

STUDENT BEHAVIOURAL MISCONDUCT

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1 PURPOSE

CQUniversity requires appropriate and acceptable standards of conduct and behaviour in the workplace and the learning environment in order to perform its functions under the *Central Queensland University Act 1998*.

It does not tolerate any behaviour which diminishes the academic reputation of the University, impairs the ability of scholars to participate in any legitimate University activity or disrupts the peace or good order of the University.

The University investigates and deals with incidents of behavioural misconduct among its student community in a consistent manner, affording natural justice and applying penalties which are appropriate, fair and just.

This procedure describes the University's position on and processes for managing behavioural misconduct by students. The behaviours the University expects of its students are set out in the [Student Charter](#) and the General Behaviour Requirements below.

2 SCOPE

This procedure covers all unacceptable student behaviour that cannot be resolved informally between the student and a staff member. It applies to all behavioural misconduct that relates to a student's role as a student no matter their location and no matter where the misconduct occurs.

3 EFFECTIVE DATE Term 3, 2015 (9 November 2015)

4 LEGISLATIVE AUTHORITY

[Central Queensland University Act 1998 Qld](#)

5 PARENT POLICY

[Student Misconduct Policy](#)

6 PROCEDURE

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General Behaviour Requirements

6.1 CQUniversity is committed to creating and maintaining a community in which students, staff, employers, and clients can work together in an environment that is free of violence, harassment, intimidation, and exploitation. Students have a responsibility to:

- treat people with respect and fairness,

- not swear, use obscenities, or make offensive remarks or gestures,
- avoid behaviour that could offend, embarrass, intimidate, or threaten others,
- not harass or disrupt others in the performance of their studies or duties,
- avoid bullying, aggressive, threatening, and abusive behaviour, including using social networking websites and University webpages and forums to make threatening or derogatory statements about any member of the University Community,
- not engage in sexual harassment, and
- make only truthful statements in regard to their student status, representation as a student, and entitlement as a student.

6.2 A particular action or behaviour may be deemed inappropriate by the effect on the recipient, independent of the intentions of the perpetrator.

6.3 Students shall be advised of this procedure and the consequences of student behavioural misconduct as a part of student orientation.

Misconduct

6.4 Misconduct is an act or omission committed by a student which occurs on University property, or involves the use of University resources including computer resources, or otherwise involves the student's relationship with the University Community where the student's behaviour is inconsistent with the expectations stated in the Student Charter.

6.5 The following conduct, if it occurs while the student is in their role as a student may be treated as Misconduct.

- a) Impeding the ability of any member of the University Community to study or participate in any University activity.
- b) Acting in a manner which is threatening, intimidating, harassing, disrespectful, inappropriate or unprofessional or negatively impacts on the University's reputation.
- c) Breaching any State or Commonwealth laws.
- d) Breaching any University non-academic policies.
- e) Sexual harassment, discrimination, or racially vilification.
- f) Causing any member of the University Community to hold reasonable fear for their safety or physical or psychological well-being.
- g) Committing an act or making an omission which has the capacity to endanger the safety or health of any member of the University Community.
- h) Assaulting any member of the University Community.
- i) Wilful damage, wrongfully dealing with or interference with property of any member of the University Community with a replacement or repair value of less than \$500.
- j) Breaching the confidentiality of any information gained during a work placement or practicum.
- k) Any act or omission which disrupts the peace and good order of the University.
- l) Any attempt to do an act or make an omission which would, if completed, amount to misconduct.
- m) Being complicit in or aiding another in misconduct.
- n) Failing to comply with any direction, order or penalty made or imposed under this procedure.

Serious Misconduct

6.6 Serious Misconduct is misconduct where the student has displayed wilful or deliberate behaviour that is inconsistent with the values stated in the Student Charter and the General Behaviour Requirements listed above, which may cause serious or imminent risk to the student, others and property of the University, and which may impact on the reputation, viability and integrity of the academic standards of the University.

6.7 The following conduct may be treated as Serious Misconduct, if it occurs while the student is in their role as a student:

- a) A repeat of behaviour of the same or similar nature where the first incidence of that behaviour has been dealt with by the Director, Governance, or nominee, under the terms of these procedures as Misconduct.

