



PROCEDURE FOR MANAGING ALLEGED GENERAL MISCONDUCT BY A STUDENT

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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 (with examples if required)
Central Register	A record of student misconduct investigations, controlled and maintained by the Safe and Respectful Communities Unit.
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
Conflict of interest	A conflict of interest exists where there is a divergence between the individual interests of a staff member and their professional obligation to the University such that an independent observer might reasonably question whether the professional actions or decisions of that person are influenced by their own interests or are for their own benefit. It should be noted that enmity as well as friendship can give rise to perceptions of a conflict of interest and similarly that detriment to a third party can give rise to a conflict of interest just as much as benefit to a third party. A conflict of interest includes an actual, perceived or potential conflict of interest.
Due process	Procedural rights under this procedure, including the application of the principles of natural justice
Respondent	A person alleged to have acted in a manner that does not comply with the University's Rules, codes, policies or procedures
SOLSMail	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. Primary Investigation Officers (PIOs) have a responsibility to:
 - a. Initiate investigations of alleged general misconduct by a student in accordance with the procedures set out in section 7;



- b. Impose low-level outcomes in response to upheld allegations of general misconduct by a respondent;
 - c. Communicate the progress and outcome of an investigation to the respondent and complainant, using the appropriate notice letter template for advice to the student where necessary;
 - d. Advise the Safe and Respectful Communities Unit to create and maintain a record of each investigation on the Central Register; and
 - e. Refer cases to the Student Conduct Committee where necessary.
2. Investigation Committee Chairs and members have a responsibility to undertake investigations of alleged general misconduct by a student in accordance with the procedures set out in section 7 and section 8.
3. The Director, Safe and Respectful Communities (or other nominated officer) has a responsibility to receive, and make a decision upon, appeals by students against a decision of the PIO.
4. The Deputy Vice-Chancellor (Academic and Student Life) has a responsibility to receive, and make a decision upon, appeals by students against a decision of the Student Conduct Committee.
5. The Vice-Chancellor has a responsibility to undertake action in accordance with the Urgency Provisions set out in section 6.
6. The Safe and Respectful Communities Unit has a responsibility to:
 - a. Maintain the Central Register
 - b. Maintain a record of Primary Investigation Officers
 - c. Ensure support is provided to the Student Conduct Committee
 - d. Make training available to PIOs and other staff involved in investigating student misconduct
7. Other roles and responsibilities are detailed in the section 5 of the Student Conduct Rules.

5 General Misconduct by a Student

1. 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 Practice - Student Professional Experience
 - d. the Student Conduct in Residences Policy
 - e. the Sexual Harassment Prevention Policy and Improper Sexual Conduct Response Policy
 - f. Other University Rules, standards, codes, policies, guidelines or procedures
 - g. Other University, Faculty and/or academic unit requirements

Responses to General Misconduct by a Student

2. General misconduct by a student is defined in the Student Conduct Rules. General misconduct may be managed with a Low-Level or High-Level outcome as shown in Table 5.1:



Table 5.1 - General Misconduct by a Student		
Library Misconduct	Low-Level Outcomes	<p>Reprimand from the Director, Library Services or standing 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 Chief Operating Officer 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> <p>Any other penalty that the Vice-Chancellor deems appropriate</p>
Misconduct in University Residence	Low-Level Outcomes	<p>Reprimand from the Head of Residence or standing nominee;</p> <p>Requirement of community service;</p> <p>Temporary or permanent eviction from a University Residence;</p> <p>Temporary or permanent exclusion from the grounds and buildings of 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 Director, Safe and Respectful Communities or standing nominee;</p> <p>Fine of up to \$250;</p> <p>Charge for costs of replacing or repairing any</p>



		damaged property up to \$1000; and/or Limitation of student's right of access to the University
	High-Level Outcomes	Reprimand from the Vice-Chancellor; Charge for costs of replacing or repairing any damaged property in excess of \$1000; Fine of up to \$1000; Mark penalty in assessment and/or subject where the misconduct could affect academic performance Immediate Suspension by the Vice-Chancellor (with or without also suspending any scholarship the student may hold); Deferred Suspension by the Vice-Chancellor subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance); Exclusion from the University by the Vice-Chancellor; Expulsion from the University by the Vice-Chancellor; Withhold official certification (eg academic transcript, degree testamur) for up to three months; Rescission of degree by the University Council; and/or Any other penalty that the Vice-Chancellor deems appropriate

