

Management of Student Misconduct Policy

Section 1 - Purpose

(1) As members of the University community, students must conduct themselves in a manner consistent with the standards of behaviour set out in the [Code of Conduct – Student](#) (the Code), [Academic Integrity Policy](#) and other related policies. These standards of behaviour promote the good order and management of the University, and academic integrity.

(2) Failure by a student to meet these standards of behaviour may be dealt with as either a breach of the Code or other related policy or misconduct, for which the student may be subject to disciplinary action. Disciplinary action for misconduct will be taken by QUT under this policy in accordance with the following principles:

- a. misconduct procedures should be fair and just, and consistent with the requirements of natural justice;
- b. penalties imposed for substantiated misconduct should be appropriate, proportionate and consistent;
- c. decision-making on misconduct should be delegated to appropriate levels of responsibility within the University, and committees formed to consider student misconduct should include student representation and appropriate expertise;
- d. decision-making on misconduct should give proper consideration to relevant human rights, in compliance with the [Human Rights Act 2019](#).

Section 2 - Application

(3) The processes for the management of student misconduct set out in this policy will apply to any current or former student of QUT in relation to their conduct as a student.

(4) This Policy applies to all forms of student misconduct. QUT defines student misconduct as a significant breach of any of the following University policies:

- a. [Academic Integrity Policy](#) – academic misconduct;
- b. [Acceptable Use of Information and Communications Technology Resources Policy](#) – acceptable use misconduct;
- c. [QUT Code for Responsible Conduct of Research](#) – student research misconduct; and
- d. [Code of Conduct – Student](#) – non-academic misconduct.

Section 3 - Roles and Responsibilities

Misconduct category	Receives reports of alleged misconduct	Reviews misconduct cases
Academic misconduct	Unit Coordinator/Examinations Coordinator (for cheating in central examinations)	Faculty Academic Misconduct Committees
Acceptable use of information and communications technology (ICT) resources misconduct	Vice-President (Digital) and Chief Digital Officer	Student Misconduct Committee

Misconduct category	Receives reports of alleged misconduct	Reviews misconduct cases
Research misconduct	Head of Research Portfolio	Student Research Misconduct Committee
General non-academic misconduct	Executive Dean of faculty/Manager, Security and Emergency Management/Head of Department	Student Misconduct Committee
Non-academic misconduct (sexual harassment, sexual assault and discrimination)	Director, Equity in conjunction with relevant Supervisors/Managers	Student Misconduct Committee

Section 4 - Detection and Reporting

(5) Reports of alleged misconduct may come from a number of sources. Any person having relevant information about suspected misconduct may report it to the responsible officer (Section 3 above). Additionally, the University undertakes routine checks on compliance in some areas, for instance, by review of logs of ICT activity or by utilising content matching and authenticity software tools. A report made to another officer must be referred to the responsible officer for action.

(6) Upon receipt of a report, the responsible officer should consider the following matters:

- in the case of non-academic misconduct, whether the allegation(s) should be dealt with as a breach of the [Code of Conduct – Student](#) or misconduct;
- in the case of academic misconduct, whether the allegation(s) should be dealt with as poor academic practice or academic misconduct;
- whether the circumstances may warrant the imposition of an interim suspension (Section 8) by the Vice-President (Administration) and University Registrar (Section 10); and
- whether the student may have breached criminal laws and whether the conduct should be reported to the police or other law enforcement agencies by the Vice-President (Administration) and University Registrar in accordance with established protocols.

(7) If it is determined that the matter should be dealt with under procedures for misconduct, then a report of alleged misconduct, including all relevant documents and evidence, should be made by the responsible officer to the secretary of the appropriate misconduct committee.

Section 5 - Academic Misconduct

(8) Conduct defined in the [Academic Integrity Policy](#) as a breach of academic integrity when it is not poor academic practice is classified as academic misconduct.

Section 6 - Non-Academic Misconduct

(9) Conduct of a non-academic nature which breaches the University's behavioural expectations of students and constitutes misconduct is detailed in Section 5 of the [Code of Conduct – Student](#).

Section 7 - Dealing with Allegations of Misconduct

(10) Because cases of misconduct, whether academic or non-academic, may, if substantiated, result in the imposition of a penalty on the student, the procedures to be followed must be consistent with requirements of natural justice. All

of the following steps must be undertaken in relation to allegations of misconduct.

