

STATUTE 10 STUDENT CONDUCT AND DISCIPLINE

PART 1 - Preliminary

10.1 Introduction

10.1.1 As articulated in its Mission Statement,¹ Australian Catholic University shares with universities world-wide a commitment to quality in teaching, research, and community engagement. It aspires to be a community characterised by free inquiry and academic integrity. In all its endeavours, it is guided by a fundamental concern for justice and equity, and for the dignity of all human beings.

10.1.2 The dignity of the human person will be the foundation and criterion for mutual relationships in the life of the University. It is expected that this will be expressed by a responsible commitment on the part of all students and staff to justice, equity and concern for mutual well-being, actively informed by a sensitivity to individual circumstances, individual and collective responsibility, and situations of injustice.

10.1.3 The Mission Statement and the above principles underpin this Statute which recognises the reciprocal relationship between individual and community rights and responsibilities. Students on all campuses must behave in a way that –

- (a) allows reasonable freedom to others to pursue their studies, research, duties, community engagement and other lawful activities in the University or on a campus or site and to participate in the life of the University;
- (b) recognises the University objective of pursuit of academic excellence and that academic standards and proper procedures are essential in achieving that objective;
- (c) promotes the proper use of University facilities and information and the property of the University and of other persons and/or organisations on its campuses and on sites at which it conducts its activities or at other legitimate activities organised by the University's Student Associations.

10.2 Objects

The objects of this Statute are to –

- (a) promote the principle of mutual respect by informing students of behaviour which the University community considers appropriate;
- (b) discourage behaviour which the University community considers inappropriate;
- (c) implement procedurally fair practices for dealing with possible cases of misconduct;
- (d) provide for the imposition and enforcement of penalties for proven misconduct.

10.3 Interpretation

10.3.1 In this Statute:

Academic staff means any member of University staff employed as an academic; it includes casual and sessional staff as well as contract and permanent staff, in accordance with the relevant provisions of an Enterprise Agreement.

Allegation notice means the notice the University gives to a student to commence formal misconduct proceedings.

Assessment means evaluation of a student's performance by written or oral examinations, assignments, presentations, theses or other means notified in Unit Outlines.

Australian Catholic University or University means Australian Catholic University Limited (ABN 15050192660)

Campus or site includes -

- (a) any land which for the time being is the property of the University or in its possession or under its control or on which it is conducting its lawful business, together with any structure whether permanent or temporary on that land;
- (b) any place or premises at which research, workshops, camps, field excursions, examinations or any other study, research or community engagement related activity controlled or supervised by the University, or at which legitimate activities organised by the University's Student Associations, are conducted;

¹ Extracted from "Mission Statement (1998)".

- (c) any place or premises at which clinical, professional, practical, volunteer work, vocational placements or other activities forming part of a course or unit offered by the University take place; and
- (d) any other place or premises deemed by the Senate to be a University campus or site.

Campus service means any activity in aid of the University or a student of a kind which is declared by a Pro-Vice-Chancellor or nominee to be a campus service for the purposes of this Statute.

Class includes any lecture, tutorial, seminar, laboratory, practical, field or other teaching, learning or assessment activity, regardless of the medium in which it is conducted (eg face-to-face, on-line, distance).

Computing and network facilities includes, but is not limited to, computers, computer systems, email and other communications networks, websites and information facilities, together with associated software, files and data storage and retrieval. It includes on-line teaching resources.

Counselling means counselling through the University's Student Services or other organisation agreed between the student and the decision-maker.

Dean means the Deans as defined in Section 1.1.1 of Statute 1 and the Dean of Students.

Decision-maker means a Designated Officer, Discipline Committee or Discipline Appeals Committee.

Designated Officer means a person designated as such, for the purpose of this Statute, by the relevant Pro-Vice-Chancellor. A Designated Officer will normally be appointed for a term of not less than two years.

