Non-Academic Student Misconduct Policy and Procedure

Policy Owner	CEO
Approving Authority	Governing Council
Implementation Responsibility	CEO
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1. Purpose

To describe the principles of what constitutes non-academic misconduct by students at SPI and outline the processes carried out in managing any breaches or alleged breaches, by students, to SPI policy or codes of conduct of a non-academic nature. This Policy and Procedure aims to promote the welfare and safety of all staff and students of SPI.

2. Scope

This Policy and Procedure applies to students at SPI.

3. Definitions

Misconduct means inappropriate, unacceptable, improper, wrong, or potentially unlawful conduct or behaviour, for example, harassment and bullying.

Academic Misconduct involves behaviour described as Misconduct where the actions of SPI students create, or seek to create, an unfair academic advantage and may in turn create disadvantage for other students.

Non-Academic Misconduct broadly captures all forms of Misconduct which are not defined as academic in nature and contravene the core values of SPI.

4. What is Non-Academic Student Misconduct?

Non-academic student misconduct applies to all students, and includes, but is not limited to, conduct where:

- A student seriously or repeatedly breaches any provision of a non-academic nature, of Access and Usage of Resources Policy; Bullying, Harassment and Discrimination Policy; Student Code of Conduct; Conflict of Interest Policy; Complaint and Grievance Resolution Policy and Procedure; Records and Information Management Policy; Health and Safety Policy; Student Support, Welfare and Wellbeing Policy.

- Any student:
    - behaves in a manner that puts at risk the reputation or academic standing of SPI.
    - engages in unlawful or criminal activity on SPI premises.
    - damages or destroys SPI property.
    - misuses SPI facilities, systems, and equipment, or engaging in illegal activity or activity.
    - steals or misappropriates SPI property or equipment.
    - harasses, vilifies, bullies, abuses, threatens, assaults, or endangers staff, students, or affiliates of SPI directly or by other means of communication.
    - unreasonably disrupts staff or students or affiliates or visitors from undertaking their normal activities at SPI.
    - alters, falsifies, or fabricates any document or record of SIPI
    - alters or falsifies any documentation that the SPI requires of the student.
    - divulges confidential or personal information relating to any SPI matter, staff or student or affiliates in circumstances where there is no reasonable or lawful excuse for doing so.
    - behaves inappropriately in an activity or under the control or supervision of SPI or a recognised SPI student association.
    - knowingly provides false or misleading information to staff or affiliates of SPI; or
    - fails to comply with a penalty imposed or outcome agreed to under this or other policies of SPI.

Minor or single breaches by students of the relevant codes of conduct and policies listed, may not constitute Non-Academic Student Misconduct. In determining the seriousness of any breaches and whether such breaches constitute Non-Academic Student Misconduct, SPI may consider:

- the extent to which the breach deviates from the expected behaviour in the relevant code or policy.
- the extent to which SPI students, staff or affiliates, are impacted by the breach.
- the extent to which SPI courses and the reputation of SPI is impacted by the breach.
- whether there are prior breaches by the student of the relevant code of conduct or policies.
- the experience of the student and assumed knowledge of the relevant SPI codes of conduct and policies.
- if there are any relevant mitigating circumstances, including whether the failure of any SPI policy and procedures and/or processes has contributed to the breach.

5. Policy Principles

- SPI regards any alleged non-academic student misconduct as serious, and any confirmed non-academic student misconduct as unacceptable and will manage such misconduct according to the procedure outlined in this document.
- An allegation of non-academic student misconduct may be brought against any student of SPI.

- SPI encourages the reporting, by students, staff or affiliates, or any external person with an association to SPI, without fear of disadvantage, of any alleged occurrences of non-academic student misconduct, to best protect the welfare of our students and staff, and the integrity and reputation of the institution.
- Expectations of appropriate and acceptable behaviour, whether of an academic or non-academic nature, will be communicated to students in a way that is easily accessible, clear, and unambiguous. This will include the provision of copies of all relevant policy and procedures with respect to behavioural expectations, including, but not limited to, the SPI Student Code of Conduct and SPI Complaint and Grievance Resolution Policy and Procedure.
- Processes pertaining to alleged or actual non-academic student misconduct including investigation and resolution will be clear to all parties involved, and will recognise the importance of sensitivity, confidentiality, impartiality, and the timeliness in their undertaking.
- Information associated with all alleged and actual student misconduct will be guided by the SPI Records and Information Management Policy.
- An allegation of non-academic student misconduct shall be dealt with in accordance with the procedures outlined in this document.

