

Student Misconduct Rules

1. OVERVIEW
2. SCOPE
 - 2.1 Students
 - 2.2 Academic honesty and research misconduct process
3. MISCONDUCT
 - 3.1 Definition of misconduct
 - 3.2 Examples of misconduct
 - 3.3 Academic dishonesty and research misconduct
4. AUTHORISED OFFICERS
5. IMMEDIATE EXCLUSION
 - 5.1 Authorities and circumstances
 - 5.2 Period of exclusion
 - 5.3 Follow-up procedures
6. REPORTING AN ALLEGATION OF MISCONDUCT
 - 6.1 Lodging a report
 - 6.2 Authorised Officer responsibilities
7. LOCAL REVIEW AND RESOLUTION
 - 7.1 Authorised Officer responsibilities and powers
 - 7.2 Further referral
 - 7.3 Record
8. STUDENT MISCONDUCT TRIBUNAL
 - 8.1 Authority
 - 8.2 Chair
 - 8.3 Staff Members of the Tribunal
 - 8.4 Constitution of the Tribunal to Hear Matters
9. PRELIMINARY REVIEW
 - 9.1 Review by Chair
 - 9.2 Referral for interim exclusion or suspension under rule 10
 - 9.3 Interview with student
 - 9.4 Referral to Tribunal under rule 3.3 or rule 10.4
10. URGENT INTERIM EXCLUSION OR SUSPENSION
 - 10.1 Authorities
 - 10.2 Duration of urgent interim exclusion or suspension
 - 10.3 Notice to student
 - 10.4 Notice to others
11. STUDENT MISCONDUCT TRIBUNAL PROCEDURE
 - 11.1 Notice to student
 - 11.2 Student's status pending investigation (once student notified)
 - 11.3 Student responsibilities
 - 11.4 Hearing procedures
 - 11.5 Admission of misconduct
 - 11.6 Referral under Rule 3.3
12. STUDENT MISCONDUCT TRIBUNAL OUTCOMES
 - 12.1 Finding
 - 12.2 Penalties
 - 12.3 Notifications
13. APPEAL
14. IMPLEMENTATION OF DECISIONS AND PENALTIES
 - 14.1 Compensation
 - 14.2 Exclusion
 - 14.3 Suspension (by Tribunal)
 - 14.4 Suspension (under urgent, interim power in rule 10)
 - 14.5 Expulsion
 - 14.6 Substitution or adjustment of mark or grade
 - 14.7 Preclusion from conferral of award / revocation of award
 - 14.8 Fines and compensation orders
 - 14.9 Failure to comply with penalties imposed by Tribunal

- 14.10 Application for re-admission
- 15. GENERAL PROVISIONS
 - 15.1 Written communication to students
 - 15.2 Recordkeeping
 - 15.3 Student Misconduct Register
 - 15.4 Referral to Police or External Authorities or Regulators
 - 15.5 Annual report
 - 15.6 Name and other changes
- 16. DEFINITIONS

1. OVERVIEW

Being a student at the University of Adelaide means being a member of an extended University community. Each individual member of the University community has a responsibility to behave in ways that do not adversely affect the University or the University community.

These rules are made in accord with [Statute Chapter 3 – of Student Misconduct](#) (the Statute) and must be read in conjunction with the Statute.

2. SCOPE

2.1 Students

- a. “Student” is defined in the Statute.
- b. These rules apply to all students, wherever they may study or reside. Where students are pursuing a course of study that is delivered outside South Australia, the requirements of these rules may be modified or dispensed with to the extent that the relevant Authorised Officer or Student Misconduct Tribunal Chair believes necessary for their effective application.
- c. The student misconduct procedures under the Statute and these rules may be applied in respect of a misconduct allegation, notwithstanding that the student alleged to have engaged in the misconduct ceases to be a student at any time after the alleged misconduct occurred.

2.2 Academic honesty and research misconduct process

- a. Subject to any other provision of these rules, allegations of a breach of the [Academic Honesty Policy](#) by coursework students must be dealt with in accord with the [Coursework students: Academic Dishonesty Procedures](#).
- b. Subject to any other provision of these rules, allegations of a breach of the [Responsible Conduct of Research Policy](#) by higher degree by research students must be dealt with in accord with the [Procedure for Managing Complaints of Research Misconduct/Serious Misconduct and Breaches of the Code for the Responsible Conduct of Research](#).

3. MISCONDUCT

3.1 Definition of misconduct

“Misconduct” is defined in [Statute Chapter 3 – of Student Misconduct](#).