3. 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	Primary Investigation Officer Student Conduct Committee
High-Level Response	Student Conduct Committee (in some cases in consultation with the Vice-Chancellor)

Determining Whether General Misconduct by a Student Undertaking Coursework has Occurred

4. A determination (finding) of whether general misconduct by a student has occurred will be made on the strength of the evidence available.



Considerations when Determining an Appropriate Outcome

5. Where a finding of general misconduct by a student has been made, the following considerations may be taken into account when determining an appropriate outcome:
 - a. The seriousness of the misconduct;
 - b. Any relevant individual circumstances of the student;
 - c. Whether a finding of general misconduct has previously been made against the student and is the subject of an entry on the Central Register; and/or
 - d. Any apparent intention to commit the act of misconduct by the student, and, if any, 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 will:
 - 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 via the Safe and Respectful Communities Unit for the service of an Investigation Notice in accordance with the appropriate procedures listed in clause 8.1, and
 - c. notify the Director, Safe and Respectful Communities in writing, for advice to relevant officers.

Disruption to Teaching Activities

5. In accordance with the Campus Access and Order Rules, every supervising staff member is empowered to request a student involved in disorderly conduct during a teaching activity (such as a lecture, tutorial or practical demonstration) that impedes the normal functioning of that activity to leave the activity for the duration of the activity, provided that:
 - a. The staff member must first request the student to discontinue the disorderly conduct; and
 - b. The supervising staff member must report each exercise of this power to the Executive Dean of the relevant faculty, to the Security Operations Manager and to the Director, Safe and Respectful Communities (for consideration of the conduct as possible general misconduct by a student).

Note: If a student refuses to comply with a request to leave a teaching activity, academic staff are advised to contact Security for further assistance on 4221 4555.

7 Procedure for Managing Alleged General Misconduct by a Student

1. Staff members responsible for managing alleged general misconduct by a student will 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 Council Committee of Appeal

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	Director, Library Services or standing nominee
IT Misconduct	Chief Operating Officer or standing nominee
Misconduct in University Residence	Associate Director, Student Residence or standing nominee; Director, Student Accommodation and Services Division
Other Misconduct	Director, Safe and Respectful Communities or standing nominee

4. PIOs are permitted to seek advice from other University officers during the investigation of alleged general misconduct by a student. Where possible, such advice should be sought from officers who are unlikely to be involved in the conduct of the investigation at a later date. PIOs may obtain administrative assistance from other staff members during the investigation.
5. The Safe and Respectful Communities Unit will maintain a record of all PIOs.

Stage 1 - Initial Investigation by PIO

6. A staff member must bring an allegation of general misconduct by a student to the attention of an appropriate PIO as soon as practicable after the alleged misconduct has occurred. A complainant student may bring an allegation of general misconduct by a respondent student to the attention of an appropriate PIO. The staff member or student complainant will provide the PIO with relevant information and evidence relating to the allegation. If necessary, the PIO may collect further evidence relating to the allegation.
7. The PIO will 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 will be dismissed. The PIO will advise the complainant that the allegation has been dismissed. No further action will be taken.
9. If there is sufficient evidence that general misconduct may have occurred, the allegation will be upheld and investigated by the PIO.

Discussion with respondent student

10. The PIO will seek to discuss the allegation with the respondent student and will obtain a response to the allegation.
11. The PIO will provide the following information to the respondent student in writing prior to the discussion, using the appropriate notice letter template:
 - a. Substance of the allegation;
 - b. Date, time, location of the discussion;
 - c. Advice that a support person may be present for both the respondent student and the Subject Coordinator;



- d. Reference to related policies;
12. During the discussion with the respondent student, the PIO will explain the allegation and give the respondent student an opportunity to respond to it. The respondent student has the right to refuse to respond to the allegation.
13. Both the respondent student and the PIO are permitted to be assisted by a support person during the discussion.
14. The PIO will keep an adequate record of the discussion. With the permission of the respondent student, the PIO may make an audio recording of the discussion and attach this to the investigation file.
15. If, after all reasonable efforts have been made to contact and discuss the allegation with the respondent student, the PIO has not been able to do so; they may proceed with the investigation without discussion with the respondent student.

