



Student Misconduct Policy

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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.

The University is committed to providing students, staff, titleholders, and visitors with a safe and inclusive learning environment. However, it recognises that misconduct does occur that can put students and others at risk, and that the University needs to have clear policies and procedures for dealing with incidents of student misconduct.

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

This policy supports the University's framework for dealing with student misconduct, which consists of the [Statute Chapter 3 – of Student Misconduct \(the Statute\)](#), the [Student Misconduct Rules](#), the [Student Behaviour and Conduct Procedure](#), and the [Student Charter](#), and must be read in conjunction with these documents.

SCOPE AND APPLICATION

Students

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- a) This Policy applies to all University of Adelaide students, wherever they may study or reside. Where students are pursuing a course of study that is delivered outside of South Australia, the requirements of the Student Misconduct 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.
 - b) The student misconduct procedures under the Statute, the Rules, and this Policy 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.

POLICY PRINCIPLES

1. Natural Justice

The principles of procedural fairness apply to any proceedings or determination under the [Statute](#), the [Student Misconduct Rules](#), and the [Student Behaviour and Conduct Procedure](#).

2. Confidentiality

All parties involved in a case or a proceeding under the Rules 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:

- a) Where there is the risk of harm to a person or persons
- b) Where the matter is subject to legal proceedings or other actions which require that the University presents records by way of a subpoena or similar methods
- c) Where a student lodges a complaint or appeal regarding a decision under this Policy
- d) Where there is a clear public interest or obligation to share information (such as a duty to disclose information to a professional accreditation board, the Australian Defence Force Academy or a duty to report under legislation)
- e) Where the University is obligated or able to do so under [the University's Privacy Policy](#)

3. Minimising Disadvantage

- a) 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.
- b) Students have the right to nominate a support person, as covered in the [Student Misconduct Rules](#)
- c) The University 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

In addition to the timeframes set out in the [Student Misconduct Rules](#), the University is committed to resolution of any student misconduct matter in a timely fashion.

5. Impact of Alleged Student Misconduct

- a) In assessing the impact of misconduct on students, staff, or any other member of the University community (under section 12.2 d of the [Student Misconduct Rules](#)), the Student Misconduct Tribunal may invite any person who has been affected by the behaviour of a student to write a structured victim impact statement.
- b) This statement, if made, will describe the impact/effect/consequences of the misconduct on those affected, and may be used by the Student Misconduct Tribunal or other related bodies/committees in aiding their investigation, deliberations, or decision-making.
- c) 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 Student Misconduct Tribunal or other related body/committee

6. International Students

The University is required to maintain a student's enrolment while a matter is being considered by the Student Misconduct Tribunal.

7. Student Misconduct in Online spaces

- a) The University expects students to engage respectfully online, in accordance with the [IT Acceptable Use and Security Policy](#), the associated University guidelines for [social media etiquette and](#)

[obligations](#), and expectations in the [Student Charter](#). Students who contravene these principles may be referred under the [Student Misconduct Rules](#)

- b) While the University does have scope to investigate student misconduct in online spaces, it may not have the authority to require that material is removed by external platforms, including social media sites (e.g. Facebook, Twitter, Instagram)

8. Student Misconduct leading to criminal proceedings

- a) Where an internal investigation is based on facts and circumstances *the same as a criminal charge or process*, a criminal process must take priority and care should be taken to avoid two processes being run concurrently. An internal University process or investigation may need to be suspended until a criminal charge has been dealt with
- b) Where an internal investigation is based on facts and circumstances *different from* a criminal process, an internal investigation by the University may proceed.

