

Non-academic Misconduct Policy

POLICY PURPOSE

All students are expected to respect other students, staff and property, so that their conduct does not negatively impact others. While students who commit non-academic misconduct should be appropriately dealt with, the process of discovery, investigation and punishment should always be procedurally fair.

SCOPE

This policy applies to all UTS Insearch students admitted to courses and programs delivered by UTS Insearch or its transnational education partners. It may also apply to the conduct of a person who is an applicant and / or former student.

Nothing in this policy precludes UTS Insearch from initiating civil or criminal proceedings against a student or a former student in respect of misconduct.

DEFINITIONS are set out at the end of this policy.

POLICY PRINCIPLES

Principle	Responsible
RESPONSIBILITY FOR INVESTIGATING AND MANAGING NON-ACADEMIC MISCONDUCT	
<p>1.1 Managing and investigating non-academic misconduct</p> <p>Allegations of non-academic misconduct are the responsibility of the Registrar/ Exam and Progression Coordinator and, in instances of non-academic misconduct relating to accommodation or welfare, the Student Welfare Team Leader.</p> <p>Non-academic misconduct is investigated by the Student Conduct Committee (SCC), however in cases of accommodation and welfare non-academic misconduct, this will be investigated by the Student Welfare Team Leader.</p> <p>The membership of the SCC is determined by the type of non-academic misconduct which occurs (please refer to definition at the end of this policy).</p>	Registrar/ Exam and Progression Coordinator

Principle	Responsible
<p>1.2 Clear Understanding of the Allegation</p> <p>Before any conclusion is reached in an inquiry into alleged misconduct by a student, the student must be:</p> <ul style="list-style-type: none"> a) given the precise terms of and any reasons for the allegation in writing; b) given an outline or summary of all details intended to be given to the inquiry body; c) given access to or a copy of documentation intended to be given to the inquiry body consisting of the Registrar or delegate and any other staff member deemed appropriate to enable the matter to be fully investigated; and d) given an opportunity to address all the information supplied. <p>The student must be given adequate time to prepare for the inquiry and to deal with the information provided; what is adequate depends upon the nature of the matter and the volume and complexity of the information. A student will be given seven calendar days in which to prepare.</p>	<p>Registrar/ Exam and Progression Coordinator</p>
<p>1.3 Admission of Non-Academic Misconduct</p> <p>A student may admit an act of misconduct at any time. When a student admits both the occurrence and the substance of an act of misconduct:</p> <ul style="list-style-type: none"> a) any enquiry being undertaken by a relevant officer of UTS Insearch in relation to that act of misconduct will cease; and b) the relevant officer of UTS Insearch will make recommendations only as to the penalty or penalties in accordance with this policy. 	<p>Registrar/ Exam and Progression Coordinator</p>
<p>1.4 Investigations of Allegations of Non-Academic Misconduct</p> <p>The nature of the investigation regarding non-academic misconduct is determined as described in the Non-Academic Misconduct Procedure.</p>	<p>Registrar/ Exam and Progression Coordinator</p>
<p>1.5 Failure to Respond</p> <p>If the student</p> <ul style="list-style-type: none"> ▪ fails to respond within seven calendar days to reasonable attempts to communicate by the Registrar, the Exam and Progression Coordinator or Student Welfare Team Leader; or ▪ does not provide the Registrar or the Exam and Progression Coordinator with acceptable reasons for not attending a hearing the Registrar or the Exam and Progression Coordinator will make a determination as to whether to adjourn or proceed in the absence of the student. 	<p>Registrar/ Exam and Progression Coordinator</p>