- b) Committing any act or making any omission which has the capacity to endanger the safety or health of any member of the University Community where there is a real risk of serious bodily harm to members of the University Community.
- c) Wilful damage, wrongfully dealing with or interference with property of any member of the University Community where the replacement or repair value is greater than \$500.
- d) Any type of fraud, including fraudulent representation of grades or awards for prior learning including through the unauthorised use of any University name, seal or trademarks.
- e) Tampering with and/or making a fraudulent representation involving any medical certificate where the original certificate was tampered with, stolen or not issued in favour of the student.
- f) Any other type of fraudulent documentation provided to the University in order to favour the student.
- g) Knowingly claiming scholarship payments when ineligible to receive such payments.
- h) Bringing a knife or other weapon on to University, work placement or practicum premises, except where the knife is used for laboratory dissections, butchery or cookery training and is not used in any threatening manner.
- i) Any act or omission which leads to a conviction for a breach of the Criminal Code, the *Drugs Misuse Act* or any other State or Federal legislation for which the penalty may include imprisonment and where the injured party is a member of the University Community, or in the case of the *Drugs Misuse Act* the offence occurred on or involved the use of University property.

First Response

- 6.8 Any staff member who observes behavioural misconduct occurring on-campus, online in relation to a University unit, course or program, at a residential school or in a work placement/practicum situation:
- monitors the student's behaviour, completes the Student Misconduct Report, and forwards the Report to the Manager, Vocational Training (for VET students) or the Director, Governance (for higher education students),
 - may immediately notify the Police, if the situation requires, and then inform the Director, Governance (and the relevant Manager, Vocational Training if a VET student), and
 - may immediately isolate the student and request the student to stop the misconduct and, if necessary, seek assistance from other staff members. Also, if necessary, notifies the Manager, Vocational Training (for VET students) or Director, Governance who determines whether the Police need to be informed.
- 6.9 Any member of the teaching staff or any senior staff member may, in respect to any misconduct committed, in a class, laboratory, library, facility or premises under their management control, or during a placement, immediately suspend the student from attendance in that environment for a period not exceeding 24 hours in the first instance, if that student does not comply with an instruction to cease the misconduct and/or poses a health and safety risk to anyone and/or severely disrupts the ability of everyone around them to continue with the scheduled activity. In this situation, they must also complete and send the Student Misconduct Report to the relevant Manager, Vocational Training (for VET students) or Director, Governance (for higher education students), detailing the circumstances of the misconduct.
- Where the student to be suspended is an apprentice or trainee, refer to the Checklist for Apprentice/Trainee Suspension in regards to apprentice/trainee suspension requirements.
 - If the student is an apprentice/trainee, they are to be directed to return to their place of employment for the duration of the suspension – maximum of 24 hours, unless they are under the age of 18, in which case they are to be directed and/or escorted to the relevant Manager, Vocational Training's office to await further direction.
 - The staff member applying the suspension will ensure that the employer is notified of the apprentice/trainee suspension and direct them to return to work by the next session break.
 - If it is impractical for the apprentice/trainee to return to work, then they are to be directed to the relevant Manager, Vocational Training's office for further direction.
 - If the Manager, Vocational Training is unavailable, a relevant Senior Staff member is to be notified by the Manager's Executive Support.

- 6.10 Following the receipt of a Student Misconduct Report, the Manager, Vocational Training:
- shall, if possible, speak to the student directly about the matter seeking the student's version of events. If the student requires assistance in undertaking any part of the disciplinary process because of language or literacy barriers, disability or any other issue, Student Services may be contacted so that appropriate support can be provided,
 - may modify or dismiss the charge, and document this on the Student Misconduct Report (and forward to the Director, Governance),
 - may suspend the student for up to three days, if required,
 - may issue a formal warning,
 - may issue a written reprimand that will be placed on the student's file for the duration of their studies, and/or
 - may recommend the matter to the Director, Governance for further action be taken under this procedure.
- 6.11 If a decision is made to monitor the student's behaviour, the student shall be advised verbally of such a decision and a letter will be completed/provided within seven days and attached to Student Misconduct Report. A letter will also be forwarded to the parent/guardian if the student is under 18 years of age.

