

 <b>BOND UNIVERSITY</b>	<b>STUDENT GENERAL MISCONDUCT PROCEDURE</b>
Contact Officer	Chief Integrity Officer
Date First Approved	19 December 2022
Approval Authority	University Registrar
Date of Next Review	December 2023

### 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 in respect of allegations of general misconduct, as defined in the Student Code of Conduct Policy.

#### 2.1. Procedure Exclusion

The University has separate and established 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
Vice Chancellor	<ul style="list-style-type: none"> <li>▪ May waive the time limits in clause 4.3.4</li> </ul>
University Registrar	<ul style="list-style-type: none"> <li>▪ Procedure owner</li> <li>▪ May waive the time limits in clause 4.3.4 if the student agrees</li> <li>▪ May grant an extension of time for payment of fines</li> <li>▪ May grant release of results under grounds of hardship</li> <li>▪ Decision maker – may deal with any allegation of general misconduct and resolve disputes as to whether any student misconduct matter falls within the jurisdiction of a decision maker</li> </ul>
Chief Integrity Officer	<ul style="list-style-type: none"> <li>▪ Delegate of the University Registrar</li> <li>▪ Provides advice on allegations of student misconduct, including disputes as to whether a matter falls within the jurisdiction of a specific decision maker</li> </ul>
Associate Dean (Student Affairs & Service Quality) or equivalent	<ul style="list-style-type: none"> <li>▪ Advises or warns students in relation to Level 1 incidents of academic or general misconduct that occur in a Faculty or UAU context</li> </ul>
Director, Campus Life Director, Information Technology Services Director of Sport University Librarian	<ul style="list-style-type: none"> <li>▪ Decision maker – general misconduct</li> </ul>
University Disciplinary Board	<ul style="list-style-type: none"> <li>▪ Considers and determines charges of academic or general misconduct as referred to it</li> </ul>
University Appeals Committee	<ul style="list-style-type: none"> <li>▪ Considers and determines student appeals from decisions relating to charges of academic or 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.

#### 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](#).

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

A decision maker is the person responsible for determining the outcome and, where applicable, imposing orders and/or penalties following a report of alleged misconduct. A decision maker may delegate responsibility to an appropriate senior officer or committee to investigate allegations of student general misconduct and make recommendations to the decision maker.

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

#### **4.3. Dealing with General Misconduct**

##### **4.3.1. Dealing with Level 1 and low Level 2 Allegations of General Misconduct**

Where a decision maker has determined a case to be a Level 1 or low Level 2 incident of misconduct (as defined in the Student Code of Conduct Policy), the decision maker may issue a warning or give notice to a student 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 of misconduct, including the subject (if any) in which the misconduct is alleged to have occurred;
- which parts of the definition of misconduct in the Student Code of Conduct Policy apply;
- when the misconduct is alleged to have occurred;
- a brief outline of the alleged facts;
- 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;
- details of how the student may inspect the evidence; 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 under this Procedure, in accordance with the Student Review and Appeals Procedure, only after showing cause to the decision maker as to why the order and/or penalty should not be imposed.

##### **4.3.2. Dealing with high Level 2 and all Level 3 Allegations of General Misconduct**

With the exception of Level 1 incidents and low Level 2 incidents which are dealt with in clause 4.3.1 above, when dealing with an allegation of high Level 2 or any Level 3 allegation of misconduct, a decision maker will conduct a preliminary investigation (or delegate such authority) and decide whether or not there is enough evidence to proceed with the matter or, for serious allegations, whether or not to refer the matter to another decision maker in accordance with clause 4.4 below.

If it is determined that a charge of misconduct should be brought on the basis of the allegation/s, the decision maker should proceed as follows (or delegate such authority):

- give the student notice of the charge of misconduct in an allegation letter including:
  - the allegation of misconduct;
  - the definition of misconduct as listed in the Student Code of Conduct Policy that applies;
  - when the misconduct is alleged to have occurred;
  - a brief outline of the alleged facts;
  - a copy of the Student Code of Conduct Policy and this Procedure;
  - details of the decision maker who will hear the matter;
  - the hearing date or the mechanism for fixing the hearing date;
  - details of how the student may inspect the evidence;
  - advice to the student that they may be accompanied by a support person (not acting as legal counsel or solicitor); and

- the possible consequences of a finding of misconduct;
- proceed in the way the decision maker considers appropriate, without being bound by the rules of evidence but according to the justice of the case;
- where two or more students are alleged to have committed offences arising out of the same occurrence or series of occurrences, decide whether their cases are to be heard separately or together;
- give the student a copy of, or an opportunity to inspect, all relevant evidence held by the decision maker unless, in the opinion of the decision maker, there is justifiable reason not to make any particular piece of evidence available to the student;
- give the student an opportunity to formally respond in writing to the allegations with the proviso that such submissions are provided to the decision maker no later than two business days prior to the scheduled meeting with the decision maker and do not exceed 10 A4 pages including supporting documentation (note: the submission of greater than 10 A4 pages will require the prior consent of the decision maker but this must be sought with appropriate justification on a date prior to two business days before the hearing);
- give the student a reasonable opportunity to appear before the decision maker to answer the allegations;
- to the decision maker's reasonable satisfaction, decide on the balance of probabilities whether or not the evidence is sufficient to determine that the student has committed misconduct and, if so, whether one or more of the orders or penalties allowed under the Student Code of Conduct Policy, Schedule B, should be imposed.