Principle	Responsible
<p>1.6 Further Notification of Serious and/or Dangerous Non-academic Misconduct</p> <p>The Registrar, the Exam and Progression Coordinator (or the Student Welfare Team Leader where applicable) is responsible for determining who, in addition to the student against whom the allegation was made, should receive formal notification of the decision and/or recommendation and the reasons for it. In making this determination, the Registrar will take into account potentially conflicting needs of the student for privacy and of others who participated in the process and who may have an ongoing responsibility for UTS Insearch courses or facilities. In circumstances including where an alleged victim of violent crime or any sexual offence makes a written request, UTS Insearch will disclose to the alleged victim any decision and /or recommendation and the reasons for it with respect to any disciplinary proceedings conducted by UTS Insearch against a student who is the alleged perpetrator of the crime or offence. The Registrar may impose conditions of confidentiality on any person who is so noted.</p> <p>When necessary, matters will be reported to the Police and relevant authorities.</p>	<p>Registrar/ Exam and Progression Coordinator</p>
<p>1.7 Privacy and Confidentiality</p> <p>UTS Insearch regards student misconduct as a confidential matter. Staff involved in the student misconduct process must not divulge to any unauthorised person any information related to any allegations against an individual student.</p>	<p>All Staff</p>
<p>1.8 Fairness of Process</p> <p>All students who are the subject of recommendations or decisions in respect of allegations of misconduct are entitled to be treated fairly and with dignity.</p> <p>All students are entitled to be regarded as not having behaved in an alleged manner until and unless they admit that behaviour or a fair and proper inquiry leads to a reasonable conclusion that they have so behaved.</p> <p>Knowledge that a student has behaved in a particular way in the past is not evidence that the student has behaved in the same manner again. Such knowledge may be evidence that the person is aware that the behaviour is an act of misconduct (or it may be relevant to the level of penalty).</p> <p>Each case must be dealt with on its own terms and merits and in accordance with its own circumstances.</p>	<p>Registrar/ Exam and Progression Coordinator</p>

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<p>1.9 Access to Advice</p> <p>All students must have an opportunity to seek advice; in some circumstances it may be appropriate for UTS Insearch to make arrangements for advice to be given. There may be a need for translating and/or interpreting services to be provided. A support person may also attend any interview with the student.</p>	<p>Registrar/ Exam and Progression Coordinator</p>
<p>PENALTIES</p>	
<p>2.1 Imposing Penalties</p> <p>Matters taken into account when imposing a penalty are the nature and seriousness of the misconduct, a student's previous record of misconduct, previous penalties imposed for misconduct, the fact that a student has admitted an alleged act of misconduct, and/or the fact that a student came forward on the student's own initiative and admitted an act of misconduct. Each case is dealt with on its own merits and according to its own circumstances with the proviso that the second instance of misconduct will be penalised more severely than previous instances of misconduct and a student's third offence will normally result in exclusion.</p> <p>The penalty will be imposed by the Registrar in all non-academic misconduct cases except those:</p> <ul style="list-style-type: none"> ▪ involving exam misconduct where the penalty will be imposed by the Exam and Progression Coordinator ▪ involving accommodation and welfare where the penalty is imposed by the Student Welfare Team Leader in consultation with the Registrar 	<p>Registrar/ Exam and Progression Coordinator</p>
<p>2.2 Levels of Penalty:</p> <p>2.2.1 Rescission of an academic award conferred by UTS Insearch where the award is as a result of fraud or serious non-academic misconduct committed by the student before the award was conferred.</p> <p>2.2.2 Revocation of a recommendation to the UTS Insearch Academic Board that a student has satisfied the requirements for an award, effective for a period of up to twelve months.</p> <p>2.2.3 Permanent exclusion from UTS Insearch, in which case:</p> <ol style="list-style-type: none"> a) the student's enrolment will be terminated; b) the student will be recorded as excluded from UTS Insearch c) the student will not be entitled to any benefits, advantages or privileges of UTS Insearch; d) the student will not be permitted to enrol in any course of study whether for award or otherwise at UTS Insearch; and e) any further applications from the student for admission to any course of study at UTS Insearch will not be considered. 	<p>Registrar/ Exam and Progression Coordinator</p>

Principle	Responsible
<p>N.B: In 2.2.3, 2.2.4, 2.2.5 and 2.2.6 above, where a CAAW is in place this will not be cancelled until one of the following occurs:</p> <ul style="list-style-type: none"> ▪ The student returns overseas; ▪ UTS Insearch is no longer able to guarantee welfare arrangements for the student; ▪ The responsibility for Accommodation and Welfare arrangements is accepted by another provider; or ▪ The student reaches the age of 18. <p>2.2.7 Withholding of academic results for the relevant teaching period, and/or of an academic transcript, including deferral or withdrawal of permission to graduate, for a specified period not exceeding twelve months.</p> <p>2.2.8 Imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding twelve months, in which case if there is a further act of misconduct during the specified period the Registrar shall refer the matter to the Chief Operating Officer for a recommendation on the imposition of a more severe penalty.</p> <p>2.2.9 Exclusion from attendance at specified classes or subjects for a specified period not exceeding twelve months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled.</p> <p>2.2.10 For temporary exclusion of less than a term or semester, the student will be registered as absent.</p> <p>2.2.11 A grade reduction or zero mark/grade for an exam. This is only done after consultation with the Dean of Studies.</p> <p>2.2.12 Exclusion from and prohibition from use of specified facilities of UTS Insearch for a specified period not exceeding twelve (12) months.</p>	<p>Registrar/ Exam and Progression Coordinator</p>