Exclusion, except where the context indicates otherwise, means denial of access to all or specified University premises, facilities, activities, services, courses, units, lectures, tutorials, examinations or aspects of University life; and "excluding" and "exclude" have corresponding meanings.

Executive Director, University Services means the senior administrative officer of Australian Catholic University.

Harassment means behaviour that is not wanted and not asked for and that a reasonable person would have anticipated could cause offence, intimidation or humiliation.

Head of School means a Head of School as defined in Section 1.1.1 of Statute 1 or the Head of an academic Institute.

Legal practitioner means a person admitted to legal practice according to the law of the relevant State or Territory.

Librarian means the Director of Libraries and/or the Library Manager responsible for any campus library.

Manager means a person who is the head of an organisational unit as defined by the University structures, as determined from time to time.

Member of the public means any person who is neither a member of staff nor a student.

Member of staff means any person employed or engaged by the University and any person assigned to the University or appointed in an honorary capacity.

Misconduct includes, but is not limited to, conduct or behaviour by a student that –

- (a) impairs the reasonable freedom of others to pursue their studies, research, duties, community engagement or other lawful activities in the University or on a campus or site or to participate in the life of the University;
- (b) hinders the pursuit of academic excellence by circumvention of academic standards and proper procedures in relation to teaching and learning, assessment or research;
- (c) interferes with, causes damage to or loss of, or obstructs the use of, any facilities, information or property owned or controlled by the University or owned or controlled by any person or organisation while such property or facilities is or are lawfully on any campus or site;
- (d) amounts to, causes or contributes to a breach of the policies, regulations, rules or procedures of the University or of a body where the student is undertaking research, field, clinical, practical or professional experience, education, assessment or community engagement;

- (e) constitutes a failure to comply with a lawful direction given by a person authorised by the University to ensure the safety of any person, the preservation of any property or the maintenance of good order within the University or under this Statute or any other University policy, regulation, rule or procedure;
- (f) encourages, persuades or incites any other person to engage in conduct or behaviour constituting misconduct;
- (g) is disorderly or detrimental to the interests or good repute of the University;
- (h) impairs the orderly functioning of the University and/or its activities; or
- (i) hinders actions initiated under this Statute or adversely affects persons in any way associated with the conduct of investigations, determination of cases or imposition or implementation of penalties under this Statute.

The term includes conduct of an individual student or of a group of persons which includes a student.

Mission means the Mission as set out in the Mission Statement of Australian Catholic University as endorsed by the Senate.

Officer has the same meaning as “member of staff”.

Penalty points means the quantum of a penalty imposed under this Statute. The Executive Director, University Services will each year determine and publish the quantum of penalty points in terms of fines and campus service.²

Procedural fairness means practices that are impartially applied, and free from bias, prejudice or injustice in line with established processes or conventions and the Mission.

Pro-Vice-Chancellor means a person appointed as Pro-Vice-Chancellor under clause 23 of the Constitution.

Rector means any person holding such an academic leadership and management position so designated in the University.

Senate means the Senate of Australian Catholic University.

Student includes –

- (a) a person who is enrolled in any course, unit or non-award study offered by or at the University;
- (b) a student of another university or other education provider who is granted temporary or on-going rights of access to a campus or site of the University;
- (c) a person who was a student at the time of any alleged misconduct;
- (d) a person who has deferred enrolment in a course or unit.

Student Association means an Australian Catholic University Student Association and includes any campus Student Association established under a constitution approved by the Vice-Chancellor.

Support person means a person appointed by a student to accompany the student in any hearing. The support person may not be a person who was involved in, associated with, or alleged to have been involved in or associated with the alleged misconduct.

Suspension means the cancellation of a student’s enrolment at the University for a specified period and associated entitlement to enter or remain upon any campus or site or participate in any University-related activity; and “suspend” has a corresponding meaning.

Vice-Chancellor means the Vice-Chancellor appointed from time to time under clause 21 of the Constitution.

