# Student Misconduct Procedure

| Version | Approved by | Approval date | Effective date |
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| 3.4 | Director of Governance | 28 August 2023 | 28 August 2023 |

## Procedure Statement

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| **Purpose** | To describe the process for making and managing complaints or reports about alleged breaches of the UNSW *Student Code of Conduct* (Student Code). | |
| **Scope** | This Student Misconduct Procedure (Procedure) applies to:<br>• all enrolled students and their activities undertaken within or with members of the UNSW community<br>• former students, students not currently enrolled, students previously enrolled, and exchange students at UNSW, where the behaviour in question occurred whilst they were a member of the UNSW community<br>• enrolled students where the relevant conduct directly relates to their enrolment or admission to a UNSW program. | |
| **Are Local Documents on this subject permitted?** | ☐ Yes, however Local Documents must be consistent with this University-wide Document | ☒ No |

## Procedure Processes and Actions

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## 1. Breach of the Student Code and Student Misconduct

1.1 A breach of the Student Code means a failure by a student to meet one or more of the responsibilities found in the Student Code. It may refer to a single breach or multiple breaches.

1.2 UNSW regards any breach of the Student Code as unacceptable and will manage complaints or reports of a breach of the Student Code according to this Procedure.

1.3 Depending upon the circumstances, allegations of plagiarism will usually be handled according to the UNSW *Plagiarism Management Procedure* or *Research Misconduct Procedure*. This Procedure applies when 'serious plagiarism' or repeated instances of student plagiarism have been identified.

1.4 Figure 1 below illustrates the spectrum along which breaches occur from a minor breach to a serious breach of the Student Code.

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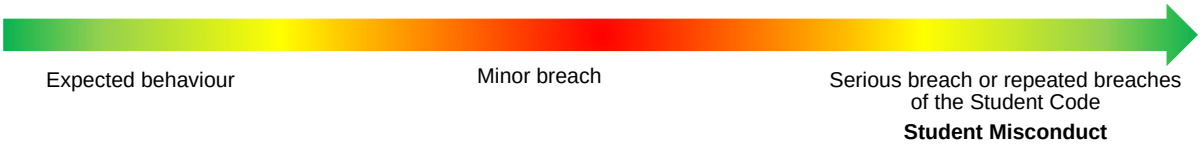


*Figure 1: Spectrum of breaches under the Student Code*

1.5 A serious breach, or repeated breaches, of the Student Code are considered Student Misconduct.

1.6 The following factors may be considered in determining if a breach of the Student Code constitutes Student Misconduct:

a) the extent of deviation from expected behaviour

b) the extent to which members of the UNSW community, University resources, external parties, and/or the integrity of the University's courses or programs are or may have been adversely affected by the breach

c) any prior breaches of the Student Code by the student

d) the student's level of academic experience at UNSW

e) whether any institutional failures contributed to the breach

f) any mitigating or aggravating circumstances.

1.7 A finding of Research Misconduct made against a higher degree research student under the UNSW *Research Misconduct Procedure* constitutes a finding of Student Misconduct under this Procedure.

A determination of the outcome will be made according to this Procedure (see clause 4.4).

## 2. Roles and responsibilities

2.1 The **Conduct & Integrity Office (CIO)**:

a) receives and manages complaints and reports about alleged breaches of the Student Code on behalf of the Designated Officer (see clause 2.3)

b) provides information and advice to students, Faculty Student Integrity Advisers (see clause 2.6) and Student School Integrity Advisers (see clause 2.7) on student responsibilities as outlined in the Student Code

c) provides administrative support to the Responsible Officer (see clause 2.4) and the Designated Officer (DO) (see clause 2.3) in the performance of their functions under this Procedure.

2.2 The **Investigating Officer (IO)**:

a) may be a member of the CIO, another UNSW staff member or an external party appointed by the RO or DO

b) investigates potential breaches of the Student Code that may constitute Student Misconduct, at the request of the RO or DO

c) prepares an investigation report which is provided to the RO or DO.

2.3 The **Designated Officer (DO)**:

a) is the Team Leader, Student Conduct & Integrity, Senior Case Manager or Case Manager

b) conducts an initial assessment to determine if:

i) the complaint is within the scope of this Procedure

ii) a breach of the Student Code may have occurred; and

iii) whether the potential breach should be investigated as potential Student Misconduct or according to clause 4.1.3 of this Procedure.

c) The initial assessment may be delegated by the DO to a member of the CIO

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d) appoints an IO to investigate potential breaches that may constitute Student Misconduct

e) receives the investigation report from the IO and decides if a breach of the Student Code and/or Student Misconduct has occurred, and if so, what action is to be taken.