Allegation Notice

(11) Allegations of misconduct must be forwarded to the student in writing. The allegation notice must be forwarded to the student's email address in the student information system. A notice must contain the following information to assist the student to understand the nature of the allegation(s), the process for dealing with the allegation(s), and the student's rights:

- a. the relevant section of the [Code of Conduct - Student](#) alleged to have been breached;
- b. the particulars or evidence of the incident or conduct giving rise to the allegation(s);
- c. the date, time and place set for a meeting at which the allegation(s) of misconduct will be considered by the misconduct committee responsible for dealing with misconduct in that category (Section 3 above);
- d. any person proposed to be interviewed by the misconduct committee at the meeting;
- e. the student's right to respond to the allegation(s) by, if the student elects, attending the meeting, and in any case, by providing written submissions on the allegation(s) or the type of penalty which could be imposed if an allegation is substantiated;
- f. the student's right to arrange for the voluntary attendance of a person with relevant information to be interviewed by the misconduct committee at the meeting;
- g. the student's right to be accompanied or represented by a support person at the meeting (clause 20);
- h. the consequences of non-attendance or of failing to provide written submissions, including the authority of the misconduct committee to determine an allegation in the student's absence and recommend a penalty to be imposed on the student;
- i. a matrix providing information about the penalties which may be imposed depending on the nature and seriousness of a case; and
- j. the support services provided by the QUT Student Guild to assist a student in responding to allegations
- k. the student's right to accept responsibility for the misconduct and make an early submission on circumstances relevant to the penalty to be applied, in accordance with clause (11)e.

(12) The chair of the misconduct committee must ensure that an allegation notice in this form is sent to the student. Copies of all documents or written evidence to be taken into consideration by the misconduct committee should be provided to the student at the same time as the allegation notice is sent or as soon as they are received by the committee.

(13) The chair will give due consideration to possible risks to the health, wellbeing and safety of others associated with the allegation which may result from disclosure of documents or written evidence and, where necessary, may determine that a redacted version of documents or evidence or a summary of the substance of the evidence be provided.

Time for Meeting

(14) The misconduct committee meeting at which the allegation(s) will be considered must be held not less than 10 working days and not more than 20 working days after the date upon which the allegation notice was sent to the student.

Meeting Procedures

(15) Meetings of the relevant misconduct committee will be conducted in accordance with [Council Procedure 1 - Committee Operations](#), and any operating procedures established by the misconduct committee. For cases involving allegations of sexual harassment, sexual assault or discrimination, the misconduct committee must ensure that such allegations are addressed utilising a trauma informed approach, whilst still ensuring that procedural fairness is

observed.

(16) The misconduct committee conducts its proceedings without undue formality and in a non-adversarial manner. If there is a requirement for the University to be represented at the meeting by an officer of the University to address the allegations, then that person must not be legally qualified (that is, the person must not hold a degree or other formal qualifications in law and/or must not be a person who has been admitted as a lawyer in any Australian jurisdiction).

(17) A student may attend the meeting at which the allegations are considered, including by electronic means by prior arrangement and with the agreement of the chair. If a student is not present at the meeting within 10 minutes of the nominated time for consideration of the student's case, the misconduct committee may proceed to determine the matter in the student's absence, though the misconduct committee must take into account any written submissions provided by the student prior to the meeting date and time.

(18) If the student is present, the student must be given the opportunity to ask questions of any person interviewed by the committee, subject to the conditions outlined below, and may present any facts, evidence, documents or oral submissions relevant to the allegation(s).

(19) Where the student is unable to attend a meeting, an appropriately authorised representative may attend the meeting in the student's place, and holds the same category of invitee as the student. The student is not entitled to have a legal representative (being a person who holds a degree or other formal qualifications in law and/or a person who has been admitted as a lawyer in any Australian jurisdiction) present during the meeting.

(20) The student may be accompanied to the meeting by a support person, who will be categorised as an observer as defined in [Council Procedure 1 - Committee Operations](#). A support person must not be another student involved in or associated with the allegations and must not be legally qualified. The support person's role is confined to assisting a student during the meeting to understand the process undertaken and to help the student when the student puts their response to the misconduct committee.