10.3.1.1 Statutes 1.1.2, 1.1.3 and 1.1.4 do not apply to this Statute.

10.4 Application³

² In 2006, one penalty point is equivalent to \$50 or 2 hours campus service. These figures are subject to periodic review.

³ This Statute should be read in conjunction with the following:

Academic Regulations
Academic Honesty Policy
Assessment Policy

10.4.1 This Statute applies to all students of the University. The University may deal with misconduct under this Statute if the person was a student at the time of the alleged misconduct and may proceed as if the person had continued to be a student, even if the person ceases to be a student before proceedings are instituted or finalised.

10.4.2 In any case where a student is in a gathering or group of students and/or other persons and the group engages in conduct that would constitute misconduct if engaged in by a student (called 'group conduct'), the student is taken to have engaged in each act of misconduct constituting the group conduct, if he/she did not take all reasonable steps to dissociate from the gathering or group as soon as practicable after he/she became aware of the group conduct.

10.4.3 This Statute applies to conduct occurring or allegedly occurring after 31 December 2005.

PART 2 – Dealing with Alleged Misconduct

10.5 Situation of serious risk requiring urgent redress

10.5.1 The Vice-Chancellor or nominee may suspend a student on considering it necessary to avert a substantial risk of –

- (a) injury to a person; or
- (b) serious damage to property; or
- (c) serious detriment to the interests or good repute of the University; or
- (d) serious disruption of a University activity.

10.5.2 Before imposing the suspension, the Vice-Chancellor or nominee must make a reasonable effort (having regard to the seriousness and urgency of the risk) to provide the student with an opportunity to explain why the suspension is not warranted.

10.5.3 A suspension takes effect immediately and the student must comply with such a decision.

10.5.4 The Vice-Chancellor or nominee must, within twenty-four hours, provide a written allegation notice to the student –

- (a) setting out the terms of the decision;
- (b) setting out in summary form the reason for the decision; and
- (c) advising the student of the provisions of this Statute.

10.5.5 Where the Vice-Chancellor or nominee has taken action to suspend a student under this Section, he/she must refer the matter to the Discipline Committee immediately. The Vice-Chancellor may, after investigation, institute other measures he/she considers necessary having regard to the circumstances of the student and the University.

10.5.6 A suspension ends if, ten working days after the allegation notice is given, the Discipline Committee has not held its first meeting.

10.5.7 If the Discipline Committee has held its first meeting as required, the suspension continues until the proceedings are finalised or it is lifted by the Vice-Chancellor or nominee, the Discipline Committee or the Discipline Appeals Committee.

10.5.8 The Vice-Chancellor or nominee must lift the suspension if satisfied that the risk that necessitated it has passed.

10.5.9 The Vice-Chancellor must provide a written report to the next meeting of Senate, setting out in summary form the terms of and reason for any action under this Section.⁴

10.6 Breach of academic honesty

Computer, Internet and Telephone Acceptable Use
Cultural Diversity Policy
Intellectual Property Policy
Privacy Policy
Research and Professional Doctorate Degree Regulations
Policy on Quality Teaching and Learning
Sexual Harassment Policy
Staff Code of Conduct

⁴ Note: The report to Senate would normally not include the names of the parties.

Any alleged breach of academic honesty falling within the Academic Honesty Policy must be dealt with in accordance with that Policy.

10.7 Reporting alleged misconduct

10.7.1 A person may report possible student misconduct (other than that covered by Sections 10.5 or 10.6) to an authorised officer (refer to Section 10.7.2). Any such report should be made as soon as possible after the person reporting becomes aware of the misconduct in question and should be confirmed in writing.

10.7.2 The officers to whom any alleged act of misconduct may be reported are as follows:

Academic staff: for any act or behaviour which causes serious disruption to any teaching, learning, research or assessment activity.