Principle	Responsible
<p>2.2.13 Payment to UTS Insearch or a third party by a specified date of a specified amount not exceeding the amount of any loss or damage where an act of misconduct involves loss of or damage to property or facilities of UTS Insearch or a third party, in which case failure to pay the specified amount to UTS Insearch by the specified date will be treated as a debt to UTS Insearch and incur any or all such sanctions for non-payment of charges.</p> <p>2.2.14 Payment to UTS Insearch by a specified date of a specified amount for its costs, not exceeding the amount of any costs incurred where an act of misconduct involves lengthy inquiries and proceedings, in which case failure to pay the specified amount to UTS Insearch by the specified date will be treated as a debt to UTS Insearch and incur any or all such sanctions for non-payment of charges.</p> <p>2.2.15 Payment to UTS Insearch by a specified date of a fine up to A\$2,000, in which case failure to pay the specified amount to UTS Insearch by the specified date will be treated as a debt to UTS Insearch and incur any or all such sanctions for non-payment of charges.</p> <p>2.2.16 Imposition of specified conditions on attendance at specified classes or use of specified facilities of UTS Insearch.</p> <p>2.2.17 A reprimand or caution.</p> <p>2.2.18 Removal from accommodation arrangements made by UTS Insearch.</p> <p>N.B: Where a CAAW is in place UTS Insearch will ensure that the student is relocated to appropriate accommodation and welfare arrangements.</p> <p>2.2.19 The Chief Operating Officer has the power to waive all penalties.</p>	

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<p>2.3 Notification of Penalty</p> <p>For UTS Insearch students the penalty determined (in accordance with the Non-Academic Misconduct Procedure) will be recorded on the student's file (S1) and the student will be notified by email of the imposition of the penalty.</p> <p>The student is entitled to be given the reasons for the decision and/or recommendation at the time it is made known to the student.</p>	SSCR Co-ordinator/ ELT Timetable and Exam Coordinator Support
<p>2.4 Appeal Against Findings</p> <p>The student is free to lodge an appeal against the process with respect to the original inquiry and /or against the severity of the penalty imposed. The nature of these arrangements regarding appeal is determined in the Non-academic Misconduct Procedure.</p> <p>Appeals will be handled in accordance with UTS Insearch's Student Complaints and Appeals Policy/Procedure.</p>	Student

DEFINITIONS

Affiliates	Insearch Limited Board members, honorary appointees, contractors, labour hire personnel, volunteers, agency staff and any other person appointed or engaged by UTS Insearch to perform work or functions for UTS Insearch.
CAAW	Confirmation of Appropriate Accommodation and Welfare (issued through the PRISMS system) to confirm appropriate accommodation and welfare arrangements are in place for international students under the age of 18.
Non-academic misconduct	<p>Includes but is not limited to:</p> <ol style="list-style-type: none"> 1. Acting dishonestly including providing fraudulent or misleading documentation in relation to an application for admission at UTS Insearch 2. Knowingly making any false or misleading representation about things that concern the student as a student of UTS Insearch 3. Examination misconduct 4. Contravening any provision of UTS Insearch rules, policies and procedures 5. Acting in contravention of any official statement that defines acceptable standards of conduct and behaviour as approved by the UTS Insearch Board or UTS Insearch Academic Board from time to time 6. Prejudicing the good name or academic standing of UTS Insearch 7. Prejudicing the good order and government of UTS Insearch 8. A breach of confidentiality or privacy requirements or obligations in respect of UTS Insearch or its Staff, Affiliates, students or other relevant parties 9. Interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of UTS Insearch

