



Policy and Governance Unit, Academic Registrar's Division

PROCEDURE FOR MANAGING ALLEGED GENERAL MISCONDUCT BY A STUDENT

Student Conduct Rules

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Responsible Division:	Policy and Governance Unit, Academic Registrar's Division				
Supporting documents, procedures & forms of this procedure:	Procedure Flowchart Investigation and Outcome Notice Templates Referral of Misconduct Investigation Template				
References & Legislation:	Student Conduct Rules Campus Access & Order Rules IT Acceptable Use Policy IT Security Policy IT Server Security Policy IT User Account Management Policy Code of Conduct – Library Code of Practice – Practical Placements Code of Practice – Students Halls of Residence Handbooks General Retention and Disposal Authority GDA23 Records Management Policy State Records Act 1998				
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1 Introduction and Purpose

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

2 Scope of Procedure

1. This procedure applies to the management of alleged general misconduct by a student of UOW (as defined in section 3 of the Student Conduct Rules), under the circumstances defined in section 4 of the Student Conduct Rules.

3 Definitions

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

All other definitions relating to Student Conduct are detailed in section 3 of the Student Conduct Rules.

4 Roles & Responsibilities

1. Roles and responsibilities are detailed in the Section 5 of the Student Conduct Rules.

5 General Misconduct by a Student

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 University'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 University 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 University such as harassing, threatening or abusing students or staff, disrupting a class or examination, damaging University property or external property while representing UOW as a student, multiple or blatant breaches of parking rules, and other conduct detrimental to the proper conduct or reputation of the University such as attempting to bribe or otherwise improperly influence staff or falsifying documents (e.g. medical certificates or enrolment documents).
2. Acceptable and unacceptable general conduct of a student is outlined in:
 - a. the [Campus Access & Order Rules](#)
 - b. the [IT Acceptable Use Policy](#) and associated IT policies
 - c. the [Code of Conduct – Library](#)
 - d. the [Code of Practice – Practical Placements](#)
 - e. the [Code of Practice – Students](#)
 - f. the [Halls of Residence Handbooks](#)
 - g. Other University, Faculty and/or Academic Unit policies and practices.

Responses to General Misconduct by a Student

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 - General Misconduct by a Student		
Library Misconduct	Low-Level Outcomes	Reprimand from the University Librarian or standing

		<p>nominee;</p> <p>Fine (as prescribed in the Library Borrowing Conditions) for overdue items;</p> <p>Temporary restriction of Library privileges; and/or</p> <p>Charge for costs of replacing or repairing any damaged property up to \$1000</p>
	High-Level Outcomes	<p>Reprimand from the Vice-Chancellor;</p> <p>Charge for costs of replacing or repairing any damaged property in excess of \$1000;</p> <p>Fine of up to \$1000;</p> <p>Immediate Suspension by the Vice-Chancellor (with or without also suspending any scholarship the student may hold);</p> <p>Deferred Suspension by the Vice-Chancellor subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance);</p> <p>Exclusion from the University by the Vice-Chancellor;</p> <p>Expulsion from the University by the Vice-Chancellor; and/or</p> <p>Any other penalty that the Vice-Chancellor deems appropriate</p>
IT Misconduct	Low-Level Outcomes	<p>Reprimand from the Deputy Vice-Principal (Finance and IT) or standing nominee;</p> <p>Charge for costs of replacing or repairing any damaged property up to \$1000; and/or</p> <p>Requirement of Community Service</p>
	High-Level Outcomes	<p>Reprimand from the Vice-Chancellor;</p> <p>Charge for costs of replacing or repairing any damaged property in excess of \$1000;</p> <p>Withdrawal or restriction of access to IT Account</p> <p>Fine of up to \$1000;</p> <p>Immediate Suspension by the Vice-Chancellor (with or without also suspending any scholarship the student may hold);</p> <p>Deferred Suspension by the Vice-Chancellor subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance);</p> <p>Exclusion from the University by the Vice-Chancellor;</p> <p>Expulsion from the University by the Vice-Chancellor; and/or</p>