2.4 The **Responsible Officer (RO)**:

a) is the Director, Conduct & Integrity, or their nominee

b) may suspend or exclude a student (where appropriate) following a finding of a serious breach (Student Misconduct)

c) may issue urgent or interim measures, where it is considered necessary (see *Section 6: Urgent or interim measures*)

For example, where a student's behaviour poses an immediate risk of harm to members of the UNSW community, University resources, external parties, and/or the integrity of the University's courses or programs

d) provides information to regulatory (or similar) bodies where the University considers such disclosure is necessary to fulfil its mandatory reporting obligations at law, and/or considering the potential serious consequences for the safety of individuals

e) provides bi-annual reports on matters arising under this Procedure to the Executive Review Officer (ERO) and University Academic Board.

2.5 The **Executive Review Officer (ERO)**:

a) is the Deputy Vice-Chancellor Education and Student Experience (DVCESE), or their nominee

b) receives requests for reviews of determinations of breaches of the Student Code, including Student Misconduct

c) reviews determinations of breaches of the Student Code, including Student Misconduct according to section 4.7.

2.6 The **Faculty Student Integrity Adviser (FSIA)**:

a) is appointed by the Dean

b) is usually an Associate Dean (Education) or equivalent

c) promotes and provides advice to students and staff on the responsibilities that students have under the Student Code, including how to make a complaint under this Procedure

d) establishes Faculty-wide guidelines and protocols for managing breaches of the Student Code locally.

2.7 The **School Student Integrity Adviser (SSIA)**:

a) may be either the Head of School or a senior academic staff member with substantial teaching experience appointed by the Head of School

More than one SSIA may be appointed in a School

b) promotes and provides advice, training and guidance to students and staff on the responsibilities found in the Student Code, including how to make a complaint under this Procedure

c) manages breaches of the Student Code following a determination by the DO, according to the DO's instructions, Faculty-wide guidelines, and protocols.

## 3. Making a complaint about a potential breach of the Student Code (including Student Misconduct)

3.1 A complaint is an expression of dissatisfaction, concern or allegation that a student's behaviour was inconsistent with the responsibilities found in the Student Code.

3.2 For staff - all concerns or allegations of serious plagiarism and any breach of the Student Code, where there is not a prescribed reduction in marks, must be reported to the CIO through the Complaints Management System.

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3.3 For other members of the UNSW Community (including students) - all concerns or allegations of any breach of the Student Code can be reported to the CIO through the Complaints Portal or studentconduct@unsw.edu.au.

3.4 Complainants are encouraged to seek advice from an SSIA or FSIA before lodging a complaint.

3.5 The complaint does not need to identify the sections of the Student Code or processes that may have been breached. The SSIA or FSIA may assist complainants to document and lodge a complaint.

3.6 Complaints must be submitted to the SCIU with all necessary information and supporting material.

3.7 Verbal complaints made to the CIO will be confirmed with the complainant in writing.

3.8 Complaints may be lodged anonymously but doing so may limit the University's understanding of the complaint and adversely impact upon any initial assessment or investigation which may follow.

3.9 Where a complainant elects not to proceed with a complaint or seeks to withdraw a complaint, the University retains an obligation to consider whether to proceed to an initial assessment.

3.10 Further information on lodging a complaint about a potential breach of the Student Code (including Student Misconduct) is available from a FSIA, SSIA, or the CIO at studentconduct@unsw.edu.au.

## 4. Handling complaints about a potential breach of the Student Code (including Student Misconduct)

An overview of the complaint handling process is set out in Appendix A.

### 4.1 Initial assessment

4.1.1 Upon receiving the complaint, the DO will assess if the alleged breach of the Student Code falls within the scope of this Procedure. The CIO may seek further information from relevant parties to complete this initial assessment.

4.1.2 If the complaint does not fall within the scope of this Procedure, the CIO may refer it to an alternate University process, to another institution or organisation to be resolved, or dismiss the complaint.

4.1.3 If the complaint constitutes a breach of the Student Code, as described in clause 1.1, the DO will assess the seriousness of the alleged breach of the Student Code according to clause 1.6 of this Procedure.

In making this assessment, the DO will consider if the complaint should be:

a) addressed locally at the Faculty or School level

b) referred for consideration under a different UNSW policy or procedure; or

c) addressed through another mechanism, other than being investigated under this Procedure.

