



# Wollongong College Australia

A College of the University of Wollongong

**Australia**

Wollongong

## Procedure for Managing Alleged General Misconduct by a Student

Wollongong College Australia  
A trading division of ITC Education Limited  
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Approved by WCA Academic Board

Reference  
and  
Legislation

WCA Student Conduct Policy

WCA Student Handbook

WCA Student Grievance Policy – Non Academic

[UOW Campus Access & Order Rules](#)

[UOW Code of Conduct – Library](#)

[General Retention and Disposal Authority GDA23](#)

[Halls of Residence Handbooks](#)

[IT Acceptable Use Policy](#) and associated IT Policies

Privacy Policy

Records Management Policy

[State Records Act 1998](#)

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# Procedure for Managing Alleged General Misconduct by a Student

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## 1. Introduction and Purpose

- 1.1 This procedure supports and should be read in conjunction with the Student Conduct Policy. In accordance with the Policy, this procedure must be followed when managing alleged general misconduct by a student.
- 1.2 The purpose of this procedure is to direct College staff and students on the process to be used when managing alleged general misconduct by a student.

## 2. Scope of Procedure

- 2.1 This procedure applies to the management of alleged general misconduct by a student of WCA (as defined in section 3 of the Student Conduct Policy), under the circumstances defined in section 4 of the Student Conduct Policy.

## 3. Definitions

| Word/Term            | Definition   |
|----------------------|--|
| Central Register     | A register and file of student misconduct investigations, controlled and maintained by the College.  |
| complainant          | A person who claims that a student has acted in a manner that does not comply with the College's or UOW's Rules, codes, policies or procedures |
| conflict of interest | A conflict between a person's private interests and College or University obligations  |
| due process          | Procedural rights under this procedure, including the application of the principles of natural justice   |
| SOLSMail             | Student Online Services email system   |

- 3.1 All other definitions relating to Student Conduct are detailed in section 3 of the Student Conduct Policy.

## 4. Roles and Responsibilities

- 4.1 Roles and responsibilities are detailed in the Section 5 of the Student Conduct Policy.

## 5. General Misconduct by a Student

5.1 General misconduct by a student can include, but is not limited to:

- a. Library misconduct, for example disruptive behaviour in the library, overdue items, damaging materials
- b. Misconduct in University Residence, for example disruptive behaviour, harassing other residents, damaging property, breaching the Campus Access & Order Rules within a Residence, other conduct by a student, including criminal conduct, which is detrimental to the proper conduct or reputation of the University
- c. IT misconduct, for example disclosing a user ID and password, giving access to the IT network, using another person's password, disrupting or damaging IT facilities, misusing email, accessing offensive material without authority, illegal or unauthorised downloading of music, video or text, creating or installing malicious software, gaining unauthorised access to the College's or UOW's IT facilities
- d. Other misconduct, for example breaches of Campus Access & Order Rules (excluding those which takes place in a University Residence), breaches of other UOW by-laws, rules, policies, codes or resolutions not covered under the above categories, other conduct by a student, including criminal conduct, which is detrimental to the proper conduct or reputation of the College or UOW such as harassing, threatening or abusing students or staff, disrupting a class or examination, damaging College or UOW property or external property while representing WCA as a student, multiple or blatant breaches of parking rules, and other conduct detrimental to the proper conduct or reputation of the College such as attempting to bribe or otherwise improperly influence staff or falsifying documents (e.g. medical certificates or enrolment documents).

5.2 Acceptable and unacceptable general conduct of a student is outlined in:

- a. the UOW [Campus Access & Order Rules](#)
- b. the UOW [IT Acceptable Use Policy](#) and associated IT policies
- c. the UOW [Code of Conduct – Library](#)
- d. the UOW [Halls of Residence Handbooks](#)
- e. Other College or UOW policies and practices.

### Responses to General Misconduct by a Student

5.3 General misconduct by a student may be managed by a Low-Level Response or High-Level Response. Outcomes of each level of response are shown in table 5.1.

