



Document ID:	STS4 3 Non-Academic Student Misconduct Behaviour.rtf
Responsibility:	Managing Director
Issue date:	23 February 2006
Version:	2

POLICY TITLE: NON-ACADEMIC STUDENT MISCONDUCT POLICY

AMENDMENT HISTORY:

Issue Date:	Summary of Changes
13 January, 2006	Final Draft – Put to Q Drive in QMS Drafts for sign-off
23 February, 2006	Implementation copy for students 2006-1

PURPOSE

This Non-Academic Student Misconduct Policy prescribes ACN’s management of allegations of student misconduct in a timely and fair manner.

SCOPE

This policy applies to all students enrolled and studying at ACN. It is concerned with the management of student behavior and is explicitly not intended to cover matters involving academic issues; these are the subject of other policies which ACN students must abide by. These policies are, in the main, referred to in the student handbook and on the ACN student resources web site.

“ Non-academic misconduct” includes, but is not limited to, conduct where a student:

- Contravenes any ACN Rules or Policies;
- Behaves in a manner that prejudices the good name or academic standing of ACN conducting courses on behalf of La Trobe University;
- Damages or destroys ACN property (including library books, computing hardware or software, or the deliberate release of computer viruses);
- Misuses ACN facilities, systems and equipment, to engage in illegal activity or activity prohibited by the ACN's rules and policies (for example, infringing copyright);
- Steals or misappropriates ACN property or equipment;
- Harasses, vilifies, abuses, threatens, assaults or endangers staff, students or other members of the ACN community or otherwise obstructs staff or students or other members from undertaking their academic pursuits at ACN;
- Fails to follow reasonable directions of an employee of ACN;
- Alters or falsifies any document or record of ACN or La Trobe University where ACN is providing or facilitating the service in question on behalf of La Trobe University (e.g. such as student concession cards);
- Alters or falsifies any documentation that La Trobe University requires of the student (e.g. medical certificate or other supporting documentation) and which ACN is providing or facilitating on behalf of La Trobe University;
- Divulges confidential information relating to any ACN matter, staff member or student (e.g. employment records, confidentiality agreements, "in-camera" discussions) in circumstances where there is no reasonable or lawful excuse for doing so;
- Behaves inappropriately in an activity (e.g. class, meeting), facility in or under the control or supervision of ACN; or
- Refuses or is unable to identify him/herself when asked to do so by a staff member of ACN (e.g. administration officer, manager, lecturer, examination invigilator).
- Knowingly provides false or misleading information to staff at ACN.



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This policy must be read and interpreted in the context of other ACN non-academic policies such as, but not limited to, the Code of Conduct, La Trobe Faculty of Law and Management Handbook, Important Policies and Procedures, etc.

POLICY

This policy is guided by the assumption that students wish to pursue their studies as their paramount goal and that every ACN staff decision or intervention, or support measure, is designed around keeping the student in the pursuit of their studies in a conducive, safe environment. ACN recognizes that this is not always the best outcome either for the student or for their peers around them.

In determining an outcome for an individual student, as part of the nonacademic student misconduct proceedings, the academic welfare and social welfare of the collective ACN students will be considered.

In cases of serious non-academic misconduct on the part of a student, ACN Senior Management may convene a Tribunal to review the alleged infraction. ACN will follow the principles, guidelines and procedures outlined in this policy. ACN reserves the right to adjust proceedings of the Tribunal in the interests of securing a timely, fair and expedient outcome for the student(s) involved, including the collective ACN student body.

The Tribunal has the authority to recommend to the Managing Director several measures to respond to a student respondent(s)' infraction. They include, but are not limited to Temporary Removal from Activities, Facilities or University, Permanent Removal from Activities, Facilities or University / termination of enrolment.

The role of the Non-Academic Misconduct Investigation Committee is to investigate the allegation through written and/or oral evidence from any complainants, the accused student, and relevant witnesses to determine whether the allegation is justified on the basis of the evidence. The Investigation Committee is to report to the Managing Director on the facts relating to the alleged misconduct, whether any mitigating circumstances are evident, and to recommend on any penalty that might be imposed.

RESPONSIBILITY/AUTHORITY

The Managing Director is responsible for the overall integrity of the administration of this policy.

A member of ACN senior management is responsible for receiving and documenting incidents which may constitute non-academic misconduct and for convening the Tribunal. These Forms must be completed to initiate the Tribunal. *FORM HRM7.2.1. F1 Student Code of Conduct Incident Report Form; FORM HRM 7.2.1. F2 Student Code of Conduct Incident Infraction Response Form*

PROCEDURE

ACN is committed to ensuring that the following principles will be followed where an internal ACN tribunal for hearing cases involving serious breaches of the ACN Code of Conduct or other policy (including, but not limited to infractions of the Harassment and Bullying Policy).

Step	Who	Notes
Proceedings Prior to Tribunal	First Responding ACN Staff Member, Complainant(s),	1. Every effort will be made to resolve allegations of student conduct infractions as informally as possible, however, it is recognized this is not always possible, or appropriate.

