

# Student Misconduct Procedure



Institute of Health &  
Management Pty. Ltd.

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## SECTION 1

### Purpose

1. The purpose of this procedure is to ensure that incidents of misconduct on the part of students are responded to and addressed in a manner that is fair, equitable and appropriate and in accordance with other Institute of Health and Management (IHM policies) and the law.

### Scope

1. This Procedure applies to:
  - a) All current and prospective student enrolled at IHM
  - b) All staff who will be in contact with students
  - c) Members of governing bodies who are involved in the reporting and hearing of matters of misconduct

### Definitions

2. The following definitions have their meaning as spelt out below:
  - a) **Misconduct** - A breach of or conduct in contravention of rule or by-law of IHM or a breach of any IHM policies of procedures relating to either academic or non-academic misconduct.
  - b) **Academic misconduct** - Includes conduct that:
    - a. Involves academic fraud, cheating, plagiarism, collusion, and any other dishonest conduct by a student to gain academic or general advantage.
    - b. Contravenes or demonstrates disregard for the provisions of the IHM Student Code, academic rules, policies, procedures and/or guidelines.
  - c) **Non-academic misconduct** – Includes conduct that:
    - a. Contravenes or demonstrates disregard for the provisions of the Code, non-academic rules, policies, procedures and/or guidelines.
    - b. Adversely impacts on IHM’s reputation including the reputation of staff, students or other members of IHM communities.
    - c. Is criminal or unlawful on IHM premises or property, or on a location where a student is present under the auspices of IHM.
    - d. Damages or wrongfully deals with any property or premises under the control of IHM, or property or a location where a student is present under the auspices of IHM.
    - e. Obstructs any staff or student of IHM in the performance of their duties.
    - f. Assaults, threatens, bullies, harasses or endangers any staff or student of IHM or causes them to fear for their personal safety.
    - g. Attempts to improperly influence any staff or student in performing their duties and/or disobeys any instruction from the IHM, including the failure to leave the building when directed to do so, or the failure to comply with an imposed penalty or agreed outcome under IHM policies and procedures.
    - h. Impairs the reasonable freedom of other persons to pursue their studies or to participate in the IHM activities.

- i. Disrupts, interferes with or is detrimental to the conduct of any teaching, study, assessment or administration of IHM.
- j. Refuses, withholds or fails to identify oneself truthfully or furnishes false personal information to IHM.
- k. Breaches confidentiality or privacy requirements or obligations in respect of IHM, its staff and students.
- d) **Allegation** – an accusation of misconduct.
- e) **Allegation Notice** – communication of an accusation of misconduct that is issued to a student prior to commencing formal misconduct proceedings.

### Suite documents

- 3. This Procedure is linked to the following policy / policies:
  - a) Student Misconduct Policy
  - b) See also the Associated Information listed in the 'Related Internal Documents' in Section 3 below.

## SECTION 2

### Procedure

#### 4. Informal resolution

- a) The following procedure is followed if an accusation of misconduct is made that can, in accordance with the principle of Informal Resolution set out above, be resolved informally:
  - a. Staff member receives an accusation of student misconduct.
  - b. Staff member refers the matter to the Student's Course Coordinator, or, if the Course Coordinator has a potential Conflict of Interest, to the Academic Director.
  - c. The Course Coordinator or Academic Director reviews evidence and investigates the accusation, then makes a decision as to whether it is substantiated.
  - d. The Course Coordinator or Academic Director and one other staff member not directly involved deliberate upon the severity of the misconduct and identify and appropriate outcome.
  - e. The outcome is communicated in writing to both the student and the person making the accusation and the accused student will be given ten working days to appeal the decision before any punitive measures are implemented.