**Table 5.1**

| <b>General Misconduct by a Student</b> |                    |   |
|--|--------------------|---|
| Library Misconduct                     | Low-Level Outcomes | <ol style="list-style-type: none"> <li>a. Reprimand from the UOW Librarian or standing nominee;</li> <li>b. Fine (as prescribed in the Library Borrowing Conditions) for overdue items;</li> <li>c. Temporary restriction of Library privileges; and/or</li> <li>d. Charge for costs of replacing or repairing any damaged property up to \$1000</li> </ol> |

| <b>General Misconduct by a Student</b> |                     |  |
|--|---------------------|--|
|  | High-Level Outcomes | <ul style="list-style-type: none"> <li>a. Reprimand from the Head, College Network;</li> <li>b. Charge for costs of replacing or repairing any damaged property in excess of \$1000;</li> <li>c. Fine of up to \$1000;</li> <li>d. Immediate Suspension by the Head, College Network;</li> <li>e. Deferred Suspension by the Head, College Network subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance);</li> <li>f. Exclusion from the College by the Head, College Network;</li> <li>g. Expulsion from the College by the Head, College Network; and/or</li> <li>h. Any other penalty that the Head, College Network deems appropriate</li> </ul>   |
| IT Misconduct                          | Low-Level Outcomes  | <ul style="list-style-type: none"> <li>a. Reprimand from the Campus Director or standing nominee;</li> <li>b. Charge for costs of replacing or repairing any damaged property up to \$1000; and/or</li> <li>c. Requirement of Community Service</li> </ul>   |
|  | High-Level Outcomes | <ul style="list-style-type: none"> <li>a. Reprimand from the Head, College Network;</li> <li>b. Charge for costs of replacing or repairing any damaged property in excess of \$1000;</li> <li>c. Withdrawal or restriction of access to IT Account</li> <li>d. Fine of up to \$1000;</li> <li>e. Immediate Suspension by the Head, College Network;</li> <li>f. Deferred Suspension by the Head, College Network subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance);</li> <li>g. Exclusion from the College by the Head, College Network;</li> <li>h. Expulsion from the College by the Head, College Network; and/or</li> <li>i. Any other penalty that the Head, College Network deems appropriate</li> </ul> |
| Misconduct in University Residence     | Low-Level Outcomes  | <ul style="list-style-type: none"> <li>a. Probation;</li> <li>b. Reprimand from the Head of Residence or standing nominee;</li> <li>c. Requirement of community service;</li> <li>d. Requirement to complete online behaviour program or attend Counselling Service;</li> <li>e. Withdrawal of resident privileges;</li> <li>f. Temporary or Permanent eviction from a University Residence; and/or</li> <li>g. Charge for costs of replacing or repairing any damaged property up to \$1000</li> </ul>  |

| <b>General Misconduct by a Student</b> |                     |  |
|--|---------------------|--|
|  | High-Level Outcomes | <ul style="list-style-type: none"> <li>a. Reprimand from the Head, College Network;</li> <li>b. Charge for costs of replacing or repairing any damaged property in excess of \$1000;</li> <li>c. Fine of up to \$1000;</li> <li>d. Immediate Suspension by the Head, College Network;</li> <li>e. Deferred Suspension by the Head, College Network subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance);</li> <li>f. Exclusion from the College by the Head, College Network;</li> <li>g. Expulsion from the College by the Head, College Network; and/or</li> <li>h. Any other penalty that the Head, College Network deems appropriate</li> </ul>   |
| Other Misconduct                       | Low-Level Outcomes  | <ul style="list-style-type: none"> <li>a. Reprimand from the Campus Director or standing nominee;</li> <li>b. Fine of up to \$250;</li> <li>c. Charge for costs of replacing or repairing any damaged property up to \$1000; and/or</li> <li>d. Limitation of student's right of access to the College</li> </ul>  |
|  | High-Level Outcomes | <ul style="list-style-type: none"> <li>a. Reprimand from the Head, College Network;</li> <li>b. Charge for costs of replacing or repairing any damaged property in excess of \$1000;</li> <li>c. Fine of up to \$1000;</li> <li>d. Immediate Suspension by the Head, College Network;</li> <li>e. Deferred Suspension by the Head, College Network subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance);</li> <li>f. Exclusion from the College by the Head, College Network;</li> <li>g. Expulsion from the College by the Head, College Network;</li> <li>h. Withhold official certification (eg academic transcript, degree testamur, certificate) for up to three months;</li> <li>i. Rescission of diploma by the WCA Academic Board;</li> <li>j. Rescission of certificate by the Head, College Network; and/or</li> <li>k. Any other penalty that the Head, College Network deems appropriate</li> </ul> |