6. Roles and Responsibilities

All students are responsible for ensuring they are aware of all relevant codes of conduct and policy as they pertain to academic and non-academic conduct, and that they adhere to the principles of these codes and policies, acting with integrity.

6.1 The Investigation Officer (IO)

- May be a senior member of SPI staff designated with the responsibility of overseeing matters of academic and non-academic integrity, another member of SPI staff so delegated by the CEO or Academic Dean, or an external party appointed by the CEO.
- The CEO or Academic Dean must consider the nature and the related potential conflict of interest of any alleged breach or potential Non-Academic Student Misconduct as well as the experience and seniority of the investigating officer.
- Investigates and reports to the RIO, on the alleged breaches of the relevant codes of conduct or policies which may constitute Non-Academic Student Misconduct.

6.2 The Responsible Integrity Officer (RIO)

- The CEO, Academic Dean, or delegate.
- Responds, and takes appropriate action, to the investigation of potential Non-Academic Student Misconduct, including any disciplinary action against students.
- Executes urgent or interim measures in an alleged breach where deemed necessary, such as in cases where as a result of a breach, the health and welfare of any students and staff is at risk.

- Provides regular reporting on matters of Non-Academic Student Misconduct to the SPI Council and/or Academic Borad.

6.3 The CEO

- Undertakes reviews of any determinations of Non-Academic Student Misconduct as required or appropriate
- Where the CEO is also the RIO, then any reviews will be undertaken by someone determined by the SPI Council.

7. Procedures for Non-Academic Student Misconduct

7.1 Initial Response

- SPI students will be encouraged to report any potential breaches which may constitute Non-Academic Student Misconduct, to the Investigation Officer (IO) or other member of staff.
- If any SPI staff suspects, or has been informed of, a breach constituting Non-Academic Student Misconduct, this shall be reported to the designated Integrity Officer (IO).
- The IO will undertake an initial assessment to determine whether the matter falls within the scope of this policy or procedure, and assess the seriousness of the alleged breach, considering Section 4 of this policy and procedure.
- The IO, or where appropriate and possible, the student or staff member reporting the matter, should provide reasonable instructions to the person or persons suspected to be in breach (the respondent), to achieve the following:
  - Ensure the safety of respondent, or of any other person involved.
  - Prevent damage to or the destruction of SPI property or facilities.
  - Ensure that the respondent acts in a calm and reasonable manner and prevent further disruption to SPI operations (including classes).
  - Maintain good order.
- If there is a significant and immediate risk to the safety or wellbeing of the respondent or any other person, the IO, or where appropriate and possible, the student or staff member reporting the matter, should contact the appropriate authorities. If this occurs, the situation must be escalated and reported to the Academic Dean or CEO immediately and then the event is entered in the Critical Incidents Register.
- Temporary removal of a student from activities and facilities, or from the SPI campus might be necessary if:
  - The student engages in disruptive behaviour in an activity such as a lecture, tutorial, examination, or field trip, that adversely affects the running of that activity.
  - The student's misconduct was committed in Library or Information Technology facilities or precincts.
  - The student's misconduct was committed in the general precincts of SPI, including the open public spaces, grounds, and car parks.

7.2 Review (non-serious)

If, from the initial response phase, the breach was determined to be of a nature not deemed serious when considering Section 4 of this policy and procedure, the IO or staff member reporting the breach will use his/her discretion to determine the appropriate course of action depending on the circumstances.

- If the non-serious misconduct can be resolved informally, the IO or staff member must inform the CEO and provide details of the occurrence, suspicion, or allegations.
- If the non-serious misconduct cannot be resolved informally, the procedure may continue to a Report stage.

7.3 Report

Where the matter is deemed to be of a serious nature, the IO will initiate a notification to the respondent in relation to the breach. This initial notification to a respondent student concerning the allegation will normally:

- Provide the respondent with the precise terms of the allegation.
- Provide the respondent with a copy of this policy and any guidelines.
- Provide advice to the respondent on options available within the SPI for independent advisory services and/or student associations, including relevant contact details.
- Provide the respondent with the advice of any action taken, or statutory obligation on SPI, to report the matter to an external agency.
- Advise the respondent of the option to admit the allegation and have the matter dealt with summarily in which case there is no right of appeal.
- Notify the respondent of any immediate and relevant temporary suspension or restrictions that have been imposed.
- Ask the respondent whether he or she wishes to admit the allegation and if so to make a submission about any penalty that might be imposed or any mitigating circumstances that the respondent feels should be considered.