		Any other penalty that the Vice-Chancellor deems appropriate
Misconduct in University Residence	Low-Level Outcomes	<p>Probation;</p> <p>Reprimand from the Head of Residence or standing nominee;</p> <p>Requirement of community service;</p> <p>Requirement to complete online behaviour program or attend Counseling Service;</p> <p>Withdrawal of resident privileges;</p> <p>Temporary or Permanent eviction from a University Residence; and/or</p> <p>Charge for costs of replacing or repairing any damaged property up to \$1000</p>
	High-Level Outcomes	<p>Reprimand from the Vice-Chancellor;</p> <p>Charge for costs of replacing or repairing any damaged property in excess of \$1000;</p> <p>Fine of up to \$1000;</p> <p>Immediate Suspension by the Vice-Chancellor (with or without also suspending any scholarship the student may hold);</p> <p>Deferred Suspension by the Vice-Chancellor subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance);</p> <p>Exclusion from the University by the Vice-Chancellor;</p> <p>Expulsion from the University by the Vice-Chancellor; and/or</p> <p>Any other penalty that the Vice-Chancellor deems appropriate</p>
Other Misconduct	Low-Level Outcomes	<p>Reprimand from the Academic Registrar or standing nominee;</p> <p>Fine of up to \$250;</p> <p>Charge for costs of replacing or repairing any damaged property up to \$1000; and/or</p> <p>Limitation of student's right of access to the University</p>
	High-Level Outcomes	<p>Reprimand from the Vice-Chancellor;</p> <p>Charge for costs of replacing or repairing any damaged property in excess of \$1000;</p> <p>Fine of up to \$1000;</p> <p>Mark penalty in assessment and/or subject where the</p>

		<p>misconduct could affect academic performance</p> <p>Immediate Suspension by the Vice-Chancellor (with or without also suspending any scholarship the student may hold);</p> <p>Deferred Suspension by the Vice-Chancellor subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance);</p> <p>Exclusion from the University by the Vice-Chancellor;</p> <p>Expulsion from the University by the Vice-Chancellor;</p> <p>Withhold official certification (eg academic transcript, degree testamur) for up to three months;</p> <p>Rescission of degree by the University Council; and/or</p> <p>Any other penalty that the Vice-Chancellor deems appropriate</p>
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4. The persons or committees that are authorised to implement outcomes at different levels are shown in Table 5.2

Table 5.2 – Persons or Committees Authorised to Implement Outcomes	
Low-Level Response	<p>Primary Investigation Officer</p> <p>Student Conduct Committee</p>
High-Level Response	<p>Student Conduct Committee (in some cases in consultation with the Vice-Chancellor)</p>

Considerations when Implementing Outcomes

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

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 University and its staff and students into disrepute
 - c. involves extreme harassment or vilification which breaches the University'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 Vice-Chancellor that the following action be taken, pending the outcome of the investigation:

- f. temporary block of the student's IT access
 - g. limitation of the student's right of access to the University
 - h. termination of the student's right of access to the University, or
 - i. immediate suspension of the student from the University.
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 Committee
 3. Upon receiving a recommendation under clause 6.1, the Vice-Chancellor or standing nominee of the Vice-Chancellor 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 Committee 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.
 4. Where action is imposed under clause 6.3, the officer that recommended the action to the Vice-Chancellor or standing nominee of the Vice-Chancellor 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 Committee for the service of an Investigation Notice in accordance with the appropriate procedures listed in clause 8.1, and
 - c. notify the Academic Registrar in writing, for advice to relevant officers.

7 Procedure for Managing Alleged General Misconduct by a Student

1. Staff members responsible for managing alleged general misconduct by a student shall follow the process set out in this procedure and the Management of Alleged General Misconduct by a Student Flowchart.
2. This procedure provides a staged investigation and appeal 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 Committee
 - Stage 4: Consideration of an Appeal by University Council Committee of Appeal (Student Discipline)

Primary Investigation Officers

3. 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 – Primary Investigation Officers – General Misconduct	
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	Academic Registrar or standing nominee

4. PIOs are permitted to seek advice from other PIOs during the investigation of alleged general misconduct by a student.
5. The Academic Registrar's Division (ARD) shall maintain a record of all PIOs.

Stage 1 - Initial determination by PIO

6. A staff member or student (complainant) shall refer an allegation of general misconduct by a student to an appropriate Primary Investigation Officer as soon as practicable after the alleged misconduct has occurred. The complainant shall provide the PIO with all relevant information and evidence relating to the allegation.
7. The PIO shall determine whether there is sufficient evidence that general misconduct may have occurred.
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 complainant of this outcome.
9. If there is sufficient evidence that general misconduct may have occurred, the allegation shall be upheld and investigated by the PIO.
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.
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

12. If the PIO determines that general misconduct has not occurred, the allegation shall be dismissed.
13. The PIO shall advise the student and complainant that the allegation has been dismissed.

