

## Offshore Student Misconduct Policy

### 1. Purpose

UNSW College (the College) offers its Programs to offshore Students, i.e., those located outside of Australia.

These offshore Programs may be delivered either directly by the College (College delivered Program) or through a third-party Transnational Education (TNE) Provider (TNE Provider delivered Program), both of which operate under the College's academic and operational standards.

This Policy details the principles that govern the College's approach when a student fails to meet the responsibilities outlined in the [Offshore Student Code of Conduct](#). This may include single breaches or multiple breaches.

### 2. Scope

This Policy applies to:

- (a) all College Award and Non-Award Programs delivered offshore;
- (b) all students currently or previously enrolled in College TNE programs, including those studying at TNE Provider Centres under license.

### 3. Policy Statement

The College is committed to providing a fulfilling and rewarding learning experience to assist students to achieve their full academic potential.

To assist in meeting this commitment, students and staff are required to conduct themselves in a manner that aligns with this objective and supports the responsibilities and standards of behaviour expected of students and outlined in the [Offshore Student Code of Conduct](#).

Some cases of misconduct will be handled directly by UNSW College and some will be handled by the TNE Provider. To guide this delegation, the decision makers for Student Misconduct cases will be:

- (a) the College if:
  - i. the academic or non-academic misconduct involves a student enrolled in a College delivered program; or
  - ii. the academic or non-academic misconduct occurs within a TNE-Provider delivered program, where that misconduct is likely to have a material impact on College systems or reputation or is alleged misconduct by the Provider itself.
- (b) the TNE Provider for all other misconduct circumstances.

Please see Appendix 1: TNE Provider delivered Program - TNE Student Contact Matrix, for further information on decision maker. It is the responsibility of the Student to ensure that they raise misconduct with the correct decision maker.

#### 4. Forms of Student Misconduct

There are two categories of breaches of the [Offshore Student Code of Conduct](#), academic and non-academic:

- (c) Academic Misconduct, which is any behaviour or attempted behaviour that may result in an unfair academic advantage to one or more students and should be reported in accordance with the [Offshore Academic Integrity Policy](#), which includes referral to the College Student Misconduct Committee or relevant College Committee for serious and/or repeated breaches; and
- (d) Non-Academic Misconduct, which is conduct that breaches the [Offshore Student Code of Conduct Policy](#) and is managed according to this Policy or by the TNE Provider where applicable (Appendix 1).

#### 5. UNSW College and TNE Provider Responsibilities:

The College is responsible for:

- (e) requiring all members of the College community to understand their obligation on how to conduct themselves in a manner that aligns with the standards of behaviour outlined in the [Offshore Student Code of Conduct](#);
- (f) managing allegations of Academic Misconduct through the [Offshore Academic Integrity Policy](#), which includes referral to the College Student Misconduct Committee or relevant committee for repeat breaches and serious breaches;
- (a) investigating and managing any alleged breaches of Non-Academic Misconduct that could have a material impact on the College's systems or reputation or is alleged misconduct by the Provider itself;
- (b) ensuring investigations into alleged breaches are fair, transparent, consistent with principles of Procedural Fairness and appropriately respect the privacy of those involved.

The TNE Providers are responsible for:

- (g) resolving all non-Academic misconduct, unless the misconduct is likely to have a material impact on the College's systems, resources, reputation, or is alleged misconduct by the Provider itself.
- (h) requiring all members of the TNE Provider community to conduct themselves in a manner that aligns with the standards of behaviour outlined in the [Offshore Student Code of Conduct](#);
- (i) aiding the College with management of Academic Misconduct through the [Offshore Academic Integrity Policy](#) where applicable, which includes referral to the College Student Misconduct Committee or relevant committee for repeat breaches and serious breaches;
- (c) aiding College investigation and management where applicable of any alleged

breaches of Non-Academic Misconduct through this Policy;

- (d) ensuring investigations into alleged breaches are fair, transparent, consistent with principles of Procedural Fairness and appropriately respect the privacy of those involved.