	<ol style="list-style-type: none"> 10. Harassing or engaging in any other form of improper or discriminatory behaviour towards another student, an officer of UTS Insearch, a visitor to UTS Insearch, or any other person whilst pursuing any activity related to his or her UTS Insearch purposes; such misconduct may relate, but is not limited, to race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction or religious belief 11. Sexual assault and harassment: involving UTS Insearch or non-UTS Insearch persons and occurring on or off UTS Insearch premises. 12. Intimidating or assaulting another student, officer of UTS Insearch, a visitor to UTS Insearch or any other person whilst pursuing any activity related to his or her UTS Insearch purposes 13. Failing to comply with any order or direction lawfully made or given under UTS Insearch rules, policies and/or procedures 14. Refusing to identify himself or herself when asked lawfully to do so by an officer of UTS Insearch 15. Failing to comply with any conditions set by UTS Insearch under the rules, policies and procedures 16. Breaching the terms or conditions of a penalty imposed for student misconduct 17. Obstructing any officer of UTS Insearch in the performance of the officer's duties including preventing or attempting to prevent an officer of UTS Insearch from occupying or using his or her assigned work area and/or refusing to leave such an area when instructed to do so 18. Behaving improperly or inappropriately in a class, meeting or other activity in or under the control or supervision of UTS Insearch, or on UTS Insearch premises, or on any other premises to which the student has access for his or her UTS Insearch purposes 19. Failing to comply with the prescribed provisions relating to the student's placement at another institution, place of learning or place of business 20. Altering or attempting to alter any document or record of UTS Insearch, or causing or attempting to cause any unauthorised alteration of such a document or record 21. Accessing or using another student's academic work by theft or other unauthorised means 22. Misusing any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others 23. Misusing any computing or communications equipment or capacity to which the student has access at or away from UTS Insearch premises for his or her UTS Insearch purposes in a manner which is illegal or which is or will be detrimental to the rights or property of others 24. Stealing, destroying, damaging or causing loss or cost in respect of a facility or property of UTS Insearch or for which UTS Insearch is responsible. 25. Publishing material which is abusive, offensive, vilifying, harassing, discriminatory or inappropriate about UTS Insearch, another student, staff or affiliates of UTS Insearch, in any forum or media, including but not limited to print, internet, social media, email, digital, or electronic communications and broadcasting forums. 26. Being charged with or being found guilty of a criminal act in a court of law.
PRISMS	Provider Registration and International Student Management System

Serious and/or dangerous non-academic misconduct	Misconduct is considered to be “serious or dangerous” where it has led or is likely to lead to physical or psychological harm or to extensive damage to property.
Sexual Offence	Includes sexually abusive behaviours that may not involve physical contact between the offender and the victim
Student Conduct Committee (SCC)	<p>The membership of the SCC dealing with Non-academic misconduct involving exam misconduct is:</p> <ul style="list-style-type: none"> ▪ Exam and Progression Coordinator ▪ Student Administration Team Leader ▪ ELT Timetable and Exam Coordinator Support <p>The membership of the SCC dealing with all other types of Non-academic misconduct is:</p> <ul style="list-style-type: none"> ▪ The Registrar (or delegate); ▪ SSCR Coordinator; and ▪ Student Welfare Team Leader (where applicable).
SSCR	Student Sponsorship, Compliance and Reporting
Staff	People employed to work on an ongoing, fixed term, sessional or casual basis under the terms and conditions of an employment agreement (contract) issued by UTS Insearch.
Student misconduct	Includes both academic misconduct and non-academic misconduct.
S1	UTS Insearch’s student management system, otherwise known as Student One or Ci
UTS Insearch	UTS Insearch Limited, its representative offices and its controlled entities.

SUPPORTING DOCUMENTS

- National Code 2018
- Non-academic Misconduct Procedure
- Student Complaints and Appeals Policy
- Student Complaints and Appeals Procedure

APPROVAL		
Signature:		
Position title:	Managing Director	Date: 05/08/2019
Policy Title	Non-academic Misconduct Policy	
Senior Leader	Chief Operating Officer	
Manager	Registrar	
Policy ID	PO/OPS/09/19	
Effective Date	05/08/2019	
Approved by	SLT	Date: 30/07/2019