4.1.4 If the complaint falls within this Procedure and is not to be handled locally, then the DO may invite the subject of the complaint (Respondent), to meet with the DO's nominee to discuss the complaint.

The purpose of the meeting is to:

a) outline the concerns raised by the complainant

b) explain the complaint handling process

c) offer the Respondent the opportunity to ask questions and to respond to the complaint.

The Respondent may bring a Support Person to the meeting.

4.1.5 If the Respondent declines or fails to meet with the DO's nominee to discuss the complaint, an investigation into the complaint will proceed according to clause 4.2 of this Procedure.

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4.1.6 If the Respondent admits to the allegations raised in the complaint, the complaint will proceed directly to a Determination according to clause 4.4. The DO will also consider corrective actions, where appropriate.

The Respondent may admit to allegations raised in the complaint at any time during the complaint handling process.

4.1.7 If in the opinion of the DO they consider that there is no additional probative or relevant evidence likely to be discovered during an investigation, the DO may, at their discretion, issue a determination.

4.1.8 The DO may, at their sole discretion, dismiss a complaint at any stage of the complaint handling process.

4.1.9 A complaint may be referred to another University or external process at any time.

For example, where the complaint raises behaviour that is, or should be, addressed according to the University's student welfare policies and procedures. A complaint relating to possible criminal conduct may be referred to NSW Police and/or a professional standards organisation.

### 4.2 Statement of allegations

4.2.1 Where the DO determines that an investigation is required, the Respondent will be provided with a written statement of allegations and invited to admit or deny the allegations, in whole or in part.

4.2.2 Where necessary, the DO may make amendments to the statement of allegations during the investigation. The Respondent and other parties (where relevant) will be provided with an opportunity to respond to any new material or allegations arising from the amended statement of allegations.

4.2.3 Upon receipt of any submission from the Respondent, the DO will determine how to proceed.

4.2.4 If the Respondent admits to the allegations in full, the DO will make a Determination according to clause 4.4 of this Procedure. The DO will also consider if any necessary corrective actions are appropriate.

4.2.5 If the Respondent denies the allegations, in whole or in part, the DO will initiate an investigation and advise the Respondent of the nominated IO.

### 4.3 Investigation

4.3.1 The purpose of the investigation is to make findings of fact enabling the DO to assess if a breach of the Student Code has occurred, the extent of the breach and of any further action required.

4.3.2 In conducting the investigation, the IO:

a) will provide the Respondent with a further opportunity to respond to the complaint, and respond to any questions raised by the IO, within a stipulated timeframe. Failure to provide the IO with the requested information without reasonable grounds may be considered a breach of the Student Code. This will be addressed by the DO when determining the complaint.

b) may request to meet with the Respondent.

The Respondent may bring a Support Person to that meeting

c) may contact other parties to gather relevant information

d) may consider whether expert advice is required and seek such advice if necessary

e) may consider if additional allegations or concerns should be raised with the Respondent

f) will consider notifying other parties or institutions of the complaint or the commencement of the investigation, in accordance with relevant legislative provisions, agreements and misconduct policies and/or rules.

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4.3.3 Upon completion of the investigation, the IO will prepare a draft investigation report, which includes:

a) a summary of the complaint and the process undertaken according to this Procedure

b) an evaluation of the facts, documents and information gathered, including the responses, if any, received from the Respondent

c) findings of fact in relation to the alleged breach of the Student Code

d) recommendations for further action, if appropriate.

4.3.4 The IO will provide the draft investigation report to the Respondent for comment on any omissions or errors of fact. It may also be provided to the complainant, if it is considered that their interests may be directly affected by the outcome. The University will take reasonable steps to notify the Respondent where it proposes to provide the draft investigation report to the complainant. Submissions from the Respondent will be considered by the IO before the Investigation Report is finalised and submitted to the DO.

### 4.4 Determination

4.4.1 Upon review of the finalised investigation report, the DO may accept the findings in it or request additional information

4.4.2 The DO will assess, on the balance of probabilities, if the:

a) conduct is a breach of the Student Code; and if so,

b) whether the breach of the Student Code is serious, constituting Student Misconduct.

4.4.3 The DO may determine that the:

a) alleged conduct did not occur, and the complaint should be dismissed

b) alleged conduct did occur, but it does not amount to a breach of the Student Code, and the complaint should still be dismissed

c) breach of the Student Code is a minor breach that does not amount to Student Misconduct and should be resolved locally, with or without corrective actions

d) breach of the Student Code is serious and constitutes Student Misconduct, but should still be resolved locally, with or without corrective actions; or

e) breach of the Student Code is serious and constitutes Student Misconduct and a disciplinary outcome should be imposed, with or without corrective actions. The DO will specify an appropriate disciplinary action.