3.2 Examples of misconduct

Examples of misconduct include but are not limited to:

- a. Publishing material which is abusive, offensive, vilifying, harassing or untrue about the University, any of its faculties, schools or programs, any member of the University community or any of the University’s controlled entities or affiliates, in any forum or medium, including (but not limited to) print, internet, social networking, email and broadcasting forums;
- b. Engaging in disorderly conduct in contravention of the [University By-Laws](#), including interrupting academic activities of the University by means of noise or unseemly behaviour; assaulting, threatening, or attempting to assault or threaten any other person; and using abusive or indecent language or engaging in offensive, indecent or improper acts, conduct or behaviour;
- c. Engaging in other activities prohibited by the University By-Laws, including dangerous or careless driving on University grounds; or carrying an offensive weapon; or skateboarding on University grounds; or bringing, keeping or consuming alcoholic liquor on University grounds, except as lawfully authorised;
- d. Threatening or assaulting any person on University grounds or threatening or assaulting any member of the University community or causing a member of the University community to hold reasonable fear for their safety or physical or psychological well-being;

- e. Misusing, interfering with, endangering, damaging, stealing or causing the loss of any property or facilities which are owned or controlled by the University or which are lawfully on University premises, including intellectual property;
- f. Entering any University premises, or premises linked to University activities, that the student is not permitted to enter;
- g. Obstructing an officer or employee of the University or a person acting with the lawful authority of the University in the performance of his or her duties;
- h. Engaging in conduct that hinders or prevents the use by others of University facilities or the participation by others in University activities;
- i. Failing to adhere to conditions of use of University facilities and equipment, including health, safety and welfare requirements;
- j. Failing to adhere to requirements of external organisations or codes of conduct relevant to the student's course of study while in placement, practicum or work experience;
- k. Engaging in or being party to conduct intended to deceive the University or a member of the University community such as providing false or unauthorised documentation or making false or misleading statements or impersonating another;
- l. Bribing a member of staff of the University;
- m. Engaging in or being party to conduct that is likely to bring the University into disrepute or prejudice the management and good governance of the University;
- n. Failing to comply with a penalty imposed by or a decision of the Tribunal under these rules or with an undertaking given to the Tribunal;
- o. Making frivolous or unreasonable complaints under these rules.

3.3 Academic dishonesty and research misconduct

A student shall have committed misconduct and shall be taken by the Tribunal to have done so if:

- a. an Academic Dishonesty Review Committee established under the Academic Dishonesty Procedures has made a finding that the student has been in breach of the Academic Honesty Policy for a third or subsequent occasion and that Academic Dishonesty Review Committee has referred the matter to the Tribunal for determination of a penalty; or
- b. an Independent Internal or External Panel established under the Procedure for Managing Complaints of Research Misconduct/Serious Misconduct and Breaches of the Code for the Responsible Conduct of Research has made a finding of research misconduct or serious misconduct and the Delegate of the Vice-Chancellor under those Procedures has referred the matter to the Tribunal for determination of a penalty.

4. AUTHORISED OFFICERS

- a. The Vice-Chancellor may appoint such persons as he or she sees fit as Authorised Officers for the purposes of these rules.
- b. An Authorised Officer may delegate in writing his/her powers under these rules (except this power of delegation) for a specific matter to a [senior academic staff member](#) or [senior professional staff member](#), in which case the powers and responsibilities of an Authorised Officer in these rules apply to that delegate.

5. IMMEDIATE EXCLUSION

5.1 Authorities and circumstances

Any person with responsibility for management of a University facility or activity 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

- a. the student is disrupting, or causing or encouraging others to disrupt, the use of facilities or participation in activities; or
- b. there is a threat to the safety of persons or property.

5.2 Period of exclusion

An order for exclusion under rule 5.1 may be made orally and take effect immediately and must specify the period of exclusion within the following limits:

Facility or activity	Period of exclusion
Exclusion from a structured learning activity, including a lecture, tutorial, demonstration, laboratory practical, or examination	up to the duration of the activity
Exclusion from a field trip	up to the duration of the field trip
Exclusion in any other circumstance	up to 24 hours

5.3 Follow-up procedures

Timeline: Within one full business day of order being made.

- 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 a method specified in rule 15.1.
- A report of the incident (which may be a copy of the confirmation to the student) must also be provided to an Authorised Officer and to the [Student Conduct Officer](#) to place on the [Student Misconduct Register](#).
- The Authorised Officer may take further action, at their discretion, under rule 6.

6. REPORTING AN ALLEGATION OF MISCONDUCT

6.1 Lodging a report

- A person who wishes to report an allegation of misconduct by a student must do so in writing to an Authorised Officer.
- The Authorised Officer to whom the report is made will usually be the Authorised Officer who has the closest link to that person or the location where the breach took place.
- Reports *by students* about the conduct of other students in breach of the [Fair Treatment Policy](#) should initially be addressed through the [Student Grievance Resolution Process](#).
- An Authorised Officer may of his or her own motion, without receiving a report, directly initiate action against a student under the Local Review and Resolution process, or refer an allegation in writing to a Student Misconduct Tribunal.

