

 <b>BOND UNIVERSITY</b>	<b>STUDENT GENERAL MISCONDUCT PROCEDURE</b>
Endorsing Policy	Student Code of Conduct Policy
Procedure Owner	Chief Integrity Officer
Contact Officer	Chief Integrity Officer
Approval Authority	University Registrar
Date of Next Review	July 2025

### 1. PURPOSE AND OBJECTIVES

This Procedure outlines the processes for reporting and management of allegations of student general misconduct. For the purpose of this Procedure, general misconduct is defined in the Student Code of Conduct Policy.

The University adheres to the principles of procedural fairness when dealing with cases of alleged misconduct.

### 2. AUDIENCE AND APPLICATION

This Procedure applies to all Bond University students.

#### 2.1. Procedure Exclusion

The University has separate procedures for dealing with alleged academic misconduct by students (refer to Student Academic Misconduct Procedure) and alleged research misconduct by staff or students (refer to Research Misconduct Policy).

### 3. ROLES AND RESPONSIBILITIES

Role	Responsibility
University Registrar	<ul style="list-style-type: none"> <li>▪ Decision maker – may deal with allegations of general misconduct and resolve disputes as to whether any student misconduct matter falls within the jurisdiction of a decision maker</li> <li>▪ Advises or warns students in relation to Poor Conduct</li> <li>▪ May approve a waiver of time limits under clause 4.3.7</li> <li>▪ May grant an extension of time for payment of fines</li> <li>▪ May grant release of results under grounds of hardship</li> </ul>
Chief Integrity Officer	<ul style="list-style-type: none"> <li>▪ Procedure owner</li> <li>▪ Delegate of the University Registrar</li> <li>▪ Determines the correct or intended interpretation and scope of this Procedure</li> <li>▪ Provides advice on allegations of student misconduct including advice on resolving disputes as to whether a matter falls within the jurisdiction of a specific decision maker</li> </ul>
Inquiry Officer	<ul style="list-style-type: none"> <li>▪ One or more staff members authorised by the University Registrar to undertake a misconduct inquiry under this Procedure, including: <ul style="list-style-type: none"> <li>○ Campus Security Manager;</li> <li>○ General Manager, Hospitality Services; or</li> <li>○ Manager, Complaints and Student Misconduct</li> </ul> </li> <li>▪ Such authorisation may be for a specified period or in respect of a particular instance of alleged general misconduct</li> </ul>
Associate Dean (Student Affairs & Service Quality) or equivalent	<ul style="list-style-type: none"> <li>▪ Advises or warns students in relation to Poor Conduct that occurs in a Faculty or UAU context</li> </ul>
Director, Campus Life Director, ITS Director of Sport University Librarian	<ul style="list-style-type: none"> <li>▪ Decision maker – in cases of alleged general misconduct</li> <li>▪ Advises or warns students in relation to Poor Conduct that occurs within their operational area</li> </ul>
University Disciplinary Board	<ul style="list-style-type: none"> <li>▪ Decision maker in cases of general misconduct as referred to it</li> </ul>
University Appeals Committee	<ul style="list-style-type: none"> <li>▪ Decision maker in student appeals relating to findings of general misconduct</li> </ul>

### 4. PROCEDURE

The Student Code of Conduct Policy provides a formal framework for the University to deal with the behaviour of students which may be determined as misconduct. The University is committed to dealing with misconduct in an equitable, consistent, transparent, and timely manner.

Staff members must not participate in investigating or determining cases of alleged student misconduct where they have a conflict of interest.

#### **4.1. Reporting Misconduct**

Any person may, verbally or in writing, report possible misconduct to the appropriate decision maker, according to their area of jurisdiction. While an initial report may be verbal, the University is only able to proceed once the report is in writing.

It is the responsibility of all Bond University staff to report suspected cases of alleged misconduct. Students may also report suspected cases of alleged misconduct.

The first point of contact for reporting general misconduct is via the University's online [General Misconduct Reporting Portal](#). Alternatively, an individual may email [integrity@bond.edu.au](mailto:integrity@bond.edu.au) and the matter will be passed to the appropriate decision maker.