4.4.4 Depending on the findings of the investigation report, the DO may elect to:

a) refer the matter to another authority, institution or external process

b) dismiss the complaint; or

c) refer the complaint to an alternate University process, for example, where the complaint relates to a student's behaviour that is being, or should be, addressed via the University's student welfare policies and procedures.

4.4.5 Where the DO determines the complaint should be resolved at the local level, they will refer the matter to the relevant Head of School, FSIA, SSIA or Dean with a recommendation on any action to be taken.

### 4.5 Penalty

4.5.1 Where the DO determines that a disciplinary outcome is appropriate, they will request a submission from the Respondent on any mitigating circumstances.

4.5.2 The following factors should be taken into account in determining the penalty imposed:

a) any previous findings of misconduct and the penalty/ies imposed

b) the year or level of study of the Respondent

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c) the severity of the breach

d) any intention or deliberation on the part of the Respondent

e) any personal health, family or other factors that is found to have contributed to the misconduct

f) other matters considered relevant in the circumstances.

4.5.3 Where the proposed disciplinary action is either a suspension or exclusion from UNSW, the RO will determine the penalty with due consideration to any recommendation made by the DO.

4.5.4 Penalties which the University may apply are outlined in Appendix B of this document.

### 4.6 Outcome

4.6.1 The DO will provide the Respondent with written notification of the outcome, any disciplinary action and their right to request a procedural review of the investigation (see clause 4.7).

4.6.2 The DO will also notify the following parties of the outcome:

a) the complainant

b) the relevant Dean and/or Head of School, the FSIA and the SSIA

c) the CIO

d) any other entity in accordance with legislative, regulatory or other legal obligations to report the conduct of the student and/or the subject of the complaint, where the University reasonably considers such disclosure is necessary or appropriate.

4.6.3 Where a finding of Student Misconduct is made, the CIO will enter the Respondent's name on the Student Misconduct Register.

4.6.4 The DO may also inform the complainant of the right to request a review of the investigation if they may be directly affected by the outcome.

### 4.7 Review of an investigation

4.7.1 The written notification of outcome referred to in clause 4.6.1 above will include an online link to enable the Respondent to request a procedural review of the investigation.

4.7.2 The purpose of a review is to affirm, or otherwise, that the investigation was procedurally fair and not to review the merits of the decision.

4.7.3 Requests for a procedural review of an investigation must be received by the ERO within 20 business days of receipt of the outcome.

4.7.4 Examples of a procedurally unfair investigation include[1]:

- a student not being given an opportunity to present their case or provide an explanation before the investigation was concluded
- irrelevant considerations were considered
- the decision maker failed to consider relevant information
- bias by the decision maker
- the decision maker in making the decision, acted dishonestly or for an improper purpose
- the decision maker did not follow University policy and procedure
- there was an excessive or unreasonable delay in the decision making.

[1] Source: ACT Ombudsman and Commonwealth Ombudsman, Crown copyright, NSW Ombudsman, March 2016. Downloaded 5 August 2019

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4.7.5 The request for a procedural review should clearly outline the grounds relied upon, including any supporting material or documentation.

4.7.6 A request for a procedural review of an investigation will only be accepted by the ERO if it:

a) is received within the timeframe stated in the determination; and

b) identifies procedural fairness grounds.

4.7.7 If the request is accepted, the ERO will notify the Respondent of the acceptance and provide details of the review process, including the scope of the ERO role.

4.7.8 Upon completion of the review, the ERO will communicate the outcome to the Respondent. The complainant, the DO, the CIO and any other relevant party will also be notified.

4.7.9 Respondents and complainants may lodge a request for an external review of the UNSW investigative processes with the NSW Ombudsman or Overseas Student Ombudsman.

## 5. Online only study

All communication, including meetings, with students conducting all their study and exchanges online will be undertaken online.

## 6. Urgent or interim measures

### 6.1 Suspension or restriction from UNSW

6.1.1 Suspending or restricting a student from all or part of the University's campuses, virtual spaces connected to study, or access to its facilities, including student accommodation, should only occur to prevent or minimise an imminent and serious threat from the student concerned to:

a) the safety or wellbeing of any member of the UNSW community; or

b) the proper functioning of any University activity or damage to University resources.

6.1.2 A suspension or restriction imposed upon a student does not preclude the making of an allegation of a breach of the Student Code or Student Misconduct.

