

Student Conduct Policy Process

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Owner	Academic Registrar
Author	Associate Director, Integrity
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Contact	student.conduct@rmit.edu.au
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Purpose

This process supports the Student Conduct Policy. Its purpose is to ensure a consistent approach to management of allegations of student misconduct and hearings in relation to these allegations.

Scope

This process applies to all students enrolled in programs and courses managed by RMIT University and other RMIT Group institutions, including:

- students on leave of absence
- students studying through Open Universities Australia (OUA) or another third-party provider of RMIT courses and programs
- students studying RMIT programs at partner institutions
- students in higher degree by research programs who've submitted work for examination, and
- graduands.

Process details

1. Student care

- 1.1. Applying this student conduct process may have adverse personal or academic consequences for students; therefore, any students to whom this process is applied will be provided with:
 - a) information about and encouragement to use the advocacy services provided by the Student Union and the support services of the University
 - b) care for their wellbeing
 - c) clear communications about the process
 - d) opportunities to engage with the process, and

e) recognition of their rights.

1.2. During engagement with student conduct processes, a student may choose to disclose details of concerning, threatening or inappropriate behaviour. Disclosures may include but are not limited to sexual harassment as described in the Sexual Harassment Policy, sexual assault, stalking, self-harm, bullying, harassment, unlawful discrimination and/or victimisation.

Safer Community provides support and advice to students and staff concerned about threatening or inappropriate behaviour. Staff should contact Safer Community for initial advice while maintaining student privacy. Such action will enable staff to respond to the student, providing timely referral to relevant services such as Safer Community, Student Counselling, Students Complaints, and Student Support. Mandatory reporting and other requirements, including Reportable Conduct Scheme apply to students under the age of 18.

Where there is an immediate risk of harm, seek urgent assistance via

- emergency services 000
- RMIT Urgent Security; or
- if unsure and needing advice, contact the RMIT Staff line for urgent student support on + 61 3 9925 1111.

2. Risky, threatening or concerning behaviours

2.1. Where a student's behaviour presents an immediate risk of harm, staff should contact Emergency Services on 000 immediately.

Immediately afterwards:

2.2. Contact Campus Safety and Security about:

- a) the safety of any person including themselves
- b) property damage or theft
- c) referral to the Crisis Management Team as appropriate.

2.3. Contact the Safer Community Unit about:

- a) strategies to address the behaviour
- b) appropriate referral options including student counselling and student support
- c) reasonable and appropriate precautionary measures to protect the safety of any person prior to finalisation of misconduct proceedings including but not restricted to
 - conditions on the accused student (cl 2.1.2(b) Student Conduct Policy)
 - executive suspension (cl 14 Student Conduct Policy)
 - exclusion from University services and facilities (cl 6.1.4 Student Conduct Policy)

noting that a breach of any precautionary measure may be treated as a separate allegation of misconduct

- d) disclosure of information
- e) use of external consultations and investigation services.

2.4. Where a person under the age of 18 is involved, the Safer Community Unit will also advise on:

- a) case management options;
 - b) development of a management plan; and
 - c) referral to the Crisis Management Team as appropriate.
- 2.5. Where staff have concerns about how to support a distressed student and/or the risk of self-harm by a student, they should immediately contact Student Counselling for:
- a) advice on managing the student's distress and/or
 - b) referral of the student to Student Counselling or other specialist support.
- 2.6. Staff report incidents of threatening behaviour by a student to the relevant senior officer as soon as practicable.
- 2.7. Staff report incidents that may involve occupational health and safety concerns via Human Resources as soon as practicable.

3. General misconduct

- 3.1. Where a student's behaviour may constitute general misconduct as defined in the Student conduct policy, it is investigated, evidence and rationale for misconduct are collected and provided in a referral to a senior officer using the general referral template. The senior officer evaluates the information and decides:
- a) that the matter has been resolved and no further action is required;
 - b) returns the allegation to the relevant officer for further development and resubmission within 10 days;
 - c) to hear the matter as an allegation of misconduct;
 - d) to refer the allegation to another senior officer; or
 - e) to refer the allegation to the Student Conduct Board (at RMIT University Australia) or equivalent panel (at another RMIT Group institution).
- 3.2. Investigations may be undertaken by staff or by an external investigation. Engagement of an external investigator must be endorsed by the appropriate executive officer prior to commencement.