#### **4.2. Decision Makers**

A decision maker is the person responsible for determining the outcome of a specified allegation and, where applicable, imposing orders and/or penalties following a report of alleged misconduct.

A full list of decision makers, including their jurisdiction and penalty powers, is located in the Student Code of Conduct Policy, Schedule D.

##### **4.2.1. Referral to Alternative University Decision Maker**

A decision maker may, prior to determining a matter, refer the matter to another decision maker at the University, having regard for the seriousness of the allegation/s.

A decision maker should refer a matter to the University Disciplinary Board only if the decision maker considers the appropriate penalty may be greater than any of those available to the decision maker.

The referral of a matter from one decision maker to another does not in any way restrict the powers of the decision maker to whom the allegation/s have been referred to make a determination in the matter. The new decision maker will adhere to the time limits set out in clause 4.3.

The referral of a matter must include the allegation/s of misconduct, the evidence gathered to support the allegation/s, a brief outline of the facts, and the circumstances for the referral. The University Registrar is the final arbiter as to which decision maker should hear a particular matter.

Where referral has occurred and the student has already been notified of the original decision maker, the student must be advised that the matter has been referred to a new decision maker.

##### **4.2.2. Referral to Police or Other External Investigative Agency**

A decision maker may determine that, because of the serious nature of the alleged general misconduct, the matter should be considered for referral by the University Registrar to the police or other external investigative agency.

If the matter has been referred, or in the opinion of the decision maker may be referred, to the police or other external investigative agency, the decision maker may determine one or more of the following:

- that it is appropriate for the University to investigate the matter;
- that it is inappropriate for the University to investigate the matter;
- that proceedings under clause 4.3.5 should be delayed pending any referral of the matter or, if it has been referred, until the University is informed of the outcome of the referral; and/or
- that, having regard to the decisions made or actions taken by the police or other external investigative agency in respect of the referral, other action should be taken by the University in response to the alleged general misconduct.

If a matter is referred to the police or other external investigative agency, the time limits for the University to deal with the matter may be impacted by that referral. The University will comply with any directives received from the police or other external investigative agency.

#### **4.3. Dealing with Poor Conduct and General Misconduct**

##### **4.3.1. Initial Discussion with Student**

Where a view has not been formed as to whether misconduct may or may not have occurred, a discussion may be held with a student prior to any allegations being made. The student must be advised of the matter

of concern prior to the meeting, and that they may choose to attend or not, and may be accompanied by a support person.

If, during that discussion, the staff member/s authorised by a decision maker to meet with the student form the view that misconduct may have occurred, they must immediately cease the discussion and advise the student to wait for further correspondence on the matter. Such correspondence will be issued pursuant to the applicable provisions of clause 4.3 of this Procedure.

#### **4.3.2. Poor Conduct**

Where a decision maker has determined an incident to be Poor Conduct, the decision maker may, within 10 business days of that determination, issue a written warning or behavioural advice to the student for Poor Conduct.

#### **4.3.3. Show Cause Notice**

Where a decision maker has determined an incident to be Level 1 general misconduct, the decision maker may, within 10 business days of that determination, give the student a show cause notice. A show cause notice provides written notification that an order and/or penalty will be imposed unless the student, within 10 business days after the issue of the notice, shows cause why the order and/or penalty should not be imposed.

The written notification will specify:

- the allegation/s of misconduct against them;
- the relevant definition of misconduct in the Student Code of Conduct Policy;
- when the misconduct is alleged to have occurred;
- a copy of the Student Code of Conduct Policy and this Procedure;
- details of the decision maker who will consider the matter;
- the date by which the student must submit a response to the notice showing cause as to why the order and/or penalty should not be imposed and that failure to respond will result in forfeiture of any appeal rights to the University Appeals Committee;
- details of the relevant evidence, including how the student may inspect any digital evidence;
- advice to the student regarding the availability of advocacy and support services; and
- the possible consequences of further misconduct.

If the student fails to satisfactorily show cause to the decision maker within 10 business days after the issue of the notice, the order and/or penalty is automatically imposed, and the student will be required to comply with any orders made under the terms of the notice.

A student may appeal a decision made in accordance with the show cause process outlined above only after showing cause to the decision maker as to why the order and/or penalty should not be imposed. Refer to Student Review and Appeals Procedure.