5.4 The persons or panels that are authorised to implement outcomes at different levels are shown in table 5.2

**Table 5.2**

|                     |   |
|---------------------|---|
| Low-Level Response  | <ul style="list-style-type: none"> <li>i. Primary Investigation Officer</li> <li>ii. Student Conduct Panel</li> </ul> |
| High-Level Response | Student Conduct Panel   |

## Considerations when Implementing Outcomes

- 5.5 The following considerations may be taken into account when determining an appropriate response and outcome:
- a. Any relevant individual circumstances of the student
  - b. Whether the student has previously been found in breach of student general conduct and is the subject of an entry on the Central Register
  - c. Any apparent intention to commit the offence by the student, and, if any
  - d. The level and effect of that intention.

## 6. Urgency Provisions

- 6.1 Where alleged general misconduct by a student:

- a. is the subject of investigation by the police or other civil authorities
- b. may bring the College or UOW and its staff and students into disrepute
- c. involves extreme harassment or vilification which breaches the College's or UOW's Principles, Statement of Values, Rules, codes and/or policies
- d. threatens the welfare or study of other students or staff, or
- e. is otherwise considered to be serious enough to warrant immediate action,

a recommendation may be made to the Head, College Network that the following action be taken, pending the outcome of the investigation:

- i. temporary block of the student's IT access
- ii. limitation of the student's right of access to the College
- iii. termination of the student's right of access to the College, or
- iv. immediate suspension of the student from the College.

- 6.2 The following officers may, after preliminary review, make a recommendation as detailed in clause 6.1:

- a. Primary Investigation Officer
- b. Chair of the Student Conduct Panel

- 6.3 Upon receiving a recommendation under clause 6.1, the Head, College Network or nominee of the Head, College Network may either:

- a. accept the recommendation, impose a temporary block of IT access, limitation or termination of right of access, or immediate suspension, and, where appropriate, direct the officer that made the recommendation to refer the matter to the Student Conduct Panel as soon as possible and within a maximum of *ten working days*, or
- b. not accept the recommendation for immediate suspension, limitation or termination of access, or temporary block of IT access, and refer the matter back to the officer that made the recommendation for further investigation in accordance with the procedures listed in clause 8.1.

- 6.4 Where action is imposed under clause 6.3, the officer that recommended the action to the Head, College Network or nominee of the Head, College Network shall:
- a. ensure that the student is served with a written notice of the temporary block of IT access, limitation or termination of right of access, or suspension, *as a matter of urgency*
  - b. refer the matter to the Student Conduct Panel for the service of an Investigation Notice in accordance with the appropriate procedures listed in clause 8.1, and
  - c. notify relevant officers in writing.

## 7. Procedure for Managing Alleged General Misconduct by a Student

- 7.1 Staff members responsible for managing alleged general misconduct by a student shall follow the process set out in this procedure.
- 7.2 This procedure provides a staged investigation process for dealing with all allegations of general misconduct by a student:
- Stage 1: Initial determination by Primary Investigation Officer (PIO)  
 Stage 2: Conclusion of investigation by PIO  
 Stage 3: Investigation by Student Conduct Panel
- 7.3 A student has the right to appeal a decision at any stage of the investigation. The process for appealing decisions is outlined in the [Student Grievance Policy and Procedure – Non-Academic](#).

### Primary Investigation Officers

- 7.4 Table 7.1 shows the officers that hold the position of Primary Investigation Officer (PIO) for the purpose of managing alleged general misconduct by a student:

**Table 7.1**

|                                    |   |
|------------------------------------|---|
| Library Misconduct                 | University Librarian or standing nominee  |
| IT Misconduct                      | Deputy Vice-Principal (Finance and IT) or standing nominee                                  |
| Misconduct in University Residence | Head of University Residence or standing nominee; General Manager of Accommodation Services |
| Other Misconduct                   | Manager, Governance and Compliance or Quality and Curriculum Coordinator                    |

- 7.5 PIOs are permitted to seek advice from other PIOs during the investigation of alleged general misconduct by a student.