Determination by PIO

16. Based on the evidence collected, including information gathered during the discussion with the respondent student where this has taken place, the PIO will make a finding of whether general misconduct has occurred. The PIO must make this finding as soon as possible and within a maximum of ten working days of having received the allegation.

Allegation Dismissed

17. If the PIO finds that general misconduct has not occurred, the allegation will be dismissed.
18. The PIO will advise the respondent student and complainant student that the allegation has been dismissed.
19. In some cases where the PIO finds that general misconduct has not occurred, they may determine that an informal response to the respondent student's conduct is required. Actions that may be taken under an informal response are:
 - a. Warning; or
 - b. Requirement of a formal apology from the respondent student.
20. The PIO may take action under an informal response at his/her discretion. A record of the interaction will be kept by the PIO.

Allegation Upheld

21. If the PIO finds that general misconduct has occurred, the allegation will be upheld.
22. The PIO will request the Safe and Respectful Communities Unit to check the Central Register to determine whether an entry exists for the respondent student for any previous finding of general misconduct.
23. The PIO will determine the appropriate level of outcome. In doing so, the PIO may give consideration to the factors listed in clause 5.5.
24. If the PIO determines that a low-level outcome is appropriate, they will continue with management of the case in accordance with Stage 2 - Conclusion of Investigation by Primary Investigation Officer.



25. If the PIO determines that a high-level outcome is appropriate, the PIO will refer the case to the Student Conduct Committee, in accordance with Stage 3 – Investigation by Student Conduct Committee.
26. When referring a matter to the Student Conduct Committee, the PIO must:
 - a. use the Student Misconduct Investigation Form to record full details of the case, including:
 - i. a detailed explanation of the allegation;
 - ii. summary of key evidence supporting the allegation;
 - iii. summary of results of evidence gathering (including discussion or interview with the respondent student); and
 - iv. supporting materials.
 - b. advise the Safe and Respectful Communities Unit to create a record of the case on the Central Register;
 - c. advise the respondent student of the referral using the appropriate notice letter template;
 - d. advise the complainant and other relevant staff of the referral, as necessary.
27. An outcome will be determined by the PIO 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

28. The PIO will determine the appropriate low-level outcome to be applied in accordance with clauses 5.4 and 5.5.
29. The PIO will:
 - a. impose the outcome;
 - b. advise the Safe and Respectful Communities Unit to create a record of the case and the outcome on the Central Register;
 - c. advise the respondent student of the outcome using the appropriate notice letter template; and
 - d. advise the complainant and other relevant staff of the outcome, as necessary.

Appeal against Finding of Primary Investigation Officer

30. Once an outcome has been imposed, a respondent student may appeal against a finding of the PIO, only if the appeal is based on a breach of natural justice requirements, a lack of due process, or if there is new and substantial evidence that has not previously been considered.
31. An appeal by a respondent student against a decision of the PIO must:
 - a. be lodged in writing with the Director, Safe and Respectful Communities (or, where the Director 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.
32. The Director, Safe and Respectful Communities (or other nominated officer) will consider the case put forward and evidence provided by the student to support the appeal.
33. The Director, Safe and Respectful Communities (or other nominated officer) will 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

34. If the Director, Safe and Respectful Communities (or other nominated officer) determines that there are not sufficient grounds for the appeal, then the decision of the PIO stands. Director, Safe and Respectful Communities (or other nominated officer) will:
 - a. advise the Safe and Respectful Communities Unit to update the case and outcome on the Central Register accordingly; and
 - b. advise the respondent student and the PIO of the outcome using the appropriate notice letter template for advice to the student.
35. The respondent student has no further opportunity to appeal the decision within the University.

