

Australian Capital Territory

business days means Monday to Friday inclusive but excluding public holidays and the period between Christmas and New Year when the University is closed;

Council means the Council of the University established by section 9 of the Act;

Course has the same meaning as the University of Canberra (Courses of Study) Rules 2018;

Committee means the Student Conduct Committee established under Part 6;

Committee Inquiry means an inquiry conducted by the Committee under Part 4;

Dean means a Dean of a University Faculty for the purpose of these Rules;

enrolled means where a student has accepted an offer and been admitted to, a Course at the University and includes where students are undertaking an approved period of intermission; or until such time as they receive a certificate of completion or they withdraw or are discontinued by the University;

exclusion means the cancellation of the enrolment of a student and termination of all rights and privileges as a student of the University including the right to re-enrol as a student and the right to enter or to be on University grounds for a period of 5 years from the date of the order;

Faculty means an academic Faculty of the University as determined by the Council under section 8 of the *University of Canberra Act 1989*;

grounds for appeal means those grounds set out at sub-rule 15(3);

Medical Leave Rules means the *University of Canberra (Medical Leave Rules) 2017*;

non-academic misconduct means prohibited conduct that is behavioural misconduct and described in sub-rule 9(3);

Obligations Certificate means a certificate issued under the *University of Canberra (Obligations) Rules 2018* as in force from time to time.

officer of the University includes all staff members of the University, and any officer employed by a company contracted to provide services to the University while such officer is providing such services;

plagiarism means using the words or ideas of others and passing them off as your own in any assessment;

Prescribed Authority means:

- (a) a Deputy Vice-Chancellor; or
- (b) a Vice-President or
- (c) a Pro Vice-Chancellor; or
- (d) a Dean, Executive Dean, Deputy Dean or Associate Dean; or
- (e) a Director of a research centre or institute;
- (f) the Registrar; or
- (g) a person appointed by the Vice-Chancellor for such purposes.

Provider Campus

and the Third Party Provider;

Provider Staff means all officers, employees, agents, contractors and other staff engaged by a Third Party Provider to provide the services or perform, carry out or discharge duties and obligations under an agreement with the University;

serious criminal offence has the same meaning as an indictable offence in the *Criminal Code 2002 ACT*;

serious misconduct means prohibited conduct and is described in sub-rule 9(4);

relevant Faculty assessment board means the Board of the Faculty that is responsible for deciding the student's result in relation to the unit;

Secretary means the secretary appointed by the Student Conduct Officer from time to time, or, where no such person is appointed, means the Student Conduct Officer or his or her delegate;

significant plagiarism includes but is not limited to:

- (a) using the words or ideas of others in whole or significant part and passing them off as your own in any assessment;
- (b) in collusion with others, using the words or ideas of others in whole or significant part and passing them off as your own in any assessment;
- (c) the copying or theft of another student's assignment or purchase of work to be assessed whether or not the work is submitted,
- (d) accepting or soliciting payment for work to be done for the purposes of a student submitting that work for assessment in a course at the University of Canberra or any other institution. Payment includes financial and non-financial reward; and
- (e) committing plagiarism for a second or subsequent time;

suspension means the cancellation of enrolment of a student in a course or a unit and may include the withdrawal for a specified time of all rights and privileges as a student of the

and responsibility for evaluation and monitoring of the Rules and processes.

- (2) The Secretary will provide administrative support in accordance with these Rules and the directions of the Student Conduct Officer and Chair of the Committee.
- (3) The Student Conduct Officer can be contacted at Student.Conduct.Officer@canberra.edu.au or by writing to The Student Conduct Officer, University of Canberra, ACT 2601.
- (4) The Secretary can be contacted at sccsecretary@canberra.edu.au

reasonable person, to an officer, employee or student of the University or visitor to the University.

Serious Misconduct

- (4) Serious Misconduct means academic or non-academic misconduct and includes but is not limited to the following conduct:
- (a) significant plagiarism;
 - (b) behaviour that is considered unlawful, discriminatory, sexually inappropriate, bullying, harassing, threatening, offensive, invades another's privacy or causes any person to fear for their personal safety;
 - (c) relating to entry into a program or receiving an award the student was not legitimately eligible for, or entitled to;
 - (d) subsequent findings of misconduct against a student; or
 - (e) any other misconduct not covered elsewhere.

