



Student Misconduct Policy

- OVERVIEW
- SCOPE AND APPLICATION
- POLICY PRINCIPLES
- AUTHORITIES
- PROCEDURES
- DEFINITIONS

OVERVIEW

Being a Student at the University of Adelaide means being a member of the extended University Community. Students have a responsibility to behave appropriately and in ways that do not adversely affect the University or members of the University Community. Acting outside of these expected behaviours could constitute Misconduct.

The University is committed to providing a safe and inclusive learning environment and has developed policies and procedures for managing incidents of Student Misconduct.

This policy governs how allegations of Student Misconduct are managed, and sets out a clear, consistent and fair process, in accordance with the principles of Procedural Fairness.

SCOPE AND APPLICATION

1. This policy and procedure applies to conduct of Students that occurs:
 - a) during, or in connection with, their course of study;
 - b) at or in connection with any University teaching activity, function, activity or event (whether in person, online or otherwise), including, but not limited to, classes, conferences, workshops, camps, field trips, inter-university events, and other social functions;
 - c) when a Student is representing the University in any capacity;
 - d) when using, or facilitated by, University resources, systems, or other equipment referred to in the [IT Acceptable Use and Security Policy](#);
 - e) on, or in connection with, any property owned, leased or occupied by the University (or any entities it controls) or any lands or roads within any University campus;
 - f) at or in connection with any University owned, managed, affiliated or branded Student accommodation including, but not limited to, Aquinas College, Lincoln College, St Ann's College, St Mark's College, and Scape;
 - g) in connection with any activity or event organised by the Adelaide University Union (YouX), Adelaide University Sport, or their affiliated organisations or clubs; or
 - h) during or in connection with a Student's clinical, practicum, fieldwork, internship or work experience placement, or while a Student is participating in University approved study at another institution.

2. This policy and procedure apply to any allegations of Misconduct made to the University on or after the date of the commencement of this policy, regardless of when the alleged Misconduct occurred.
3. Allegations of Student Misconduct made to the University before the commencement of this policy will continue to be managed under the previous policy and procedure, unless the matter has not been referred to the Student Misconduct Tribunal, in which case the Student may elect to have the allegation(s) managed under this policy and procedure.

POLICY PRINCIPLES

1. Students are expected to conduct themselves in a manner consistent with the standards of behaviour recorded in the Student Code of Conduct or Statutes of the University. Failure to meet these standards may constitute Student Misconduct.
2. Standards of behaviour are intended to promote and foster honesty and integrity, a safe and inclusive environment for members of the University Community, and the good order and management of the University.
3. The University seeks to ensure the safety and wellbeing of the University Community by providing for allegations of Misconduct against Students at the University to be reported, managed, investigated, heard and determined, and penalties imposed where allegations are substantiated, as appropriate and proportionate given the nature of the allegation and relevant factors.
4. The University will address allegations of Misconduct sensitively, fairly and confidentially, while following the principles of Procedural Fairness. Procedural Fairness concerns the process by which a decision is made, not the fairness or merits of the decision itself.
5. Students have the right to appeal a decision made regarding a finding of Misconduct.

AUTHORITIES

Authority Category	Authority Sub-Category	Authority	Delegation Holder	Limits
Academic	Student Misconduct	Refer an allegation of Student Misconduct to a Misconduct Body (Procedure 2.2)	Manager, Student Affairs	
Academic	Student Misconduct	Issue a Summary Exclusion (Procedure 3.1)	Any staff member with responsibility for the management of a University facility or activity	
Academic	Student Misconduct	Issue an Interim Suspension (Procedure 4.1)	Manager, Student Affairs or Responsible Officer	
Academic	Student Misconduct	Issue a conduct notice (Procedure 6.1)	Manager, Student Affairs	
Academic	Student Misconduct	Carry out proceedings related to an allegation of Student Misconduct (Procedure 7.1)	Misconduct Body	
Academic	Student Misconduct	Apply a penalty (Procedure 10.3)	Responsible Officer	
Academic	Student Misconduct	Apply a penalty and record a finding of Student Misconduct (Procedures 10.4-10.5)	Misconduct Body	If Student Misconduct has been proven.