Investigation and Determination

- 6.12 Depending on the nature of the observed misconduct or misconduct allegations, the student may not be permitted to enter any campus whilst the matter is being investigated.
- 6.13 Any behaviour which could be considered an incidence of misconduct may be dealt with in the first instance by the Manager, Vocational Training, Deputy Dean (Learning and Teaching) or Dean of School. The outcome of this, if misconduct is proven shall be a written warning, and shall provide the student with an opportunity to rectify their behaviour.
- 6.14 All Misconduct and Serious Misconduct offences may be investigated and finally determined alone by the Director, Governance, or nominee. The Director, Governance may consult as necessary to ensure all relevant information is received to allow a determination to be made.
- 6.15 Should the Director, Governance, or nominee, consider that misconduct has occurred, the Director, Governance, or nominee, will formally advise the student, in writing, of the allegations and provide the student with an opportunity to answer these allegations in writing, and/or to present their case.
- 6.16 The written advice will include:
- sufficient detail of the allegation/s to allow the student to understand the nature of the alleged misconduct or serious misconduct,
 - a list of the range of possible penalties,
 - confirmation of the right to answer the allegations in person and the support options available for this,
 - confirmation of the ability to obtain independent advice and support, and
 - the required timeframe for the student's response.
- 6.17 Written advice of an allegation of misconduct shall be deemed to be properly served on the student if sent to the student's university-provided email address and the last known address recorded by the student with the University as the student's postal address.
- 6.18 Students are required to provide their response to the allegations in writing. An opportunity to address the Director, Governance, or nominee, will be provided if it is required or requested. Students may have a person in attendance from one of the following groups to provide support and to assist the student to state their case:
- enrolled student of CQUniversity,
 - CQUniversity staff member, or
 - any other person who is satisfactory to the Director, Governance, or nominee.
- 6.19 Students may seek advice from the Student Ombudsman on how to present their response.

- 6.20 Investigations shall be scheduled as soon as possible after the alleged misconduct is identified, but no earlier than 14 days and no later than 60 days from the date of the letter of notification to the student. If the student requires more than 14 days to prepare their case, they may apply to the Director, Governance, or nominee, for an extension.
- 6.21 The Director, Governance, or nominee, shall investigate and determine misconduct matters in a manner affording natural justice and applying penalties which are appropriate, fair and just.
- 6.22 Notice of the allegation of misconduct and the outcome of the investigation shall also be advised to the relevant Associate Vice-Chancellor.

Student's Response

- 6.23 In the event that a student fails to respond either verbally or in writing to a written advice of an allegation of misconduct within the time allowed for response in that advice, the Director, Governance, or nominee, may elect to accept such failure to respond as deemed acceptance of the allegations (ie. that what is alleged did in fact occur) and a consent to proceed with an investigation and determination.
- 6.24 In the event that the Director, Governance, or nominee, does proceed in the absence of a response, the student may subsequently seek to have the proceedings reopened if the student can demonstrate that they did not receive the notice because of exceptional circumstances beyond their control. Such an application should be made directly to the Director, Governance.

Penalties

- 6.25 Penalties shall be applied in accordance with the following principles:
- to penalise the behaviour in a manner which is fair and just in all of the circumstances,
 - to allow the student an opportunity to correct offending behaviour, and
 - to protect and maintain standards of conduct and behaviour in the workplace and the learning environment which allow the University to perform its roles and functions under the *Central Queensland University Act 1998*.
- 6.26 The following penalties may be applied for instances of Misconduct:
- order for compensation or restitution on such terms as are deemed fit and proper,
 - completion of a behaviour agreement, with or without the requirement that this must be provided prior to enrolling in the next term,
 - written warning with reprimand,
 - mandatory counselling by either the University's Counsellors or a professional psychiatrist,
 - conditions may be placed on enrolment, such as a requirement that a course must be completed by distance education rather than face-to-face,
 - entering the student's name on the Behavioural Misconduct Register, and/or
 - any combination of these penalties.
- 6.27 The following penalties may be applied for instances of Serious Misconduct:
- any penalty that may be applied for instances of Misconduct,
 - entering details on the student's permanent record,
 - referral to the Police,
 - suspension from the University,
 - banned from re-enrolling at the University,
 - expulsion from the University, and/or
 - any combination of these penalties.

Misconduct Register

- 6.28 Whenever a student admits or is otherwise found to have committed an act of misconduct and is dealt with under these procedures, that student's name and details of the complaint and any penalty imposed shall be entered in the Behavioural Misconduct Register, which shall be kept and maintained by the Director, Governance, or nominee, for so long as the student remains enrolled at the University and then for a period of 24 months thereafter.
- 6.29 The Misconduct Register shall not form part of the student's permanent academic record nor shall it be referred to on the student's academic transcript.
- 6.30 The Misconduct Register shall contain details regarding the misconduct offence including a brief outline of the facts, the mitigating factors and the penalty imposed.
- 6.31 Registration of a student's name on the Behavioural Misconduct Register shall be conclusive evidence that the student has previously been dealt with for Misconduct or Serious Misconduct under this procedure.
- 6.32 Access to the Behavioural Misconduct Register shall be restricted to the Office of the Director, Governance.