Appeal Upheld

36. If the Director, Safe and Respectful Communities (or other nominated officer) determines that there are sufficient grounds for the appeal, then the case is either referred back to the PIO for re-consideration (in the case of new and substantial evidence) or to a different PIO or the Student Conduct Committee (in the case of breach of natural justice requirements or lack of due process) for consideration. The Director, Safe and Respectful Communities (or other nominated officer) will:
 - a. refer the matter back to the PIO, to a different PIO, or to the Student Conduct Committee using the Student Misconduct Investigation Form;
 - b. advise the Safe and Respectful Communities Unit to record the appeal and referral on the Central Register accordingly; and
 - c. advise the respondent student and the PIO of the referral using the appropriate notice letter template for advice to the student.

Stage 3 - Investigation by Student Conduct Committee

37. The Student Conduct Committee will consider cases referred to it by:
 - a. the PIO;
 - b. the Director, Safe and Respectful Communities (or other nominated officer) based on appeal by the student against the decision of the PIO; or
 - c. the Deputy Vice-Chancellor (Academic and Student Life) for reconsideration as a result of appeal by the student as per clause 7.53.;
38. The Student Conduct Committee will comprise:
 - a. a Deputy Vice-Chancellor, Pro Vice-Chancellor or Chair of Academic Senate (or in either case, a nominee, appointed by the Deputy Vice-Chancellor (Academic and Student Life), as Chair;



- b. a senior University staff member appointed by the Chair; and
 - c. a student appointed by the Chair, from the following student representative groups:
 - i. Wollongong Undergraduate Student Association;
 - ii. Wollongong University Postgraduate Association;
 - iii. University Council Student Representatives;
 - iv. Academic Senate (or subcommittee) Student Representatives;
 - v. Student Advisory Council;
 - vi. Faculty Student Representatives;or a student appointed by the Vice Chancellor, if it is not possible or appropriate for an appointment to be made under (i) to (vi).
39. A Secretary to the Committee will be appointed by the Senior Manager, Governance to assist the Committee in whatever way the Chair of the Committee directs. Clause 8.8 details the role of the Secretary to the Committee.
40. The Student Conduct Committee will meet to consider the evidence of the case and interview the respondent student and any other persons relevant to the case. The Committee will conduct the interview in accordance with section 8. Investigation and Appeal Committee Procedures.
41. Based on the evidence considered and the interview with the student, the Student Conduct Committee will make a finding of whether general misconduct has occurred.

Allegation Dismissed

42. If the Student Conduct Committee finds that general misconduct has not occurred, the allegation will be dismissed.
43. The Student Conduct Committee will:
- a. quash any outcome that has been imposed (where the committee has met as a result of an appeal by the student)
 - b. advise the Safe and Respectful Communities Unit to update the record of the case on the Central Register, and
 - c. advise the respondent student and the PIO of the outcome using the appropriate notice letter template for advice to the student.
44. In some cases where the Student Conduct Committee finds that general misconduct has not occurred, the committee may determine that an informal response to the respondent student's conduct is required, and will impose an action in accordance with clauses 7.19 – 7.20.

Allegation Upheld

45. If the Student Conduct Committee finds that general misconduct has occurred, the allegation will be upheld.
46. The Student Conduct Committee will then determine the appropriate level of outcome. When doing so, consideration may be given to the factors listed in clause 5.5. The Student Conduct Committee will:
- a. impose an outcome;



- b. advise the Safe and Respectful Communities Unit to record the case and outcome on the Central Register; and
- c. advise the respondent student and the PIO of the outcome using the appropriate notice letter template for advice to the student.

Appeal against Decision of the Student Conduct Committee

47. Once an outcome has been imposed, a respondent student may appeal against a finding of the Student Conduct Committee, only if the appeal is based on a breach of natural justice requirements, a lack of due process or if there is new and substantial evidence that has not previously been considered.
48. An appeal by a respondent student against a decision of the Student Conduct Committee must:
 - a. be lodged, in writing, with the Deputy Vice-Chancellor (Academic and Student Life) within twenty working days of notification of the outcome of the Student Conduct Committee's investigation;
 - b. state fully the reasons for the appeal; and
 - c. include any relevant documentary evidence to support the appeal.
49. The Deputy Vice-Chancellor (Academic and Student Life) will consider the case put forward and evidence provided by the student to support the appeal.
50. The Deputy Vice-Chancellor (Academic and Student Life) will 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

