

Student Non-Academic Conduct and Misconduct Procedure

Purpose

1. This Procedure gives effect to the Student Non-Academic Conduct and Misconduct Policy and outlines the processes for managing non-academic misconduct by students at Global Higher Education (GHE).

Scope

2. This Procedure applies to all GHE students.
3. The Procedure includes any activity associated with GHE students no matter where or when it takes place. In addition to direct course-related activity (including placements), the Procedure applies to all functions and places that are education-related, including but not limited to, events, off-campus activities, online engagement, religious celebrations, and student functions.
4. Incidents of sexual assault and harassment affecting students are managed under the provisions in the **Student Sexual Assault and Harassment Policy**.
5. Incidents of student academic misconduct are managed under the provisions in the **Student Academic Integrity and Academic Misconduct Policy**.

Definitions

6. Definitions for key terms are presented in the Glossary of Terms which may be accessed on the GHE website at <https://www.globalhe.edu.au/policy>

Suite documents

7. This Procedure is linked to the Student Non-Academic Conduct and Misconduct Policy.

Procedure

8. For the purposes of this Procedure GHE categorises non-academic misconduct into the following categories, as defined in the Student Non-Academic Conduct and Misconduct Policy:
 - a) General Student Non-Academic Misconduct; or
 - b) Serious Student Non-Academic Misconduct.

Reporting student non-academic misconduct

When immediate action is required

9. Where a student's conduct poses an immediate threat to themselves or any member of the community, the student should be reported directly to GHE Security, who will take whatever action is deemed necessary to assure the safety of the student and/or community. In such circumstances the complainant shall be advised that Security will be compelled to report the non-academic misconduct to the Operations Director.

Other instances

10. Any person, including students, staff, members of GHE governance boards and committees, GHE mentors, or employers where a student is undertaking a work-integrated learning placement may report a student for an alleged act of non-academic misconduct.
11. Reports may be made verbally or in writing to the Manager, Quality and Compliance and should include any available evidence.
12. Students may also make a confidential disclosure in relation to another student via the Student Support Officer. Where a confidential disclosure is made the Student Support Officer must disclose the incident to the Manager, Quality and Compliance but is not obliged to reveal the details of the complainant.

Determination of non-academic misconduct

Initial determination

13. On receipt of a complaint of an act of student non-academic misconduct the Manager, Quality and Compliance will assemble any further information they deem necessary, including any reports of previous misconduct by the student (respondent) and provide a report in writing to the Operations Director.
14. The Operations Director will make a determination in relation to the report which will include as far as possible speaking to the student (the respondent) to seek their version of events.
15. Based on the evidence available, the Operations Director may:
 - a) modify or dismiss the charge;
 - b) issue a formal warning;
 - c) issue a written reprimand that will be placed on the student's file for the duration of their studies;
 - d) recommend that the respondent's conduct be monitored; and/or
 - e) recommend that the matter be further considered by a Student Non-Academic Misconduct Board (SNAMB).
16. If a decision is made to monitor the respondent's non-academic conduct, the student shall be advised verbally of such a decision and a letter will be provided within seven days of the initial report and attached to a Student Non-Academic Misconduct Report.

Student Non-Academic Misconduct Hearing

17. Where a decision is made to recommend the matter to an SNAMB, the Manager, Quality and Compliance shall provide the respondent with:
 - a) information on the time, date and place for a meeting of the SNAMB which must allow for a minimum of seven days prior notice;
 - b) a Statement of Allegation and information on any material relied upon in the decision to proceed with a Student Non-Academic Misconduct Hearing;
 - c) advice that they have the opportunity to present information in response to the allegation;
 - d) advice that a support person and/or interpreter may be present during the hearing (see below for details).
18. Membership of the SNAMB will consist of:
 - a) external member of the Board of Directors as Chair;
 - b) external member of the Academic Board;
 - c) the Operations Director;
 - d) the relevant Course Coordinator.

19. In conducting the Student Non-Academic Misconduct Hearing the SNAMB is:
 - a) not bound by rules of evidence or procedure;
 - b) not bound to follow any specific legal process;
 - c) may use any information available to it even if such information would normally not be admissible in a court of law.
20. The respondent is required to provide their response to the allegations in writing. An opportunity to address the SNAMB will be provided if it is required or requested.
21. The conduct of the hearing should give the respondent the opportunity to present their submission in response to the complaint in an environment that is non-confrontational and conducive to reaching an outcome that benefits all parties.
22. A support person accompanying a student to a Student Non-Academic Misconduct Hearing is not entitled to make submissions or present arguments on behalf of the student, or act in any other way as an advocate for the student. The support person may not be a legally qualified person acting in that capacity.
23. The Hearing may be conducted by any means of communication including teleconference and videoconference.
24. As a result of the Student Non-Academic Misconduct Hearing the SNAMB may:
 - a) dismiss the complaint; or
 - b) reach a finding of General or Serious Non-Academic Misconduct and impose one or more penalties as are appropriate to the misconduct.
25. At a minimum, three of four members of the SNAMB must be in agreement in relation to a finding of non-academic misconduct.
26. Where it is determined that an act of General Student Non-Academic Misconduct has occurred one of the following penalties may be imposed:
 - a) a reprimand;
 - b) referral of the student to counselling and/or mediation;
 - c) entering the student's name on the Student Non-Academic Misconduct Register;
 - d) requirement for compensation for damages;
 - e) exclusion of the student from a defined part of the campus or from activities of the GHE for any period the SNAMB thinks fit;
 - f) any combination of the above.
27. Where appropriate the SNAMB may also agree in writing with the student that a penalty or any part of a penalty to be imposed under this section will not apply or be enforced if the student enters into a written future conduct agreement with GHE.
28. Where it is determined that an act of Serious Student Non-Academic Misconduct has occurred one of the following penalties may be imposed:
 - a) any of the penalties outlined in Clause 26;
 - b) suspension or cancellation of the student's enrolment;
 - c) referral to the police.
29. Where the conduct resulted in the loss or destruction of or damage to any GHE property an assessment of the amount of money required to replace or repair the property lost, destroyed or damaged must be made and the student will be ordered to pay by way of compensation an amount of money, not exceeding the amount assessed.