7.4 Investigation

The process for the investigation and resolution for allegations of Non-Academic Student Misconduct are as follows:

- The IO shall assess if there is sufficient evidence to proceed with an investigation once he/she has collected and collated any relevant evidence. The investigation will be terminated where there is not enough evidence to warrant proceeding with the investigation, and the IO will provide a report to the CEO and record the details in the Non-Academic Student Misconduct Register.

- Arrange and invite the respondent to attend a meeting. The meeting must be arranged within ten (10) business days and the respondent must be informed of the date, time, and location of the meeting via email.
- Conduct of the investigation meeting: the IO must:
    - Inform the respondent of the nature and specific details of the alleged Non-Academic Student Misconduct and the potential penalties.
    - Inform the respondent of available evidence.
    - Provide the respondent with copies of any relevant Policies and Procedures under which the alleged breach may have occurred.
    - Advise the respondent of the opportunity to present his/her case.
    - Invite the respondent to provide a written submission and/or evidence that will be considered at the meeting, at least three (3) business days prior to the scheduled meeting.
    - Advise the respondent of their right to have a support person (who is not a legal representative) attend the meeting with them.
- Finalise decision, record the disciplinary action outcome and inform the respondent.
    - If the respondent does not respond within five (5) business days of receiving the invitation, a reminder email and text message will be sent. The IO will also attempt to call and speak to the respondent. These contact attempts will be recorded in the respondent's file.
    - If there has been no contact from the respondent at the date and time of the scheduled meeting, the IO will refer the matter to the Responsible Integrity Officer (RIO) who will determine if there is a finding of Non-Academic Student Misconduct and what penalty will be applied. This will be recorded on the Non-Academic Student Misconduct Register as well as on the respondent's file.
    - Impose penalties recommended by IO. Disciplinary action may require Governing Council's approval.

7.5 Finalise

- The final determination provided must include whether the IO believes the respondent is guilty of committing Non-Academic Student Misconduct, and any penalties that will be imposed if a finding of Non-Academic Student Misconduct is confirmed.
- The respondent will receive notice of the decision with the reasons via email and a letter to state the penalties imposed as well as the timeframes within five (5) business days of the investigating officer making a final determination.
- The staff member who initiated the investigation will be informed of the outcome via email within five (5) business days of the IO making a final determination.
- The IO will notify the CEO of the final determination within five (5) business days.

7.6 Record

- The CEO must record the details appropriately in the Non-Academic Student Misconduct Register.

7.7 Penalty

- If there is a finding of non-serious Non-Academic Student Misconduct, the IO may impose a combination of any of the following penalties.

- a reprimand or warning.
- the student provides a formal apology.
- voluntary undertakings by the student
- a community service order be undertaken by the student that will be of benefit to SPI
- payment for the cost of the damage, or a contribution towards the cost of the damage up to $1,000.

- If there is a finding of serious Non-Academic Student Misconduct, harsher penalties might be imposed and subject to the approval of Governing Council. The investigating officer may provide recommendations (through the CEO) to the Governing Council, considering one or more than one of the following penalties;
  - payment for the cost of the damage, or a contribution towards the cost of the damage over $1,000;
  - suspend the student from the Institute for a specified period;
  - exclude the student from the Institute, and update the record in Provider Registration and International Student Management System (PRISMS);
  - refer the matter with a statement accompanied by the supporting documents to the New South Wales Police or other authorities for investigation.

7.8 Appeal

- Students have the right to lodge an appeal, where;
  - there is new evidence now available and;
  - there is evidence that there has been a breach of a fair investigation or resolution.
- An appeal must be lodged within thirty (30) business days from the receipt of the result of the decision. The student must ensure that the submission of an appeal is completed in full and states clearly the grounds of the appeal, with the evidence documentation.
- The investigation officer will report the appeal application to the CEO, and the procedure will be governed by SIPI *Complaint and Grievance Resolution Policy and Procedure*.

Notes

Related Documents:

SPI Access and Usage of Resources Policy
SPI Conflict of Interest Policy
SPI Student Complaint and Grievance Resolution Policy and Procedure
SPI Staff Complaint and Grievance Resolution Policy and Procedure
SPI Staff and Affiliates Code of Conduct
SPI Student Code of Conduct
SPI Bullying, Harassment and Discrimination Policy
SPI Student Consultation Policy
SPI Student Support Policy

Amendment History:

Version No.	Approved by	Effective date	Amendments
1.0	Governing Council	09/09/2021	New Policy
2.0	Governing Council	08/12/2022	Policy has been revamped to Non-acaedmic Student Misconduct Policy and Procedure