51. If the Deputy Vice-Chancellor (Academic and Student Life) determines that there are not sufficient grounds for the appeal, then the decision of the Student Conduct Committee stands. The Deputy Vice-Chancellor (Academic and Student Life) will:
 - a. advise the Safe and Respectful Communities Unit to document the appeal and outcome on the Central Register, and
 - b. advise the respondent student and the PIO of the outcome using the appropriate notice letter template for advice to the student.
52. The respondent student has no further opportunity to appeal the decision within the University.

Appeal Upheld

53. If the Deputy Vice-Chancellor (Academic and Student Life) determines that there are sufficient grounds for the appeal, then the case is referred to either the Student Conduct Committee for reconsideration (in the case of new and substantial evidence) or the Council Committee of Appeal (in the case of breach of natural justice requirements or lack of due process) for consideration. The Deputy Vice-Chancellor (Academic and Student Life) will:
 - a. refer the matter back to the Student Conduct Committee for reconsideration; or refer the matter to the Council Committee of Appeal using the Student Misconduct Investigation Form;
 - b. advise the Safe and Respectful Communities Unit to document the appeal and referral on the Central Register; and



- c. advise the respondent student and the PIO of the referral using the appropriate notice letter template for advice to the student.

Stage 5 - Consideration of an Appeal by Council Committee of Appeal

54. The Council Committee of Appeal will consider cases referred to the Committee by the Senior Deputy Vice-Chancellor as a result of appeal by the respondent student against a decision of the Student Conduct Committee.
55. The Council Committee of Appeal will comprise:
 - a. a Deputy Chancellor (as Chair, ex officio);
 - b. one external member of Council;
 - c. one academic staff member of Council; and
 - d. one student member of Council
56. Staff and student members of the Committee will not be from the same faculty as the respondent student.
57. Members of the Committee will be appointed when required by the Council in accordance with the membership provisions above. If a Council meeting is not imminent when an appeal matter arises, the Committee will be constituted by the Chancellor in accordance with the membership provisions.
58. A Secretary to the Council Committee of Appeal will be appointed by the Secretary to Council to assist the Committee in whatever way the Chair of the Committee directs. Clause 8.8 details the role of the Secretary to the Committee.
59. As soon as possible, and within a maximum of ten working days, the Council Committee of Appeal will meet to consider the evidence of the case and interview the respondent student and any other persons relevant to the case. The Committee will conduct the interview in accordance with section 8. Investigation & Appeal Committee Procedures.
60. The Council Committee of Appeal will determine whether the appeal is warranted and will be upheld. Where the appeal is upheld, action will be taken to close the matter.

Appeal Dismissed

61. If the Council Committee of Appeal determines that the appeal is not warranted, the decision of the Student Conduct Committee will be upheld.
62. The Council Committee of Appeal will:
 - a. advise the Safe and Respectful Communities Unit to update the record of the case on the Central Register accordingly; and
 - b. advise the respondent student and PIO of the outcome using the appropriate notice letter template for advice to the student.
63. The respondent student will have no further opportunity to appeal the decision within the University.

Appeal Upheld

64. If the Council Committee of Appeal determines that the appeal is warranted, action will be taken to close the matter in accordance with clauses 7.63 – 7.64 or 7.65 – 7.66.



Allegation Dismissed

65. If the Council Committee of Appeal finds that general misconduct has not occurred, the allegation will be dismissed.
66. The Council Committee of Appeal will:
 - a. quash the outcome imposed by the Student Conduct Committee;
 - b. advise the Safe and Respectful Communities Unit to update the record of the case, appeal and referral on the Central Register accordingly; and
 - c. advise the respondent student and PIO of the referral using the appropriate notice letter template for advice to the student.
67. In some cases where the Council Committee of Appeal finds that general misconduct has not occurred, the committee may determine that an informal response to the student's conduct is required, and will impose an action in accordance with clauses 7.19 – 7.20.