Appealing a Determination by the Director, Governance, or nominee

Internal Appeal

- 6.33 Where a decision has been made regarding an allegation of misconduct and a penalty applied by the Director, Governance, or nominee, and the student can demonstrate that the process was not followed or that new evidence is available, they may lodge an internal appeal with the Deputy Vice-Chancellor (Student Experience and Governance).
- 6.34 Appeals to the Deputy Vice-Chancellor (Student Experience and Governance) must be lodged in writing within 20 working days of the receipt of the official notification of the decision being appealed and addressed to:

Deputy Vice-Chancellor (Student Experience and Governance)
Building 1
CQUniversity Australia
ROCKHAMPTON QLD 4701

Email: studentmisconductappeal@cqu.edu.au

Fax: 4936 1691

- 6.35 The appeal should include the following details:
- the student's full name (family/surname and first name), student number and contact details,
 - the nature of the decision or matter being appealed,
 - the basis for the appeal,
 - details of the specific outcome sought by the student, and
 - copies of all relevant documents.
- 6.36 An appeal may not proceed if:
- no reasonable grounds are stated for the appeal,
 - no new or different grounds are stated for the appeal from those already considered by the Director, Governance, or nominee,
 - the student has not ensured that they are in a position to receive all notifications from the University. Late or no receipt of official letters will not be accepted as grounds for appeal if changes of address have not been notified and received by the university, or
 - the appeal is lodged outside the 20 working day timeline specified above.

- 6.37 The University shall ensure that all students are advised of their options for internal appeal at the time they are advised of an adverse decision against them.

External Appeal

- 6.38 Any student not satisfied with the outcome of their internal appeal may appeal the decision by referring the matter to the Queensland State Ombudsman or to a court or tribunal with an appropriate jurisdiction.
- 6.39 The University shall ensure that all students are advised of their options for external appeal at the time they are advised of an adverse decision against them.

7 RESPONSIBILITIES

Compliance, Monitoring and Review

- 7.1 Responsibilities for actions under these procedures are detailed throughout this document.
- 7.2 The Director, Governance is responsible for monitoring compliance with this Procedure and ensuring regular reviews.

Reporting

- 7.3 The Director, Governance, or nominee, shall provide a report of decisions to the Vice-Chancellor's Advisory Committee twice yearly.

Records Management

- 7.4 All records relevant to this document are to be maintained in a recognised University recordkeeping system.

8 DEFINITIONS

Misconduct: an act or omission committed by a student which occurs on University property, or involves the use of University resources including computer resources, or otherwise involves the student's relationship with the University Community where the student's behaviour is inconsistent with the expectations stated in the Student Charter and the General Behaviour Requirements.

Serious Misconduct: misconduct which is of a type where the student has displayed wilful or deliberate behaviour that is inconsistent with the values stated in the Student Charter and the General Behaviour Requirements; which may cause serious or imminent risk to the student, others and property of the University; and which may impact on the reputation, viability and integrity of the academic standards of the University.

Sexual harassment: behaviour that subjects another person to an unsolicited act of physical intimacy or makes an unsolicited demand or request of a sexual nature to another person, or making remarks with sexual connotations relating to the other person or engaging in any other unwelcome conduct of a sexual nature towards the other person.

University Community: includes the University Council, academic, teaching and professional staff of the University, contractors of the University, students, visiting academics, teachers and lecturers, businesses and organisations providing placement or practicum opportunities and their staff and clients, and the University body corporate.

All terminology used within this procedure is consistent with definitions in the [CQUniversity Glossary](#).

9 RELATED LEGISLATION AND DOCUMENTS

Related Policy Document Suite

[Student Misconduct Policy](#)

[Academic Misconduct Procedure](#)

[Student Research Misconduct Procedure](#)

Related Legislation and Supporting Documents

[Standards for Registered Training Organisations \(RTOs\) 2015 Cwlth \(Standard 6\)](#)

[Student Rules Policy \(TAFE\)](#)

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Advisory Committee to Approval Authority	Vice-Chancellor's Advisory Committee
Administrator	Director, Governance
Next Review Date	09/09/2018

Approval and Amendment History	Details
Original Approval Authority and Date	Academic Board 10/03/2010 (as part of the Student Misconduct Procedures)
Amendment Authority and Date	Update of position titles 07/05/2010; Academic Board 13/07/2011; Academic Board 05/10/2011; Academic Board 03/10/2012; Academic Registrar minor amendments 18/12/2012; Position title updates 23/05/2013; Vice-Chancellor and President 11/09/2013; Vice-Chancellor and President 09/09/2015.