PROCEDURES

1. Reporting Student Misconduct

- 1.1 Staff or Students can report possible instances of Misconduct to the University's [Integrity Unit](#), or a Responsible Officer. Staff can also raise a concern with the [Early Intervention Group](#) (EIG).

2. Levels of Decision Making

- 2.1 There are three levels of decision making available to assess allegations of Misconduct and to determine an outcome:
- a) Responsible Officer Review, which occurs where the nature of the allegation is such that, if proven, it can be appropriately dealt with without imposing a formal finding of Misconduct.
 - b) Student Conduct Committee, which may occur for mid-level allegations.
 - c) Student Misconduct Tribunal, which is responsible for hearing allegations of serious Misconduct, complex matters, or matters referred under another policy, and has the ability to impose higher level penalties.
- 2.2 The Manager, Student Affairs (or delegate) will determine where to refer an allegation of Misconduct by giving consideration to the apparent seriousness and complexity of the Misconduct and the range of potential penalties that may be imposed if the alleged Misconduct is proven.
- 2.3 The Manager, Student Affairs (or delegate) has the discretion to issue a Student with a written conduct notice, or determine no further action should be taken.

3. Summary Exclusion

- 3.1 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, for a period of no more than 24 hours, or for the duration of the activity, where the person reasonably believes 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.

4. Interim Suspension

- 4.1 Where an allegation indicates a risk, including to individuals or University property, an interim suspension can be considered, while the need for referral is considered. The Manager, Student Affairs or Responsible Officer may impose an interim suspension of up to two (2) weeks, including one or more of the following:
- a) suspend a Student from using any property or entering any specified parts of any University campus. This may include changes to teaching arrangements;
 - b) restrict a Student's access to specified buildings and facilities;
 - c) prohibit a Student from speaking to, or approaching, another person, either in person or electronically (including via social media or email), including through a third party, as deemed necessary.
- 4.2 Interim suspensions must be reasonable and proportionate to the seriousness and circumstances of the alleged Misconduct.
- 4.3 Interim suspensions may be imposed immediately, and the relevant Responsible Officer is not required to provide a hearing to the affected person before imposing an interim suspension.
- 4.4 Interim suspensions will continue to apply until the first of the following occurs:
- a) they are revoked by the Responsible Officer;
 - b) a request for review under Procedure 4.6 is successful; or
 - c) they expire in accordance with their terms.
- 4.5 The Student must be informed in writing within 24 hours of an interim suspension being imposed, and advised of the terms, period and reasons for the interim suspension.

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- 4.6 The Student may request a review of an interim suspension within two (2) business days of being notified; a request for review will be considered by the Student Conduct Committee and a decision communicated within two (2) business days of the request being received.
 - 4.7 The details and reason for the interim suspension must be entered in the University's record keeping system.
 - 4.8 An interim suspension does not preclude a Student being referred to any other level of decision making.

5. Responsible Officer Review

- 5.1 On receiving a report of possible Misconduct, a Responsible Officer must assess the seriousness or complexity of the allegation and whether it is appropriate to be managed by the Responsible Officer (Procedure 5.2-5.6) or referred to the Manager, Student Affairs (see Procedure 2).
- 5.2 The Responsible Officer will make enquiries to understand the nature of the allegation and available evidence, including discussing it with relevant parties, and ensuring the Student about whom the allegation has been made is informed in writing of:
 - a) the nature and substance of the allegation;
 - b) any relevant evidence relied on; and
 - c) the process for the Student to respond to the allegation.
- 5.3 The Responsible Officer will determine whether an act of Misconduct has occurred, on the Balance of Probabilities.
- 5.4 Where Misconduct is determined, a Responsible Officer may apply any of the penalties listed at Procedure 10.3, and no formal finding of Misconduct will be recorded on the Student Conduct Register.
- 5.5 The penalties listed in Procedure 10.3 may be in addition to any interim measure previously taken (Procedure 4).
- 5.6 If at any stage the Responsible Officer determines that the allegation is serious enough it can be referred to the Manager, Student Affairs.

