.

- 3.3 In the instance of General misconduct, the Registrar or Delegate will conduct the inquiry into the alleged general misconduct.
- 3.4 In the instance of a perceived Conflict of Interest, the Executive Leadership Team will allocate a Responsible Officer.

4. Lodging a Complaint of Misconduct

- 4.1 All allegations of misconduct must be accompanied by a completed Misconduct Form.
- 4.2 Supporting documentation must be submitted with the Misconduct Form.
- 4.3 The Responsible Office will acknowledge receipt of the completed Misconduct Form.
- 4.4 The Institute will not investigate allegations of misconduct on the basis of hearsay.

5. Preliminary Enquiry into Complaint of Alleged Misconduct

- 5.1 The Responsible Officer will investigate the complaint of alleged misconduct.
- 5.2 The Responsible Officer will acknowledge receipt of the Misconduct Form in writing.
- 5.3 The Responsible Officer has seven working days to undertake a preliminary investigation.
- 5.4 The Responsible Officer will determine if the alleged student conduct:
 - 5.4.1 **Does not warrant investigation:** No further action will be taken. The complainant will be notified of the outcome in writing. The student will be notified of the allegation made against them, the name of the complainant making the allegation, the enquiries made and the outcome of the allegation in writing.
 - 5.4.2 **Warrants investigation:** The Responsible Officer will proceed with the investigation.

6. Investigation of alleged misconduct

Where the Responsible Officer determines that the conduct warrants investigation, the Responsible Officer shall elect to conduct the investigation or refer the written complaint to the Student Appeals Committee.

7. The Responsible Officer Conducts the Investigation

- 7.1 The Responsible Officer will send written notification to the student advising the intention to conduct an investigation into the allegations as referred to in the written complaint. The written notification will include the following information:
 - 7.1.1 The details of the allegation of misconduct.
 - 7.1.2 Any preliminary enquiries made on receipt of the written complaint and the outcomes.
 - 7.1.3 An invitation to respond the allegations in writing.
- 7.2 The student will be invited to submit a written statement in response to the allegation and identify any individuals who may have directly witnessed this situation and should be interviewed as part of the investigation. The written statement, any evidence and list of witnesses must be submitted to the Responsible Officer within seven working days of the date of the notification of the allegation.
- 7.3 The Responsible Officer may grant an extension of time to respond where the student requires additional time to seek advice.
- 7.4 In conducting the investigation, the Responsible Officer has the authority to request that a student/s and/or staff member/s attend an interview or provide documentation to assist with the investigation.
- 7.5 Meeting dates must provide the student or students with sufficient time to respond to the allegation in advance of the interview. This should be at least seven working days after the student received notification of the allegation.
- 7.6 A second, unrelated, staff member must attend all scheduled meetings.



- 7.7 Students have the right to bring a support person to the meeting. The support person cannot be under the age of 18, a staff member, or a fellow student who is involved in the allegation, or a practicing barrister or lawyer.
- 7.8 The Responsible Officer will arrive at an outcome within 21 working days of the date of the written notification to the student, unless granted an extension of time by the Executive Leadership Team for further investigation, or for the Institute to seek advice.
- 7.9 Where the student was granted an extension of time to respond to the written notification, this same period of time will apply to the Institute.

8. The Misconduct and Appeals Committee (MAC) Conducts the Investigation

- 8.1 The Responsible Officer, under the direction of the Executive Leadership Team, will convene a student Misconduct and Appeals Committee (MAC) to hear matters of misconduct where it has been decided that the allegations warranted investigation. The purpose of the MAC Committee is to:
 - 8.1.1 Act on behalf of the Responsible Officer by making enquiries to determine whether or not an act of misconduct has occurred.
 - 8.1.2 Recommend to the Responsible Officer penalties to be imposed for misconduct.
- 8.2 The MAC Committee will convene within seven working days of receipt of the request and will send written notification to the student advising the intention to conduct an investigation into the allegations as referred to in the written complaint. The written notification will include the following information:
 - 8.2.1 The details of the allegation of misconduct.
 - 8.2.2 Any preliminary enquiries made on receipt of the written complaint and the outcomes.
 - 8.2.3 An invitation to respond to the allegations in writing.
- 8.3 The student will be invited to submit a written statement in response to the allegation and identify any individuals who may have directly witnessed this

- situation and should be interviewed as part of the investigation. The written statement, any evidence and list of witnesses must be submitted to the Responsible Officer within seven working days of the date of the notification of the allegation.
- 8.4 The Responsible Officer may grant an extension of time to respond where the student requires additional time to seek advice.
 - 8.5 In conducting the investigation, the Responsible Officer has the authority to request that a student/s and/or staff member/s attend an interview or provide documentation to assist with the investigation.
 - 8.6 Meeting dates must provide the student or students with sufficient time to respond to the allegation in advance of the interview. This should be at least seven working days after the student received notification of the allegation.
 - 8.7 A second, unrelated, staff member must attend all scheduled meetings.
 - 8.8 Students have the right to bring a support person to the meeting. The support person cannot be under the age of 18, a staff member, or a fellow student who is involved in the allegation, or a practicing barrister or lawyer.
 - 8.9 The Responsible Officer will arrive at an outcome within 21 working days of the date of the written notification to the student, unless granted an extension of time by the Executive Leadership Team for further investigation, or for the Institute to seek advice.
 - 8.10 Where the student was granted an extension of time to respond to the written notification, this same period of time will apply to Institute.