6.2 Authorised Officer responsibilities

Timeline: Within five business days of receipt of report.

- Before proceeding to deal with a report under rule 6.2.b or act under rule 6.1.d, an Authorised Officer must determine whether they have any direct interest in the allegation, or whether there are circumstances that would prevent their acting impartially, and if so, they must briefly document the nature of their interest or the relevant circumstances and refer the matter in writing to another Authorised Officer or to a delegate.
- On receipt of the allegation, and after making such enquiries as he or she decides are necessary or prudent in the circumstances, the Authorised Officer must decide to:
 - deal with the allegation under the Local Review and Resolution process, or
 - refer the allegation to the [Student Conduct Officer](#) for determination by the Student Misconduct Tribunal.

Before making such a decision, the Authorised Officer must refer to the Student Misconduct Register to ascertain whether there has been prior misconduct by the student.

- If the Authorised Officer has reason to believe that the student's conduct or behaviour involves or might involve a risk of the kind specified in rule 10.1, the Authorised Officer must refer the allegation immediately to an Executive Dean or the Deputy Vice-Chancellor and Vice-President (Academic) or the Deputy Vice-Chancellor and Vice-President (Research).
- A referral to the Student Conduct Officer for determination by the Tribunal must contain a signed acknowledgement by the Authorised Officer and any person who made a report under 6.1 that a copy of the report may be provided to the student in accord with Student Misconduct Tribunal processes.

7. LOCAL REVIEW AND RESOLUTION

Where an authorised officer considers that the nature of the allegation is such that, if proven, it can be appropriately dealt with without imposing a penalty for misconduct specified in the Statute, he or she

may determine that the allegation should be dealt with under the Local Review and Resolution process.

7.1 Authorised Officer responsibilities and powers

Timeline: Within 10 business days of the Authorised Officer's decision that an allegation is to be dealt with under the Local Review and Resolution process.

The Authorised Officer must:

- a. Investigate the allegation. The Authorised Officer may make such enquiries as he or she sees fit, including discussing the report with the complainant and any witnesses, and making inquiries with any internal or external experts.
- b. Keep a record summarising the investigations that he or she has made.
- c. Inform the student orally or in writing of the substance of the allegation and any adverse evidence and give the student a reasonable opportunity to respond.
- d. Make a decision on whether an act of misconduct occurred, on the balance of probabilities.
- e. Make a determination for resolution. Options for resolution include any or all of:
 - Determination that further action is not warranted;
 - Direction that student cease actions which are subject of allegation;
 - Direction that student provide a formal apology in terms prescribed by the University;
 - Obtaining an undertaking in writing from the student that the misconduct will not be repeated;
 - Written warning that student will be referred to a Student Misconduct Tribunal if their actions lead to further reports of alleged misconduct.

For the avoidance of doubt, these rules do not limit any powers that the Authorised Officer may have, apart from these rules, to take action relating to the need for improved behaviour by the student, including limiting the student's choice of tutorials; recommending that the student seek counselling; requiring the student to rely on recorded lectures rather than attending lectures for a limited period; or requiring the student to stay away from a local facility in specified situations.

7.2 Further referral

At any stage the Authorised Officer may:

- a. Seek to have the complaint resolved by mediation and may utilise such [mediation services](#) as may be available to the University, through the Student Policy and Appeals office.
- b. Refer the allegation to the [Early Intervention Group](#), concurrent with or as an alternative to this process.
- c. Refer the allegation, and any information that comes to light during the investigation, to the Student Misconduct Tribunal if the Authorised Officer deems the complaint to be too serious or too complex for resolution under this process, or where there have been multiple prior episodes of misconduct.

7.3 Record

- a. The Authorised Officer must make a written record of the outcome of the Local Review and Resolution, and provide a copy to the student by a method specified in rule 15.1.
- b. Except when the Authorised Officer determines that further action is not warranted, the Authorised Officer must also provide a copy of the record of outcome to the [Student Conduct Officer](#) for the [Student Misconduct Register](#).
- c. The record shall not appear on the student's file held on the Student Administration System.

8. STUDENT MISCONDUCT TRIBUNAL

Where the Authorised Officer determines that the appropriate resolution of the allegation, if proven, may require the imposition of a penalty for misconduct of a kind which is specified in the Statute, he or she must refer the matter to the Student Conduct Officer for determination by the Student Misconduct Tribunal.