#### **4.3.4. General Misconduct Inquiry**

a) With the exception of Poor Conduct incidents and any Level 1 incidents dealt with pursuant to clause 4.3.2 or 4.3.3 above, an inquiry into an incident of alleged general misconduct will be undertaken as soon as practicable by a staff member authorised by the University Registrar to conduct the inquiry. *Note: the person who undertakes the inquiry is referred to as the Inquiry Officer.*

b) In undertaking an inquiry, an Inquiry Officer must, subject to confidentiality and privacy considerations, inform the student in writing of:

- the allegation/s of misconduct against them;
- the relevant definition of misconduct in the Student Code of Conduct Policy;
- when the misconduct is alleged to have occurred;
- details of the relevant evidence;
- the time period within which to respond to the allegation/s (typically 5 business days); and
- advice to the student regarding the availability of advocacy and support services.

The Inquiry Officer must also provide the student with:

- copies of, or access to, any relevant documents or other evidence, including advice on how the student may inspect any digital evidence; and
- a copy of the Student Code of Conduct Policy and this Procedure.

The student must be given a reasonable opportunity to respond to the allegation/s before the Inquiry Officer finalises their report to the decision maker in accordance with clauses 4.3.4.e and 4.3.4.f below.

- c) The Inquiry Officer:
- is not bound by the rules of evidence but may inform themselves on any matter in the manner that they consider appropriate;
  - must act and report fairly and according to the substantial merits of the case; and
  - must act speedily and with as little formality and technicality as practicable.
- d) In respect of the student's opportunity to respond:
- the student must be invited to respond to the allegation/s in writing;
  - when permitted by the Inquiry Officer, the student may be given an opportunity to respond orally;
  - the Inquiry Officer must specify a date (and may extend the date) for the student's response that is at least 5 business days after the student has been given the information referred to in clause 4.3.4.b above;
  - if the student does not respond, the Inquiry Officer, in the absence of that response, may finalise their report.
- e) As soon as practicable after undertaking the inquiry, the Inquiry Officer must prepare a report and provide it to the decision maker and take any further action the decision maker considers necessary to finalise the report (e.g., conduct further investigations into, or analysis of, relevant factual issues).
- f) The Inquiry Officer's Report must include:
- a brief summary of the alleged misconduct;
  - the information and evidence collated as part of the inquiry;
  - the findings of the inquiry, referring to the evidence or other material on which those findings were based;
  - a recommendation as to whether or not there is sufficient evidence to proceed with the matter; and
  - where it is recommended to proceed, the Inquiry Officer's view of the seriousness or otherwise of the incident based on one or more of the following factors –
    - the extent to which the behaviour was planned or deliberate;
    - the degree of advantage gained or potentially gained;
    - the potential disadvantage to other students;
    - the potential negative impact on the University; and
    - the importance of taking clear and decisive action in relation to the matter.
- g) Within 5 business days of receiving the finalised Inquiry Officer's Report, the decision maker must decide to progress the matter for determination in accordance with clause 4.3.5 below or to refer the matter to another decision maker pursuant to clause 4.2.1 or 4.2.2 above.

If the matter is referred, the new decision maker may request further action from the Inquiry Officer under clause 4.3.4.e above.

#### **4.3.5. Determinations by Decision Maker**

When a matter is progressed for determination following a general misconduct inquiry, the decision maker should proceed in the way the decision maker considers appropriate, without being bound by the rules of evidence, but according to the principles of procedural fairness and the justice of the case. This includes making determinations:

- based on the evidentiary material before the decision maker, without holding a hearing (in which case clause 4.3.5.1 will apply); or
- at the conclusion of a hearing (in which case clause 4.3.5.2 will apply), based on the evidentiary material before the decision maker and the evidence obtained at the hearing.

Before making any determinations:

- the decision maker must be satisfied that –
  - the student has been given a copy of, or a reasonable opportunity to inspect, all relevant evidence held by the decision maker, subject to safety considerations and legislative compliance; and
  - the student has been given a reasonable opportunity to formally respond in writing to the allegation/s against them;
- where two or more students are alleged to have committed misconduct arising out of the same occurrence or series of occurrences, the decision maker must decide whether their cases are to be dealt with separately or together.