(21) Where the case involves allegations of sexual harassment, sexual assault or discrimination, the chair may impose any one or more of the following conditions consistent with the need to ensure a trauma informed approach:

- a. permitting a witness who is the complainant and who is present to be interviewed in relation to the allegations, to respond to questions from the committee from another location, via videoconference or by other means in order to minimise interaction between the complainant and the respondent;
- b. requiring the student's questions for the complainant to be channelled via the committee;
- c. offering the complainant the opportunity to be accompanied by a support person, providing the person is not legally qualified and acts on the same conditions as set out above; and/or
- d. other arrangements to minimise interaction between the complainant and the student.

Findings of Misconduct and Report

(22) The responsible officer must provide sufficient evidence to support the allegation.

(23) As an internal University disciplinary body, the misconduct committee is not bound by the formal rules of evidence or other legal technicalities, but must base its decisions on logical, credible and relevant evidence. Decision-making should be consistent with the requirements of the [Human Rights Act 2019](#). In reaching a finding, the standard of proof which the misconduct committee applies is the "reasonable satisfaction" or "balance of probabilities" standard. This means that the misconduct committee must determine whether misconduct is substantiated to its reasonable satisfaction. What is necessary to establish a fact or matter on the balance of probabilities may vary according to the seriousness of the allegation and the nature and consequences of what must be proved.

(24) The misconduct committee must produce a report of matters considered and its findings which is made routinely available to the student at the time that the student is notified in writing of the outcome by the Vice-President (Administration) and University Registrar (or Executive Dean of faculty where delegated under Section 8, Penalties).

Recommendation on Penalty

(25) The misconduct committee makes a recommendation on penalty to the Vice-President (Administration) and University Registrar (or Executive Dean where delegated).

(26) The recommendation regarding penalty should take account of:

- a. the seriousness and impact of the misconduct;
- b. any mitigating or aggravating circumstances;
- c. the relevance of any proposed penalty to the nature of the misconduct;
- d. penalties applied in similar substantiated cases and the matrix of penalties approved by the University;
- e. whether the student has a history of prior substantiated cases of misconduct;
- f. the imposition and duration of any interim suspension; and
- g. the requirements of the [Human Rights Act 2019](#) and in particular, any relevant human rights of the students (and others) as set out in the [Human Rights Act 2019](#), including freedom of expression.

(27) If the student attends the misconduct committee meeting, the committee must invite submissions from the student on any circumstances relevant to the penalty to be applied, including those noted above.

(28) Penalties for substantiated misconduct (in all categories) are imposed upon students by the Vice-President (Administration) and University Registrar, though the Vice-President (Administration) and University Registrar may delegate imposition of certain penalties to other officers of the University in the limited circumstances set out in Section 8 below.

Dealing with Allegations where the Student is not Currently Enrolled

(29) If a student against whom misconduct is alleged is admitted to study but not enrolled in the current teaching period, or if a student cancels their enrolment in the course, withdraws from enrolment in a unit in which the misconduct is alleged to have occurred, or takes an approved leave of absence, the misconduct committee may proceed to determine the matter as if the student was currently enrolled, provided that the procedures in this policy are followed. Alternatively, the chair of the misconduct committee may elect to defer consideration of the case until such time as the person resumes studies at QUT. In the latter case, the chair will notify the person of this decision.

(30) If a student against whom misconduct is alleged has graduated, the procedures to be followed are set out in Section 11 below.

Section 8 - Penalties

(31) The following penalties, either individually or in combination may be imposed for substantiated student misconduct:

- a. suspension of the student for a specified period and/or subject to specified conditions, from any or all of the following:
 - i. entering on University land;
 - ii. using the University's information and communications technology resources;
 - iii. attendance at classes.

- b. allocation of a failing grade of 1 in a unit or units;
- c. reduction of the student's mark in an assessment item, including reduction of the mark to zero;
- d. cancellation of advanced standing or credit gained towards an award course;
- e. withholding of results for a specified period and/or subject to specified conditions;
- f. imposition of a period of provisional enrolment (a period of enrolment subject to specified conditions provided the conditions imposed can be appropriately monitored by the University during or at the conclusion of the provisional enrolment period);
- g. exclusion from enrolment at the University for a specified period and/or subject to specified conditions;
- h. an order to pay restitution of an amount not exceeding \$1,000;
- i. failure of a research higher degree thesis; and
- j. permanent expulsion from the University.

