



IONA COLLEGE
TRINITY

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Student Misconduct Policy and Procedure

Approved by the Board of Directors on 23 November 2021

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1. Purpose

This Policy and Procedure set out an approach and a process for addressing incidences of student misconduct at Iona Trinity College of Higher Education (**the College**).

2. Scope

This Policy and Procedure applies to all students.

3. Policy

3.1 Principle

Respectful and collegial student behaviour is central to educational success and student attainment.

All students must abide by the *Student Code of Conduct* and the College's policies.

Allegations will be investigated confidentially, fairly, effectively and in a timely manner.

Where there is a finding of student misconduct, the College will respond in a consistent manner according to the provisions of this Policy and Procedure.

3.2 General and Major Misconduct

Student misconduct may be found to be:

- General, or
- Major

Examples of General Misconduct include but are not limited to:

- Behaviour which brings the College into disrepute
- Unduly offensive or disorderly behaviour
- Failure to comply with a reasonable requirement or direction from a member of the College's staff
- Attacking, bullying, harassing, unlawfully vilifying, victimising, threatening or intimidating any person or attempting to do so
- Behaviour which interferes with the orderly conduct of any teaching group, assessment, examination or ceremony of the College, its governing bodies or other activities, functions or programs
- Obstructing or interfering with the use of any of the College's premises, facilities or equipment
- Gaining access to, or entering, the College's server or network without lawful authority to do so, or engaging in illegal, inappropriate or offensive use of the internet, social media, email or the College's network
- Engaging in conduct which involves unauthorised or unjustified interference with the property of any person.

Major Misconduct is a serious breach of the *Student Code of Conduct* or repeated incidences of General Misconduct.

Major Misconduct includes, but is not limited to:

- Physical violence against any person
- Wilfully damaging or stealing the College's property
- Committing any act or making any omission which has the capacity to endanger the safety or health of others where there is a serious risk of bodily harm
- Any type of fraud, including fraudulent representation of grades or awards for prior learning, including through the unauthorised use of the College's name, seal or trademarks
- Tampering with and/or making a fraudulent representation involving any medical certificate
- Any other type of fraudulent documentation provided to the College in order to favour the student
- Bringing a weapon on to the campus or the Camden Theological Library
- Any act or omission which leads to a conviction for a breach of State or Federal legislation.

4. Procedure

4.1 Reporting and Investigating

Where a student's conduct poses an immediate threat to themselves or any member of the community, the student should be reported directly to the College's security. Criminal conduct will be referred to the NSW Police.

In other circumstances, if a student or a staff member observes what they believe is misconduct by a student, they must report it in writing to the Principal.

Students who are alleged to have breached the Student Code of Conduct are to be informed in writing by the Principal of the nature of the allegations and possible penalties that will apply if misconduct is confirmed.

The Principal will review submissions of alleged misconduct and provide an opportunity for the student to respond within ten (10) working days as part of the process of establishing misconduct. Students who wish to dispute the alleged misconduct will meet with the Principal to review available evidence within this timeframe.

In cases where a student has no prior record of warning or misconduct, the Principal may consider the following when making a determination:

- The extent to which the misconduct deviated from expected behaviour
- The extent to which the College's students, staff, assets and reputation or third parties have been adversely impacted by the misconduct, or
- Any contributing, mitigating or aggravating factor.

Based on the evidence available, the Principal may:

- Modify or dismiss the charge
- Counsel the student and issue a verbal warning
- Require a written apology

- Require the student to undergo training in relevant areas including the College's policies
- File a countersigned copy of a report on the student's file
- recommend that the matter be further considered by a Panel comprising of the Principal, a senior member of the professional staff, and the Course Coordinator.

Where a decision is made to recommend the matter to a Panel, the Principal will advise the student of:

- The time, date and arrangements for a hearing which must allow for at least five (5) working days' notice
- The allegation and any material relied upon in the decision to proceed to a hearing of the Panel
- Their right to attend the hearing to present information and to have a support person present.

The outcomes of the Panel hearing are:

- Dismissal of the allegation, or
- A finding of General or Major Misconduct with penalties imposed, as explained in the Sections 4.2 and 4.3 below.

4.2 *General Misconduct*

Outcomes from a finding of General Misconduct may include the following:

- A warning letter
- Referral for counselling
- Filing of a countersigned copy of a report in the student's file
- Written apology
- A requirement for the student to undergo training in relevant areas including the College's policies
- Exclusion of the student from the campus or the College's activities for a defined period
- Any combination of the above.

