



Student Misconduct Policy

Policy Name: Student Misconduct Policy

Last Reviewed: August 2016

Approved By: Associate Director and Director, Language Links

Applicable Legislation: Occupational Health and Safety Act, ESOS Act and National Code

Due for Next Review: August 2017

Related Policies: - Complaints and Appeals Policy
 - Critical Incident Policy

1. Policy purpose

The purpose of this policy is to outline the approach and steps to dealing with student misconduct.

2. Organisational Scope

2.1. This policy applies to all students of Language Links.

3. Definitions

3.1 Academic Misconduct: means any conduct by a student in relation to academic work that is dishonest or unfair and includes, but is not limited to:

- (a) plagiarism;
- (b) unauthorised collaboration;
- (c) cheating in assessment/examinations; and/or
- (d) theft of another student's work;

3.2 Cheating: means dishonest conduct in any assessment/examinations;

3.3 General Misconduct, (other than Academic Misconduct) includes, but is not limited to, conduct which:

- (a) breaches Language Links Conditions in the Letter of Offer/Acceptance, policies or rules,
- (b) constitutes a serious impediment to the carrying out of Language Links functions,
- (c) involves threatening or offensive language and/or behaviour (either written or verbal) by a student towards another student or staff member, or
- (d) is otherwise detrimental to Language Links, its staff or students;

3.1.1 Plagiarism: a form of academic misconduct which means to knowingly or unknowingly present as one's own work the ideas or writings of another without appropriate acknowledgment or referencing. This includes, but is not limited to:

- (a) paraphrasing or copying text without adequate acknowledgment of the source (referencing); and/or;
- (b) copying, whether identically or in essence, the text of another student's assignment or other students' assignments; and/or;
- (c) copying, whether identically or in essence, of visual representations (for example drawings, photos, paintings and computer programs);

Further details of Language Links' Plagiarism Policy are located in the Student Handbook – Academic Information.

4. Policy Content

4.1 Academic Misconduct

- 4.1.1 Where a staff member has reasonable grounds to believe that a student has committed an act of academic misconduct, the staff member shall provide a written report of the alleged offence to the Director, Academic Manager or equivalent.
- 4.1.2. The Director or Academic Manager will appoint a decision maker who will then investigate the matter in whatever manner, and to whatever extent he/she considers appropriate. Reasonable steps must be taken to contact the student to arrange an interview for the purpose of discussing the alleged act of misconduct. All communications/interviews will be noted electronically in the student's diary function in eBecas.
- 4.1.3. Following the investigation, where there are reasonable grounds to believe that a student HAS NOT committed an act of misconduct, the appointed decision maker must inform the student and the reporting staff member that the matter is dismissed on the grounds that:
 - (i) there has not been an act of misconduct; or
 - (ii) there is insufficient evidence to conclude that an act of misconduct has occurred; or
 - (iii) the actions of the student were minor or unintentional.
- 4.1.4. Where there are reasonable grounds to believe that a student HAS committed an act of misconduct, the appointed decision maker must provide a written report of the case to the Director and/or Academic Manager.
- 4.1.5. Where the matter under investigation is considered to warrant intervention or action from an external agency, the matter will also be referred to the appropriate party (eg. Police, health authorities, DIBP etc). (Note: if Language Links has to report the student to DIBP, the student will be informed of our intent to report and given 20 working days to appeal – please refer to the Complaints & Appeals Policy for further detail).
- 4.1.6. On receiving a written report of misconduct, the Academic Manager will convene a Misconduct Committee meeting consisting of the Academic Manager, Senior Teacher, relevant ELICOS teaching staff and any required Student Services staff.
- 4.1.7. Representation from genders, conflicts of interest and confidentiality must be considered in the make-up of the committee (the committee may also include a translator or external counsellor)
- 4.1.8. The Committee must confirm whether an act of misconduct has occurred before agreeing on what action needs to be taken.
- 4.1.9. The Committee may impose penalties/actions which include (but may not be limited to) the following:
 - (i) provide the student with a written warning;
 - (ii) require the student to commit to an agreement regarding behaviour;
 - (iii) require the student to rewrite or redo and resubmit the offending work or prepare an assignment on a new topic (academic misconduct only);
 - (iv) deduct marks in line with the seriousness of the act (academic misconduct only);
 - (v) disallow any mark in relation to the offending work (academic misconduct only);
 - (vi) defer, suspend or cancel the student's enrolment
and if required, report the incident to any relevant authorities.
- 4.1.10. In all instances the Academic Manager must report any decision made at these meetings to the Executive Management Group.

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- 4.1.11. The Academic Manager (or nominee) will inform the student of the outcome of the decision, any disciplinary action to be taken and consequences (eg. Refund penalties).
- 4.1.12. If a student is dissatisfied with a decision made by the committee they may submit a written appeal against that decision in accordance with the Complaints and Appeals Policy.

4.2. General Misconduct

- 4.2.1 Where a staff member has reasonable grounds to believe that a student has committed an act of general misconduct, the staff member shall provide a written report of the alleged offence to the Director or Academic Manager.
- 4.2.2. The appointed decision maker will then investigate the matter in whatever manner, and to whatever extent he/she considers appropriate. Reasonable steps must be taken to contact the student to arrange an interview for the purpose of discussing the alleged act of misconduct.
- 4.2.3. Following the investigation, where there are reasonable grounds to believe that a student HAS NOT committed an act of misconduct, the appointed decision maker must inform the student and the reporting staff member that the matter is dismissed on the grounds that:
 - (i) there has not been an act of misconduct; or
 - (ii) there is insufficient evidence to conclude that an act of misconduct has occurred; or
 - (iii) the actions of the student were minor or unintentional.
- 4.2.4. Where there are reasonable grounds to believe that a student HAS committed an act of misconduct, the appointed decision maker must provide a written report of the case to the Director or Academic Manager (or nominee).
- 4.2.5. Where the matter under investigation is considered to warrant intervention or action from an external agency, the matter will also be referred to the appropriate party (eg. Police, health authorities, DIBP etc). (Note: if Language Links has to report a student to DIBP, the student will be informed of our intent to report and given 20 working days to appeal)
- 4.2.6. On receiving a written report of misconduct, the Director or Academic Manager (or nominee) will convene a Misconduct Committee meeting consisting of the Academic Manager, Senior teacher and any relevant ELICOS teachers or Student Services staff involved.
- 4.2.7. Representation from both genders, conflicts of interest and confidentiality must be considered in the makeup of the committee.
- 4.2.8. The Committee must confirm whether an act of misconduct has occurred before agreeing on what action needs to be taken.
- 4.2.9. The Committee may impose penalties/actions which include (but may not be limited to) the following:
 - (i) provide the student with a written warning;
 - (ii) require the student to commit to an agreement regarding behaviour;
 - (iii) defer, suspend or cancel the student's enrolment
 - (iv) refer the matter to police and/or campus security.
- 4.2.10. In all instances the Academic Manager (or nominee) must report any decision made at this meeting to the Management Board.
- 4.2.11. The Academic Manager (or nominee) will inform the student of the outcome of the decision, any disciplinary action to be taken and consequences (eg. Suspensions, fee penalties).
- 4.2.12. If a student is dissatisfied with a decision made by the committee they may submit a written appeal against that decision in accordance with the Complaints and Appeals Policy.