## **6. Students' Responsibilities**

Students are responsible for:

- (a) supporting freedom for others to pursue their studies, duties, activities and engagement in College and TNE life;
- (j) respecting the College's and the TNE Provider's commitment to providing a quality education, a safe, inclusive and fair learning environment and positive student experience;
- (k) accepting shared responsibility between the College, and/or the TNE Provider and its students to honour and promote a fair, honest, respectful, harmonious and inclusive community;
- (l) upholding the reputation of the College and the TNE Provider;
- (m) understanding that a breach, or repeated breaches, of the [Offshore Student Code of Conduct](#) are deemed to be Student Misconduct;
- (b) understanding that Student Misconduct is a serious matter and penalties apply which include Suspension or Exclusion from the College and/or TNE Provider.

## **7. Factors Determining the Seriousness of a Breach**

Factors determining the seriousness of a breach of the [Offshore Student Code of Conduct](#) include:

- (a) the extent deviation from expected behaviour;
- (n) the extent to which members of the College or TNE Provider community members' resources, external parties and/or the integrity of programs may have been adversely affected by the breach;
- (b) any prior breaches of the [Offshore Student Code of Conduct](#) by the student;
- (c) the student's level of academic experience at the College;
- (d) whether any institutional failures contributed to the breach;
- (e) any mitigating or aggravating circumstances;

Misconduct would be assessed as Serious Misconduct based on high levels of the gravity, intent, and/or impact of the behaviour.

## **8. Reporting Student Misconduct**

- (a) Any College or TNE Provider staff member, student or a member of the public may report a student for possible misconduct.



- (b) Reporting a case of non-academic misconduct should be done as follows:
- I. if relating to a College delivered Program offered to offshore students, the report would be sent to [complaintsandconduct@unswcollege.edu.au](mailto:complaintsandconduct@unswcollege.edu.au), where it would be referred to one of the Decision Makers in Section 12 of this Policy; OR
  - II. if relating to a College program delivered by a TNE Provider, the issue would be reported to the relevant contact as per “Appendix 1. TNE Provider delivered Program - TNE Student Contact Matrix”. It is the responsibility of the Student to ensure that they raise misconduct with the correct decision maker.
- (c) The misconduct allegation must:
- i. provide details of the alleged misconduct, including the name(s) of the student(s) or staff who are alleged to be involved; and
  - (o) if possible, cite the relevant section(s) of the [Offshore Student Code of Conduct](#) that are alleged to have been breached.
- (d) If the matter relates to academic misconduct, the matter should be managed in accordance with the [Offshore Academic Integrity Policy](#).

## 9. Managing Reports of Student Misconduct

### 9.1 Initial steps relating to a report

- (a) The Decision Maker (DM) (see Section 12) or their nominee will undertake an assessment of the alleged breach and determine whether it:
- i. falls within the scope of this Policy;
  - ii. should be referred elsewhere, or
  - iii. should be dismissed.
- (b) The person making the allegation will be informed of the determination of this initial assessment within five (5) working days of receipt of the initial allegation.
- (c) If it is determined that the matter does constitute a breach of the Offshore Student Code of Conduct, and there is no immediate or imminent threat to the College, TNE Provider, or their communities, an investigation is undertaken while the student continues their studies.

### 9.2 Alleged breach involving imminent or serious threat to College or TNE Provider community

- (p) If the matter constitutes a potential breach of the [Offshore Student Code of Conduct](#), an assessment is undertaken to determine whether immediate intervention is warranted to prevent or minimize an imminent and serious threat from a student in relation to:
- (q) the safety or well-being of any member of the College and/or TNE Provider