## **Stage 1 - Initial determination by PIO**

- 7.6 A staff member or student (complainant) shall refer an allegation of general misconduct by a student to the Program Manager as soon as practicable after the alleged misconduct has occurred. The complainant shall provide the Program Manager with all relevant information and evidence relating to the allegation.
- 7.7 The Program Manager shall forward all relevant information and evidence to an appropriate Primary Investigation Officer who shall determine whether there is sufficient evidence that general misconduct may have occurred.
- 7.8 If there is not sufficient evidence that general misconduct may have occurred, the allegation shall be dismissed and no further action shall be taken. The PIO shall advise the Program Manager of this outcome.
- 7.9 If there is sufficient evidence that general misconduct may have occurred, the allegation shall be upheld and investigated by the PIO.
- 7.10 The PIO shall discuss the allegation with the student and shall seek a student response to the allegation. If, after all reasonable efforts have been made to contact and discuss the allegation with the student, the PIO has not been able to do so; they may proceed with the investigation without discussion with the student.
- 7.11 Based on the evidence collected and the discussion with the student where this has taken place, the PIO shall determine whether general misconduct has occurred. The PIO must make this determination as soon as possible and within a maximum of *ten working days* of having received the allegation.

### **Allegation Dismissed**

- 7.12 If the PIO determines that general misconduct has not occurred, the allegation shall be dismissed.
- 7.13 The PIO shall advise the student and Program Manager that the allegation has been dismissed.
- 7.14 In some cases where it has been determined that general misconduct has not occurred, the PIO may determine that an informal response to the student's conduct is required. Actions that may be taken under an informal response are:
- a. Warning
  - b. Requirement of a formal apology from the student.
- 7.15 The PIO may take action under an informal response at his/her discretion. A record of the interaction shall be kept by the College.

### **Allegation Upheld**

- 7.16 If the PIO determines that general misconduct has occurred, the allegation shall be upheld.
- 7.17 The PIO shall request the Program Manager to check the Central Register to determine whether an entry exists for the student for any previous general misconduct offence.

- 7.18 The PIO shall determine the appropriate level of response and outcome, in accordance with clauses 5.3 and 5.4. In determining the appropriate level of response and outcome, the PIO may give consideration to the factors listed in clause 5.5.
- 7.19 If the PIO determines that a low-level response is appropriate, they shall continue with management of the case in accordance with Stage 2 - Conclusion of investigation by Primary Investigation Officer.
- 7.20 If the PIO determines that a high-level response is appropriate, the PIO shall refer the case to the Student Conduct Panel, in accordance with Stage 3 – Investigation by Student Conduct Panel.
- 7.21 When referring a matter to the Student Conduct Panel, the PIO must:
- a. use the *Referral of Misconduct Investigation Template* to record full details of the case, including:
    - i. a detailed explanation of the allegation
    - ii. evidence supporting the allegation
    - iii. result of discussion or interview with the student
    - iv. the student’s conduct history
    - v. the recommended outcome
    - vi. supporting materials
  - b. advise the College to create a record of the case on the Central Register, and
  - c. advise the student of the referral using the appropriate notice letter template.
- 7.22 A determination and response by the PIO shall be made as soon as possible and within a maximum of *ten working days* of having determined that general misconduct has occurred.

## **Stage 2 - Conclusion of investigation by Primary Investigation Officer**

### **Low Level Response**

- 7.23 The PIO shall determine the appropriate low-level outcome/action to be taken in accordance with clauses 5.3, 5.4 and 5.5.
- 7.24 The PIO shall:
- a. impose the outcome
  - b. advise the Program Manager to create a record of the case and the outcome on the Central Register, and
  - c. advise the student of the outcome using the appropriate notice letter template.
- 7.25 A student may appeal against a decision of the PIO, only if the appeal is based on lack of natural justice or due process, or if there is new evidence that has not previously been considered.
- 7.26 An appeal by a student against a decision of the PIO must:
- a. follow the procedure outlined in the [Student Grievance Policy and Procedure – Non-Academic](#), (Stage 3.- Referral to the Campus Director);
  - b. state fully the reasons for the appeal, and
  - c. include any relevant documentary evidence to support the appeal.