#### **4.3.5.1. Determinations Without a Hearing**

Where a decision maker elects to make a determination without holding a hearing, the decision maker, to their reasonable satisfaction, must determine on the balance of probabilities:

- whether there is sufficient evidence to establish whether or not the student has committed the misconduct alleged; and
  - if there is insufficient evidence to make a decision – dismiss the matter; or
  - if there is sufficient evidence to make a decision – whether or not the student has committed the misconduct alleged (which may include determining that the student has committed all or only some of the misconduct alleged, or that the student did not commit the misconduct alleged) and, if the student did commit some or all of the misconduct alleged, whether one or more of the orders or penalties allowed under the Student Code of Conduct Policy, Schedule D, should be imposed (including the ability to downgrade the matter to a Poor Conduct warning);

The decision maker should ensure that an outcome is determined normally within 10 business days of receiving the finalised Inquiry Officer's Report.

#### **4.3.5.2. Determinations With a Hearing**

Where a decision maker elects to hold a hearing, the student should be given a reasonable opportunity to attend the hearing to address the allegation/s against them.

A notice of hearing in relation to the matter should be given to the student in writing, setting out:

- the date, time and venue of the hearing;
- a brief summary of the case details (i.e., allegation/s and evidentiary material, including the Inquiry Officer's Report);
- details of the decision maker who will hear the matter; and
- advice to the student that they may be accompanied by a support person (not acting as legal counsel or solicitor).

At the conclusion of the hearing, the decision maker, to their reasonable satisfaction, must determine on the balance of probabilities:

- whether there is sufficient evidence to establish whether or not the student has breached the Student Code of Conduct Policy; and
  - if there is insufficient evidence to make a decision – dismiss the matter; or
  - if there is sufficient evidence to make a decision – whether or not the student has committed the misconduct alleged (which may include determining that the student has committed all or only some of the misconduct alleged, or that the student did not commit the misconduct alleged) and, if the student did commit some or all of the misconduct alleged whether one or more of the orders or penalties allowed under the Student Code of Conduct Policy, Schedule D, should be imposed (including the ability to downgrade the matter to a Poor Conduct warning).

The decision maker should ensure that an outcome is determined within 10 business days of the notice of hearing being issued to the student.

#### **4.3.6. Written Notice of Decision**

Within 10 business days of determining an outcome, the decision maker must give written notice of a decision to the student setting out the information outlined below and must provide the Office of Integrity with a copy of such notice.

The written outcome notice must include:

- the allegation/s of misconduct;
- the relevant definition of misconduct in the Student Code of Conduct Policy;
- details of the decision maker;
- the decision as to whether the student has breached the Student Code of Conduct Policy and, if so, the rationale for the decision;
- the decision on any orders and/or penalties that have been applied, and the rationale for applying each;
- advice to the student regarding the availability of support services; and
- information regarding the option to appeal.

#### **4.3.7. Waiver or Adjustment of Time Limits**

Prior to expiry of any of the time periods referred to in clause 4.3, the decision maker may apply in writing to the University Registrar for a waiver or adjustment of that time limit. The University Registrar may issue a written waiver if satisfied that the delay is reasonable. The same principle applies in cases where the University Registrar is the decision maker.

#### **4.4. Determining Appropriate Orders and Penalties**

Where a finding of misconduct by a student has been made, the decision maker may take into account the following considerations when determining an appropriate order and/or penalty:

- the seriousness of the misconduct with reference to the factors in clause 4.3.4.f;
- any relevant individual circumstances of the student;
- any mitigating circumstances to the case;
- whether a finding of the same type of misconduct has previously been made against the student;
- any apparent intention to commit the act of misconduct by the student, and, if any, the level and effect of that intention;
- the safety and wellbeing of students or staff who may be impacted;
- the objective of deterring future misconduct and/or rehabilitating the student;
- any loss, damage or harm caused by the misconduct to the University or any other person; and
- the penalty powers of the decision maker.