6. Conduct Notice

- 6.1 The Manager, Student Affairs may send a conduct notice to a Student whose allegation of Misconduct is being referred to the Student Conduct Committee. When determining whether or not to provide the Student with a conduct notice, the Manager, Student Affairs will give consideration to the same factors considered by a Misconduct Body (see Procedure 10.2).
- 6.2 A conduct notice will identify the alleged Student Misconduct and advise the Student that:
 - a) they are being provided with an opportunity to make an early admission of their conduct and accept the imposition of a stated penalty (being a penalty that could be imposed by a Student Conduct Committee);
 - b) if they accept the opportunity to make an early admission, a finding of Misconduct will be recorded on the Student Conduct Register;
 - c) this opportunity can be accepted by completing and returning the notice, within a specified time period (being no less than 14 calendar days after the conduct notice is sent); and
 - d) if the Student accepts the notice, no further action will take place in relation to the alleged conduct.
- 6.3. Where a conduct notice is accepted by a Student, no Misconduct proceedings will take place and the penalty accepted by the Student will be enforceable as if it were imposed by a Student Conduct Committee.
- 6.4 Information concerning a conduct notice will be recorded on the Student Conduct Register, and may be referred to in the future.
- 6.5 When a Student chooses not to accept the offer of a conduct notice the matter will progress to the Student Conduct Committee.

7. Misconduct Bodies

- 7.1 A Misconduct Body has the authority to carry out a proceeding related to an allegation of Student Misconduct referred to it for determination and may:
- a) request the Manager, Student Affairs (or delegate) to arrange further inquiries to be undertaken and report back on the outcome of those inquiries;
 - b) conduct further inquiries itself;
 - c) where relevant, adjourn the Misconduct proceedings (including any hearing) until after the conclusion of any related criminal process or other proceeding being pursued against the Student;
 - d) take no further action because:
 - i. the alleged conduct does not fall within the scope of the policy;
 - ii. the allegation arises from a vexatious report or concerns conduct of a trivial nature;
 - e) offer the Student Conduct Counselling;
 - f) proceed to decide whether the Student has engaged in Misconduct and, where there is a finding of Misconduct, impose one or more of the penalties available to it in Procedure 10.
- 7.2 The Manager, Student Affairs (or delegate) will prepare, or arrange the preparation of, an allegation notice (or, in the case of a matter referred under the Academic Integrity Policy, a notice of finding) and associated documentation to be provided to the relevant Misconduct Body and the Student.
- 7.3 If additional information or evidence becomes available after an allegation notice has been issued to the Student, the Manager, Student Affairs (or delegate) will work with the Misconduct Body to issue an amended allegation notice and/or supplementary documents to the Student and the Misconduct Body.
- 7.4 Where an amended allegation notice and/or supplementary documents are issued, the Misconduct Body will take steps to ensure that the Student has a reasonable opportunity to consider and respond to the amended allegation notice and/or supplementary documents (including by making submissions and providing further material to the Misconduct Body).
- 7.5 At any time prior to making its decision, the Misconduct Body may request an amendment to the allegation notice. The Manager, Student Affairs (or delegate) will ensure the allegation notice is amended in response to the request, and the amended allegation notice is issued to the Student and the Misconduct Body.
- 7.6. The Misconduct Body may request the Manager, Student Affairs to make arrangements for assistance to be provided to the Misconduct Body to fulfil its functions, including (without limitation):
- a) an executive officer;
 - b) transcription/interpreting services;
 - c) legal services, whether a University lawyer or an external lawyer selected and engaged by General Counsel (or delegate), for giving confidential legal advice to the Misconduct Body in relation to the Misconduct proceeding.

8. Proceedings

- 8.1 In hearing an allegation, a Misconduct Body will be led by the direction of the Chair; a Student must be given a reasonable opportunity to:
- a) advise the Misconduct Body whether they wish to admit, discuss or contest an allegation of Misconduct;
 - b) provide any evidence or submission they wish to rely upon;
 - c) attend the hearing (including remotely, where approved by the Chair).
- 8.2 In a hearing by a Misconduct Body to determine penalty following a result of a finding of Academic Misconduct under the Academic Integrity Policy, a Student must be given the opportunity to:
- a) provide any evidence or submission they wish the Misconduct Body to consider; and
 - b) attend the hearing (including remotely, where approved by the Chair).