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.
15. The PIO may take action under an informal response at his/her discretion. A record of the interaction shall be kept by the PIO.

Allegation Upheld

16. If the PIO determines that general misconduct has occurred, the allegation shall be upheld.
17. The PIO shall request ARD to check the Central Register to determine whether an entry exists for the student for any previous general misconduct offence.
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.
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.
20. If the PIO determines that a high-level response is appropriate, the PIO shall refer the case to the Student Conduct Committee, in accordance with Stage 3 – Investigation by Student Conduct Committee.
21. When referring a matter to the Student Conduct Committee, 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 ARD 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.
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

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.
24. The PIO shall:
 - a. impose the outcome
 - b. advise ARD 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.
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.
26. An appeal by a student against a decision of the PIO must:
- a. be lodged in writing with the Academic Registrar (or, where the Academic Registrar is the PIO, another nominated officer not involved in the investigation) within *ten working days* of notification of the outcome of the investigation
 - b. state fully the reasons for the appeal, and
 - c. include any relevant documentary evidence to support the appeal.
27. The Academic Registrar (or other officer) shall consider the case put forward and evidence provided by the student to support the appeal.
28. The Academic Registrar (or other officer) 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

29. If the Academic Registrar (or other officer) determines that there are not sufficient grounds for the appeal, then the decision of the PIO stands. The Academic Registrar shall:
- a. advise ARD to update the case and outcome on the Central Register accordingly, and
 - b. advise the student of the outcome using the appropriate notice letter template.
30. The student has no further opportunity to appeal the decision within the University.

Appeal Upheld

31. If the Academic Registrar (or other officer) determines that there are sufficient grounds for the appeal, then the case is referred to either the PIO for re-consideration or the Student Conduct Committee for consideration. The Academic Registrar shall:
- a. refer the matter back to the PIO or to the Student Conduct Committee using the *Referral of Misconduct Investigation Template*
 - b. advise ARD to record the appeal and referral on the Central Register accordingly, and
 - c. advise the student of the referral using the appropriate notice letter template.

Stage 3 - Investigation by Student Conduct Committee

32. The Student Conduct Committee shall consider cases referred to it by:
- a. the PIO
 - b. the Academic Registrar (or other officer) based on appeal by the student against the decision of the PIO
 - c. the Vice-Principal (Administration) for reconsideration as a result of appeal by the student as per clause 7.47, or
 - d. the Council Committee of Appeal (Student Discipline) for a new hearing or reconsideration as a result of a student appeal as per clause 7.56.
33. The Student Conduct Committee shall comprise:
- a. Deputy Vice-Chancellor (Academic & International) or nominee, as Chair
 - b. a senior University staff member appointed by the Chair, and

- c. a student appointed by either:
 - i. the President of the Wollongong Undergraduate Student Association (for undergraduate cases);
 - ii. the President of the Wollongong University Postgraduate Association (for postgraduate cases); or
 - iii. the Vice Chancellor, if it is not possible or appropriate for an appointment to be made under (i) or (ii).
- 34. A Secretary to the Committee shall be appointed by the Academic Registrar to assist the Committee in whatever way the Chair of the Committee directs.
- 35. The Student Conduct Committee shall meet to consider the evidence of the case and interview the student and any other persons relevant to the case. The Committee shall conduct the interview in accordance with Section 8. Investigation and Appeal Committee Procedures.
- 36. Based on the evidence considered and the interview with the student, the Student Conduct Committee shall determine whether general misconduct has occurred.

Allegation Dismissed

- 37. If the Student Conduct Committee determines that general misconduct has not occurred, the allegation shall be dismissed.
- 38. The Student Conduct Committee shall:
 - a. advise ARD 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

- 39. If the Student Conduct Committee determines that general misconduct has occurred, the allegation shall be upheld.
- 40. The Student Conduct Committee 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 Committee shall:
 - a. impose an outcome
 - b. advise ARD 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 Committee

- 41. A student may appeal against a decision of the Student Conduct Committee, 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.
- 42. An appeal by a student against a decision of the Student Conduct Committee must:
 - a. be lodged, in writing, with the Vice-Principal (Administration) within *twenty working days* of notification of the outcome of the investigation
 - b. state fully the reasons for the appeal, and
 - c. include any relevant documentary evidence to support the appeal.