9. Sexual Violence

- a) Sexual violence is considered to be misconduct of the kind defined in Rule 3.2d of the [Student Misconduct Rules](#).
- b) The University takes allegations of sexual violence seriously and will provide advice and support to students who report such misconduct. This includes access to counselling and information on how to report a matter to SA Police or the Equal Opportunity Commission for investigation and support to make such a report if requested.
- c) While the University will encourage a student reporting an allegation of sexual violence against a member of the University community to also report the matter to SA Police, the University understands that not all survivors of sexual violence wish to do this. In instances where a student does not wish to report a matter to SA Police or the Equal Opportunity Commission, the University will conduct an investigation under the [Student Behaviour and Conduct Procedure](#). If the student making a report is under the age of 18, the University is required by law to report the matter to the Department for Child Protection.
- d) The University will not be in a position to investigate allegations of sexual violence made against people who are not members of the University community, but will provide support to students who report such matters to it.

10. Discriminatory Language

- a) The University is committed to providing an environment that is safe and inclusive for all students, irrespective of gender identity, sexuality, race or ethnicity
- b) Discriminatory language is considered to be misconduct of the kind defined in rule 3.2d of the [Student Misconduct Rules](#). Such language includes:
 - a. Sexism
 - b. Racism
 - c. Homophobia
 - d. Transphobia
 - e. Other language that vilifies an individual on the basis of their membership of a particular class or group
- c) In instances where a student reports discriminatory language, the University shall provide them with advice and support. This will include access to health and counselling services and support in referring the matter to the Equal Opportunity Commission.

11. AUU Student Elections, Clubs, and Societies

- a) Students participating as candidates for election to the Adelaide University Union (AUU) are bound by the '[AUU Rule Concerning the Conduct of Annual Elections, By-Election and Referenda](#)'. Conduct prohibited during elections is defined under Rules 43 and 44.
- b) Members of AUU Clubs and Societies will be bound by the Clubs and Societies rules and procedures.
- c) Students found to be in contravention of these rules may be deemed by the University to have committed misconduct and may be referred to the Student Misconduct Tribunal for sanction in accordance with the [Student Misconduct Rules](#).

12. Adelaide University Sport

Members of Adelaide University Sport (AUS) will be bound by AUS rules and procedures.

13. Compliance

This Policy is intended to be compliant with the Education Services for Overseas Students Act 2000 (ESOS Act)

14. Recordkeeping

- a) All records created during the application of this policy and associated rules and procedures must be retained in accordance with the University's recordkeeping requirements
- b) The Student Misconduct Register must be maintained as outlined in the [Student Misconduct Rules](#)
- c) In accordance with the Student Misconduct Rules, 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

AUTHORITIES

The Vice-Chancellor may appoint such persons as they see fit as Authorised Officers. An Authorised Officer may delegate in writing their powers under the Student Misconduct rules (except for the 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.

The Director, Student Life (Division of Academic and Student Engagement) in their capacity as Authorised Officer may delegate the investigation of matters to the Student Behaviour and Conduct Committee as outlined in the [Student Behaviour and Conduct Procedure](#).

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.

PROCEDURES

1. General Student Misconduct

- a) Generally student misconduct will be dealt with in accordance with the [Student Conduct and Behaviour Procedure](#) and the [Student Misconduct Rules](#).
- b) Behaviours that constitute general student misconduct are defined under the [Statute](#) and include inappropriate, concerning and threatening behaviour directed at students including discrimination, sexual harassment, bullying and sexual violence and other forms of potentially criminal conduct.

2. Sexual Violence

Responsibility: Authorised Officer, student

- a) As outlined under the [Student Behaviour and Conduct Procedure](#), a student wishing to report sexual violence may submit an Incident Report through the [Safer Campus Community website](#). Upon receipt of an Incident Report, a member of the [Student Behaviour and Conduct Committee](#) will contact the student within 2 Business Days to ensure they have support and to clarify the outcome they are seeking from the University. It may be necessary for the Committee to share a copy of the Incident Report with the alleged perpetrator, as part of any investigation into the allegations.
- b) In instances where a student wishes to withdraw their complaint after an Incident Report has been submitted, the University may continue with an investigation if the Behaviour and Conduct Committee considers there is a risk to the safety of the University community.
- c) Following an investigation, the Authorised Officer may refer a matter to the Student Misconduct Tribunal for consideration and potential penalty. The range of penalties available to the Tribunal is outlined in the [University Statute: 3.5](#)
- d) Potential criminal sanctions are beyond the remit of the University. Students seeking to have criminal sanctions brought against a perpetrator will be encouraged to report a matter to SA Police.

