



## Student Misconduct Procedure

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<b>Category</b>	Procedures
<b>Version</b>	1.1
<b>Policy Contact</b>	Director of Academic Programs
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### 1. Purpose

- 1.1 This procedure supports the Student Misconduct Policy of the Australian Institute of Police Management (AIPM). Its purpose is to ensure that student misconduct is managed in a consistent and equitable way in accordance with the Policy.
- 1.2 Academic misconduct procedures are set out under the [Academic Integrity Procedure](#).

### 2. Scope

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

### 3. Principles for Managing Student Misconduct

- 3.1 The existence of a Student Misconduct Policy and Procedure does not mean that staff must use these to deal with all cases of unacceptable behaviour on the part of students. Reference may also be made to the Australian Federal Police and home jurisdiction policies in this regard.
- 3.2 The definitions of Student Misconduct in the [Student Misconduct Policy, Section 3.1](#), provide the framework within which the decision to treat a particular incident as student misconduct should be made. Without detracting from the responsibility of staff to deal with situations locally, promptly and effectively, the Student Misconduct Policy should be invoked, for example:

- for any occurrence, or threat, of physical violence or harm
  - vandalism
  - repeated aggression, abuse, vilification, obscenity, particularly when the student has been warned that such conduct will not be tolerated.
- 3.3 Notwithstanding 3.1, a staff member has the right to refer the behaviour of a student which they consider to be misconduct to the Director of Academic Programs. The referral may be in person, by telephone, in writing or by email.
- 3.4 Behaviour that falls under academic misconduct, for example behaviour by one student that academically harms another student, should be dealt with under the [Academic Integrity Policy](#) and associated Procedure.
- 3.5 The Director of Academic Programs is responsible for conducting the preliminary investigation into a report of student misconduct. If the Director of Academic Programs is not available and the situation requires immediate action, for example a situation that is volatile, dangerous or unstable, the police or relevant emergency services should be contacted. Subject to the incident or outcome, this may result in subsequent misconduct proceedings which will be managed in accordance with the procedures set out in Section 5 below.
- 3.6 The AIPM's misconduct process ensures that a student alleged to have engaged in misconduct is afforded procedural fairness. This involves:
- Recognition that a person is innocent unless deemed otherwise by evidence and/or by admission.
  - The student's right to know the details of any allegation against them.
  - The student has an opportunity to present their case.
  - The student has the right to be treated fairly without bias.
  - A decision is made on an objective and unbiased assessment of the evidence.
- 3.7 All documentation relating to student misconduct is kept confidential and only disclosed to those persons who have a role in the student misconduct process or as required by law and/or in accordance with the policies of the student's respective home jurisdiction.

## 4. Decision-maker Processes

- 4.1 The Director of Academic Programs will undertake preliminary investigations in order to decide whether to proceed with a misconduct allegation. In addition to the account of the alleged misconduct, the Director may seek information from other persons who may have been involved in the situation or witnessed the incident. The student's progression record will be checked to see if there have been other alleged misconduct incidences.
- 4.2 If it is determined that the student has potentially engaged in misconduct, the Director of Academic Programs will seek to interview the student to discuss the misconduct.
- 4.3 Five factors are considered in determining the seriousness of an act of misconduct:
- the type of misconduct
  - the extent of the misconduct
  - the intent of the student
  - the impact of the misconduct

- a history of previous misconduct.
- 4.4 The Director of Academic Programs will decide:
- 4.4.1 No further action is required (for example, the allegation of misconduct is likely to be false, or indeterminable, or the conduct is considered not serious enough to be considered misconduct).
  - 4.4.2 No formal action is required but the student is warned that the conduct was unacceptable and that any reoccurrence may result in an allegation of misconduct.
  - 4.4.3 That a misconduct hearing should proceed and the student will be issued with a misconduct allegation notice. The Head of School and the student's home jurisdiction will be informed accordingly.
- 4.5 If the decision is as stated in 4.4.1 or 4.4.2 the student shall be informed. In the case of 4.4.2 the notice to the student should be in writing and a copy kept in the relevant confidential file managed by Client Services. It must be clear that this letter is not a formal reprimand made under the Student Misconduct Policy.
- 4.6 The misconduct allegation notice must:
- 4.6.1 Provide details of the alleged misconduct and state the relevant subsections of Clause 3.1 of the Student Misconduct Policy that are alleged to have been breached.
  - 4.6.2 Advise that the allegation has been reported to the student's home jurisdiction.
  - 4.6.3 If relevant, state how the behaviour or incident undermines the core values of the AIPM and the student responsibilities as set out in the Student Charter.
  - 4.6.4 Inform the student that the Higher Education Assurance and Regulation (HEAR) Committee will hear the allegation and give the student a copy of, or opportunity to inspect, all relevant documents referred to them.
  - 4.6.5 Give the student a reasonable opportunity to discuss the allegation with the HEAR Committee; the interview can be held remotely. The student may be accompanied by a support person (who is not a legal representative). Their role is to provide support to the student through the interview process, they are not there to advocate on a student's behalf.
  - 4.6.6 Advise that a written response from the student (together with any supporting documentation to support their case) must be received via email within seven (7) calendar days of the date of issue of the allegation notice.
  - 4.6.7 Include a copy of (or link to) the Student Misconduct Policy and this Procedure.
- 4.7 If the allegation notice alleges a breach of Student Misconduct Policy 3.1.1 or 3.1.14 or 3.1.15, the allegation notice must also specify the relevant AIPM policy, rule or statute or Act of Parliament which has been breached and the relevant provision allegedly breached.