6.1.3 A student may be suspended or restricted from:

a) all or part of the University or from access to its facilities, including student accommodation

b) all or part of the virtual space connected to the student's study; and/or

c) accessing UNSW information technology resources, clinical sites, laboratories, and affiliated entities used for UNSW research or teaching.

6.1.4 The authority to suspend or restrict a student under this Procedure is limited to:

a) the Provost

b) a Deputy Vice-Chancellor

c) the Director, Conduct & Integrity

d) the Director, Student Services and Systems

e) the Rector of the UNSW University College at the Australian Defence Force Academy

f) the Head, Security and Traffic Management.

6.1.5 A student may be suspended from part or all of a UNSW owned, managed or affiliated accommodation by the Head of the College, the Director of UNSW Residential Communities, a Deputy Vice-Chancellor, or the Director, Conduct & Integrity.

6.1.6 A student must be notified by email and be offered an opportunity to respond before a suspension or restriction in urgent circumstances is to be imposed.

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6.1.7 A suspension or restriction shall not in the first instance exceed 14 days.

6.1.8 The period of suspension or restriction may be extended to cover the time taken to finalise any actions taken or penalties imposed under this Procedure. This includes any review which may broaden or reduce the areas from which the student is suspended or restricted.

6.1.9 The student may apply for special consideration in the assessment of any enrolled courses if they are subject to suspension or restriction to the extent that the action taken has affected their ability to complete or contribute to assessments.

### 6.2 Corrective actions and referrals

6.2.1 At any stage of the misconduct process, the University may take appropriate corrective action, make reasonable directions, offer support services and provide referrals to other internal policies and procedures, as appropriate.

6.2.2 In some cases, the University may deem a matter serious enough to refer it to an external agency. In these circumstances it may be necessary for the University to suspend its misconduct process until the outcome of any external process is known.

External agencies include:

- NSW Anti-Discrimination Board
- Australian Human Rights Commission
- NSW Independent Commission against Corruption
- NSW Ombudsman
- NSW Police
- Australian Health Practitioner Regulation Agency (AHPRA)

## 7. Key principles

### 7.1 Confidentiality

7.1.1 Parties must always maintain and observe confidentiality during the complaint handling and misconduct process. Information and records about a misconduct matter must not be divulged to anyone other than those with direct involvement in the case, except where:

a) there is risk of harm to any person

b) the matter is subject to legal proceedings or other action which require the presentation of UNSW-held records by way of subpoena or similar

c) there is a clear public interest, obligation to share information (such as a duty to disclose information to a professional accreditation board, the Australian Defence Force Academy), or an obligation to disclose under legislation.

7.1.2 Where procedural fairness requires the complainant's identity to be disclosed, in order for the matter to be investigated, written consent will be sought from the complainant before their identity is disclosed.

Where written consent is not provided, the University may be limited in its ability to properly investigate the matter.

7.1.3 Where the complainant's identity is known or revealed, inadvertently or otherwise, the Respondent and other relevant parties must not contact the complainant or take any actual or threatened reprisal action, nor reveal the complainant's identity to any other person.

7.1.4 The University will not tolerate actual or threatened reprisal action against any participant in this Procedure. Any such conduct may lead to disciplinary action in accordance with the relevant University policy and procedures.

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### 7.2 Procedural fairness

Procedural fairness must be observed under this Procedure.

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### 7.3 Record keeping

7.3.1 Case files, comprising notes and documents generated during an investigation and any subsequent appeal will be stored electronically in the University's complaint management system.

7.3.2 Records of any allegation or proceeding brought against a student will not be included on a student's academic transcript.

7.3.3 Penalties imposed, such as a mark adjustment, will appear on a student's academic transcript.

7.3.4 Where a finding of Student Misconduct is made, the details will be added to the Student Misconduct Register.

7.3.5 Access to the register is restricted and maintained by UNSW Conduct & Integrity.

### 7.4 Other matters

The University reserves the right to investigate matters that may fall outside the scope of this Procedure where they are considered by the University to be of a serious nature and which may impact upon UNSW, its programs or other students.

Allegations of plagiarism related to Research will be handled according to the University's *Research Misconduct Procedure*.