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	Respondent(s)	<ol style="list-style-type: none"> 2. Senior Management reserves the right to convene this Tribunal – or not – in considering serious infractions involving student non-academic misconduct. 3. Students cannot initiate a non-academic misconduct Tribunal directly. This is initiated by Senior Management who must commence proceedings using <i>FORM HRM7.2.1. F1 - Student Code of Conduct Incident Report Form and/or FORM HRM 7.2.1. F2 - Student Code of Conduct Incident Infraction Response Form</i>. 4. Any student can, however, commence the non-academic student misconduct Tribunal process by: <ul style="list-style-type: none"> - making an allegation of non-academic misconduct against any student of ACN, and; - by completing these forms and; - where there is a breach of the ACN policy or procedure as outline within the Scope of this policy. 5. Where a respondent(s) admits an allegation made against them subsequent to informal attempts to resolve an issue, ACN Senior Management may apply a penalty without convening a Tribunal.
Notice given to Student	Senior Management	<ol style="list-style-type: none"> 6. Sufficient notice will be given to all parties and adequate time allowed for the consideration and preparation of cases; 7. Any notification to a student about misconduct proceedings will be sent to the student's residential address as contained in the student records or delivered personally to the student by a staff member of ACN; 8. A student accused of misconduct will be advised of the allegation against them and given an opportunity to respond in writing; 9. Where Senior Management deems that an investigation of the alleged infraction of non-academic misconduct is appropriate, the student will be given advice on procedures that will be followed, including membership of the hearing body, the availability of advice and support services;
Membership and Authority		<ol style="list-style-type: none"> 10. The ACN positions of Academic Director, Managing Director, Director, International Marketing and General Manager are deemed to be senior management for this policy. 11. The Chair of the Tribunal may be a member of Senior Management. 12. Members of the Tribunal will be determined by ACN

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		Senior Management and will often involve an external senior staff member from either ACE, ACL, or IBT.
The internal ACN Non-Academic Misconduct Tribunal – Guiding Principles		<ol style="list-style-type: none"> 13. The Complainant and the student will have the opportunity to put their cases to the Tribunal that is hearing the matter, and subject to legitimate considerations about confidentiality, have equal access to information pertaining to the matter; 14. All relevant submissions and evidence will be considered by the hearing body (this can include witness statements and documents relevant to the complaint); 15. A student will be able to present their case verbally, or in writing, or both; 16. There should be the opportunity for a student to correct information, ask questions generally and about evidence presented, explain mitigating circumstances, or make a submission as to penalty; 17. Principles of natural (administrative) justice will be followed and ACN will determine the rules of procedure, proceeding, etc. 18. Proceedings will be conducted in a manner that upholds the need for confidentiality and privacy for parties concerned; 19. Students understand that while ACN will conduct the proceedings in a confidential manner, ACN may be compelled by law to provide information or documents in accordance with external legal processes; 20. A student's prior record of misconduct may only be considered in the context of the penalty to be imposed; and 21. Any person who has had any prior involvement with a matter under consideration, including advising a student, will not be in a decision-making role on the same matter or any related matter.
Final Recommendations of the Tribunal	Chair, Tribunal, Managing Director	22. The final decision of the Tribunal in considering the alleged infraction of student non-academic misconduct will be recorded as a recommendation to the Managing Director who will authorize communication of the Tribunal recommendation to the Respondent(s).
Communication of the Recommendation to the Student	Chair, Tribunal	23. The Chair of the Tribunal will be responsible for communicating the Tribunal recommendation to the involved student Respondent(s)
Appeals		24. Respondent(s) may appeal to the Managing



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		<p>Director under either or both of the following grounds:</p> <ul style="list-style-type: none"> - That there is evidence that there has been a breach of procedural fairness; and/or - That there is substantial new evidence now available relating to the original act of misconduct that was not available to the Investigation Committee at the time. <p>25. An appeal must be lodged in writing to the Managing Director within ten working days from the date of delivery of the official notification of the decision. The appeal must clearly state the grounds of the appeal: breach of procedural fairness, or new evidence. Appeals lodged outside the timeframe will not be considered.</p>
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In the administration of this policy, all students are entitled to fairness, equity, privacy and non-discrimination. Students should also refer to the ACN Grievance Policy and Privacy Policy.

Where a specific timeline is not provided for in this policy, students can anticipate that progress of a case within the non-academic student misconduct proceedings will occur in a timely and reasonable fashion.

Students are reminded that they have recourse to external appeal for any decisions made within ACN. Appellants may be required to substantiate their request for an appeal; in particular they may be asked to demonstrate new evidence that has not been heard by an earlier authority.

REFERENCES:

Policy Number:	Policy Title
FORM HRM7.2.1. F1	Student Code of Conduct Incident Report Form
FORM HRM 7.2.1. F2	Student Code of Conduct Incident Infraction Response Form
HRM7.2.2	Harassment and Bullying Policy
ACD5.1.17	ACN LTU Student Handbook