## 5. Misconduct Hearings

- 5.1 When dealing with misconduct, the HEAR Committee must:
- 5.1.1 Proceed in a way that is considered appropriate, without being bound by the rules of evidence.

- 5.1.2 Give the student a copy of, or an opportunity to inspect, all relevant documents held by them.
- 5.1.3 Give the student a reasonable opportunity to advise whether they admit or wish to contest the allegations of misconduct and provide any evidence or submissions they wish to rely upon to contest the allegations. This will include an opportunity to appear before the Committee (this can be remotely). The student may be accompanied by another person who is not legally qualified. A record of the interview /conversation must be made.
- 5.1.4 Meet to consider the case as soon as practicable after receiving the student's response.
- 5.1.5 When making a decision about the consequences a student should bear as a result of having a case of misconduct found against them, take into account the following considerations, balanced with any mitigating circumstances which may have a bearing on the decision:
  - The student's explanation of the situation.
  - The intent and level of remorse exhibited by the student.
  - The seriousness of the misconduct including the type and extent of misconduct engaged in by the student as well as its impact on others.
  - Any jurisdictional policy and procedure that may apply.
- 5.1.6 Recommend to the Head of School that:
  - the student has not engaged in misconduct; or
  - the student has engaged in misconduct and recommend the imposition of one or more of the penalties set out in [Clause 4.7 of the Student Misconduct Policy](#).
- 5.2 In considering the recommendation and penalty to be applied, the Head of School may discuss the misconduct further with the student's home jurisdiction.
- 5.3 As soon as practicable after a decision has been reached, the student and the student's home jurisdiction, must be given written notice of the decision (the misconduct outcome notice). The notice must:
  - 5.3.1 Restate the student's conduct that was the subject of the misconduct hearing.
  - 5.3.2 The finding as to whether the student has or hasn't engaged in misconduct and the penalty.
  - 5.3.3 The reasons for the decision, including:
    - The findings on any material questions of fact.
    - The evidence or other material on which those findings were based.
    - The record of any meeting or telephone conversation with the student, if applicable.
    - The potential seriousness of subsequent offences if the student is not being withdrawn from the program.
    - The outcome of relevant discussions with the student's home jurisdiction.
    - The student's right to appeal, where relevant, the finding and / or the penalty (refer Section 6 of this Procedure).

- 5.4 If a student does not respond within the seven (7) day timeframe to respond to a misconduct allegation notice then the Head of School in consultation with the HEAR Committee may reach a decision based on the investigation, select an appropriate penalty in consultation with the student's home jurisdiction if relevant, and forward advice to the student's email address (refer clause 5.3 of this Procedure).
- 5.5 All documentation relating to student misconduct is kept confidential; refer Clause 3.7 of this Procedure. Relevant documentation is maintained on a confidential file in accordance with [Records Management Procedure](#).
- 5.6 Students have the right of appeal (refer Section 6).

## 6. Appeals

- 6.1 Appeals against the finding that a student has engaged in misconduct and / or the penalty imposed will be heard by the AIPM Appeals Committee, refer [Student Grievances, Complaints and Appeals Procedure, Section 7](#).
- 6.2 The student shall lodge the appeal together with supporting documentation to Client Services no later than 14 days following the date of issue of the misconduct outcome notice.
- 6.3 The AIPM Appeals Committee will proceed in the manner set out in the [Grievances, Complaints and Appeals Procedure, Section 7](#).
- 6.4 An appeal from a decision suspends the implementation of that decision unless it is determined by the relevant decision-maker that it should be implemented despite the appeal. In these circumstances a student can apply to the decision-maker to pause the implementation. In making a decision to concede to the student's request the following factors must be considered:
- Implementation before appeal would result in undue hardship to the student.
  - Implementation or suspension would most assist the appeal body's ability to deal with the matter.
  - Implementation or suspension would be most likely to maintain the position prior to the implementation direction being enacted.
- 6.5 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, clause 6.17](#)).

## 7. 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 the Student Misconduct Policy.

**Misconduct** is as defined in clause 3.1 of the Student Misconduct Policy.

**Misconduct outcome notice** is the notice issued to the student after the misconduct hearing which sets out the findings of the committee who conducted the hearing, the reasons for the finding and the penalty imposed by the Head of School.

**Procedural fairness** is a principle that is applied by the AIPM to ensure that decisions are made in accordance with the rule against bias and the hearing rule (i.e. a person is given an opportunity to present their case with knowledge of any prejudicial material that may be taken into account by the decision-maker).

**Staff** includes continuing, fixed-term, casual, affiliate and visiting staff associated with the learning, teaching and scholarly activities of the AIPM.

**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	Head of School	DAP	4.8.23	New document.
1.1	Head of School	DAP	31.10.23	Minor revisions of wording.