43. The Vice-Principal (Administration) shall consider the case put forward and evidence provided by the student to support the appeal.
44. The Vice-Principal (Administration) 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

45. If the Vice-Principal (Administration) determines that there are not sufficient grounds for the appeal, then the decision of the Student Conduct Committee stands. The Vice-Principal (Administration) shall:
 - a. advise ARD to document the appeal and outcome on the Central Register, and
 - b. advise the student of the outcome using the appropriate notice letter template.
46. The student has no further opportunity to appeal the decision within the University.

Appeal Upheld

47. If the Vice-Principal (Administration) determines that there are sufficient grounds for the appeal, then the case is referred to either the Student Conduct Committee for re-consideration or the Council Committee of Appeal (Student Discipline) for consideration. The Vice-Principal (Administration) shall:
 - a. refer the matter back to the Student Conduct Committee for reconsideration; or refer the matter to the Council Committee of Appeal (Student Discipline) using the *Referral of Misconduct Investigation Template*
 - b. advise ARD to document the appeal and referral on the Central Register, and
 - c. advise the student of the referral using the appropriate notice letter template.

Stage 5 - Consideration of an Appeal by Council Committee of Appeal (Student Discipline)

48. The Council Committee of Appeal (Student Discipline) shall consider cases referred to them by the Vice-Principal (Administration) as a result of appeal by the student.
49. The Committee of Appeal (Student Discipline) shall comprise:
 - a. the Deputy Chancellor or, if unavailable, another member of Council appointed by the Chancellor (as Chair)
 - b. the student member of Council or, if unavailable, another student appointed by Council, and
 - c. one other member of Council appointed by Council.
50. A Secretary to the Committee of Appeal (Student Discipline) shall be appointed by the Vice-Principal (Administration) to assist the Committee in whatever way the Chair of the Committee directs.
51. As soon as possible, and within a maximum of *ten working days*, the Council Committee of Appeal (Student Discipline) shall meet to consider the evidence of the case and interview the student and any other persons relevant to the case. The Committee shall conduct the interview in accordance with *Section 8. Investigation & Appeal Committee Procedures*.
52. The Council Committee of Appeal (Student Discipline) shall determine whether the appeal is warranted and shall be upheld.
53. If the Council Committee of Appeal (Student Discipline) determines that the appeal is not warranted, the decision of the Student Conduct Committee shall be upheld.

54. The Council Committee of Appeal (Student Discipline) shall:
 - a. advise ARD to update the record of the case on the Central Register accordingly, and
 - b. advise the student and PIO of the outcome using the appropriate notice letter template for advice to the student.
55. The student shall have no further opportunity to appeal the decision within the University.
56. If the Council Committee of Appeal (Student Discipline) determines that the appeal is warranted the matter shall be referred back to the Student Conduct Committee for re-consideration.
57. The Council Committee of Appeal (Student Discipline) shall:
 - a. advise ARD to update the record of the case, appeal and referral on the Central Register accordingly, and
 - b. advise the student of the referral using the appropriate notice letter template.

Termination of Investigation Proceedings

58. Any student conduct investigation proceedings, including appeal proceedings, may be suspended by the Vice-Principal (Administration) if the student ceases to be enrolled at the University.
59. If student conduct investigation proceedings are suspended under rule 7.58, the Vice-Principal (Administration) shall advise the student that:
 - a. they have no automatic right to return to the University, and
 - b. if they apply for re-enrolment, they shall not be re-enrolled until the student conduct investigation proceedings are completed.
60. The Vice Principal (Administration) shall ensure that the record of the investigation on the Central Register is updated accordingly.

8 Investigation Committee Procedures

1. The procedures set out below must be followed by any Investigation Committee when conducting an investigation of alleged general misconduct by a student.
2. Investigation Committees authorised to investigate cases of alleged general misconduct by a student are:
 - a. Student Conduct Committee
 - b. Council Committee of Appeal (Student Discipline)

Membership of Investigation Committees

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

Referrals to Investigation Committees

7. Matters shall be referred to an Investigation Committee 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. Where a matter has been referred to the Student Conduct Committee, the Secretary of that committee must serve the student with a written Investigation Notice within *ten working days* of the referral.
9. An Investigation Notice served under clause 8.8 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.
10. A notice may be served on a student under this procedure either:
 - a. personally within the University or elsewhere (e.g. at their residence), or
 - b. by SOLSMail and post addressed to the student's last known place of residence.
11. 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.
12. A copy of the notice served on a student under clause 8.8 must be provided to the Academic Registrar, for advice to other relevant officers of the University.