Head of School: for any matter relating to the teaching, learning, assessment, research, community engagement or other activities conducted by the School or relating to the facilities of the School.

Dean of Faculty:

(a) for any matter relating to the teaching, learning, assessment, research, community engagement or other activities conducted by the Faculty or relating to the facilities of the Faculty; and

(b) for any matter within the power of a Head of School, if the student is pursuing a course administered by the Faculty.

Dean of Students: for any matter arising in, or in connection with, the University's Student Services or Student Association activities.

Librarian: for any matter arising in, or in connection with, the University's library facilities or services.

Director, Information Technology and Communication Services: for any matter arising in, or in connection with, the University's computing and network facilities or services.

Academic Registrar: for any matter arising in, or in connection with, any Student Centre or Student Administration office, facilities or services.

Manager of a residential facility: for any matter arising in, or in connection with, that residential facility.

Rector: for any matter occurring on a campus or site for which he/she has responsibility.

Pro-Vice-Chancellor: for any matter occurring on a campus or site for which he/she has responsibility or any matter falling within his/her portfolio.

Designated Officer: for any matter occurring on a campus or site for which he/she has been designated to undertake that role.

Executive Director, University Services: for any matter.

Vice-Chancellor: for any matter.

10.8 Action by officer on receipt of report of alleged misconduct

On receipt of any such report, the officer concerned will take action as follows:

(a) In the case of any conduct which requires immediate action (eg to avoid disruption of any lawful activity), the officer may take summary action to ensure that the conduct ceases. Such summary action may include (but is not limited to) excluding the student, requiring them to leave the class, examination, facility, premises, campus or site forthwith, provided that the period of such exclusion must not exceed -

(i) the duration of the class, examination or other activity during which any disruption occurred; or

(ii) in any other case, a period of 24 hours.

(b) The exercise of any such authority must be reported to the Designated Officer within two working days of its exercise.

(c) In any other case, the officer will refer the matter to the Designated Officer.

10.9 Action by Designated Officer

10.9.1 The Designated Officer (on his/her own initiative or in response to a report) may –

- (a) make preliminary investigations to decide whether action should be taken against a student for alleged misconduct; in such preliminary investigations it may be appropriate for the Designated Officer to make contact with the student and/or others, in particular to ascertain whether there are any ameliorating circumstances or factors or whether remedial or supportive actions rather than procedures related to dealing with misconduct should be initiated;
- (b) undertake investigations and determine the matter himself/herself or may refer the matter to a Discipline Committee. Where the matter is referred to the Designated Officer by the Pro-Vice-Chancellor (Academic Affairs) under the Academic Honesty Policy, the Designated Officer will refer the matter to a Discipline Committee; and/or
- (c) refer the matter to the Police or other appropriate agency external to the University.

10.9.2 If the Designated Officer considers it necessary or appropriate to progress the matter, he/she will, within ten working days of the allegation being brought to his/her attention -

- (a) provide a written allegation notice to the student, setting out the alleged misconduct;
- (b) advise the student whether it is intended that the Designated Officer investigate the alleged misconduct or refer the matter to a Discipline Committee;
- (c) give the student the opportunity to respond to the allegation of misconduct, providing the date by which any such response must be submitted; such date must be no less than five working days after receipt or deemed receipt of the allegation notice by the student; and
- (d) provide the student with a copy of this Statute.

10.10 Response by student

10.10.1 The student must respond within the prescribed time and must indicate whether he/she admits or denies the alleged misconduct.

10.10.2 If the student does not respond within the prescribed time, the Designated Officer must proceed to consider and determine the matter or refer it to a Discipline Committee for consideration and determination.

10.10.3 If the student responds within the prescribed time and the Designated Officer considers that the response provides grounds for discontinuing action against the student, he/she will advise the student in writing accordingly and no further action will be taken and no record of the matter will be recorded on the student's file.

