

Student Misconduct Policy

1. Purpose

This Policy sets out the principles that underpin the UNSW College approach to a failure by a student to meet one or more of the responsibilities found in the [Student Code of Conduct](#) (Student Code). It may be a single breach or multiple breaches.

This Policy is supported by the [Student Misconduct Procedure](#).

2. Scope

This Policy applies to:

- (a) all enrolled students and their activities undertaken within or with members of UNSW College community;
- (b) former students, students not currently enrolled, students previously enrolled where the behaviour in question occurred whilst a member of UNSW College community; and
- (c) enrolled students where the relevant conduct directly relates to enrolment or admission to a UNSW College program.

3. Policy Statement

All students are expected to conduct themselves in a way that:

- (a) supports freedom for others to pursue their College studies, duties, activities and engagement in College life;
- (b) respects the College's commitment to providing a quality education, a safe and fair learning environment and positive student experience;
- (c) accepts a shared responsibility between the College and its students to honour and promote a fair, honest, respectful, harmonious and inclusive community; and
- (d) upholds the reputation of the College.

3.1. Principles

- (a) All students are required to conduct themselves in a manner that supports the responsibilities and standards of behaviour expected of students and outlined in the Student Code.
- (b) A breach of the Student Code means a failure by a student to meet one or more of the responsibilities found in the Student Code. It may refer to a single breach or multiple breaches.
- (c) A serious breach, or repeated breaches, of the Student Code are Student Misconduct.
- (d) The following factors may be considered in determining the seriousness of a breach of the Student Code:

- i. the extent of deviation from expected behaviour;
- ii. the extent to which members of the UNSW College community, UNSW College resources, external parties, and / or the integrity of UNSW College courses or programs are or may have been adversely affected by the breach;
- iii. any prior breaches of the Student Code by the student;
- iv. the student's level of academic experience at UNSW College;
- v. whether any institutional failures contributed to the breach;
- vi. any mitigating or aggravating circumstances.

4. Forms of Student Misconduct

- (a) Breaches of the Student Code fall into one of two categories, academic or non-academic.
- (b) If the breach is one of academic misconduct, students will be subject to disciplinary action in accordance with the [Student Integrity Policy](#) and [Student Integrity Procedure](#), which includes referral to the [Student Misconduct Policy](#) when a 'Serious Breach', as referenced in 8.4 of the [Student Integrity Policy](#), is identified.
- (c) If non-academic misconduct, the alleged breach is managed in accordance with the [Student Misconduct Policy](#) and [Student Misconduct Procedure](#).

5. Penalties for Student Misconduct

- (a) Academic misconduct is a serious matter and penalties may include:
 - i. resubmission of an assessment with a mark penalty;
 - ii. undertaking a substitute assessment with a mark penalty;
 - iii. a zero mark for an assessment, possibly resulting in a failing grade for the relevant course;
 - iv. a failing grade for the course;
 - v. suspension from the College for a prescribed period;
 - vi. expulsion from the College permanently; and / or
 - vii. referral to an external body such as the police.
- (b) Non-academic misconduct is a serious matter and penalties may include:
 - i. a formal reprimand or warning;
 - ii. remedial educative action;
 - iii. probationary enrolment, with continuation of enrolment subject to specific conditions and/or the future good behaviour of the student;
 - iv. rescinding a passing grade already awarded to a student;
 - v. a requirement that the student pay compensation equal to the cost of restoring or replacing an item;
 - vi. review of eligibility for admission and any credit already granted;

- vii. revocation of an award;
- viii. suspension from the College for a prescribed period;
- ix. exclusion from the College, permanently;
- x. referral to an external body such as the NSW Police.

6. Roles and responsibilities

Role	Responsibility
Student Misconduct Committee	Determines outcomes/penalties in relation to student misconduct
Student Appeals Committee	Impartial consideration of academic and non-academic appeals

7. Definitions

Definitions and Acronyms	
Academic misconduct	Any behaviour or attempted behaviour that may result in an unfair academic advantage to one or more students.
Exclusion	Cancellation (either permanently or for a specified period) of the enrolment of a student. During the period of exclusion, a student is not permitted to undertake study in any College program. There is no automatic right of re-admission.
Non-Academic misconduct	Conduct that breaches the Student Code of Conduct that is not related to an academic matter
Student Code of Conduct	Outlines College responsibilities and the standard of conduct expected of all students as members of the UNSW College community.
Student Misconduct	A failure by a student to meet one or more of the responsibilities articulated in the Student Code of Conduct.
Suspension	Forced, temporary leave from the College with an automatic right of re-entry after eight months (two terms) have elapsed. A student's enrolment will be cancelled during that time and the student is not permitted to undertake study in any College program during the period of suspension.

Related Policy Documents and Supporting Documents	
Legislation	<ul style="list-style-type: none"> • <u>Education Services for Overseas Student Act 2000 (Cth)</u> • <u>National Code of Practice for Providers of Education and Training to Overseas Students 2018</u> • <u>Higher Education Standards Framework (Threshold Standards) 2021</u> • <u>Privacy Act 1988 (Cth)</u>

Related Policy Documents and Supporting Documents	
Policy	<ul style="list-style-type: none"> • Admissions Policy • Privacy Policy • Equity Diversity and Inclusion Policy • Student Code of Conduct • Student Integrity Policy • Student Review and Appeal Policy • Student Grievances and Complaints Policy
Procedures	<ul style="list-style-type: none"> • Student Grievances and Complaints Procedure • Student Integrity Procedure • Student Misconduct Procedure • Student Review and Appeal Procedure
Forms and Registers	<ul style="list-style-type: none"> • Request to Appeal Form • Student Misconduct Register

8. Policy Governance

Student Misconduct Policy	
Category/Business Group	Legal and Compliance
Published Externally (Yes/No)	Yes
Approver	Chief Executive Officer
Responsible Officer	Executive Director, Students
Contact Officer	Compliance Manager
Effective Date	17/08/2023
Next Review Date	17/08/2026
Version	1.0

Revision History

Version	Approved by	Approval date	Effective date	Sections modified
1	Chief Executive Officer – Sarah Lightfoot	11 August 2023	17 August 2023	N/A

Please visit our website to ensure that you have the latest version of this Policy. Policies are available at: unswcollege.edu.au/about/policies