8.1 Authority

The Student Misconduct Tribunal (the Tribunal) is established by the Statute and has the authority to hear and determine allegations of misconduct against students and to impose any of the penalties specified in the Statute [in accordance with these Rules](#).

8.2 Chair

The Vice-Chancellor must appoint a Chair and a Deputy Chair of the Tribunal, each to serve for two years.

8.3 Staff Members of the Tribunal

Before the commencement of each calendar year on the request of the Student Conduct Officer, each of the Executive Deans, the Dean of Graduate Studies and the Pro Vice-Chancellor (Student Experience) must nominate three [senior academic or professional staff](#) members (including at least one of each, and at least one man and one woman) as members of the Tribunal for that year.

8.4 Constitution of the Tribunal to Hear Matters

- a. The Tribunal must sit with at least three members comprising:
 - the Chair or, when unavailable, the Deputy Chair or another person appointed for that purpose by the Vice-Chancellor and President; and
 - at least two staff members of the Tribunal selected by the Chair who must first consult with the Pro Vice-Chancellor (Student Experience) (where the allegation is against a coursework student) or the Dean of Graduate Studies (where the allegation is against a higher degree by research student).
- b. The Chair and selected members must decline to sit as members of the Tribunal if they have an interest or there are other circumstances that would prevent their acting impartially or would give rise to a reasonable apprehension that they may not act impartially.

9. PRELIMINARY REVIEW

9.1 Review by Chair

Timeline: As soon as practicable.

- a. On receipt of a report of alleged misconduct, the [Student Conduct Officer](#) must notify the Chair of the Tribunal.

Timeline: Within five business days of notification by [Student Conduct Officer](#).

- b. The Chair of the Tribunal must undertake a preliminary review of the allegations of misconduct.
- c. The Chair may dismiss the report if he or she determines on a preliminary review that the report is frivolous or vexatious or that the matter is trifling and does not warrant any further consideration by the Tribunal.
- d. If the Chair finds that the report should be dismissed under rule 9.1.c, the Chair must notify the reporter and the student of the outcome in writing. No further action may be taken by the reporter.
- e. If the Chair does not decide to dismiss the report under rule 9.1.c, the Chair may:
 - determine whether the report, on the face of it, would be more appropriately dealt with by the Local Review and Resolution Process under rule 7 and, if so, refer it to an Authorised Officer for such determinationOR
 - determine that the matter should proceed before the Tribunal.

9.2 Referral for interim exclusion or suspension under rule 10

Where, in the opinion of the Chair, the allegations in the report, if proven, may give rise to a risk of the kind referred to in rule 10.1.b, he or she may refer the allegation immediately to the Deputy Vice-Chancellor and Vice-President (Academic) or Deputy Vice-Chancellor and Vice-President (Research) or an Executive Dean for consideration of the exercise of the urgent interim exclusion or suspension power in rule 10.

9.3 Interview with student

As part of the preliminary assessment, the Chair may, if he or she sees fit, request an interview with the student about whom the report of alleged misconduct is made. The interview may be in person or, with the consent of the Chair, by use of any technology that gives the student and Chair a reasonable opportunity to participate. The student may be accompanied by a support person.

9.4 Referral to Tribunal under rule 3.3 or rule 10.4

A preliminary review will not be undertaken for matters referred to the Tribunal under rule 3.3 or rule 10.4

10. URGENT INTERIM EXCLUSION OR SUSPENSION

10.1 Authorities

- a. The Vice-Chancellor, Deputy Vice-Chancellor and Vice-President (Academic), Deputy Vice-Chancellor and Vice-President (Research) and Executive Deans each have authority to exercise the powers of exclusion and suspension set out in section 9 of the Statute.
- b. The power to suspend or exclude may be exercised where the person exercising the power holds a reasonable belief that the student's conduct or behaviour may constitute misconduct and involves or might involve a serious risk of:
 - injury to the health, safety or wellbeing of a member of the University community or any person on University grounds, or
 - damage to University property, or
 - disruption to any University-sanctioned activity, or
 - damage to the University's reputation or interests, or
 - further misconduct, or
 - covering up or attempting to cover up an incidence of misconduct.
- c. In exercising this authority, the decision maker may inform himself or herself by any manner he or she thinks fit; and is not required to accord a hearing to the student, but must make a reasonable effort (having regard to the seriousness and urgency of the risk) to provide the student with an opportunity to explain why the exclusion or suspension ought not to be imposed or ought to be limited.
- d. Where the student is an international student, the decision maker must consult with the Manager, International Student Centre (if it is reasonably practical to do so) before making any decision.