(32) Any suspension under clause (31)a above will have the effect of prohibiting the student from exercising the privileges or using the services specified in that paragraph.

(33) The effect of imposition of a penalty in clause 31(b, c, d, e, or i) above may be that a person who has graduated no longer meets the requirements for the conferred award. In this case, the procedures set out in the [Revocation of an Award Policy](#) must be followed (further details below in Section 11).

(34) The Vice-President (Administration) and University Registrar may impose any of the penalties specified above, upon recommendation from the relevant misconduct committee, though the Vice-President (Administration) and University Registrar has discretion to impose a penalty different to the penalty recommended by the misconduct committee or to impose no penalty.

(35) For substantiated cases of academic misconduct occurring wholly within one faculty, the Executive Dean may impose the penalties listed at (31)b and (31)c. No other penalties may be imposed by the Executive Dean.

(36) The Vice-President (Administration) and University Registrar (or Executive Dean, as appropriate) will notify the student in writing of the penalty, and the date by which any appeal must be made to the Appeals Committee. However, if the student did not attend the meeting of the misconduct committee or if the student attended but the Vice-President (Administration) and University Registrar (or Executive Dean) proposes to impose a penalty different to that recommended by the misconduct committee, the penalty must not be implemented until the student has been given the opportunity to make a submission on penalty.

(37) Prior to the final imposition of a penalty, the Vice-President (Administration) and University Registrar (or delegate) will give consideration to the requirements of the [Human Rights Act 2019](#) and in particular any relevant human rights of the student (or others), including freedom of expression.

(38) Any penalty imposed becomes operative immediately, but implementation of the penalty may be stayed pending an appeal by the student to the Appeals Committee. Penalties for international students are enacted subject to any relevant requirement under the [Education Services for Overseas Students Act 2000](#).

Section 9 - Interim Suspension

(39) An interim suspension may be imposed upon a student in circumstances where the alleged misconduct of the student raises a concern that there are serious risks associated with the student's continuing presence at a University site or the student's continuing use of the University's information and communications technology resources.

(40) The Vice-President (Administration) and University Registrar may impose an interim suspension on a student, but only if the Vice-President (Administration) and University Registrar believes that this is reasonably necessary to avert

a serious and imminent risk of any of the following:

- a. physical or psychological harm to a person;
- b. damage to University land, a building, property or a facility or to the University's information assets or information and communications technology resources;
- c. disruption of a legitimate University activity; and
- d. the student continuing to act in a manner which may amount to misconduct.

(41) The interim suspension will continue until a decision is made on the alleged misconduct including a decision on any penalty to be imposed, or until the risk has passed. An interim suspension prohibiting entry to the University's lands, buildings or property does not prevent the student from entering solely for the purposes of attending the meeting of the misconduct committee.

(42) The Vice-President (Administration) and University Registrar will notify the student and the misconduct committee of the interim suspension imposed. The Vice-President (Administration) and University Registrar must consider whether the interim suspension should remain in force if submissions are received from the student about the imposition or duration of the interim suspension.

Section 10 - Appeals

(43) University Appeals Committee considers appeals on misconduct matters. A student, graduate or graduand upon whom a penalty has been imposed under Section 8, for misconduct is entitled to appeal to the Appeals Committee on one or more of the following grounds:

- a. that the decision is manifestly unreasonable taking into account all the circumstances of the case or cannot be supported by the evidence that was available at the time the decision was made;
- b. that procedural requirements specified in this policy were not followed and resulted in a decision which was manifestly unfair;
- c. that relevant evidence was not considered in reaching the decision or that irrelevant evidence was relied upon in reaching the decision;
- d. that fresh evidence has become available to the student which was not available or not known to the student at the time of the allegation(s) being heard or decided; and
- e. that a penalty imposed under Section 8, Penalties was manifestly excessive or inappropriate, taking into account all the circumstances of the case.