3. Discriminatory Language

Responsibility: Behaviour and Conduct Committee, Authorised Officer, student

- a) As outlined under the [Student Behaviour and Conduct Procedure](#), students wishing to report discriminatory language may submit an Incident Report through the [Safer Campus Community](#)

[website](#). Upon receipt of an Incident Report, a member of the [Student Behaviour and Conduct Committee](#) will contact the student within 2 Business Days to ensure they have support and to clarify the outcome they are seeking from the University. It may be necessary for the Committee to share a copy of the Incident Report with the alleged perpetrator, as part of any investigation into the allegations.

- b) Following an investigation, an Authorised Officer may issue a warning to an alleged perpetrator or refer a matter to the Student Misconduct Tribunal for consideration and potential penalty.

4. AUU Student Elections, Clubs and Societies

- a) Students wishing to report conduct prohibited by the AUU rules are encouraged to follow the processes outlined in the AUU Rule 47:
 - a. During the election period, such conduct may be reported to the Returning Officer (under Rule 47.1)
 - b. After the Declaration of Provisional Results, such conduct may be reported to the Election Tribunal (under Rule 47.2)
- b) In some circumstances, the University may investigate allegations of misconduct that have occurred during elections or during club activities and events. In determining whether such allegations should be referred to the Student Misconduct Tribunal, an Authorised Officer shall consider:
 - a. Whether the allegations have been referred to the Returning Officer, Election Tribunal or Clubs and Societies Administrator for investigation and any action taken by those position-holders or bodies;
 - b. Whether the alleged misconduct has continued beyond the duration of the election campaign period or outside of activities of the relevant club or society; and
 - c. The severity of the alleged misconduct and any risks posed to the University community.

5. Adelaide University Sport

- a) In some circumstances, the University may investigate allegations of student misconduct that have occurred during sporting activities and events. In determining whether such allegations should be referred to the Student Misconduct Tribunal, an Authorised Officer shall consider:
 - a. Whether the allegations have been referred to the AUS or any other external body
 - b. Whether the alleged misconduct has continued beyond the duration of sporting activities or events
 - c. The severity of the alleged misconduct and any risks posed to the University community

DEFINITIONS

Student

Student is defined in the [Statute](#).

Misconduct

Misconduct as defined under [Statute Chapter 3 – of Student Misconduct](#).

Natural Justice or Procedural Fairness

Natural justice or procedural fairness means that a person receives a fair and unbiased hearing before a decision is made that will impact on their rights or interests.

Student Behaviour and Conduct Procedure

The [Student Behaviour and Conduct Procedure](#) relates to the reporting of inappropriate, concerning and threatening behaviour directed at students including discrimination, sexual harassment, bullying and sexual violence and other forms of potentially criminal conduct.

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Policy Custodian	Deputy Vice-Chancellor and Vice-President (Academic)
Responsible policy officer	Director, Student Life – Division of Academic and Student Engagement
Endorsed by	Vice-Chancellor's Executive on 11 April 2018
Approved by	Vice-Chancellor and President on 11 April 2018
Related Documents and Policies	Student Misconduct Rules Statutes of the University Student Charter Student Behaviour and Conduct Procedure Equal Opportunity Policy Privacy Policy AUU Rules Adelaide University Sport Policies Policy Concerning Clubs Administration Behaviour and Conduct Policy
Related Legislation	University of Adelaide Act 1971 (SA) Education Services for Overseas Students (ESOS) Act 2000 (Cth) Equal Opportunity Act 1984(SA)
Superseded Policies	
Effective from	11 April 2018
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Contact for queries about the policy	Director, Student Life – Division of Academic and Student Engagement