Students will also be advised that this first offence has been entered on the Student Misconduct Register (SMR) and that any further breaches will be automatically deemed as Major Misconduct with associated penalties.

4.3 *Major Misconduct*

A finding of Major Misconduct may result in the imposition of one of the following penalties:

- Any of the penalties for General Misconduct or
- Suspension or cancellation of the student's enrolment.

4.4 *Notification*

Within ten (10) days of any hearing the student will be advised in writing of:

- The outcome of the Hearing and penalties applied
- The reasons for the decision
- The student's right to appeal the decision up to 20 working days from the notification of outcome under the *Student Appeals Policy and Procedure*.

Where the student is an international student and the College intends to initiate a suspension or cancellation of their enrolment, the advice must include information advising that the suspension or cancellation may impact their student visa.

Where the finding is in favour of the student the matter will be deemed closed.

4.5 Records

The SMR records all findings of any misconduct under this Policy and Procedure and these records will form part of the College's disciplinary records and students' files. Where an investigation or Panel hearing determines the allegation is unfounded, no records will be kept.

When misconduct is found to have occurred, the following documentation will be maintained on the student's file (as applicable):

- The allegation notice sent to the student
- The student's response
- The notice of decision
- Any student appeal
- Any decision on the appeal made by the internal appeals body
- Any outcome of the external appeal process.

5. Monitoring

The College collects de-identified data through the SMR on student misconduct, including by student cohorts. Student feedback is sought on their experience of student conduct and processes relating to the prevention of, and response to, misconduct.

The College uses the collected data to monitor trends in student misconduct.

The Board of Directors receives:

- A quarterly report on student misconduct, including allegations, institutional response, and trends, and
- An annual report on the adequacy and effectiveness of strategies for responding to student misconduct and approves recommendations for improvement as appropriate.

6. Appeals

A student may appeal against a decision made under this Policy under the provisions of the *Student Appeals Policy and Procedure*.

7. Responsibilities

All students and staff are responsible for familiarising themselves with the requirements of the *Student Code of Conduct* and this Policy.

8. Definitions

For the purposes of this Policy and Procedure, the following terms are defined as follows:

Student misconduct	Any behaviour from a student that is in violation of the expected behaviours outlined in the <i>Student Code of Conduct</i>
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9. Version History

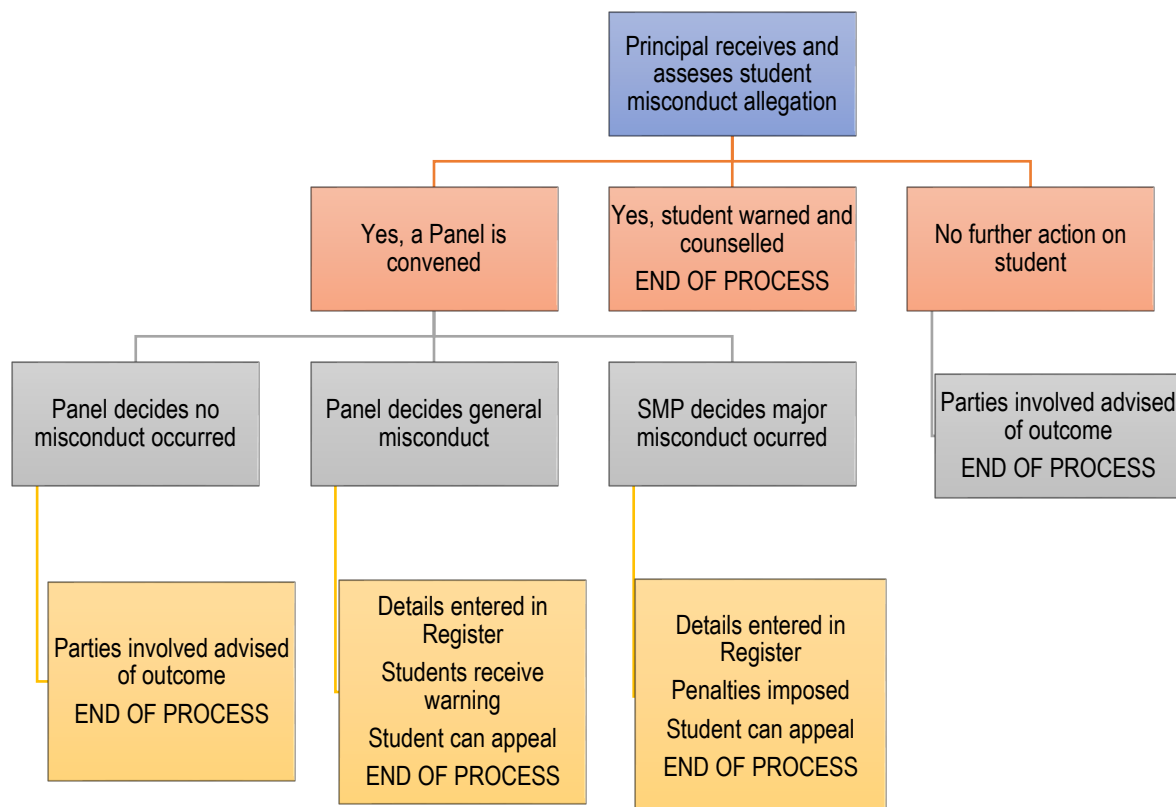
Version #	Changes	Approval Body	Approval Date
1.0	Original Version	Board of Directors	23/11/21