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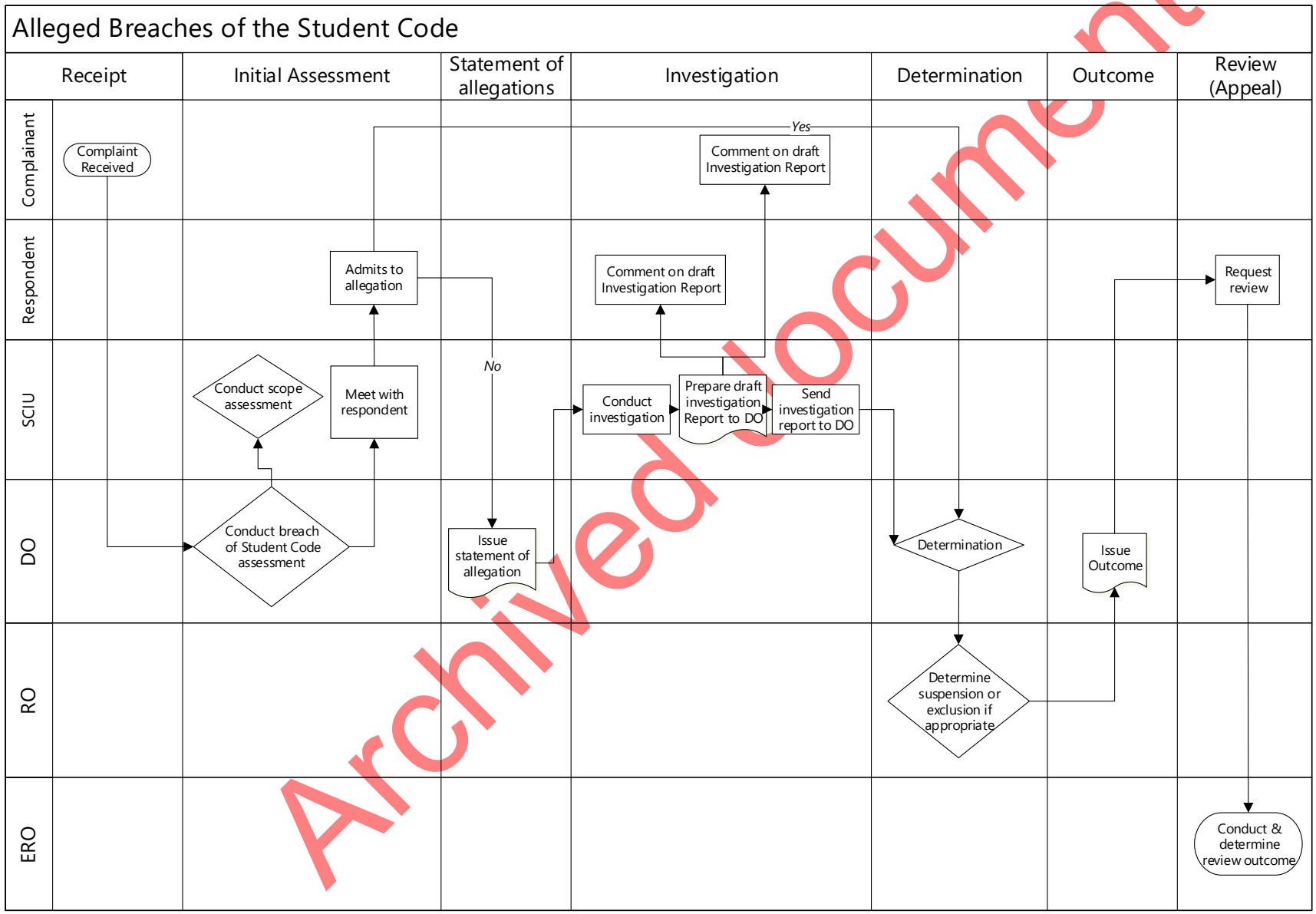
## APPENDIX A: Overview of the complaint handling process

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## APPENDIX B: Penalties which the University may apply for a breach of the Student Code