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- 8.3 The Misconduct Body will allow at least ten (10) business days between the date that the allegation notice is sent and the scheduled date for the hearing.
 - 8.4 Hearings will be conducted in compliance with the principles of Procedural Fairness.
 - 8.5 Hearings will proceed without undue formality and will be conducted in a manner that is accessible, including for Students who may require disability support. The services of an interpreter may be provided, with the approval of the Manager, Student Affairs.
 - 8.6 The Student may be accompanied by a Support Person.
 - 8.7 If the Student does not arrive within fifteen (15) minutes of the scheduled commencement of the hearing, the hearing may proceed in the Student's absence.
 - 8.8 The Student, together with any Support Person, is entitled (but is not required) to be present throughout the hearing except where the members of the Misconduct Body wish to confer privately among themselves or to consider their decision.
 - 8.9 The rules of evidence that apply in some court proceedings do not apply.
 - 8.10 Hearings before the Misconduct Body are closed to the public.
 - 8.11 The Misconduct Body has complete authority to keep order in the proceedings, including the authority to order the removal of a person including a Student, witness, or Support Person.
 - 8.12 Where two or more Students are alleged to have engaged in Misconduct in related circumstances, the Misconduct Body may decide to hear the allegations together; however, the Students will not be required to appear before the Misconduct Body at the same time.
 - 8.13 If the Misconduct Body considers that more information about the allegation is required:
 - a) it may adjourn the hearing and request the Manager, Student Affairs make further inquiries or obtain further information, evidence or materials;
 - b) the Student will be provided a copy of any additional information or material provided to the Misconduct Body, and be given a reasonable opportunity to consider and respond to the additional information or material (including by making submissions and providing further new material to the Misconduct Body); and
 - c) a further oral hearing is not required, and the Misconduct Body may direct any further submissions be made in writing.

9. Making a Determination

- 9.1 The Misconduct Body must make a decision within ten (10) business days of the date of the hearing, or otherwise within a reasonable time, taking into account the various circumstances and complexity of the matter.
- 9.2. If there is more than one allegation of Student Misconduct, a Misconduct Body must decide if each separate allegation is proven or not proven.
- 9.3. In making a decision, the Misconduct Body must consider whether the documentation before it and any evidence taken at the hearing satisfies it, on the balance of probabilities, that the allegation is proven.

10. Penalties

- 10.1. The Misconduct Body may seek advice from the Manager, Student Affairs (or delegate) on penalties for previous similar cases.
- 10.2. A Responsible Officer or Misconduct Body will impose a penalty that it considers appropriate by considering relevant factors, including but not limited to:
 - a) the nature and extent of the Misconduct;
 - b) the length of the Student's tertiary experience;
 - c) the Student's record, including reference to the Student Conduct Register;
 - d) whether the Misconduct was deliberate;