10 Initiation of action relating to breach of conduct

- (1) Any person who considers that a student may have contravened rule 9 may draw the matter to the attention of an Authorised Person or a prescribed authority.
- (2) Where a matter is drawn to the attention of a Prescribed Authority under sub-rule 10(1) or a Prescribed Authority independently forms the view that a student may have contravened rule 9, the Prescribed Authority may, after making such preliminary informal inquiry as the Prescribed Authority thinks fit:
- (a) decide to take no further action in relation to the matter; or
 - (b) prior to any deliberative decision or action, refer the matter instead to a more appropriate Prescribed Authority for investigation and deliberation; or
 - (c) conduct a Summary I208.68 426.9 Tm0nQh1nBT/F3 11.6 Tf1 0 0 1 454.55 362.1 Tm0 g0 G]TETQ.

- (1) In this rule, suspension may include any or all of the following terms:
 - (a) suspension from attending classes at the University;
 - (b) prohibition from entering such parts of the University grounds as are specified in the order;
 - (c)

- (b) a finding of the Summary Inquiry based on a material mistake as to the facts;
- (c) new, relevant evidence that was not available to the student at the time of the Summary Inquiry that is likely to have affected the outcome of the proceedings; or
- (d)

17 Notice of Appeals Committee Inquiry

- (1) Where a Committee Inquiry is to be held, the Chair of the Committee must cause a notice to be issued to the student setting out the following:
 - (a) that a Committee Inquiry into the matter is to be held by the Committee;
 - (b) that the Inquiry is conducted pursuant to these rules and information about where a copy of the Rules can be obtained;
 - (c) each alleged breach of conduct;
 - (d) the day, time and place of the Committee Inquiry;
 - (e) who will be present at the Committee Inquiry on behalf of the University, and this may include the Secretary, the Student Conduct Officer and any other persons deemed appropriate by the Chair but, subject to sub-rule 18(4), will not include a lawyer acting in that capacity;
 - (f) the student's options, as set out in rule 18, in relation to the Inquiry; and
 - (g) the University's contact person in respect of the Committee Inquiry (for notices, queries and information) and their contact details.
- (2) The notice must be communicated to the student not less than 10 business days before the date of the Committee Inquiry.
- (3) A copy of the notice must be provided to the Secretary as soon as possible.

18 Student's options to engage with Appeals Committee Inquiry

- (1) A student receiving a notice under sub-rule 17(1) may (but is not obliged to):

Attend

- (2) attend the Committee Inquiry in person; and
- (3) be accompanied by another person (who must not be a qualified lawyer acting in that capacity without leave of the Committee and such leave must be requested in writing to the Secretary at least 5 business days before the date of the Committee Inquiry) who is a student or member of the academic or professional staff of the University; or
- (4) be represented, whether or not the student is present, by another person (subject to the provision of written authority signed by the student and given to the Secretary at least 5 business days before the date of the Committee Inquiry); or
- (5) attend the Committee Inquiry by video or teleconference (subject to availability of resources and the student giving the Secretary at least 5 business days written notice), and

Submit statements and evidence

- (6) if attending, make statements or submit evidence to the Committee Inquiry; and/or
- (7) deliver a written statement or other evidence which must be provided to the Secretary at least 5 business days before the date of the Committee Inquiry.

19 Procedure for an Appeals Committee Inquiry

- (1) The Committee Inquiry is not a rehearing of the Summary Inquiry and must only consider the ground or grounds upon which the appeal has been allowed.
- (2) The procedure of a Committee Inquiry is to be determined by the members of the Committee

- (2) An application for admission following the period of exclusion must be through the application processes applicable at the time of that application.
- (3) Where a finding is that a student is to be suspended from the University or a unit of study the student must not, for the period specified in the order:
 - (a) attend such classes;
 - (b) enter such parts of the University campus; or
 - (c) use such of the University facilities;as stipulated in the suspension.
- (4) Where a prescribed authority or the Committee orders a suspension or the termination of a student's enrolment in a

referred the allegation to a Prescribed Authority and any complainant or victim of the conduct found to have occurred.

- (3) An act done by the Vice-Chancellor, a Deputy Vice-Chancellor and Vice-President, Dean or a Prescribed Authority under these Rules is not invalid by reason only of a formal defect or irregularity.

- (1) A Prescribed Authority may make a referral to an Authorised Officer where proceedings have been brought against a student under these Rules and where the Prescribed Authority has formed a reasonable belief that the student may have a serious health condition as defined in the Medical Leave Rules.
- (2) Upon referral under sub rule 34(1), a Prescribed Authority may make a recommendation to an Authorised Officer to investigate pursuant to the Medical Leave Rules as well as suspending or resuming further proceedings under these Rules.
- (3) A Prescribed Authority may receive a referral from an Authorised Officer where proceedings have been brought against a student under the Medical Leave Rules and an Authorised Officer forms a reasonable belief that the student's conduct is not attributable to a serious health condition.

The foregoing Rules are made by Council under section 40 of the *University of Canberra Act 1989* and the *University of Canberra (Student Conduct) Statute 2015*.