8. Additional Information

Policy Status	Approved
Policy Owner	Principal
Next Review Date	3 years from Approval Date
Associated Internal Documents	Student Code of Conduct Student Appeals Policy and Procedure
Higher Education Standards Framework (Threshold Standards) 2021	Standards 2.3.4, 6.2.1j, 7.2.2c
National Code of Practice for Providers of Education and Training to Overseas Students 2018	Standard 8.8.1
Other Applicable Legislation and Instruments	Education Services for Overseas Students Act 2000 Tertiary Education Quality and Standards Agency Act 2011

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Appendix 1. Student Misconduct Flowchart



Appendix 2. Student Misconduct Penalties Matrix

Guidelines

Type and level of misconduct: Multiple or repeated incidents of misconduct may be viewed more seriously than a single offence and previous findings may be considered in the determination of an appropriate penalty.

Behaviours: The same types of behaviour that are considered breaches of the Code and associated policies may be treated differently depending on the seriousness of the offence.

Penalties: The range of available penalties is a guide only. The Panel investigating the allegations may suggest other similar measures that are appropriate to the circumstances revealed by their investigations.

Type and level of misconduct	Example behaviours	Range of available penalties
Determined by Principal		
No prior history and not deemed to be Major Misconduct	<ul style="list-style-type: none"> any behaviour that breaches the Code and/or College policies that is not considered serious enough to convene a Panel (e.g. smoking on campus) 	<ul style="list-style-type: none"> counselling and a verbal warning report in the student's file a written apology training in relevant areas including College policies
Matters determined by a Panel		
No prior history and a finding of General Misconduct	<ul style="list-style-type: none"> behaviour which brings the College into disrepute unduly offensive or disorderly behaviour failure to comply with a reasonable requirement or direction from a member of the College's staff attacking, bullying, harassing, unlawfully vilifying, victimising, threatening or intimidating any person or attempting to do so behaviour which interferes with the orderly conduct of any teaching group, 	<ul style="list-style-type: none"> a warning letter referral for counselling filing of a countersigned copy of a report in the student's file written apology a requirement for the student to undergo training in relevant areas including the College's policies exclusion of the student from the campus or the College's activities for a defined period any combination of the above.

Type and level of misconduct	Example behaviours	Range of available penalties
	<p>assessment, examination or ceremony of the College, its governing bodies or other activities, functions or programs</p> <ul style="list-style-type: none"> – obstructing or interfering with the use of any of the College's premises, facilities or equipment – gaining access to, or entering, the College's server or network without lawful authority to do so, or engaging in illegal, inappropriate or offensive use of the internet, social media, email or the College's network; – engaging in conduct which involves unauthorised or unjustified interference with the property of any person. 	
Prior history and/or a finding of Major Misconduct	<ul style="list-style-type: none"> – physical violence against any person – wilfully damaging or stealing the College's property – committing any act or making any omission which has the capacity to endanger the safety or health of others where there is a serious risk of bodily harm – any type of fraud, including fraudulent representation of grades or awards for prior learning, including through the unauthorised use of the College's name, seal or trademarks – tampering with and/or making a fraudulent representation involving any medical certificate – any other type of fraudulent documentation provided to 	<ul style="list-style-type: none"> – any of the penalties for General Misconduct or – suspension or cancellation of the student's enrolment.

Type and level of misconduct	Example behaviours	Range of available penalties
	<p>the College in order to favour the student</p> <ul style="list-style-type: none"> – bringing a weapon on to the campus, placement premises or site of any educational activity – any act or omission which leads to a conviction for a breach of State or Federal legislation in association. 	