9. Penalties arising from the act of misconduct

- 9.1 **Decision Making:** Where the Institute has completed investigations into the allegation of misconduct, the Responsible Officer will make one of the following decisions:
 - 9.1.1 Declare the student not guilty of misconduct.

- 9.1.2 Declare the student guilty of misconduct, and will activate one of the following outcomes:
- 9.1.3 Take no further action against the student.
- 9.1.4 Caution or reprimand the student.
- 9.1.5 Require the student to pay compensation to Institute equal to the cost of restoring or replacing an item damaged as a result of the misconduct.
- 9.1.6 A reduction of marks or the receiving a mark of zero (0) for the assessment task/s or a grade of Fail (o) for the unit of study.
- 9.1.7 A period of probation requiring regular meetings of review with Academic Head or Delegate.
- 9.1.8 Suspend the student from the use of a specific facility or equipment.
- 9.1.9 Suspend the student's enrolment for a finite period of no more than twelve months in accordance with the Institute Course Rules, Progression and Completion Policy and Procedures.
- 9.1.10 Cancel the student's enrolment in accordance with the Institute Course Rules, Progression and Completion Policy and Procedures.
- 9.1.11 Or a combination of the above penalties.
- 9.2 **Imposing a Penalty:** Where a penalty will be imposed for the act of misconduct, Responsible Officer or Delegate will:
 - 9.2.1 Advise the Academic Head and the Registrar.
 - 9.2.2 Notify the complainant who made the allegation in writing.
 - 9.2.3 Notify the student in writing of the decision and outcome, and their right to appeal. Any criminal act will be reported to the relevant authorities.
- 9.3 **International students:** Where the penalty imposed will change the Confirmation of Enrolment (CoE) recorded for an international student, the Institute will report the changes to the Department Education via PRISMS which may affect the student's visa and length of stay in Australia. In this event, the student will be advised of the same in the written notification letter outlining the Institute decision,

and they should contact the Department of Home Affairs to discuss the subsequent impact on their student visa.

10. Appeal the decision, the penalty, or severity of the penalty

- 10.1 Students wishing to appeal against a misconduct decision, the penalty imposed, or the severity of the penalty imposed should refer to the Complaints and Appeals Policy and Procedures. The appeal will be heard by the Student Misconduct and Appeals Committee in accordance with the following conditions:
 - 10.1.1 A student may not appeal the decision to take no further action or to caution or reprimand.
 - 10.1.2 The Student Misconduct and Appeals Committee will hear the appeal against the decision, the penalty to be imposed, or the severity of the penalty to be imposed where it was decided that an act of misconduct had occurred.
 - 10.1.3 No person who served on the Student Misconduct and Appeals Committee for the same misconduct investigation may serve on the Student Misconduct and Appeals Committee for the appeal.
- 10.2 The appellant will be invited to appear before the Student Misconduct and Appeals Committee to present their case in person. The appellant may be assisted by a support person; however, the support person may not be called to give evidence, be a staff member, or be a practicing barrister or solicitor.
- 10.3 The decision of the Student Misconduct and Appeals Committee is final and there is no further avenue for appeal within the Institute.
- 10.4 Appellants who are dissatisfied with the decision of the Appeals Committee must lodge an external appeal as outlined complaints and appeals policy.

11. Enforcing the penalty

- 11.1 Where the student has chosen not to appeal, the Responsible Officer will arrange for the penalty to be imposed and will advise the complainant, the student, and



- the Dean of the same in writing. The Responsible Officer will also advise any member of staff responsible for the enforcement of the penalty.
- 11.2 Where the Student Misconduct and Appeals Committee has chosen to uphold the appeal or vary the penalty imposed by the Responsible Officer, the Dean will arrange for the penalty to be imposed and will advise the appellant, the student and Responsible officer of the same in writing. The Responsible Officer will also advise any member of staff responsible for the enforcement of the penalty. A copy of the Misconduct Report, decision and outcomes will be kept on the student file.
- 11.3 For international students only, where the decision of the appeal will change the Confirmation of Enrolment (CoE) recorded for an international student, the Institute will report the changes to the Department of Education via PRISMS which may affect the student's visa and length of stay in Australia. In this event, the student will be advised of the same in the written notification letter outlining the Institute decision.

Related Legislation

- [Anti-Discrimination Act NSW 1977](#)
- [State Records Act 1998](#)
- [Higher Education Standards Framework \(Threshold Standards\) 2021](#)
- [Education Services for Overseas Students Act 2000](#)
- [Commonwealth Human Rights and Equal Opportunity Commission Act 1986](#)
- [Equal Opportunity for Women in the Workplace Amendment Act 2012](#)
- [Commonwealth Crimes Act 1914](#)
- [Commonwealth Fair Work Act 2009](#)
- [Commonwealth Racial Hatred Act 1995](#)
- [Commonwealth Copyright Act 1968](#)
- [Commonwealth Age Discrimination Act 2004](#)
- [Work Health and Safety Act 2011](#)

Change and Version Control

Version	Date Approved	Authored by	Approved by	Description
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1.0	23/06/2023	Chief Executive Officer	Academic Board	Academic Policy
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Policy Information

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