(44) An appeal must be lodged with the secretary of Appeals Committee within 20 working days of receiving final written notice of the decision of the Vice-President (Administration) and University Registrar or Executive Dean (as delegated). Appeals must be made on the '[Appeal against penalty for misconduct request](#)' form as soon as practicable, and no more than twenty working days after the date of imposition of the penalty. A student may provide any written evidence, information or submissions relevant to the grounds of appeal relied upon.

(45) The Appeals Committee may:

- a. dismiss the appeal by confirming the decision initially made;
- b. uphold the appeal by revoking the finding of misconduct;
- c. confirm, vary or revoke any penalty imposed.

(46) Where the Appeals Committee concludes that the required procedures for considering allegations of misconduct have not been followed, it may refer the matter back to the relevant misconduct committee or University officer to be

dealt with in accordance with the procedures set out in this policy. The student must be advised of the outcome of the appeal within 5 working days of the meeting of the Appeals Committee.

(47) Within the University, the decision of Appeals Committee is final.

Section 11 - Allegations of Misconduct against a Graduand or Graduate of QUT

(48) Where a student has completed studies but the degree has not been conferred, graduation must be delayed until allegations of misconduct have been dealt with. Graduation will be subject to any penalty which may be imposed in accordance with this policy.

(49) In the event that a student has already graduated when an allegation of misconduct (for which a penalty under Section 8, clause 31(b, c, d, e, or i) could be imposed) is detected, the procedures set out in this policy (insofar as they are applicable) will be adopted to determine whether an allegation is substantiated. All reasonable efforts must be made to locate the person and provide them with notices and the opportunity to respond to the allegations.

(50) Rights of appeal against a misconduct decision relating to a graduand or graduate are as set out in this policy.

(51) Where the imposition of a penalty set out in Section 8, Penalties results in the student no longer having met the requirements for graduation from the award course, the Vice-President (Administration) and University Registrar will follow the procedures for revocation of the award, as set out in the [Revocation of an Award Policy](#).

Section 12 - Recordkeeping and Reporting

(52) Records must be maintained for cases of misconduct in the corporate records system.

(53) For cases of misconduct and appeals, records must be maintained of all stages of the process and of any evidence, supporting documentation and correspondence. Records must be kept even where allegations are not substantiated. Records of misconduct cases are made available for Appeals Committee to review in determining an appeal.

(54) The Vice-President (Administration) and University Registrar presents a report on student misconduct management, at a summary level to Executive Leadership Team annually and, for academic and research misconduct, to University Academic Board.

(55) University Appeals Committee reports annually on its activities to University Academic Board.

Section 13 - Definitions

Term	Definition
Non-academic breach of Code of Conduct – Student	A general breach of the standards of conduct set out in the Code determined to be minor in nature is defined as a non-academic breach, dealt with in an educative way.
Poor academic practice	A breach of the University's Academic Integrity Policy , dealt with in an educative way.
Misconduct Committee	Means a committee having responsibility for considering cases of student misconduct, as set out in Section 3 above.
Executive Dean of Faculty	Includes the Executive Director, QUT College. For QUT Online courses, this is the Executive Dean of the faculty which is the owner of the course in which the student is enrolled.

Term	Definition
Faculty	Includes QUT College and QUT Online.
Responsible Officer	Is the Officer responsible for receiving and acting on allegations of misconduct in each category. The responsible officer also has a general responsibility for promoting awareness of and compliance with appropriate behavioural standards and for initiating processes for detection of breaches relevant to their area of responsibility.
Student	Refers to any current or former student of QUT.
Trauma Informed Approach	Refers to approaches and responses that demonstrate understanding and recognition of the impact of trauma, and emphasise physical, psychological and emotional safety, and the importance of empowerment and choice for those who have experienced sexual assault, sexual harassment or discrimination. Responses are designed to avoid causing further harm, trauma or distress to those who report allegations of sexual harassment, sexual assault or discrimination-related behaviour.

Status and Details

Status	Current
Effective Date	1st January 2024
Review Date	1st January 2027
Approval Authority	Senior Governance Coordinator (Policy)
Approval Date	20th December 2023
Expiry Date	Not Applicable
Policy Owner	Sonya Betros Director, Governance and Performance
Author	Sonya Betros Director, Governance and Performance
Enquiries Contact	Sonya Betros Director, Governance and Performance

Glossary Terms and Definitions

"Executive Dean" - Executive Dean includes Executive Director, QUT College.