### **Appeal Dismissed**

- 7.27 If the Campus Director determines that there are not sufficient grounds for the appeal, then the decision of the PIO stands. The Campus Director shall:
- a. advise the Program Manager to update the case and outcome on the Central Register accordingly, and
  - b. advise the student and the PIO of the outcome using the appropriate notice letter template.
- 7.28 A student may appeal against a decision of the Campus Director only if the appeal is based on lack of natural justice or due process, or if there is new evidence that has not previously been considered. Refer to the [Student Grievance Policy and Procedure – Non-Academic](#).

### **Appeal Upheld**

- 7.29 If the Campus Director determines that there are sufficient grounds for the appeal, then the Campus Director shall follow the procedure as outlined in the [Student Grievance Policy and Procedure – Non-Academic](#) (Stage 3 - Referral to the Campus Director)

### **Stage 3 - Investigation by Student Conduct Panel**

- 7.30 The Student Conduct Panel shall consider cases referred to it by the PIO.
- 7.31 The Student Conduct Panel shall comprise:
- a. Head, College Network or nominee, as Chair
  - b. Campus Director, or nominee
  - c. One staff member (appointed by the Chair).
- 7.32 A Secretary to the Panel shall be appointed by the Head, College Network or nominee to assist the Panel in whatever way the Chair of the Panel directs.
- 7.33 The Student Conduct Panel shall meet to consider the evidence of the case and interview the student and any other persons relevant to the case. The Panel shall conduct the interview in accordance with *Section 8 - Investigation Panel Procedures*.
- 7.34 Based on the evidence considered and the interview with the student, the Student Conduct Panel shall determine whether general misconduct has occurred.

### **Allegation Dismissed**

- 7.35 If the Student Conduct Panel determines that general misconduct has not occurred, the allegation shall be dismissed.
- 7.36. The Student Conduct Panel shall:
- a. advise the Program Manager to update the record of the case on the Central Register, and
  - b. advise the student and PIO of the outcome using the appropriate notice letter template for advice to the student.

### **Allegation Upheld**

- 7.37 If the Student Conduct Panel determines that general misconduct has occurred, the allegation shall be upheld.
- 7.38 The Student Conduct Panel shall then determine the appropriate level of response and outcome (as detailed in clauses 5.3 and 5.4). When determining the appropriate level of response and outcome, consideration may be given to the factors listed in clause 5.5. The Student Conduct Panel shall:
- a. impose an outcome
  - b. advise the Program Manager to record the case and outcome on the Central Register, and
  - c. advise the student and PIO of the outcome using the appropriate notice letter template for advice to the student.

### **Appeal against Decision of the Student Conduct Panel**

- 7.39 A student may appeal against a decision of the Student Conduct Panel, only if the appeal is based on lack of natural justice or due process or if there is new evidence that has not previously been considered.
- 7.40 An appeal by a student against a decision of the Student Conduct Panel must:
- a. follow the procedure outlined in the [Student Grievance Policy and Procedure – Non-Academic](#), (Stage 4.- Appeal to the Student Appeals Committee);
  - b. state fully the reasons for the appeal, and
  - c. include any relevant documentary evidence to support the appeal.
- 7.41 The Manager, Governance and Compliance or nominee shall consider the case put forward and evidence provided by the student to support the appeal.
- 7.42 The Manager, Governance and Compliance or nominee shall determine whether there are sufficient grounds for the appeal as soon as possible and within a maximum of *ten working days* of having received the appeal.

### **Appeal Dismissed**

- 7.43 If the Manager, Governance and Compliance or nominee determines that there are not sufficient grounds for the appeal, then the decision of the Student Conduct Panel stands. The Manager, Governance and Compliance or nominee shall:
- a. advise the Program Manager to document the appeal and outcome on the Central Register, and
  - b. advise the student and the PIO of the outcome using the appropriate notice letter template.
- 7.44 The student has no further opportunity to appeal the decision within the College.