10.10.4 If the student responds within the prescribed time and the Designated Officer considers that further investigation is required, he/she must proceed to consider and determine the matter or refer it to the Discipline Committee for consideration and determination.

10.11 Advice to person who made original allegation

If the Designated Officer decides that no action be taken, he/she will communicate the decision in writing to the person making the original allegation, with a copy to the relevant Pro-Vice-Chancellor.

10.12 Procedural fairness and conduct of proceedings

10.12.1 When dealing with any case of alleged misconduct, the decision-maker must ensure procedural fairness subject to the provisions of Section 10.12.2 and, as applicable, section 10.14 and 10.21, and observe the general principles in Section 10.1 and the objects of this Statute in Section 10.2.

10.12.2 The decision-maker will –

- (a) conduct any hearings as expeditiously as possible, consistent with the need to act fairly;
- (b) determine the matter on the basis of evidence adduced by the parties or in their presence, act fairly, and proceed in the way that is appropriate, without being bound by legal technicalities or the laws of evidence;
- (c) give the student a copy of, or an opportunity to inspect, all relevant evidence in relation to the alleged misconduct;
- (d) give the student a reasonable opportunity to respond to the allegation in writing and to appear before the decision-maker to answer the allegation;
- (e) give the student at least five working days' written notice of the date, time and place of any hearing;
- (f) permit the student to be accompanied by a support person;

- (g) permit the student and any support person whom the student appoints to be present throughout the hearing, except when members of a Committee wish to confer privately among themselves or to consider their decision;
- (h) conduct any hearing in closed session;
- (i) decide, to the decision-maker's reasonable satisfaction, whether the student has committed misconduct and if so, given all the circumstances of the case, whether one or more of the penalties allowed should be imposed. The decision of the majority of Committee members present and voting (in the case of the Discipline Committee or Discipline Appeals Committee) will apply.

10.12.3 Failure of the student to appear at the notified time will not prevent the decision-maker from proceeding to investigate and determine the allegation or appeal.

10.12.4 The decision-maker has complete authority to keep order in any proceedings, including the authority to order the removal of any person, including a student and/or his/her support person.

10.12.5 When two or more students are alleged to have committed misconduct arising out of the same occurrence or series of occurrences, the decision-maker will decide whether their cases or appeals are to be heard separately or together.

10.12.6 A written record of all proceedings will be maintained. Such record will contain a summary of the matters considered or obtained by the decision-maker and other minutes of its proceedings necessary to show the way in which it conducted the inquiry.

10.13 Discipline Committee

10.13.1 Each year there will be a Discipline Committee constituted for each campus.

10.13.2 The Discipline Committee will comprise –

- (a) the Designated Officer (chairperson);
- (b) two members of staff selected by the Designated Officer from a panel of staff approved by the Pro-Vice-Chancellor for the purpose; and
- (c) two students selected by the Designated Officer from a panel of students nominated by the executive of the local Student Association and approved by the Pro-Vice-Chancellor for the purpose. Where there is more than one local Student Association in a State or Territory, both Associations will nominate students for inclusion on the panel.

10.13.3 If the Designated Officer considers that, because of his/her preliminary enquiries, he/she is unable to hear the matter without bias, he/she may request the Pro-Vice-Chancellor to appoint another person in his/her stead. In appointing a substitute member, the Pro-Vice-Chancellor will also nominate the chairperson of the Committee.

10.13.4 A quorum of the Committee is three members, consisting of the chairperson and at least one member of staff.

10.13.5 The chairperson has a deliberative vote and, if required, a casting vote.

10.13.6 The Pro-Vice-Chancellor may appoint a person to act as secretary to the Discipline Committee. The secretary will provide the Committee with administrative support but does not vote.

10.14 Conduct of proceedings by Designated Officer or Discipline Committee

10.14.1 Subject to this Section, the provisions of Section 10.12 will apply to all hearings conducted by the Designated Officer and/or any Discipline Committee.

