

## STUDENT MISCONDUCT POLICY

### PURPOSE

At the Whitehouse Institute, students and staff are governed not only by the normal laws that regulate daily life, but also by the Institute's own codes of conduct. The purpose of this policy is to define student general misconduct and student academic misconduct so that the Institute community shares an understanding of good conduct and academic honesty.

### POLICY

The Whitehouse Institute is committed to helping students understand what constitutes unacceptable behaviour whilst studying at the Institute, thereby avoiding action that may result in student general or academic misconduct.

PART A of this policy provides a definition and examples of student misconduct.

PART B of this policy provides a definition and examples of academic misconduct.

### DEFINITIONS

#### Exclusion

Means the cancellation of enrolment of a student and the withdrawal for a specified time of all rights and privileges as a student of the Institute, including the right to re-enrol as a student and the right to enter or to be on Institute grounds

#### Expulsion

Means the cancellation of enrolment of a student and termination of all rights and privileges as a student of the Institute including the right to re-enrol as a student and the right to enter or to be on Institute grounds

#### Member of the academic staff

Means a person employed (whether full time or part time) by the Institute with the status of lecturer or Tutor includes any person so employed on a visiting basis.

#### Property

Includes real, personal, intellectual and shared property in any (including electronic) form

#### Student Academic Misconduct

Means

- (a) Breach of such rules or guidelines relating to student academic conduct as may be prescribed by Departments or Committees
- (b) Misconduct relating to assessment or examinations, and
- (c) Any other conduct (the general nature of which has been made known to students) regarded as student academic misconduct according to current academic usage.

## Student misconduct

Includes student academic misconduct and also encompasses conduct which impairs the reasonable freedom of other persons to pursue their studies or to participate in the life of the Institute, including:

- (a) A breach of any rule relating to student conduct in the Institute
- (b) Conduct which unduly disrupts or interferes with a class, a meeting or any other official activity within the Institute
- (c) Conduct detrimental to Institute property, such as stealing, destroying or deliberately damaging studio equipment
- (d) Stealing, destroying, impairing the accessibility of, or defacing any part of the Institute Library collection
- (e) Using Institute computing or communications facilities in a manner which is illegal or which will be detrimental to the rights and properties of others
- (f) Acting so as to cause students or staff or other persons within, the Institute to fear for their personal safety
- (g) Refusing or failing to identify oneself truthfully when so required by a member of the academic staff or other officer of the University

## Suspension

Means a prohibition from entering a defined area or using a defined facility

## Institute grounds

Includes all land, buildings, premises and other property owned, leased or otherwise used by the Institute, and other buildings located on Institute land

## PART A: Student General Misconduct

Student general misconduct is that conduct which impairs the reasonable freedom of other person to pursue their study or to participate in the life of the Institute, including:

- Breach of any rule relating to student conduct in the Institute
- Conduct that unduly disrupts or interferes with a class, a meeting or any other official activity within the Institute
- Conduct detrimental to Institute property, such as stealing, destroying or deliberately damaging studio equipment
- Stealing destroying, impairing the accessibility of, or defacing any part of the Institute's Library collection
- Using Institute computing or communications facilities in a manner which is illegal or which will be detrimental to the rights and properties of others
- Acting so as to cause students or staff or other persons within the Institute to fear for their personal safety
- Refusing or failing to identify oneself truthfully when so required by a member of the academic staff or other officer of the Institute.

## PART B: Student Academic Misconduct

Student academic misconduct is that conduct which undermines the integrity of the teaching and assessment processes at the Institute, including:

- Breach of such rules or guidelines relating to student academic conduct as may be prescribed by Departments or Committees
- Misconduct relating to assessment or examinations, and
- Any other conduct (the general nature of which has been made known to students) regarded as student academic misconduct according to current academic usage.

## PROCEDURE

Any student, employee or other member of the Institute may make a written complaint of student misconduct to the Chief Executive Officer (CEO)

### Investigation

1. Upon receiving a complaint, the CEO shall appoint an appropriate officer of the Institute with no prior involvement in the matter to initiate preliminary inquiries from all parties concerned, and from such other People as he or she may think advisable
2. Following these preliminary inquiries, the officer shall prepare a report for the CEO, which shall contain recommendations as to how the matter should be determined
3. Where the officer is of the opinion that one or more charges have been proved and that one or more of the penalties set out in paragraph 6 are appropriate to the occasion, the report of the officer may contain a recommendation as to the appropriate finding(s) and accompanying penalty(ies)
4. Where the officer is of the opinion that one or more charges have been proved and that the appropriate penalty in respect of any of them exceeds or may exceed the limits set out in paragraph 6, the officer may recommend that the matter be referred to the Discipline and Misconduct Committee

### Determination

5. On receipt of the report of the officer, the CEO shall:
  - a. On the advice of the officer or in the exercise of his or her own discretion, summarily dismiss any one or more of the charges
  - b. In respect of any charge or charges not so dismissed, determine that the finding(s) and accompanying penalty or penalties recommended by the officer under paragraph 6 (Penalties) should apply, provided that the conditions set out in paragraphs 7 are satisfied
  - c. Direct that any charge or charges not resolved under subparagraph (a) or (b) of this paragraph should be referred to the Discipline and Misconduct Committee for formal hearing and determination

### Penalty

6. A penalty which the officer may recommend and which the CEO may impose, shall take one or more of the following forms:
  - a. Exclusion from the Institute for up to four whole sessions
  - b. Caution

- c. Reprimand
- d. Severe reprimand
- e. Reduction in marks, and/or
- f. Failure in one or more subjects.