#### 5. Formal Resolution

- a) Where an accusation of a student misconduct cannot be resolved informally, in accordance with the principle and procedure for Informal Resolution, the following procedure will apply:
  - a. A staff member who is not the person making the accusation, documents the accusation and any relevant evidence identified through an initial investigation using a Student Misconduct Report Form.
  - b. The staff member forwards the form to the secretary of the Student Misconduct and Appeals Committee, who calls a meeting of the committee members.



- c. Committee members deliberate upon the evidence. Both the student accused of misconduct and the person making the accusation may choose to attend the meeting and may choose to be accompanied by an advocate or to have an advocate attend on their behalf.
  - d. The committee members may uphold the accusation, reject the accusation or arrange further investigation to occur before making a decision at a subsequent meeting.
  - e. The Student Misconduct Committee must take all reasonable steps to inform the student of the outcome of the investigation within 5 working days of the decision being made.
- b) Where a decision is made that the allegation of student misconduct is substantiated, the student must also be informed of:
- a. The sanction to be imposed
  - b. The reason for the decision, including the findings on material facts
  - c. The right to appeal
- c) For safety reasons, it is necessary for the complainant to be aware of the outcome/s of an investigation, the Registrar or Student Misconduct Committee Panel should inform the complainant of the outcome. For example, if the student has given a section which involves a direction not to enter a building during time or to alter their timetable, a complainant should be informed of this to ensure that they can avoid the relevant building at appropriate times or avoid participating in the same class as the student.
- d) Both the student accused of misconduct and the person making the accusation are informed in writing of the outcome and any action that is to be taken.

## 6. Appeal

- a) If a student or the person making the accusation wishes to further appeal the outcome determined by the Committee, they must respond to the written notification of the outcome within five working days of the receipt of the decision, requesting an investigation by the Student Misconduct Committee.
- b) Where an accusation of misconduct is resolved in accordance with the Informal Resolution Procedure, either party may appeal by following the procedure for Formal Resolution and the outcome of that procedure will overrule any decision made informally.
- c) Where an accusation of misconduct has been resolved in accordance with the procedure for Formal Resolution, either party may seek further appeal through an external body such as a court or tribunal and is advised of their right to do so.

## SECTION 5

### Associated information

<b>Related Internal Documents</b>	<ul style="list-style-type: none"> <li>• Access and Equity Policy</li> <li>• Access and Equity Procedure</li> <li>• Accessibility Policy</li> <li>• Accessibility Procedure</li> <li>• Student Complaints and Appeal Policy</li> </ul>
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	<ul style="list-style-type: none"> <li>• Student Complaints and Appeal Procedure</li> <li>• Student Misconduct Policy</li> <li>• Student Support and Advocacy Services Procedure</li> </ul>
<b>Related Legislation, Standards, and Codes</b>	<ul style="list-style-type: none"> <li>• ESOS (2020). ESOS legislative framework</li> <li>• National Code of Practice (2018). National Code of Practice for Providers of Education and Training to Overseas Students 2018</li> <li>• National Code of Practice (2018): Standard 6: Student Support Services</li> <li>• National Code of Practice (2018): Standard 8: Overseas student visa requirements</li> <li>• National Code of Practice (2018): Standard 9: Deferring, suspending, or cancelling the overseas student's enrolment.</li> <li>• HESF (2015). Higher Education Standard Framework Domain 1: Student participation and attainment (To change to HESF 2021 from 1 July 2021)</li> <li>• Privacy Act (1988). Privacy Act 1988. Federal Register of Legislation.</li> <li>• Information Privacy Act 200 (2001 – 2014)</li> <li>• Criminal Procedure Act (2009)</li> </ul>
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## Change history

Version Control		Version 3
Change Summary	Date	Short description of change, incl version number, changes, who considered, approved etc
	14/05/2021	<ul style="list-style-type: none"> <li>• Policy and Procedure are separated into two documents</li> <li>• Added version number</li> <li>• Added definitions</li> <li>• Minor editorial changes</li> <li>• Version 3 approved by Academic Board in February 2021</li> </ul>