10.2 Duration of urgent interim exclusion or suspension

- a. An order to exclude or suspend may take effect immediately on notification to the student, whether orally or in writing and may be imposed for a specified period or until the final determination of the alleged misconduct by the Tribunal.
- b. The exclusion or suspension order continues to operate until:
 - the period, if any, specified by the decision maker has expired;
 - it is revoked by the decision maker on his or her own motion or by application from the student; or
 - the matter is finally determined by the Tribunal.

10.3 Notice to student

Timeline: Within one full business day of the initial notification to the student.

The decision maker must provide written notice, in a manner specified in rule 15.1, to a student excluded or suspended under this rule containing:

- a. the terms of the exclusion/suspension;
- b. the reason/s for the exclusion/suspension;
- c. a statement that the matter will be referred to the Tribunal;
- d. notice of the student's right to consult an Education and Welfare Officer or other support person for assistance with the Tribunal hearing; and
- e. a copy of the Student Misconduct Rules and Statute.

10.4 Notice to others

Timeline: Within one full business day of the initial notification of the student.

The decision maker must refer the matter to the Tribunal for determination, through the Student Conduct Officer, and must also provide a copy of the student notification to:

- a. the Manager, Security;
- b. the Executive Dean of any Faculty in whose program the student is enrolled, and/or the Head of any School/unit with which the student is associated;
- c. any other staff member whose responsibilities, in the opinion of the decision maker, require them to know of the order against the student (for example, the Manager, International Student Centre, in respect of international students).

11. STUDENT MISCONDUCT TRIBUNAL PROCEDURE

11.1 Notice to student

Timeline: Within five business days of a decision by the Chair of the Tribunal to proceed with a hearing or the receipt of the referral of a matter under clause 10.4.

- a. The Tribunal Chair must ensure the student is notified in writing of the allegation by a means specified in rule 15.1.
- b. The notice must include the following:
 - details of the allegation and of the substance of the evidence which supports it;
 - an invitation to the student to provide a written explanation, submission and/or evidence in response to the allegation;
 - an invitation to the student to attend a formal hearing, to be held on a date no earlier than 15 business days after the date of deemed receipt of the notice, and no later than 30 business days after the date of deemed receipt of the notice;
 - notice that the student may be accompanied by a support person at the hearing;
 - notice that the hearing will proceed whether there is a written submission or not, and whether the student attends or not;
 - a copy of the Student Misconduct Rules and Statute; and
 - notice of the members of the Tribunal who are to hear the matter.

11.2 Student's status pending investigation (once student notified)

- a. The Tribunal Chair may, if he or she considers it appropriate, order that a student's results be withheld or that the student be not permitted to qualify for an award until any proceedings relating to a misconduct allegation against the student have been finalised and the appeal period has expired.
- b. The student and the General Manager, Student Services & Administration, or any other person that the Chair considers should be given notice, must be notified of any such order immediately.

11.3 Student responsibilities

Timeline: At least three business days before the hearing.

After receiving notice of the hearing, the student must advise the Tribunal in writing:

- a. whether they intend to attend the hearing;
- b. whether they intend to bring a support person; and
- c. whether they intend to provide additional documentation. If so, it must be provided no later than two business days before the start of the hearing.

11.4 Hearing procedures

- a. A hearing shall proceed without undue formality. The rules of evidence and court procedures do not apply, and no witness is to be sworn.
- b. The Tribunal may inform itself of any matter relevant to the making of a finding by whatever means it chooses, provided that the student is given a reasonable opportunity to respond to any material that the Tribunal proposes to take into account.
- c. The Tribunal may give such directions as it considers necessary or appropriate, including as to the provision of evidence, the making of written or verbal submissions, and any other relevant matter.
- d. A hearing is held in closed session; however, the Tribunal may appoint an executive officer who may attend the hearing.
- e. Notes of the hearing may be taken.
- f. The Tribunal may adjourn a hearing to another date within 20 business days of the original hearing date. Every hearing must be completed as quickly as possible subject to the requirements of procedural fairness. The hearing shall be conducted at such place or places determined by the Chair and the student and witnesses may at the Chair's discretion appear or give evidence at the hearing by the use of technology.
- g. A hearing may proceed in the absence of the student if the student does not respond under rule 11.3, or indicates they will not attend, or does not attend. However, if information or allegations are presented at the hearing which were not notified under rule 11.1, the student must be given a further opportunity to respond and appear.
- h. A student is not obliged to answer questions asked by the Tribunal.

- i. A student's support person has no right to be heard, except with the permission of the Tribunal, and may be excluded if they disrupt or unreasonably interfere with or impede the conduct of the hearing.
- j. A support person cannot appear in place of the student. If a support person is present, the student must also be present, either in person or via any technology that is approved by the Chair.