Allegation Upheld

68. If the Council Committee of Appeal finds that general misconduct has occurred but that the outcome imposed by the Student Conduct Committee was not appropriate, the allegation will be upheld and the Council Committee of Appeal will impose a new outcome.
69. The Council Committee of Appeal will:
 - a. quash the original outcome imposed by the Student Conduct Committee and impose a new outcome;
 - b. advise the Safe and Respectful Communities Unit to update the record of the case, appeal and referral on the Central Register accordingly; and
 - c. advise the respondent student and PIO of the referral using the appropriate notice letter template for advice to the student.
70. The respondent student has no further opportunity to appeal the decision within the University.

Termination of Investigation Proceedings

71. Any student conduct investigation proceedings, including appeal proceedings, may be suspended by the Deputy Vice-Chancellor (Academic and Student Life) if the respondent student ceases to be enrolled at the University.
72. If student conduct investigation proceedings are suspended under rule 7.71, the Deputy Vice-Chancellor (Academic and Student Life) will advise the respondent student that:
 - a. they have no automatic right to return to the University, and
 - b. if they apply for re-enrolment, they will not be re-enrolled until the student conduct investigation proceedings are completed.
73. The Deputy Vice-Chancellor (Academic and Student Life) will 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; and
 - b. Council Committee of Appeal

Membership of Investigation Committees

3. The Committee should include representatives from more than one gender.
4. A person may not sit on a committee investigating an allegation of misconduct where that person has previously been involved with the investigation of the allegation or there is, otherwise, a potential or actual conflict of interest on the part of that person.
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, will 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.

Secretary to Investigation Committees

7. All Investigation Committees will have a Secretary to assist the Committee in whatever way the Chair of the Committee directs.
8. The Secretary:
 - a. plays a key role in the operation and conduct of the committee, and in ensuring that investigations are carried out in accordance with relevant policies and procedures.
 - b. in carrying out his/her role has a direct reporting link to the chair of the committee regarding the conduct of the committee's business.
 - c. keeps the chair informed on all issues relating to the affairs of the committee and works closely with the chair to establish and implement good governance practices for the committee.
 - d. provides guidance to the chair and members of the committee as to their responsibilities under the committee's terms of reference.
 - e. is the point of contact for committee members who wish to obtain information from officers of the University.
 - f. is responsible for advising the committee on policy and procedural matters.
 - g. is responsible for all aspects of committee meeting arrangements in consultation with the chair.
 - h. is responsible for preparation of committee agendas and minutes, the chair's notes, conducting research and preparing reports where required.
 - i. is to ensure that all documentation provided to the committee is accurate, timely, concise and appropriate.



Referrals to Investigation Committees

9. Matters will be referred to an Investigation Committee using the Student Misconduct Investigation Form. Referrals must include full details of the case, including:
 - a. a detailed explanation of the allegation;
 - b. summary of key evidence supporting the allegation;
 - c. summary of results of evidence gathering (including discussion or interview with the respondent student); and
 - d. supporting materials.

Service of an Investigation Notice

10. Where a matter has been referred to the Student Conduct Committee, the Secretary of that committee must serve the respondent student with a written Investigation Notice within ten working days of the referral.
11. An Investigation Notice served under clause 8.10 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 respondent 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 respondent 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 respondent student chooses not to attend, the matter will be determined in their absence.
12. A notice may be served on a respondent 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.
13. If a notice is served by way of SOLSMail and post, it will 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.
14. A copy of the notice served on a student under clause 8.10 must be provided to the Director, Safe and Respectful Communities, for advice to specific officers of the University for the purpose of relevant administrative action.

Investigation Committee Meetings

15. 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 respondent student or more time is required to collect necessary evidence.



16. If a respondent student wishes to submit documentation listed in i, ii or iii (below) to the committee, it must be provided at least two working days before the committee meeting unless otherwise agreed by the Chair of the Committee:
- i. a written statement of how they intend to respond to the allegation;
 - ii. other written material pertinent to their case (including professional report(s), statement(s) of extenuating circumstances, or character reference(s)); or
 - iii. the names of any witness(es) and/or any person supporting the student during the meeting in accordance with clause 8.18(h).