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- e) any matters that demonstrate a pattern of conduct the Student;
 - f) the personal circumstances of the Student and the potential impact of any penalty imposed;
 - g) the impact of the Misconduct on other persons, including members of both the University Community, and the wider community;
 - h) any mitigating circumstances (including any admission by the Student or expression of regret or remorse);
 - i) in the case of penalties for Academic Misconduct, the findings and the outcome applied by the Academic Integrity Review Committee;
 - j) the range of penalties previously applied for similar cases; and
 - k) any precedent or deterrent that may come from the penalty.
- 10.3 Responsible Officer Review and Resolution is able to apply any of the following penalties through local, informal determination. No formal finding of Misconduct will be recorded.
- a) exclusion from all, or any specified portion of, the University grounds, including a facility or service, or from participation in any defined aspect of any program or course for a specified period, and no longer than 7 (seven) calendar days;
 - b) a written warning or reprimand;
 - c) a direction to undertake Conduct Counselling;
 - d) a direction to undertake remedial or educational activities;
 - e) a direction to take action or behave in a specified way.
- 10.4 A Student Conduct Committee may apply any of the penalties in Procedure 10.3 as well as the following, and will record a formal finding of Student Misconduct on the Student Conduct Register:
- a) a fine up to a maximum of A\$300;
 - b) exclusion from all, or any specified portion of, the University grounds for a specific period;
 - c) exclusion from participation in any defined aspect of any University academic program or course, or any use of any University facility or service, for a specified period;
 - d) substitution or adjustment of an academic mark or grade obtained by the Student in any examination or other form of assessment.
- 10.5 The Student Misconduct Tribunal may apply any of the penalties in Procedure 10.4 as well as any of the following, and will record a formal finding of Student Misconduct on the Student Conduct Register:
- a) a fine up to a maximum of A\$3000;
 - b) an order to undertake a specified number of hours of unpaid service to the University;
 - c) exclusion from all, or any specified portion of, the University grounds for a specific period or indefinitely;
 - d) exclusion from participation in any defined aspect of any University academic program or course, or any use of any University facility or service, for a specified period or indefinitely;
 - e) substitution or adjustment of any academic mark or grade obtained by the Student in any examination or other form of assessment;
 - f) cancellation of a prize, scholarship or bursary awarded by the University;
 - g) cancellation of enrolment in one, some or all courses or academic programs in which the Student is enrolled;
 - h) preclusion from conferral of any award or revocation of a conferred award;
 - i) suspension from the University or from enrolment in any program or course for a specific period;
 - j) permanent expulsion from the University;
 - k) probationary enrolment that is provisional on the Student's good behaviour.

11. Giving Notice of a Determination

- 11.1 As soon as practicable after the Responsible Officer or Misconduct Body has made a decision, it will give the Student written notice of the outcome, and inform relevant staff, which will include:
- a) the decision, any penalty imposed, and the reasons for these; and
 - b) information about the Student's right to appeal and relevant processes.
- 11.2 If a penalty impacts the enrolment of an international student the Manager of International Compliance must be advised once the Student has been notified.
- 11.3 The decision and outcome will be recorded on the Student Conduct Register.

12. Appeals

- 12.1 A Student may appeal the decision of a Responsible Officer or a Student Conduct Committee through the Student Misconduct Tribunal.
- 12.2 A Student may appeal the decision of a Student Misconduct Tribunal through the Student Grievance and Appeals Committee.
- 12.3 A Student may appeal the penalty imposed by a Misconduct Body if they believe the penalty is unreasonable, excessive, or disproportionate to the Misconduct.
- 12.4 An appeal must be lodged within twenty (20) business days of notification to the Student of the decision.
- 12.5 An appeal may only be made on one or more of the following grounds:
- a) a failure to comply with procedural fairness, which materially affected the outcome of the hearing or the determination of the penalty;
 - b) the existence of new evidence which was not reasonably available at or before the hearing, and which would have materially affected the outcome of the hearing or the determination of the penalty;
 - c) The penalty is unreasonable, excessive, or disproportionate.
- 12.6 Any penalty imposed does not come into effect until the appeal period has expired or, if an appeal is lodged, the appeal is finalised, unless the Student Misconduct Tribunal or Student Grievance and Appeals Committee determines otherwise.
- 12.7 The Student Grievance and Appeals Committee may overturn or vary any decision made by the Student Misconduct Tribunal. It may also return all or part of the matter to the Student Misconduct Tribunal for further consideration and decision.

13. Composition, Student Conduct Committee

- 13.1 A Student Conduct Committee will consist of two members appointed on an ad hoc basis by the Manager, Student Affairs and can include professional and/or academic staff, at least one of whom is a Responsible Officer, and both of whom have completed relevant training, as appropriate to the allegation with one appointed as Chair.
- 13.2 If consensus is not able to be reached, the Chair's decision will be final.
- 13.3 If the Committee decides that the allegation is sufficiently complex or, if proven would require a penalty at a higher level than it is able to impose, it may request referral to the Student Misconduct Tribunal.
- 13.4 The Manager, Student Affairs is responsible for ensuring the details of ad hoc and standing committees are recorded on the relevant University's system, including membership, duration, and findings.
- 13.5 The Manager, Student Affairs will notify the relevant Faculty Executive Dean of any allegations and findings.