- community; or
- (r) the proper functioning of any College and/or TNE Provider activity or damage to its resources.
- (a) If it is determined that immediate intervention is warranted, the following applies:
  - (s) if the student is studying at a TNE Centre, the TNE Provider may suspend the student immediately, initially for a period not exceeding twenty (20) working days, while a further investigation is undertaken. The student(s) will be notified by the TNE Provider in writing of the interim Suspension until finalisation of the investigation. The Provider must contact the College as soon as practical after suspending the student, citing the reasons for such a suspension;
  - (t) regardless of whether a breach falls under a TNE delivered or a College delivered program, the College Head of Transnational Education or an Executive Director may suspend the student immediately, initially for a period not exceeding twenty (20) working days, while a further investigation is undertaken. The student(s) will be notified in writing of the interim Suspension until finalisation of the investigation;
  - (u) any Suspension or restriction (other than ICT restrictions) shall be reported, by the College, to the College Compliance Committee or relevant committee, with that Committee having the authority to extend the interim Suspension or restriction period to cover the time taken to finalise any misconduct investigation, including any appeal, and may broaden the areas from which the student is suspended or restricted;
    - i. If it appears that a Suspension or restriction of a student was not warranted, the Suspension may constitute a ground on which the student may apply for Special Consideration in the assessment of any courses being taken.

### 9.3 Investigation of a Breach

- (a) An investigation is launched into the alleged breach, either while the student is temporarily suspended (see 9.2) or while a student continues their studies (9.1c).
- (b) The purpose of the investigation is to make findings of fact, enabling the DM or their nominee to assess if a breach has occurred, the extent of the breach and any further action required.
- (v) The student will be provided with a written statement of allegations and invited to admit or deny these in whole or part within ten (10) working days of receiving the notice of alleged breach, through a written statement.
- (c) The DM, their nominee or the student may also seek an opportunity to meet to discuss the allegations, supported by the student's written statement.
- (d) The DM or their nominee may also contact other parties to gather relevant information, consider whether expert advice is required and whether additional allegations or concerns should be raised with the student or elsewhere.



- (e) If the student declines or fails to respond to the allegations, the process will proceed directly to the penalty recommendation stage.

## **9.4 Investigation Report and Penalty Recommendation**

- (a) On completion of the investigation and receipt of the student's written submission, the DM will prepare a report which includes:
  - i. a summary of the allegations and the investigation process; and
  - ii. an evaluation of the facts, documents, information gathered and student's responses; and
- (w) a penalty recommendation if deemed serious Student Misconduct (see Section 7), made to the College Student Misconduct Committee; or
- iii. a determination of the outcome of the investigation by the DM.
- (x) If serious Student Misconduct, the report and penalty recommendation to the College Student Misconduct Committee must be submitted within ten (10) working days of receipt of the student's response to the allegations (or, in the event that the student fails to respond to the allegations, within 10 working days of the deadline for the student's response).
- (y) The College Student Misconduct Committee will then determine the penalties, if any, that will apply.

## **10. Outcome Advice to Student**

- (a) The student will be advised of either the College Student Misconduct Committee's decision if a serious Student Misconduct, or the DM's determination, within twenty (20) working days of receipt of the student's response to the allegations (or, in the event that the student fails to respond to the allegations, within 20 working days of the deadline for the student's response).
- (b) At any stage, the College, or the person making the allegation, may withdraw an allegation of misconduct or decline to proceed with an investigation. Where the formal process is underway, all parties will be notified in writing that the allegation has been withdrawn. In most instances the College will then deem the matter resolved. However, in certain circumstances, the College may deem the matter serious enough for an internal investigation to continue or for referral to an external agency.

## **11. Penalties**

- (a) The following factors are considered when determining the penalty imposed:
  - i. any previous findings of misconduct and the penalties imposed;
  - ii. the stage or level of study of the student;
  - iii. the severity of the breach;
  - iv. any intention or deliberation on the part of the student;



- v. personal health, family or other factors that have contributed to the misconduct;
- (z) other matters considered relevant in the circumstances.

(aa) Available penalties from the College include:

- (bb) a formal reprimand or warning;
- (cc) remedial educative action;
- (dd) probationary enrolment, with continuation of enrolment subject to specific conditions and/or the future good behaviour of the student;
- (ee) rescinding a passing grade already awarded to the student;
- (ff) student compensation payment equal to the restoration/replacement cost of an item;
- (gg) review of eligibility for admission and any credit already granted;
- (hh) revocation of an award;
- (ii) Suspension from the College or TNE Provider;
- (jj) Exclusion from the College or TNE Provider, either permanently or for a specific period.