4. Academic misconduct

- 4.1. Where staff become aware of a potential breach of academic integrity, they investigate it in accordance with the Assessment and Assessment Flexibility Policy and report it to the relevant course coordinator.
- 4.2. The course coordinator evaluates the potential breach and:
- a) decides the breach is an assessment matter and can be addressed as part of the assessment of the student's work; or
 - b) makes an initial assessment of academic misconduct and collates the evidence and rationale for misconduct in a referral to a Senior officer using the Academic referral template.
- 4.3. The senior officer evaluates the allegation and decides:
- a) the allegation is an assessment matter and can be addressed as part of the assessment of the student's work, or

- b) to return the allegation to the relevant officer for further development and resubmission within 10 days; or
 - c) to hear the matter as an allegation of misconduct, or
 - d) to refer the allegation to another senior officer, or
 - e) to refer the allegation to the Student Conduct Board (at RMIT University Australia) or equivalent panel (at another RMIT Group institution).
- 4.4. The senior officer will normally refer an allegation of academic misconduct to the Student Conduct Board or equivalent panel when it concerns:
- a) research misconduct,
 - b) serial academic misconduct, or
 - c) unethical conduct, including but not restricted to
 - d) purchase of assessment materials, or
 - e) impersonation of a student for an assessment task.

5. Hearings

- 5.1. The Associate Director, Integrity or equivalent position at another RMIT Group institution will decide whether an allegation will be
- a) heard as referred
 - b) returned to the senior officer for further development and resubmission within 10 days
 - c) not heard, with reasons sent in writing to the student and senior officer.
- 5.2. A senior officer, Student Conduct Board, Student Conduct Appeals Committee or equivalent panel will normally hear an allegation or appeal within 30 working days of its receipt except where:
- a) there are exceptional circumstances
 - b) the allegation is dependent upon the conclusion of external action including but not restricted to judicial proceedings, police actions, or completion of a specialist investigation
- 5.3. A senior officer or the secretary of a student conduct panel (such as the Student Conduct Board secretariat or Student Conduct Appeals Committee secretariat) notifies a student who is to attend a hearing, at least 10 working days before the hearing, of:
- a) the date, time and location of the hearing,
 - b) details of the allegation and all supporting evidence, or (if it is an appeal hearing) details of their appeal and all documentation concerning the original decision,
 - c) information about the student conduct/appeal process;
 - d) how to engage the advocacy services provided by the Student Union (or equivalent advocacy service at another RMIT Group institution) and the support services of the University, and
 - e) the name of the contact person responsible for handling their allegation/appeal.
- 5.4. A hearing may be rescheduled when the student:

- a) provides reasonable evidence that they are unable to attend at the scheduled time, or
 - b) provides written consent to waive the requirement of 10 working days' notice.
- 5.5. A student must confirm their attendance and the name of their support person at least one day before the hearing.
- 5.6. The senior officer or chair of the panel ensures that the hearing:
- a) is held in a confidential and comfortable venue,
 - b) as far as possible provides the student and their support person access to a separate private space for consultation before and after the hearing,
 - c) starts at the scheduled time,
 - d) proceeds without interruption, and
 - e) is managed so as to ensure that all parties are treated with respect.
- 5.7. A senior officer or chairperson of a hearing panel (such as the Student Conduct Board of Student Conduct Appeals Committee) decides all matters related to the conduct of a hearing including but not restricted to:
- a) attendance
 - b) rescheduling
 - c) adjournment, and
 - d) additional evidence
 - e) release of information about the process and the decision.
- 5.8. Where a hearing involves an allegation relating to the safety of any person or sexual misconduct:
- a) the senior officer or chairperson of the hearing panel will seek advice from the Manager, Safer Community on the appropriate arrangements for conducting the hearing
 - b) where possible, the senior officer or members of the hearing panel will have had training in the disclosure and handling of sexual misconduct by an approved external provider.
- 5.9. A hearing may proceed where a student fails to attend and does not notify the secretary of a reasonable cause for their absence, or doesn't arrive within fifteen minutes after the scheduled start-time.
- 5.10. A hearing panel (such as the Student Conduct Board secretariat or Student Conduct Appeals Committee secretariat) will as far as possible:
- a) comprise members of diverse genders and cultural backgrounds,
 - b) not be from a school responsible for the program in which the student is enrolled;
 - c) exclude members who have a conflict of interest with the matter being considered.
- 5.11. A quorum of a hearing panel is:
- a) the chairperson and two members for a board, and
 - b) the chairperson and one member for a committee.

