



## Student Misconduct Policy

<b>Web Link</b>	
<b>Category</b>	Policy
<b>Version</b>	1.1
<b>Policy Contact</b>	Director of Academic Programs
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<b>Endorsing Authority</b>	Executive Leadership Capability Advisory Committee (ELCAC)
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<b>Related Documents</b>	Academic Integrity Policy Grievances, Complaints and Appeals Procedure Records Management Procedure Student Charter Student Misconduct Procedure

### 1. Purpose

- 1.1 Students are expected to conduct themselves in a manner consistent with the standards of behaviour recorded in the Student Charter. Students are prohibited from engaging in conduct that amounts to misconduct.
- 1.2 This policy governs how allegations of misconduct against students at the AIPM are investigated, heard and determined and penalties that will be imposed where allegations are proven on the balance of probabilities. This Policy and its associated Procedure permit the AIPM to regulate its student membership, including by withdrawing students who engage in misconduct that is serious and/or repeated.
- 1.3 Academic Misconduct is set out under the [Academic Integrity Policy](#).

### 2. Scope

- 2.1 This procedure applies to students enrolled in higher education programs offered by the AIPM.

### 3. Misconduct Definitions

- 3.1 A student who, without reasonable cause does any of the following is deemed to have engaged in misconduct:
  - 3.1.1 Breaches any AIPM statute or rule.

- 3.1.2 Fails to comply with a lawful direction, order or request of an AIPM employee; and/or obstructs or attempts to interfere with an employee's lawful performance of their duty.
- 3.1.3 Does an act or omission which may endanger the safety or health of any person.
- 3.1.4 Unlawfully assaults, attempts to assault, or threatens to assault any person or causes any person to hold reasonable fear for their safety or physical or psychological well-being.
- 3.1.5 Impairs the ability of any person to participate in any legitimate activity at the AIPM.
- 3.1.6 Does any act or omission which disrupts or tends to disrupt the peace or good order of the AIPM or to bring the AIPM into disrepute.
- 3.1.7 Discloses confidential information concerning any matter relating to the AIPM.
- 3.1.8 Damages or wrongfully deals with, or interferes with, or causes damage or loss to any property in or on the AIPM site or property belonging to a third party where the damage, wrongful dealing or interference occurs during a course of study by the student.
- 3.1.9 Misuses the information technology facilities (including software) or communication facilities of the AIPM.
- 3.1.10 Fails to comply with any decision or penalty made under this policy.
- 3.1.11 Makes a false representation regarding a matter affecting them as a student of the AIPM.
- 3.1.12 Harasses, bullies, intimidates or threatens any AIPM employee or student at the AIPM.
- 3.1.13 Falsifies an academic transcript or other document provided by the AIPM, or purported to be provided by the AIPM, concerning a student or an AIPM employee.
- 3.1.14 Breaches any AIPM policy including, but not limited to, those concerning harassment and discrimination, privacy, intellectual property, occupational health and safety, use of the library, computers, computer facilities, information technology and information technology facilities and use of or access to the AIPM site.
- 3.1.15 Breaches any Act of the Commonwealth or of the State of New South Wales to which the AIPM is subject, while in or on the AIPM site or using the AIPM services or facilities.
- 3.2 This policy applies to all misconduct that a student has engaged in, whether on the AIPM site or by using the AIPM services or facilities, and whether or not in connection with a higher education academic program. This policy also applies if the student engaged in misconduct otherwise than on the AIPM site, or by using the AIPM services or facilities, but while performing tasks as part of a program offered by the AIPM.
- 3.3 A student who attempts to do any of the acts, omissions or things set out in 3.1 is guilty of misconduct.

## **4. Dealing with Possible Student Misconduct**

- 4.1 Any reports of possible misconduct will be referred to the Director of Academic Programs in the first instance who will undertake preliminary investigations to decide whether a student should be proceeded against for alleged misconduct.

- 4.2 If it is decided that the student has potentially engaged in misconduct, such as listed in clause 3.1 of this Policy, the Director of Academic Programs will seek to interview the student to discuss the misconduct (refer [Student Misconduct Procedure, Section 4](#)).
- 4.3 If the Director of Academic Programs decides that the misconduct is sufficiently severe or that there is a record of repetitious misconduct, the student will be issued with a misconduct allegation notice (refer [Student Misconduct Procedure Section 4](#)). At this time the student's home jurisdiction will be informed that an allegation of misconduct notice has been issued.
- 4.4 The allegation will be heard by the Higher Education Assurance and Regulation (HEAR) Committee who will proceed in the manner set out in [Student Misconduct Procedure Section 5](#).
- 4.5 The HEAR Committee will recommend to the Head of School whether in their opinion the allegation is proven (balance of probabilities) and recommend the imposition of one or more of the penalties set out in clause 4.7 of this Policy.
- 4.6 The Head of School has the delegated power to deal with any reports of misconduct having regard to the subject matter of the complaint and their area of responsibility within the terms of their employment with the AIPM.
- 4.7 If there is a finding of misconduct, the Head of School in consultation with the student's home jurisdiction, may impose one or more of the following penalties:
- 4.7.1 A written warning or reprimand.
  - 4.7.2 Direct the student to take action or to behave in a specified way that is considered necessary or appropriate.
  - 4.7.3 Direct the student to undertake counselling.
  - 4.7.4 Direct the student to undertake remedial or educational activities.
  - 4.7.5 Impose a probationary enrolment that is provisional on the student's good behaviour.
  - 4.7.6 Require the student to pay compensation to the AIPM equal to the cost of restoring an item to the AIPM or replacing it.
  - 4.7.7 Refuse or cancel credit for a unit.
  - 4.7.8 Withdraw the student from their program.
- 4.8 In imposing a penalty under clause 4.7, the Head of School must decide on a penalty that is proportional to the misconduct and having regard to what is just in all the circumstances.

## 5. Appeals

- 5.1 There is no right of appeal against a decision that the student should not be proceeded against for alleged misconduct after a preliminary investigation or where it is determined that the student is not guilty of misconduct.
- 5.2 Subject to 5.1, the student may appeal the finding that they have engaged in misconduct, or any penalty imposed on the student by the Head of School to the AIPM Appeals Committee (refer [Grievances, Complaints and Appeals Procedure, Section 7](#)).

- 5.3 The decision of the AIPM Appeals Committee is final and there is no further recourse to appeal within the AIPM. Where the student remains dissatisfied with the outcome of an appeal process, the student may lodge a complaint with the NSW Ombudsman (refer [Grievances, Complaints and Appeals Procedure, Section 7](#)).

## 6. Definitions

**Allegation notice** is the notice which contains the allegations of misconduct and which the AIPM gives to a student to commence formal misconduct proceedings.

**Decision-maker** is the person or body who has been delegated the responsibility to hear allegations of misconduct and to determine if the student is guilty or not guilty of these allegations and assign an appropriate penalty from those set out in clause 4.7 of this Policy.

**Misconduct** is as defined in clause 3.1 of this Policy.

**Site** includes any land or part thereof which for the time being is the property of the AIPM or in its possession or under its control, together with any structure of any kind, whether permanent or temporary on that land.

**Withdrawal** within the terms of this policy is when, in consultation with the student's home jurisdiction, the AIPM requires a student to leave a program of study having commenced but not completed all requirements for the award of the program due to being found guilty of general or academic misconduct. No repayment of fees will be made.

REVISION HISTORY				
Version	Endorsed By	Approved By	Approval Date	Description of changes
1.0	ELCAC	AGB	1.7.23	New document.
1.1	N/R (minor)	DAP on behalf of AGB	31.10.23	Minor revision of wording for clarification.