30. Within seven days of the Student Non-Academic Misconduct Hearing, the Manager, Quality and Compliance, on behalf of the Chair of the SNAMB, will advise the student, in writing of:
 - a) the outcome of the Hearing, including any penalties applied;
 - b) the reasons for this decision;
 - c) the student's right to appeal the decision up to 20 working days from the notification of the outcome under the **Student Appeals Procedure**.
31. Where the respondent is an international student and GHE intends to initiate a suspension or cancellation of an international student's enrolment, the advice must include information advising that the suspension or cancellation may impact their student visa.
32. Where an alleged act of student misconduct is notified to the police, GHE may suspend further action in respect of the act of misconduct until any police action or investigation is completed.
33. Where the finding is in favour of the respondent the matter will be deemed closed and appropriate records stored as per the *Reporting and recording* section of this Procedure.

Reporting and recording

Student Non-Academic Misconduct Register

34. The Manager, Quality and Compliance will maintain a Student Non-Academic Misconduct Register which will include summary records of each substantiated instance of student non-academic misconduct and the associated actions and penalties applied.
35. All information associated with reports, investigations and outcomes associated with individual instances of non-academic misconduct must be treated as confidential and not released to any third party or external agency unless required by law or the person has expressly consented to its release in writing.
36. The Manager, Quality and Compliance will ensure that a confidential report on student non-academic misconduct is provided to Academic Board and the Board of Directors on an annual basis.
37. The Operations Director may request information from the Manager, Quality and Compliance to determine if a student under investigation for a suspected case of non-academic misconduct has a previous record.
38. Access to the Register otherwise will be determined by the Chief Executive Officer.

Roles and responsibilities

39. The Board of Directors is responsible for the overarching governance of this Procedure.
40. The Manager, Quality and Compliance is responsible for:
 - a) ensuring compliance with this Procedure;
 - b) receiving initial reports of student non-academic misconduct and referring matters to the Operations Director;
 - c) providing notification to students when a Student Non-Academic Misconduct Board is to be convened and providing written notice of outcomes;
 - d) maintaining the Student Non-Academic Misconduct Register;
 - e) benchmarking GHE procedure with those adopted elsewhere in the higher education sector;
 - f) the monitoring and reporting of information available from the review of records relating to the implementation of this Procedure;
 - g) all records management arising from this Policy and Procedure.

41. The Operations Director is responsible for:
- a) making an initial determination in relation to reports of student non-academic misconduct;
 - b) referring matters to a Student Non-Academic Misconduct Board as required;
 - c) acting as a member of such a Board;
42. All staff are responsible for becoming familiar and complying with this Procedure.

Associated information

Related Internal Documents	<p>Student Non-Academic Conduct and Misconduct Policy Student Non-Academic Misconduct Register Student Complaints, Grievances and Appeals Policy Student Appeals Procedure Student Wellbeing, Orientation and Support Policy Student Disability Policy Student Diversity and Equity Policy Enrolment Policy Quality Assurance Policy Student Sexual Assault and Sexual Harassment Policy Student Academic Integrity and Academic Misconduct Policy Work-Integrated Learning Placement Policy Glossary of Terms</p>
Related Legislation, Standards and Codes	<p><i>Tertiary Education and Quality Standards Agency Act 2011</i> <i>Higher Education Standards Framework (Threshold Standards) 2021</i> TEQSA Guidance Note: Wellbeing and Safety, Version 1.2 <i>Education Services for Overseas Students Act 2000</i> <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i></p>
Date Approved	21 February 2020
Date of Effect	21 February 2020
Date of Review	June 2026
Approval Authority	Board of Directors
Policy Custodian	Chief Executive Officer
PinPoint DocID	2586

Change history

Version Control	Version 1.2	
Change Summary	10-Mar-20	V1.0 Draft approved by Board of Directors 21-Feb-20 with minor amendments plus administrative updates
	22-Jul-20	V1.1 administrative updates
	10-Oct-23	V1.2 administrative updates following TEQSA registration

Warning - Document uncontrolled when printed! The current version of this document is maintained on the GHE website at <https://www.globalhe.edu.au/policy>