11.5 Admission of misconduct

- a. A student may admit an act of misconduct at any time.
- b. When a student admits both the occurrence and the substance of an act of misconduct, the Tribunal may, at its discretion, make a finding of misconduct and proceed to the determination of a penalty, without holding or continuing with a hearing.
- c. If the Tribunal decides not to hold a hearing under rule 11.5.b, it must invite the student to make a submission on any mitigating circumstances that might be relevant to the penalty before making its determination.

11.6 Referral under Rule 3.3

Timeline: Within five business days of receipt of a referral under Rule 3.3.

- a. The Tribunal Chair must ensure the student is notified in writing of the referral by a means specified in rule 15.1.
- b. The notice must include the following:
 - the basis on which the matter has been referred to the Tribunal to determine a penalty;
 - a copy of supporting documents provided to the Tribunal with the referral;
 - an invitation to the student to provide a written submission on any mitigating circumstances to be taken into account by the Tribunal in determining the penalty;
 - a date by which any submission must be received;
 - notice that the Tribunal may proceed to make a determination with or without a hearing;
 - notice that the Tribunal may proceed to make a determination whether or not the student provides a written submission or attends the hearing (if scheduled);
 - notice that the student may be accompanied by a support person at the hearing (if scheduled);
 - a copy of the Student Misconduct Rules and Statute; and
 - notice of the members of the Tribunal who will be making the determination.
- c. After considering any submission from the student received within the time stipulated in the notice, the Tribunal may, at its discretion, proceed to determine a penalty with or without holding a hearing. If the Tribunal decides to hold a hearing, the Tribunal Chair must ensure the student is notified in writing by a means specified in rule 15.1 at least fifteen (15) business days prior to the hearing date.
- d. Rule 11.2 may be applied in respect of any referrals under Rule 3.3.

12. STUDENT MISCONDUCT TRIBUNAL OUTCOMES

12.1 Finding

- a. Except in the case of a referral under Rule 3.3, a Student Misconduct Tribunal must make its finding as to whether a student has or has not engaged in misconduct on the balance of probabilities.
- b. A decision of a Tribunal is made by majority. If the decision is split evenly, the Chair has the final decision.

12.2 Penalties

- a. The penalties for misconduct are provided in the Statute.
- b. Where a Student Misconduct Tribunal:
 - makes a finding that a student has engaged in misconduct; or
 - has had a matter referred to it under Rule 3.3it may impose any or all of the penalties referred to in the Statute as it considers appropriate.
- c. A Tribunal, at the time it imposes any penalty, may suspend the penalty on such conditions, if any, as it sees fit.
- d. In determining the appropriate penalty and whether to suspend that penalty the Tribunal shall take into account such matters as it considers are relevant which may include:
 - The nature and seriousness of the misconduct, including its impact on other members of the University community and the University itself;

- The student's previous record of misconduct and previous penalties imposed;
 - The student's subjective circumstances and whether these were aggravating or mitigating factors;
 - Whether the student admits the misconduct and/or has expressed remorse for the conduct;
 - The penalties imposed for similar cases in the past;
 - The extent to which the misconduct was planned or deliberate;
 - The degree of advantage gained or potentially gained;
 - The importance of specific and general deterrence;
 - The potential impact on the student, including their capacity to successfully complete their course or program of study;
 - The consequences on the student of any failure by a University officer or tribunal to meet timelines specified in these rules.
- e. Where the student is an international student, the Tribunal must seek advice from the Manager, International Student Centre (where practical), as to the implications of any proposed penalty. However any decision on penalty is that of the Tribunal alone.

12.3 Notifications

Timeline: Within 10 business days of the decision being made.

- a. **Student:**
The Tribunal must provide the student with written notice of:
- the finding, with reasons;
 - any penalty imposed; and
 - the grounds on which the decision may be appealed.
- b. **Others:**
The Tribunal must provide a copy of the student notification to:
- the Student Conduct Officer; and
 - any other staff member whose responsibilities require them to know of the order against the student in order to administratively implement a penalty or otherwise. In the case of suspension, exclusion or expulsion this may include:
 - the Manager, Security;
 - the Executive Dean of any Faculty in whose program the student is enrolled, and/or the Head of any School/unit with which the student is associated;
 - the Manager, Student Administration, the Manager, International Student Centre and the Academic Director, Singapore Operations;
 - the original person who reported the misconduct.
- c. Nothing in these rules should be taken as restricting the power of the Tribunal in an appropriate case to receive submissions on penalty after it has given a finding, with reasons, on whether misconduct was established.

13. APPEAL

Timeline: Within 20 business days of the notification to the student of the Student Misconduct Tribunal's decision.