Conduct of investigation

17. Where a respondent 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 respondent student's absence.
18. In conducting an investigation or appeal meeting, a committee will:
- a. give the respondent 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 respondent student and give the student the opportunity to respond to the allegation;
 - c. with the permission of the respondent 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 respondent 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 respondent 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 respondent 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 will 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



- respondent 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 respondent 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 makes a finding of general misconduct, give the respondent student the opportunity to be heard on the issue of outcome;
 - o. hold all its proceedings in private; and
 - p. keep an adequate record of the committee meeting proceedings.
19. Decisions of a committee are made by majority.
20. Where multiple investigations of alleged general misconduct by a particular respondent 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.
21. 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 section 10 of this procedure.

Outcome of Investigation

22. 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 respondent student with written notice of the outcome of the investigation using the appropriate notice letter template.
23. Where the outcome includes a reprimand from the Vice-Chancellor, the notice will be signed by the Vice-Chancellor (or nominee).
24. Where the Council Committee of Appeal has met in response to a respondent student appeal, as soon as practicable after the meeting and within a maximum of ten working days, the Secretary of the Committee must serve the respondent student with written notice of the outcome of the appeal using the appropriate notice letter template.
25. A copy of the outcome notice served on a student under clause 8.22 or 8.24 must be provided to the Director, Safe and Respectful Communities, for advice to specific officers of the University for the purpose of relevant administrative action.
26. At the conclusion of all investigations, the Safe and Respectful Communities Team will 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 respondent student.



10 Record Keeping

1. All Records relating to investigations of student misconduct will 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. Records of the investigation may include:
 - a. Investigation plan;
 - b. Evidence and other information gathered;
 - c. Record of investigation meetings;
 - d. Summary of investigation; and
 - e. Outcome of investigation.
2. Files relating to cases of general misconduct by a student that have been investigated by the Primary Investigation Officer will be retained and disposed of by the Primary Investigation Officer's division.
3. Files relating to cases of general misconduct by a student that have been investigated by the Student Conduct Committee and/or Council Committee of Appeal will be retained and disposed of by the Safe and Respectful Communities Unit.
4. Cases of general misconduct by a student resulting in a Low-Level or High-Level outcome will be recorded and filed centrally by the Safe and Respectful Communities Unit. The Safe and Respectful Communities Unit is responsible for developing and maintaining the Central Register.
5. The student has the right of access to copies of all records relating to the investigation.

11 Templates

6. Investigation and Outcome Notice Templates are available from the Safe and Respectful Communities Unit



Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
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".
5	5 February 2010	University Council	References to Council Committee of Appeal (Student Discipline) amended to Council Committee of Appeal, and committee membership details amended, as per University Council resolution 2010/03.
6	Autumn Session 2011	University Council – 15 October 2010	Major review
7	Autumn Session 2011	University Council	Updated to reflect rescission of Code of Practice - Students
8	7 December 2012	University Council	Consequential amendment resulting from the introduction of the Student Conduct in Residences Policy. Template update.
9	16 Jan 2013	Vice-Principal (Administration)	Updated to reflect title change from DVC(A) to DVC(E).
10	4 March 2013	Vice-Principal (Administration)	Updated to reflect title change from DVP(F&IT) to Chief Finance Officer
11	11 September 2013	Chief Administrative Officer	Updated to reflect title change from VP(A) to CAO. Updated to reflect title change from University Librarian to Director, Library



			Services.
12	21 July 2017	Vice-Chancellor	Updated to reflect name change to specific roles and responsibility (ARD to Student Services Division); updated to include definition for respondent.
13	1 May 2020	Chief Operating Officer	Administrative amendment to update Senior Executive titles.
14	18 December 2020	Chief Operating Officer	Administrative amendments to reflect divisional and faculty realignments.
15	23 July 2021	Vice Chancellor	Administrative amendment to reflect consequential amendment following rescission of Library Code of Conduct.
16	29 September 2021	Vice Chancellor	Administrative amendments reflecting organisational structure changes, and role and title changes.
17	24 January 2022	Vice-Chancellor	Administrative amendments reflecting organisational structure changes, and role and title changes.