- 5.12. A senior officer or chairperson of a hearing panel must act fairly but is not bound by rules of evidence, technicalities or legal forms, and may make such inquiries and consult such persons as they think necessary, provided that the student is informed of the need for such enquiries and is given any additional information for comment
- 5.13. The hearing/panel secretary is responsible for keeping an accurate record of the hearing, but no party may make an electronic record of the proceedings.
- 5.14. The senior officer or hearing panel will make its decision and (if relevant) apply penalties based on the evidence presented to it that has been considered by the student.
- 5.15. The senior officer or chairperson will inform the student of the decision and (if relevant) any penalties at the conclusion of the hearing, if the student is present.
- 5.16. The senior officer or chairperson will notify the student of the decision and (if relevant) any penalties in writing within 10 working days after the hearing.
- 5.17. The information and notification will include:
 - a) the clauses of the Student conduct policy that were alleged to have been breached;
 - b) the reasons for the decision and (where relevant) for any penalties
 - c) (where relevant) why any penalty and (where relevant) conditions placed on the penalty are appropriate to the type of misconduct
 - d) any consequences for the student, including consequences for a student visa
 - e) any other advice for the student, including relevant support services, and
 - f) opportunities for internal appeal and/or external review.
- 5.18. Communications to students under this process will normally be emailed to their student email account.
 - a) Alternatively, communications may be delivered to the student in person or sent by tracked delivery to their mailing address (as recorded on the student management system) when email is not appropriate or the student requests another channel of communication.

6. Appeals

- 6.1. A student may appeal the decision of a senior officer or board to the relevant appeal authority (at RMIT University, the Student Conduct Appeals Committee) if they:
 - a) submit their appeal in writing within 20 working days of the day they were notified or were sent the notification of the decision, and
 - b) identify the ground(s) of appeal (see the appeals section of the Student Conduct Policy for possible grounds), and
 - c) include all available evidence to demonstrate that the appeal meets the ground(s) identified in 6.1 (b) above.
- 6.2. The appeal authority will hear appeals that meet these conditions within 30 working days from the date the secretary considers the appeal submission to be complete.

7. Records, privacy and confidentiality

- 7.1. A student who is the subject of conduct proceedings must respect the confidentiality of the process and must not disclose related matters to anyone other than their support person or

advocate while the procedures are underway. Note limitations apply to confidentiality where risks to health and safety are present, or in matters involving persons under 18 years of age.

- 7.2. Advocates and support persons are bound by the same confidentiality as persons involved in the conduct proceeding.
- 7.3. RMIT balances the right to confidentiality against the principles of procedural fairness and will not unnecessarily disclose the identity of witnesses to the respondent where this may constitute a risk to safety.
- 7.4. The area responsible for the management of any aspect of this process must maintain records in accordance with the Privacy and Information Management Policy .
- 7.5. All information collected and/or managed under this process must be handled in accordance with the Privacy and Information Management Policy.

Resources

- Allegation of General Misconduct form (DOCX 110 KB)
- List of Senior Officers (PDF 379 KB)

Document history

Version	Approval Date	Effective Date	Summary of Changes	Approval Authority
1.0	3 April 2017	1 September 2017	New policy	Academic Board
1.1	12 November 2018	22 November 2018	Amendment	Academic Board
1.2	15 February 2019	18 February 2019	Minor amendment	Academic Registrar

See also

- Campus Safety and Security
- Privacy and information management policy
- Safer Community Unit
- Student Counselling