Investigation Committee Meetings

13. The committee meeting should be held within *twenty working days* of the date of service of the Investigation Notice, unless the Chair of the committee grants an extension to the student or more time is required to collect necessary evidence.
14. If a student wishes to submit documentation listed in i, ii or iii to the committee, it must be provided at least two working days before the committee 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 8.16(f).
- a. any other supporting documentation including professional report(s), statement(s) of extenuating circumstances, or character reference(s), may be provided at the committee meeting

Conduct of investigation

15. Where a student who has been given due notice chooses not to attend a committee meeting, the committee may investigate the matter or hear an appeal in the student's absence.
16. In conducting an investigation or appeal meeting, a committee shall:
- a. give the student an opportunity to be heard
 - b. where an allegation of misconduct is being investigated by the Student Conduct Committee, 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 committee and the student and attach to the committee 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 committee 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 committee in a summary statement only; the support person is not permitted to interview witnesses or to address the committee 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 committee 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 committee 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 Rules
 - l. where there is reasonable concern by the committee 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 committee 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 committee meeting proceedings.
17. Decisions of a committee are made by majority.
 18. 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.
 19. A comprehensive file of all relevant documentation, including records of the committee proceedings, evidence presented and the committee's decision should be created, maintained and retained in accordance with clause 10 of this procedure.

Outcome of Investigation

20. As soon as practicable after a meeting of the Student Conduct Committee, and within a maximum of *ten working days*, the Chair of the Student Conduct Committee (or nominee), must serve the student with written notice of the outcome of the investigation using the appropriate notice letter template.
21. Where the outcome includes a reprimand from the Vice-Chancellor, the notice shall be signed by the Vice-Chancellor (or nominee).
22. As soon as practicable after a meeting of the University Council Committee of Appeal and within a maximum of *ten working days*, the Secretary of the Committee must serve the student with written notice of the outcome of the appeal using the appropriate notice letter template.
23. A copy of the outcome notice served on a student under clause 8.20 or 8.22 must be provided to the Academic Registrar, for advice to other relevant officers of the University.
24. At the conclusion of all investigations, ARD shall update and close the record of the case on the Central Register accordingly.

9 Extension of time limits

1. Any time limit set in this procedure may be extended at the discretion of the PIO or Chair of the committee, 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

1. All Records relating to investigations of student misconduct shall be retained and disposed of in accordance with the University's [Records Management Policy](#), [State Records Act 1998](#), and the [General Retention and Disposal Authority GDA23](#).
2. Cases of general misconduct by a student resulting in a Low-Level or High-Level outcome shall be recorded and filed centrally by the Academic Registrar's Division. The Academic Registrar's Division is responsible for developing and maintaining the Central Register.

11 Flowchart and Templates

1. [Procedure Flowchart](#)
2. Investigation and Outcome Notice Templates:
 - a. [Notice of Outcome of Investigation](#)
 - b. [Notice of Investigation Committee Meeting](#)

- c. [Notice of Action following Appeal](#)
- d. [Referral of Misconduct Investigation Template](#)

12 Version Control and Change History

Version Control	Date Effective	Approved By	Amendments
1	1 January 2008	University Council	Procedure for Managing Alleged General Misconduct by a Student accompanies Student Conduct Rules and replaces Rules for Student Conduct & Discipline.
2	1 January 2008	Vice-Principal (Administration)	Minor editorial amendments - Tables 5.1 and 7.1: "IT Director" changed to "Deputy Vice-Principal (Finance and IT)"; Clause 7.42 "ten working days" changed to "twenty working days" to be compliant with National Code.
3	5 February 2009	Deputy Vice-Chancellor (Academic)	Migrated to UOW Procedure Template as per Policy Directory Refresh
4	6 February 2009	University Council	Minor amendment to High-Level Outcomes for Other Misconduct: additional outcome "Mark penalty in assessment and/or subject where the misconduct could affect academic performance".