## **Appeal Upheld**

- 7.45 If the Manager, Governance and Compliance or nominee determines that there are sufficient grounds for the appeal, then the case is referred to Student Appeals Committee in accordance with the [Student Grievance Policy and Procedure – Non-Academic](#) (Stage 4 – Appeal to the Student Appeals Committee) for consideration. The Manager, Governance and Compliance or nominee shall:
- a. refer the matter to the Student Appeals Committee using the *Referral of Misconduct Investigation Template*
  - b. advise the Program Manager to document the appeal and referral on the Central Register

## **Termination of Investigation Proceedings**

- 7.46 Any student conduct investigation proceedings, including appeal proceedings, may be suspended by the Campus Director if the student ceases to be enrolled at the College.
- 7.47 If student conduct investigation proceedings are suspended under rule 7.46, the Campus Director shall advise the student that:
- a. they have no automatic right to return to the College, and
  - b. if they apply for re-enrolment, they shall not be re-enrolled until the student conduct investigation proceedings are completed.
- 7.48 The Campus Director shall ensure that the record of the investigation on the Central Register is updated accordingly.

## **8. Investigation Panel Procedures**

- 8.1 The procedures set out below must be followed by the Student Conduct Panel when conducting an investigation of alleged general misconduct by a student.

### **Membership of Student Conduct Panel**

- 8.2 Both genders must be represented.
- 8.3 A person may not sit on the Panel investigating an allegation of misconduct where that person has previously been involved with the allegation or there is, otherwise, a potential conflict of interest.
- 8.4 A member of the Panel who, during an investigation, ceases to hold the office by virtue of which they are a member of that Panel, shall remain a member of the Panel until the investigation has been completed.
- 8.5 If during the currency of an investigation a member of the Panel becomes unable (through illness or any other cause) to act for a period that would unduly delay the completion of the investigation, the Panel may complete its investigation in their absence as long as at least two other members are still able to act.

## Referrals to Investigation Panels

- 8.6 Matters shall be referred to the Student Conduct Panel using the *Referral of Misconduct Investigation Template*. Referrals must include full details of the case, including:
- a. a detailed explanation of the allegation
  - b. evidence supporting the allegation
  - c. result of discussion or interview with the student
  - d. the student's conduct history, and
  - e. the recommended outcome
  - f. supporting materials

## Service of an Investigation Notice

- 8.7 Where a matter has been referred to the Student Conduct Panel, the Secretary of that Panel must serve the student with a written Investigation Notice within *ten working days* of the referral.
- 8.8 An Investigation Notice served under clause 8.7 must include:
- a. details of the allegation
  - b. reference to any rule, policy or code allegedly breached
  - c. advice on withholding assessment results (where relevant)
  - d. an invitation to attend an interview at a given date, time and location
  - e. the option for the student to be assisted by a support person of their choice at the interview
  - f. attached copies of any documentation being considered (subject to any requirement to maintain the privacy or safety of another person) and any relevant rule, policy or code
  - g. an invitation to the student to provide a written statement of how they wish to answer the allegation and any supporting evidence, including counselling reports in advance of the investigation interview, and
  - h. advice that, if the student chooses not to attend, the matter shall be determined in their absence.
- 8.9 A notice may be served on a student under this procedure either:
- a. personally within the College or elsewhere (e.g. at their residence), or
  - b. by SOLSMail and post addressed to the student's last known place of residence.
- 8.10 If a notice is served by way of SOLSMail and post, it shall be deemed to have been served on the student on the date on which it would have been delivered in the ordinary course of the post.
- 8.11 A copy of the notice served on a student under clause 8.7 must be provided to the Program Manager, for advice to other relevant officers of the College.

## Investigation Panel Meetings

- 8.12 The Panel meeting should be held within *twenty working days* of the date of service of the Investigation Notice, unless the Chair of the Panel grants an extension to the student or more time is required to collect necessary evidence.

- 8.13 a. If a student wishes to submit documentation listed in i, ii or iii to the Panel, it must be provided at least two working days before the Panel meeting:
- i) a written statement of how they intend to respond to the allegations
  - ii) other written material pertinent to their case
  - iii) the names of any witness(es) and/or any person supporting the student during the meeting in accordance with clause 8.15(f).
- b. any other supporting documentation including professional report(s), statement(s) of extenuating circumstances, or character reference(s), may be provided at the Panel meeting

### **Conduct of investigation**

8.14 Where a student who has been given due notice chooses not to attend a Panel meeting, the Panel may investigate the matter in the student's absence.