- a. A student may appeal the Tribunal's final decision through the Student Grievance and Appeals Committee. No other person or body may appeal.
- b. An Appeal may only be made on one or more of the following grounds:
- a failure to comply with procedural fairness, which could have materially affected the outcome of the hearing or the determination of the penalty;
 - the existence of new evidence which was not reasonably ascertainable by the student at or before the hearing, and which would have materially affected the outcome of the hearing or the determination of the penalty.
- c. A penalty imposed by a Tribunal does not come into effect until the appeal period has expired or, if an appeal is lodged, the appeal is finalised, unless the Tribunal or Student Grievance and Appeals Committee determines otherwise.
- d. The Student Grievance and Appeals Committee may set aside or vary the orders of the Tribunal and may remit the matter to the Tribunal for further determination or impose, in substitution for the penalty of the Tribunal, any penalty that the Tribunal was empowered to impose.

14. IMPLEMENTATION OF DECISIONS AND PENALTIES

14.1 Compensation

When a Student Misconduct Tribunal orders payment of compensation, the Tribunal must specify the means by which the student can make payment to the University.

14.2 Exclusion

A student who is excluded must not, for the duration of the order, attend such classes or participate in such activities or enter such parts of the University grounds or use such University facilities as is ordered by the Tribunal.

14.3 Suspension (by Tribunal)

- a. A student who is suspended from a course or program remains a student but their enrolment in that course or program is withdrawn, and the Tribunal may order that they not pursue any other academic course or program at the University during the period of suspension. No study undertaken by the student at another institution during a period of suspension may be granted credit towards any University of Adelaide program at any time.
- b. A student in an award course who is suspended after the Census Date for that course has no right to a tuition fee refund or remission of HECS-HELP, FEE-HELP or OS-HELP liability or refund or remission of any other fees or liabilities for that course; and will have the result WF recorded against every course from which they are suspended.
- c. A student suspended from any other course of study or activity at any time has no right to a refund of fees for that course or activity.

14.4 Suspension (under urgent, interim power in rule 10)

- a. A student who is suspended from a course or program remains a student but their enrolment in that course or program is withdrawn, and the decision maker under rule 10 may order that they not pursue any other academic course or program during the period of suspension.
- b. A student in an award course who is suspended after the Census Date for that course has no right to a tuition fee refund or remission of HECS-HELP, FEE-HELP or OS-HELP liability or refund or remission of any other fees or liabilities for that course; and will have a Fail grade recorded against every course from which they are suspended.
- c. If the Tribunal finds that the student did not engage in misconduct, the Tribunal may order, at its discretion, that a tuition fee refund or remission of liability be made in respect of the period of urgent, interim suspension, and that the Fail grade be substituted with WNF. It may also, after hearing from the student and the Course Coordinator of each course from which the student was suspended, order that the student be given an opportunity to complete an Assessment Task Extension or Replacement Examination under the Modified Arrangements for Coursework Assessment Policy or any policy which relates to such matters.

14.5 Expulsion

- a. A student who is expelled from the University ceases to be a student and the student's academic transcript records that they have been permanently expelled. All enrolments are cancelled and the student must not be admitted to a program or enrolled in a course or permitted to participate in any formal University activity (other than one open to the general public) at any future time, except as provided under rule 14.10.
- b. A student who is expelled after a Census Date has no right to any tuition fee refund or remission of HECS-HELP, FEE-HELP or OS-HELP liability or refund or remission of any other liability or fee for the course/s in which they were previously enrolled or have previously completed. The result WF will be recorded against every uncompleted course in which the student was enrolled.
- c. A student undertaking any other course of study or activity at the time of expulsion has no right to a refund of fees for that course or activity.
- d. Any unpaid fees or fines may be treated as a non-student bad debt, and recovered under the University's debtor management policies.

14.6 Substitution or adjustment of mark or grade

A lower mark or grade, including a Fail grade, may be substituted for a previously obtained mark or grade, and recorded on the student's academic transcript.

14.7 Preclusion from conferral of award / revocation of award

These penalties will be recorded on the student's academic transcript.

14.8 Fines and compensation orders

- a. An order for payment of a fine or monetary compensation must specify the date by which the payment must be made, and may make provision for payment in instalments. The fine or compensation must not be ordered to be paid prior to the expiry of the period in which to appeal the imposition of that penalty.
- b. Non-payment of a fine or compensation, or an instalment of same, by the due date will result in action against the student being taken under the University's [Student Debtors](#) procedures, in addition to any other consequences under these rules.