(kk) Available penalties from the TNE Provider may include:

- i. a formal reprimand or warning;
- ii. remedial educative action;
- iii. student compensation payment equal to the restoration/replacement cost of an item;
- iv. Suspension from the College or College Program , on approval from the College;
- v. Exclusion from the College or College Program , either permanently or for a specific period, on approval from the College.

## 12. Decision Makers

### 12.1 Offshore Programs delivered by the College:

Misconduct Category	Decision Maker responsible for recommendation
Academic matter	Executive Director Academic or their nominee
Other non-academic matter (not covered below)	Head of Student Experience or their nominee



College resources or facilities	Head of Campus Operations or their nominee
Discrimination, harassment, bullying	Head of HR or their nominee
Financial matters	Head of Financial Operations or their nominee
Admissions matters	Head of Admissions and Student Systems or their nominee
IT matters	Head of IT or their nominee
Other	Head of TNE or their nominee

## 12.2 Offshore Programs delivered by the TNE Provider

- a) The TNE Provider will determine the Decision Makers responsible for the recommendation relating to Student Misconduct, unless it is academic conduct, in which case the Decision Maker is the College Executive Director Academic or their nominee, or if the misconduct affects College systems, resources, reputation, or is alleged misconduct by the Provider itself, in which case the Decision Maker is the College Head of TNE.
- b) If the College or its community or resources could be adversely affected by the breach, the TNE Provider will liaise with the College Head of TNE in regard to any further actions or penalties imposed.

## 13. Appeals

- a) A student has the right to appeal a decision made in regard to a allegations of Student Misconduct, through the [Offshore Student Appeal Policy](#).
- b) Any appeal must be submitted within ten (10) working days of the notification regarding the outcome of the Student Misconduct investigation.

## 14. Record Keeping

- a) Records of all misconduct proceedings and reports are retained and recorded in either the College or the TNE Provider's register for Student Misconduct, with all findings of serious Student Misconduct also recorded on the student's permanent record.
- b) All TNE Providers will maintain a register for Student Misconduct and present updates at monthly meetings to the College and/or at the end of the Program for each intake.
- c) The College Student Misconduct Committee or relevant College Committee will report all outcomes to the Compliance Committee.
- d) An annual report on trends and emerging issues will be provided twice a year as follows:
  - i. Academic Board for academic matters;



- ii. College Executive for non-academic matters.

## 15. Privacy and Confidentiality

- (a) Information gathered in the processes outlined are confidential and handled in accordance with the [College Privacy Policy](#).
- (b) Access to information will be restricted to staff of the College, UNSW or their service providers who are directly involved in the process or for whom access and use is necessary to enable proper investigation and resolution of the matter.

## 16. Roles, responsibilities and delegations

Role	Responsibility
College Student Misconduct Committee or relevant College Committee	<ul style="list-style-type: none"> <li>▪ Determines outcomes/penalties in relation to serious Student Misconduct.</li> <li>▪ Reports all outcomes to the Compliance Committee.</li> </ul>
College Compliance Committee	Has authority to extend the interim Suspension or restriction period to cover the time taken to finalise any misconduct investigation, including any appeal, and may broaden the areas from which the student is suspended or restricted.