14 Composition, Student Misconduct Tribunal

- 14.1 Before the commencement of each calendar year on the request of the Manager, Student Affairs, each of the Executive Deans, the Dean of Graduate Studies, and the Pro Vice-Chancellor (Student Learning) will nominate three senior academic or professional staff members (including at least one male and one female) as members of the Tribunal for the following calendar year.

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- 14.2 A Chair and Deputy Chair will be appointed by the Vice-Chancellor for a term of two (2) years and must be senior members of academic staff.
 - 14.3 Each Student Misconduct Tribunal will consist of four members selected by the Manager, Student Affairs (or delegate) from those nominated under Procedure 14.1, including professional and/or academic staff as relevant to the allegation, and one student representative.
 - 14.4 Three members are required for a quorum.
 - 14.5 The Manager, Student Affairs is responsible for ensuring appropriate record keeping, and that administrative support is made available to the Tribunal.
 - 14.6 The Manager, Student Affairs (or nominee) will notify the relevant Faculty Executive Dean of the allegations and findings.

15. Other Matters

- 15.1. Once a Student has been notified of an allegation, the Manager, Student Affairs, at the request of a Responsible Officer, may request that the Student's academic results, or program completion or conferral be withheld until the Misconduct proceeding (including an appeal) is finalised or until any penalty has been served or discharged to the reasonable satisfaction of the Manager, Student Affairs.
- 15.2 All correspondence with a Student regarding an allegation, including details of hearings, decisions, and penalties must be in writing to the Student's University email address, and is deemed to be received at the time of sending.
- 15.3 A Student who is suspended or expelled following the Census Date in a teaching period will have a Withdraw Fail result (WF) recorded against uncompleted enrolled courses for that teaching period. A Student receiving a fail in a course as a result of Misconduct has no right to a tuition fee refund or remission of HECS-HELP, FEE-HELP or OS-HELP liability, nor to a refund or remission of any other fees or liabilities for that course.

DEFINITIONS

Further definitions are available in the [Glossary of Terms](#).

Conduct Counselling - For the purpose of this policy, Conduct Counselling refers to advice or instruction given to Students regarding acceptable forms and standards of conduct at the University.

Misconduct – for the purpose of this policy Misconduct refers to Student Misconduct.

Misconduct Body - For the purpose of this policy, Misconduct Body refers to a Student Conduct Committee and/or a Student Misconduct Tribunal.

Responsible Officers - Responsible Officers are those authorised to evaluate a report of Misconduct, issue a warning or conduct notice, or decide on a penalty, and have undertaken the required training and comprise:

- a. Faculty Executive Deans
- b. Heads of Schools
- c. Faculty Business Managers
- d. Manager, Student Affairs
- e. Executive Director, Integrity Unit
- f. Members of a Conduct Committee
- g. Members of a Misconduct Tribunal
- h. Any other roles approved by the Deputy Vice-Chancellor and Vice-President (Academic).

Student Conduct Register - The Student Conduct Register is the central system through which all issues of student conduct are recorded.

Student Misconduct – Any behaviour that contravenes the Student Code of Conduct, or as defined in the Statutes of the University.

Authority Category	Authority
RMO File No.	2023/4440
Policy Custodian	Deputy Vice-Chancellor and Vice-President (Academic)
Responsible policy officer	Director, Student Life – Division of Academic and Student Engagement
Endorsed by	Academic Board on 5 June 2024
Approved by	Vice-Chancellor and President on 6 June 2024
Related Documents and Policies	Student Misconduct Rules Statutes of the University Student Code of Conduct Equal Opportunity Policy Privacy Policy Sexual Misconduct Policy Academic Integrity Policy Responsible Conduct of Research Policy
Related Legislation	University of Adelaide Act 1971 (SA) Education Services for Overseas Students (ESOS) Act 2000 (Cth) Equal Opportunity Act 1984 (SA)
Effective Date	22 July 2024
Review Date	21 July 2027
Contact for queries about the policy	Director, Student Life – Division of Academic and Student Engagement