#### **4.5. Implementation and Enforcement of Orders and Penalties**

Refer to the Student Code of Conduct Policy (clause 5.2) for information on the full range of orders and penalties available to particular decision makers, including the actions a decision maker may take against a student who does not comply with the orders/penalties imposed. More specific detail relating to fines, suspension and expulsion, and the impact of internal appeals is provided below.

##### **4.5.1. Fines**

A fine imposed as a consequence of general misconduct must be paid into the general funds of the University within 5 business days of the expiry of the show-cause period provided for in this Procedure, or the expiry of the appeal period outlined in the Student Review and Appeals Procedure.

An extension of time for payment may be granted by the decision maker imposing the fine or the University Registrar.

If a fine is not paid within the time prescribed for payment, the student must not be awarded a result in any assessment or receive or be granted credit for any subject or program or receive any degree or other award of the University, so long as the fine remains unpaid. However, a student may apply to the University Registrar for the release of results on the ground of hardship (e.g. the intervention of financial exigency since the decision maker imposed the fine). If satisfied the grounds of hardship have been justified, the University Registrar may release the results but may impose conditions before doing so.

##### **4.5.2. Suspension and Expulsion from the University**

The University Disciplinary Board or University Appeals Committee may suspend or expel a student from the University as a consequence of general misconduct but may also direct that the suspension or expulsion be set aside or deferred and impose conditions in doing so.

Where suspension or expulsion has been applied by the University Disciplinary Board, the student may appeal the decision to the University Appeals Committee. However, the appeal will not suspend the interim implementation of that decision.

An executive suspension order may be applied to a student by the Vice Chancellor or University Registrar in accordance with the Student Code of Conduct Policy (clause 5.5). Such an order is not able to be appealed.

A student in receipt of a Bond University scholarship who is suspended or expelled from the University will have their scholarship cancelled. The Secretary of the University Disciplinary Board or University Appeals Committee, or the Chief Integrity Officer in the case of an executive suspension, will advise Student Business Services of suspension or expulsion orders against students.

A person who is expelled from the University must not be readmitted to the University except by permission of the Vice Chancellor.

### 4.5.3. Stay of Orders and Penalties

Subject to clause 4.5.2 above, an internal appeal normally suspends the implementation of the orders/penalties imposed as a consequence of misconduct. Refer to Student Review and Appeals Procedure, Schedule D (clause 4.4).

## 5. RIGHT OF APPEAL

Students' rights to appeal against the decisions made by University decision makers are documented in the Student Grievance Management Policy. As part of the outcome notification, a student will be notified in writing of their appeal rights. Decision makers will advise appeal deadlines in the outcome notice. Refer to Student Review and Appeals Procedure.

## 6. MONITORING AND ASSURANCE

The University Registrar will monitor the occurrence and nature of allegations and findings of misconduct to identify if systemic issues exist across the University. The Office of Integrity will produce an annual report, to be submitted to Council via the University Management Committee and Academic Senate, which may include recommendations for changes to policy or procedure to address any systemic issues identified.

## 7. RECORD KEEPING

All files relating to cases of alleged misconduct or Poor Conduct will be retained and disposed of in accordance with University and statutory requirements.

The University will maintain confidentiality relating to the management of allegations of misconduct or Poor Conduct, in accordance with the Privacy Policy.

## 8. RELATED DOCUMENTS

[Appendix 1: Student General Misconduct Processes](#)

[Bond University Student Charter](#)

[Complaints and Feedback Procedure](#)

[Privacy Policy \(INF 6.5.1\)](#)

[Research Misconduct Policy \(RES 4.5.5\)](#)

[Sexual Harm Policy \(SS 5.8.3\)](#)

[Student Academic Misconduct Procedure](#)

[Student Code of Conduct Policy \(SS 5.2.1\)](#)

[Student Grievance Management Policy \(SS 5.8.1\)](#)

[Student Review and Appeals Procedure](#)

## 9. MODIFICATION HISTORY

Date	Sections	Source	Details
24 July 2024	All	CIO and Special Advisor University Governance	V3: Amendments to align with policy and current processes
January 2024		CIO	Minor amendments re Poor Conduct and Levels 1 & 2 to align with policy
December 2022			Date First Approved: Regulations to Procedure

GENERAL MISCONDUCT PROCESSES