7. No such determination shall however be made by the CEO if through accumulation of penalties the total period of exclusion of the student from the Institute would exceed four whole sessions

8. A determination by the CEO shall not take effect unless and until the report of the officer, together with notification of any summary dismissal of charges, and/or of the determination of penalties, has been given to the student and the student has within 14 days accepted the determination by notice in writing to the CEO.

9. Where acceptance is forthcoming, the CEO will notify the Student Administration Manager and the student's records will be amended accordingly

### Hearing

10. Where no such acceptance is forthcoming, the charge or charges in question shall be referred to Discipline and Misconduct Committee for formal hearing and determination

11. The Discipline and Misconduct Committee is convened in accordance with its Terms of Reference, and:

- a. Shall sit in camera
- b. May appoint one or more appropriately qualified persons to assist it on any matter or matters of law, procedure or technical expertise
- c. Shall record the evidence given before it
- d. Shall record the reasons for its determination and for any penalty that it imposes, including its findings upon any material issue of fact
- e. Where a Committee finds that a charge is substantiated, it may decide to impose no penalty or it may impose any one or more of the following penalties:
  - i. A fine, not exceeding \$500
  - ii. Suspension, exclusion or expulsion
  - iii. Any other lesser penalty that may be appropriate.

### Appeal

12. Notification of the Committee's final decision to the student shall include notice of his or her right of appeal under this paragraph

- a. An appeal by the student may be lodged in writing with the Academic Coordinator within 14 days of such notification. The notice of appeal shall indicate whether the appeal is against the determination or the penalty or both and shall specify the grounds of appeal
- b. Within 14 days of the Committee's decision, an appropriate officer of the Institute may lodge with the Academic Coordinator a written appeal against the penalty, stating the grounds of appeal
- c. Appeals shall be heard by the Board of Governors. Unless the Board of Governors determines in its discretion that the appeal should be by way of full rehearing, it shall base its decision on a transcript of the evidence taken by the Discipline and Misconduct

Committee, the Committee's record of its reasons and the arguments presented to it in writing or at the appeal hearing

- d. The Board of Governors ruling on the matter/s is final
- e. Should either the student or an appropriate officer of the Institute decide to appeal the Board of Governors ruling, then they must seek the services of an external mediation service
- f. The Institute will participate fully in any such process.

## General

13. As far as possible no person with a direct personal interest or involvement in an allegation shall exercise any of the powers conferred by this Policy and Procedure to determine an allegation of student misconduct or to impose a penalty or a period of suspension

14. All proceedings shall be conducted fairly and in accordance with natural justice, but shall not be subject to the rules of evidence. A student charged shall be presumed innocent unless and until guilt is freely admitted or is proved by clear and convincing evidence or to the Committee's comfortable satisfaction.

15. Students must appear personally at the hearings of a Discipline and Misconduct Committee. They may, if they so wish, be represented at their own expense by an advocate (whether legally qualified or not), provided that they have given notice to this effect to the presiding member of the Committee at least eight (8) days before the hearing. Alternatively, he or she may be accompanied by a friend or adviser with whom they may consult.

16. Students may conduct appeals to the Board of Governors in person, by an advocate (with the student present) or in writing without appearing personally

17. The Institute's case against a student may be presented in a hearing of a Discipline and Misconduct Committee or the Board of Governors by a senior officer or by a legally qualified advocate

18. Students are entitled to due notice of any charges of student misconduct made against them. Complaints and charges may be amended at any time before their determination, provided the student charged has adequate notice

19. A record or report of proceedings under this Policy and Procedure shall form no part of the student's official academic transcript

20. No information relating to such proceedings or to the circumstances giving rise to them shall be divulged by the Institute to persons (other than senior officers of the Institute) not immediately involved in the proceedings

21. At the conclusion of all relevant proceedings and after any time allowed for appeal has elapsed, the CEO may publish within the Institute, in such manner as he or she considers appropriate, a statement describing the nature of any offence for which a penalty was imposed (without being later annulled on appeal or remitted) and the extent of the penalty, but not the name of the person upon whom it was imposed or of any student

who was a witness in relevant proceedings

22. During the currency of an appeal, a suspension imposed may continue in operation, but no penalty (including a suspension imposed by way of penalty) shall be operative

23. If in the course of proceedings under these Rules (including appeal proceedings), it appears that a suspension of a student was not warranted, the suspension may constitute a ground on which the student may apply for special consideration in the assessment of any subject or subjects then being taken

24. Where appropriate, a relevant body may deal with more than one person, charge or both.

This procedure was approved by the Board of Governors on 28 February 2007 and is set out in the Student Handbook, Staff Handbook, Policy and Procedures Manual and published on the Whitehouse Institute website [www.whitehouse-design.edu.au](http://www.whitehouse-design.edu.au)