8.15 In conducting an investigation meeting, the Panel shall:

- a. give the student an opportunity to be heard
- b. where an allegation of misconduct is being investigated by the Student Conduct Panel, explain the allegation to the student and give the student the opportunity to respond to the allegation
- c. with the permission of the student, make an audio recording of the interview between the Panel and the student and attach to the Panel file
- d. give the Primary Investigation Officer bringing the complaint and/or any other staff member or student involved in the event(s) leading up to the complaint an opportunity to be heard;
- e. permit the student to be assisted by a support person
- f. at the discretion of the Chair, permit any person appearing before the Panel to be assisted by a support person
- g. permit any support person attending the meeting to provide advice to the student and to address the Panel in a summary statement only; the support person is not permitted to interview witnesses or to address the Panel directly during interviews
- h. permit the student to nominate witnesses to appear to support their defence against the complaint
- i. permit any person appearing before the Panel in accordance with (d) above to nominate witnesses to appear to support their evidence
- j. disallow questions which it considers to be unseemly or irrelevant for the nature of its investigation
- k. caution all persons appearing before the Panel that they are expected to conduct themselves in a reasonable and responsible manner during the proceedings and that any form of behaviour which is an impediment to the proceedings shall of itself be regarded as a breach of the Policy
- l. where there is reasonable concern by the Panel or any witness or participant in the proceedings that an individual's safety may be compromised by contact with the student who is the subject of the allegation (e.g. where the student is subject to an Apprehended Violence Order), be entitled to allow the evidence to be presented without the student being present
- m. where the conduct of any person interferes with any other person's right to be heard, be entitled to remove that person from the meeting and to hear their evidence separately
- n. in cases where the Panel finds that the complaint is proven, give the student the opportunity to be heard on the issue of penalty
- o. hold all its proceedings in private, and
- p. keep an adequate record of the Panel meeting proceedings.

- 8.16 Decisions of the Panel are made by majority.
- 8.17 Where multiple investigations of alleged general misconduct by a particular student are taking place concurrently, the determination of an appropriate outcome for the latter investigation/s may be deferred until the determination of an outcome for the former investigation has been made.
- 8.18 A comprehensive file of all relevant documentation, including records of the Panel proceedings, evidence presented and the Panel's decision should be created, maintained and retained in accordance with clause 10 of this procedure.

### **Outcome of Investigation**

- 8.19 As soon as practicable after a meeting of the Student Conduct Panel, and within a maximum of *ten working days*, the Chair of the Student Conduct Panel (or nominee), must serve the student with written notice of the outcome of the investigation using the appropriate notice letter template.
- 8.20 Where the outcome includes a reprimand from the Head, College Network, the notice shall be signed by the Head, College Network.
- 8.21 A copy of the outcome notice served on a student under clause 8.19 must be provided to the Program Manager, for advice to other relevant officers of the College.
- 8.22 At the conclusion of all investigations, the Program Manager shall update and close the record of the case on the Central Register accordingly.

### **9. Extension of time limits**

- 9.1 Any time limit set in this procedure may be extended at the discretion of the PIO or Chair of the Panel, for example, to provide adequate time to gather evidence and convene a meeting or because of special circumstances demonstrated by the student.

### **10. Record Keeping**

- 10.1 All Records relating to investigations of student misconduct shall be retained and disposed of in accordance with the College's Records Management Policy, [State Records Act 1998](#), and the [General Retention and Disposal Authority GDA23](#).
- 10.2 Cases of general misconduct by a student shall be recorded and filed centrally by the Program Manager.

## 11. Templates

### 11.1 Investigation and Outcome Notice Templates:

- a. Notice of Outcome of Investigation
- b. Notice of Investigation Panel Meeting

### 11.2 Referral of Misconduct Investigation Template

## 12. Version Control and Change History

| Version Control | Date Approved | Date Effective | Approved By        | Change Details |
|-----------------|---------------|----------------|--------------------|----------------|
| 1               | 11 June 2008  | 23 June 2008   | WCA Academic Board | New Procedure  |