## 17. 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 student enrolment. During the period of exclusion, a student is not permitted to undertake study in any College course/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.
Procedural Fairness	<p>A principle of law that is concerned with the procedures used by a decision-maker, rather than the actual outcome reached.</p> <p>Key requirements of procedural fairness include:</p> <ul style="list-style-type: none"> <li>(a) ensuring respondents are provided with all necessary details of the allegations that have been made against them;</li> <li>(b) ensuring respondents are given a proper opportunity to respond to the allegations in an appropriate way before a</li> </ul>



Definitions and Acronyms	
	<p>decision is made (including as to any mitigating circumstances);</p> <p>(c) that persons involved in deciding an outcome do not have any bias or Conflict of Interest;</p> <p>(d) that a decision is based only on relevant evidence.</p>
Special Consideration	A process for assessing and addressing the impact of events beyond the control of the student that have affected performance.
Student Code of Conduct	Outlines College responsibilities and the standard of conduct expected of all students as members of the College and TNE Provider community.
Student Misconduct	A failure by a student to meet one or more of the responsibilities articulated in the Student Code of Conduct.
Suspension	A forced, temporary leave from the College and/or TNE Provider with an automatic right of re-entry for the first available intake after the conclusion of the suspension has elapsed. A student's enrolment will be cancelled if a student does not re-enrol in that timeframe.

## 18. Related Policy and Supporting Documents

Related Policy Documents and Supporting Documents	
Policy	<ul style="list-style-type: none"> <li>• <a href="#">Offshore Student Code of Conduct</a></li> <li>• <a href="#">Offshore Student Appeal Policy</a></li> <li>• <a href="#">Offshore Academic Integrity Policy</a></li> <li>• <a href="#">College Privacy Policy</a></li> </ul>
Forms	<u>NA</u>



## 19. Policy Governance

Offshore Student Misconduct Policy	
Category/Business Group	Student Experience
Published Externally (Yes/No)	Yes
Approver	Executive Director, Academic
Responsible Officer	Executive Director, Students
Contact Officer	Conduct and Integrity Case Manager
Effective Date	20/11/2025
Next Review Date	20/11/2028
Version	2.0

### Revision History

Version	Approved by	Approval date	Effective date	Sections modified
2.0	Executive Director, Academic	20 November 2025	20 November 2025	Updating policy to be an 'Offshore' policy, incorporating award and non-award programs. Considered non-administrative amendment.
1	Chief Executive Officer – Sarah Lightfoot	23 July 2024	23 July 2024	N/A

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Policies and procedures are available at: [unswcollege.edu.au/about/policies](https://unswcollege.edu.au/about/policies)

### Appendix 1: TNE Provider delivered Program - TNE Student Contact Matrix

The table below includes (but is not limited to) example scenarios and who to contact in each case. As a general rule for Students:

- If a misconduct matter relates to academic matters (e.g. alleged academic misconduct or assessment penalty), academic experience, course outcomes, the TNE-Provider itself, or learning environment, contact the College.
- If it relates to daily conduct, student welfare, campus experience, or local facilities, contact your TNE Provider.

Topic / Issue	Who to Contact	Notes
Facilities (e.g. damage to facilities, access out of allowed hours, etc)	TNE Provider	Facility management is the responsibility of the TNE Provider.
General In-Class Behaviour (e.g. mobile phone use, talking, minor disruptions, bullying)	TNE Provider	Local classroom management is the responsibility of the TNE Provider.
Student Support / Welfare (unprofessional response from a teacher/staff member, bullying from teacher/staff, inappropriate response to a welfare matter)	TNE Provider	Providers manage local support; serious cases may be escalated to the College where applicable.
Misconduct Affecting Others' Learning that has not been addressed by the TNE Provider (e.g. harassment, bullying, repeated disruptions, breaches of College policy)	UNSW College	
Academic Misconduct	UNSW College	Academic Integrity issues are the responsibility of the College
Course Content Quality / Delivery Concerns	UNSW College	Not Misconduct: Students may lodge a formal Complaint by completing the Student Complaint Form and emailing it to <a href="mailto:complaintsandconduct@unswcollege.edu.au">complaintsandconduct@unswcollege.edu.au</a>
Assessment Complaints or Appeals (e.g. marks, grading fairness, academic misconduct)	UNSW College	Not Misconduct: Students should follow College Offshore Student Appeals Policy for further information.
Academic Progression (e.g. failing subjects, exclusions, requests for review)	UNSW College	Not Misconduct: Students should reference College Offshore Academic Progression Policy, Offshore Student Appeals Policy for further



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