| Breach | Available outcomes | Designated Officer |
|---|---|---|
| **Breach** | • No formal action<br>• Apology<br>• Formal warning<br>• Formal reprimand<br>• Educative interview<br>• Remedial educative action<br>• Reduction in marks as prescribed by university policy or procedure<br>• Capped mark pass (50%) for the work or the course<br>• Resubmission of work without further penalty<br>• Resubmission or corrected work with a capped mark<br>• 0% for the assessment<br>• Other reduction in mark<br>• Restitution of damages | Team Leader, Student Conduct & Integrity, Senior Case Manager, Case Manager<br><br>NOTE: *Reduction in marks according to prescribed university policy and procedures may be applied by an assessment marker, with validation by the SSIA.* |
| **Serious breach** *(Student Misconduct)* | • No formal action<br>• Apology<br>• Formal warning<br>• Formal reprimand<br>• Educative interview<br>• Remedial educative action<br>• Reduction in marks as prescribed by university policy or procedure<br>• Capped mark pass (50%) for the work or the course<br>• Resubmission of work without further penalty<br>• Resubmission or corrected work with a capped mark<br>• 0% for the assessment<br>• Other reduction in mark<br>• Restitution of damages<br>• Fail for the course (00FL)<br>• Suspension from the university<br>• Delayed graduation<br>• Permanent exclusion<br>• Revocation of an award (e.g. certificate, diploma, degree, prize, scholarship) | • Team Leader, Student Conduct & Integrity, or delegate (00FL)<br>• Director, Conduct & Integrity (00FL, suspension, exclusion, delayed graduation)<br>• PVC Education & Student Experience (revocation of an award)<br>• Rector of the University College of UNSW at ADFA<br><br>*Suspension and restrictions are limited to the roles listed in clause 6.1.4.* |
| **Further action may be taken in the following circumstances:** | | |
| Admissions fraud | • Review of eligibility for admission<br>• Conditions placed on student's enrolment or re-enrolment<br>• Revocation of an award (e.g. certificate, diploma, degree, prize, scholarship) | • Director, Student Services & Systems<br><br>• PVC Education & Student Experience (revocation of an award) |
| Misuse of library resources | Penalties as published by the University Librarian on the Library website. | University Librarian |
| Misuse of email, information technology, or computing resources | Loss or restricted access to UNSW IT facilities. | Chief Digital Officer |
| Misuse of the resources of a School or Department | • Formal reprimand or warning<br>• Withdrawal of student access to the property of the School/Faculty for a period not exceeding the remainder of the current term.<br>• Restitution of damages<br>• Remedial educative action | Head of School/ Dean |

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| Misuse of UNSW affiliated residential college | As set out in the College's published policy. | Master of the College |
| Misuse of UNSW owned or operated self-care residential accommodation | • Formal reprimand or warning<br>• Termination of tenancy<br>• Restitution of damages | Director, UNSW Residential Communities |
| Breach of professional conduct | • Entry of the breach into professional register at local level<br>• Remedial educative action | Dean |

| **Accountabilities** | |
|---|---|
| **Responsible Officer** | Deputy Vice-Chancellor Planning and Assurance |
| **Contact Officer** | Director, Conduct & Integrity |
| **Supporting Information** | |
| **Legislative Compliance** | This Misconduct Procedure supports the University's compliance with the following legislation:<br>*Privacy Act 1988* (Cth)<br>*State Records Act 1998* (NSW)<br>*University of New South Wales Act 1989* (NSW) |
| **Parent Document (Policy)** | UNSW Student Code of Conduct |
| **Supporting Documents** | Nil |
| **Related Documents** | Assessment Implementation Procedure<br>Equity, Diversity and Inclusion Policy<br>Plagiarism Policy<br>Plagiarism Management Procedure<br>Required Medical Leave Procedure<br>Research Misconduct Procedure<br>Sexual Misconduct Prevention and Response Policy<br>Student at Risk Procedure<br>Student Critical Incident Procedure |
| **Superseded Documents** | Student Misconduct Procedure, v3.3 |
| **File Number** | 2018/15289 |
| **Definitions and Acronyms** | |
| **Balance of probabilities** | The civil standard of proof, which requires that, on the weight of evidence, it is more probable than not that the allegation is substantiated. |
| **Breach of the Student Code** | A failure by a student to meet one or more of the responsibilities set out in the Student Code and may refer to a single breach or multiple breaches. |
| **Corrective action** | Including but not limited to, training, counselling and system improvements. |
| **Plagiarism** | Involves a person using words or ideas of others and passing them off as their own. For further information please refer to the UNSW *Plagiarism Policy* |