14.9 Failure to comply with penalties imposed by Tribunal

If a student fails to pay a fine or compensation order imposed by a Tribunal under these rules within 14 business days of the due date or within any further period which may arise as a result of lodging an appeal or is granted by the Deputy Vice-Chancellor and Vice-President (Academic) (in the case of coursework students) or the Deputy Vice-Chancellor and Vice-President (Research) (in the case of Higher Degree by Research students), or the student contravenes an exclusion or suspension order, the Deputy Vice-Chancellor and Vice-President may:

- a. exclude or suspend a student from all or any of the University's activities, facilities or premises, or withdraw the rights and privileges that person would otherwise be entitled to, or
- b. direct that the student not be permitted to enrol or re-enrol in any course or program, or to receive an academic transcript, or to receive the results of any assessment in any course or program or to have conferred an award of the University, on such conditions as he or she thinks fit.

14.10 Application for re-admission

A student who is expelled from the University may apply to the Deputy Vice-Chancellor and Vice-President (Academic) (for a coursework program) or to the Deputy Vice-Chancellor and Vice-President (Research) (for a Higher Degree by Research program) for re-admission to the University after a period of 10 years.

The Deputy Vice-Chancellor and Vice-President may refuse the application, or grant it on whatever terms and conditions he or she thinks fit.

15. GENERAL PROVISIONS

15.1 Written communication to students

Written communication with students may be delivered in accord with the following table, and will be deemed to have been received in accord with the following table:

Notice is sufficient if it is in writing and delivered by <u>one</u> of the following means:	Notice is deemed to have been received:
a. emailed to the student's allocated University email account. If the student does not have a University email account, one of the three methods below must be used.	24 hours after the time it was sent
b. given to the student in person	immediately
c. posted by ordinary or express post to the student at <ul style="list-style-type: none">• the address shown on the student's record on the Student Administration System or,• if the student is not on the Student Administration System, the last recorded address for that student, on the date of posting	on the third business day after it was sent
d. delivered by courier to the student at <ul style="list-style-type: none">• the address shown on the student's record on the Student Administration System or,• if the student is not on the Student Administration System, the last recorded address for that student, on the date of delivery	on the date recorded in the courier's records as the date of delivery

15.2 Recordkeeping

All records created during the application of these rules must be retained in accordance with the University's [recordkeeping requirements](#).

15.3 Student Misconduct Register

- a. A Student Misconduct Register must be maintained by the Student Conduct Officer in the Division of the Deputy Vice-Chancellor and Vice-President (Academic), and stored in the Records Management Office.
- b. The Register is confidential, and access may only be granted by the Student Conduct Officer or the General Manager, Student Services and Administration.
- c. An individual student's entry on the Register will be retained and destroyed in accord with the University's Records Disposal Schedules.

15.4 Referral to Police or External Authorities or Regulators

- a. If it appears to the Chair that an allegation may, if proved, constitute a criminal offence he or she must refer the report to [Legal & Risk](#), whose staff may notify the matter to the police or other external authority or regulator.
- b. The Chair may, after hearing from the student and a representative of Legal & Risk, determine, in his or her discretion, whether or not to proceed to determine the matter notwithstanding any notification under rule 15.4.a.
- c. For the avoidance of doubt these rules do not in any way restrict the ability of the University or of any individual to contact police or relevant authorities in respect of any matter.

15.5 Annual report

Timeline: By the end of March each year.

The Chair of the Student Misconduct Tribunal must make an annual report to the Deputy Vice-Chancellor and Vice-President (Academic) summarising the number, nature and outcomes of the cases referred to it, and at any time may make recommendations for improvement to University processes and practices.

15.6 Name and other changes

- a. Where a power is conferred by these rules on a person holding a particular office and the title of that office is changed or the office no longer exists, the power shall be taken to have been conferred on any person holding such office as declared by the Vice-Chancellor in writing to be the successor or new title of the specified office.
- b. Where the rules refer to a policy, procedure, scheme or body and such policy, procedure, scheme or body no longer exists in that form or its title is changed, the Rules shall be taken to refer to any such policy, procedure, scheme or body as declared by the Vice-Chancellor in writing to be its successor or new title.

16. DEFINITIONS

Senior academic staff member: A member of staff appointed at Level C or above.

Senior professional staff member: A member of staff appointed at HEO 7 or above.

Student Conduct Officer: A member of staff appointed within the Division of the Deputy Vice-Chancellor and Vice-President (Academic) to provide administrative support and advice on these rules and to the Student Misconduct Tribunal.

University activities, facilities, grounds, premises: Includes University activities, facilities, grounds or premises in off-shore campuses

Approved by Council 6/12, 10 September 2012

Came into effect on 22 November 2012 with the confirmation by the Governor of Statute Chapter 3 'Of Student Misconduct', (See South Australian Government Gazette No 73, p5153)

Amendments to rule 3.3, 9.4 and 12.2b, insertion of new rule 11.6, and minor amendments, approved by Council on 2 December 2013.