#### **4.3.3. Written Notice of Decision**

A 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 notice of a decision must include:

- the allegation of misconduct;
- the definition of misconduct in the Student Code of Conduct Policy that applied;
- when the misconduct is alleged to have occurred;
- a brief outline of the alleged facts;
- details of the decision maker;
- the decision as to whether student misconduct occurred and, if so, the rationale for the decision;
- the decision on orders or penalties that have been applied, and the rationale for applying each;
- the possible consequences of further misconduct; and
- information regarding the option to appeal.

#### **4.3.4. Time Limits**

A decision maker will not hear a charge against a student unless the notice of the charge of misconduct has been given to the student within 20 business days of the decision maker becoming aware of the alleged misconduct.

A decision maker will decide the case within 20 business days of the day notice was given to the student or within a longer period if the student and the University Registrar agree.

Before a period of 20 business days expires, a decision maker may apply in writing to the Vice Chancellor for a waiver of the need to comply with these time limits.

The Vice Chancellor, before the expiration of the relevant 20 business day period, may issue a written waiver of the need to comply with these time limits if satisfied that the delay is reasonable.

Despite the rest of this Procedure, a decision maker may adjourn a hearing without regard to the time limit. Where a hearing is adjourned pending further information or evidence, the determination may be made by way of a second hearing or via majority vote in writing and the process for making the determination will be recorded in the minutes of the hearing.

Despite the rest of this Procedure, a decision maker may suspend a matter without regard to the time limit. In such cases, the decision maker will notify all parties in writing.

#### **4.4. Decision Maker may Refer Matter**

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

A decision maker should refer a matter to the 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, whether or not an allegation notice has been issued, does not in any way restrict the powers of the decision maker to whom the allegation has been referred to deal with or impose orders on the student.

The referral of a matter must include the allegation of misconduct (including the subject in which the misconduct occurred if relevant), the evidence gathered to support the allegation, when the misconduct is alleged to have occurred, a brief outline of the facts, and a statement by the decision maker explaining the justification for the referral.

If a matter is referred, the decision maker to whom the allegation has been referred must issue a new allegation notice to the student, which may include different or additional allegations of misconduct, and which advises that the matter has been referred.

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

When imposing orders and/or penalties, decision makers should use discretion within their power of authority as outlined in the Student Code of Conduct Policy. It is expected that the decision maker will display a level of consistency in applying penalties to various cases after considering all the facts.

Where a finding of misconduct by a student has been made, the decision maker (or delegate) may take into account the following considerations when determining (or recommending) an appropriate penalty:

- the seriousness of the misconduct;
- 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.

When determining which penalty to apply, previous offences can be factored in, particularly for repetition of the same offence.

#### **4.6. Implementation and Enforcement of Orders**

##### **4.6.1. Fines**

A fine imposed as a consequence of misconduct must be paid into the general funds of the University within five business days of the expiry of the show-cause or 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.

##### **4.6.2. Suspension and Expulsion**

The University Disciplinary Board or University Appeals Committee, as the decision makers empowered to suspend or expel a student from the University, may direct that the suspension or expulsion be set aside or deferred upon conditions that the decision maker decides.

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 implementation of that decision.

A person who is expelled from the University must not be re-enrolled except by permission of the Vice Chancellor.

**5. RIGHT OF APPEAL**

Students have the right to appeal a decision made by any decision maker. As part of the outcome notification, a student will be notified in writing of their appeal rights. Decision makers will make provision in the Outcome Notice for appeal dates when imposing deadlines (10 business days to appeal for most decisions, with the exception of international students who are suspended or expelled). Refer to Student Review and Appeals Procedure.

**6. MONITORING AND ASSURANCE**

The University Registrar will monitor the occurrence and nature of allegations and charges of misconduct to identify if systemic issues exist across the University. A report will be produced annually, 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 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, in accordance with the Privacy Policy.

**8. RELATED DOCUMENTS**

- [Bond University Student Charter](#)
- [Privacy Policy](#)
- [Research Misconduct Policy](#)
- [Sexual Exploitation, Assault, Abuse and Harassment \(SEAAH\) Policy](#)
- [Student Academic Misconduct Procedure](#)
- [Student Code of Conduct Policy](#)
- [Student Grievance Management Policy](#)
- [Student Review and Appeals Procedure](#)

**9. MODIFICATION HISTORY**

Date	Sections	Source	Details
December 2022			Regulations to Procedure