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| **Procedural fairness** | The guiding principles for ensuring a fair and just process. Respondents are provided with an opportunity to respond and be heard; decision makers are free from bias and decisions are based upon relevant and probative evidence. |
| **Respondent** | Person or persons subject to a complaint or allegation. |
| **Serious plagiarism** | The entire assessment is plagiarised or the result of engaging in contract cheating. See the UNSW *Plagiarism Management Procedure*. |
| **Student Misconduct** | A serious breach, or repeated breaches, of the Student Code. |
| **Support Person** | A person who accompanies a party to an interview or meeting, and who may help a student, provide support or give advice on the misconduct procedures. A support person may be a friend, student, staff member or family member. A support person does not speak on behalf of the student and is not an advocate. |
| **University** | The University of New South Wales. |
| **UNSW Community** | Comprises University students, staff members and affiliates:<br>• on UNSW campuses and facilities, including the live-in accommodation at Australian Defence Force Academy (ADFA) Canberra<br>• in virtual spaces (including online forums, communities and platforms) arranged or facilitated by UNSW or where the virtual space is connected to UNSW study or the student experience<br>• while using UNSW information and communication technology resources<br>• at any premises where research study or work integrated learning is undertaken as part of a UNSW activity including but not limited to placements, internships, exchanges, fieldwork, or other types of practicum<br>• while students or student affiliates are representing UNSW (e.g. at social and sporting events, cultural activities, competitions, conferences), including within student clubs or whilst on exchange<br>• between UNSW student and a UNSW staff and affiliates<br>• at University owned, operated or affiliated accommodation<br>• at separate legal entities controlled by the University<br>• at Arc@UNSW and associated UNSW student society and club activities. |

## Revision History

| Version | Approved by | Approval date | Effective date | Sections modified |
|---|---|---|---|---|
| 1.0 | Deputy Vice-Chancellor (Academic) | 5 November 2009 | 1 December 2009 | |
| 2.0 | Vice-President and Deputy Vice-Chancellor (Academic) | 30 November 2012 | 30 November 2012 to 25 June 2013 | Full review |
| 2.1 | Vice-President and Deputy Vice-Chancellor (Academic) | 26 June 2013 | 26 June 2013 | Appendix B |
| 2.2 | Vice-President and Deputy Vice-Chancellor (Academic) | 30 January 2014 | 30 January 2014 | Section 1.1; 1.3-6; 2.1; 2.3-4; 4.1; 7.1(b); 7.3.1; 8.1.4;10.4; 10.5(del); 12.1; 12.3; 14; Appendix A and Appendix B; PVC(S) title update |
| 2.3 | Administrative update by Acting Head of Governance | 1 December 2015 | 1 December 2015 | Amendment to contact officer and position titles |
| 2.4 | Senior Deputy Vice-Chancellor | 29 February 2016 | 29 February 2016 | Amendment to contact officer and position titles |

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| 2.5 | Senior Deputy Vice-Chancellor | 3 August 2016 | 3 August 2016 | Section 1.6, 4.1, 5, 6, 7.2.1(c), 7.2.2(c), 7.2.3(c), 8.13-6, 8.2, 9, 12.3-4, Appendix A-C. |
| 2.6 | Senior Deputy Vice-Chancellor | 16 August 2016 | 16 August 2016 | Section 4.1; 8.1.4-6; 8.2 |
| 2.7 | Deputy Vice-Chancellor Academic | 25 July 2017 | 15 August 2017 | Update reflecting changes in senior leadership roles |
| 2.8 | Director of Governance | 21 June 2018 | 21 June 2018 | Administrative update to section 8.3 to align content with the Education Services for Overseas Students (ESOS) National Code |
| 2.9 | Deputy Vice-Chancellor, Academic | 16 July 2018 | 16 July 2018 | Administrative update to Section 2.1; Appendix A; and to change the title of the Student Conduct and Integrity Unit and Director, Conduct & Integrity |
| 2.10 | Deputy Vice-Chancellor Academic | 19 July 2019 | 19 July 2019 | Minor amendment to align with UNSW 3+ and the Sexual Misconduct and Prevention Policy and address audit requirements. |
| 3.0 | Deputy Vice-Chancellor Academic | 11 November 2019 | 1 January 2020 | Full review |
| 3.1 | Deputy Vice-Chancellor Equity Diversity and Inclusion | 2 March 2021 | 2 March 2021 | Changed Responsible Officer to DVCEDI and updated document and position titles in section 1.3; 2.1; 2.3; 2.4(a); 4.6.2-3; 4.7.8; 6.1.4 and 6.1.5 and Appendix B. Updated reporting in section 3.2 and process in section 4.1.7 and Appendix B. |
| 3.2 | Deputy Vice-Chancellor Equity Diversity and Inclusion | 27 July 2021 | 27 July 2021 | Minor amendment to Appendix B to add (or delegate) after 'Team Leader, Student Conduct & Integrity' for serious breaches of the Student Code of Conduct (Student Misconduct). |
| 3.3 | Director of Governance | 16 September 2022 | 16 September 2022 | Administrative update to senior position titles; updated DVCASL to DVCAQ. |
| 3.4 | Director of Governance | 28 August 2023 | 28 August 2023 | Administrative update of Executive Review Officer from DVCASL to DVCESE; and update of Responsible Officer from DVCEDI to DVCP&A. |

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