10.14.2 A support person accompanying a student at any hearing by a Designated Officer or Discipline Committee may not be a former or current legal practitioner or a person with a law degree.

10.14.3 A support person has no right to be heard except with the permission of the Designated Officer or Discipline Committee.

10.14.4 The University may not have legal representation at any hearing by the Designated Officer or Discipline Committee.

10.14.5 A decision about the allegation must be made within twenty working days of receipt or deemed receipt of the allegation notice by the student.

10.15 Penalties which may be imposed by Designated Officer or Discipline Committee

10.15.1 If the student admits the alleged misconduct or is found to have committed the alleged misconduct, one or more of the penalties listed below may be imposed.

10.15.2 One or more of the following penalties may be imposed by the Designated Officer -

- (a) require the student to apologise formally to another party;
- (b) reprimand the student, including the ability to direct that any reprimand be recorded on the student's file and/or student record;
- (c) fine the student not more than 5 penalty points;
- (d) impose a campus service order of not more than 5 penalty points.

10.15.3 One or more of the following penalties may be imposed by a Discipline Committee -

- (a) require the student to apologise formally to another party;
- (b) reprimand the student, including the ability to direct that any reprimand be recorded on the student's file and/or student record;
- (c) fine the student not more than 15 penalty points;
- (d) impose a campus service order of not more than 15 penalty points;
- (e) require the student to pay compensation for damage to any person, or to property or facilities of the University, normally to a value of not more than 15 penalty points;
- (f) fine the student an amount equal to the amount determined by the Committee to be the reimbursement of costs arising from unauthorised use by the student of any service or facility provided by the University, normally to a value of not more than 15 penalty points;
- (g) require the student to refrain from having any or any specified contact with any particular student(s) or member(s) of staff for such period of time as deemed necessary or appropriate;
- (h) in any case relating to examination or assessment, award a fail grade for or annul all or part of the student's result for the study period concerned;
- (i) impose a maximum grade which the student may gain for the unit in relation to which the misconduct occurred and/or downgrade the final grade overall in the unit;
- (j) require the student to do further work or repeat work in any unit;
- (k) refuse or cancel credit for any unit;
- (l) suspend the student from the University for any nominated period of time;
- (m) suspend the student's right to use a vehicle (motorised or non-motorised) on any campus or site for any nominated period of time;
- (n) exclude the student either permanently or for such period and on such terms and conditions as are deemed appropriate from one or more of –
 - (i) the University, a Faculty or School;
 - (ii) specified areas of a campus or site;
 - (iii) a course, unit or non-award study; or
 - (iv) use of any or nominated University facilities;
- (o) where the student has intentionally submitted forged, false or falsified evidence of academic standing for the purpose of admission or re-enrolment, terminate the student's enrolment.

Without limiting the range of penalties available, penalties which are academic in nature (namely penalties (h) to (k)) should normally be imposed only for misconduct under the Academic Honesty Policy.

In addition to or in lieu of the penalties above, the Committee may recommend that the student consult a counsellor, medical practitioner or specialist.

10.16 Notification of decision and, where relevant, of any penalty imposed

10.16.1 The Designated Officer (or his/her substitute where applicable) must, within five working days of the decision being made, advise the student in writing of -

- (a) the process undertaken;
- (b) the decision reached;
- (c) the reasons for the decision;
- (d) any penalty imposed, the time within which any payment is to be made and/or remedial action taken by the student, and any conditions thereon;
- (e) the right to appeal under Part 3 of this Statute.

10.16.2 A copy of the notification to the student will be provided to the Executive Director, University Services, the relevant Faculty Dean and the relevant Pro-Vice-Chancellor.

PART 3 – Appeals

10.17 Procedure for lodging appeal

10.17.1 The student may appeal a decision of the Designated Officer or of a Discipline Committee under this Statute or, under the Academic Honesty Policy, a decision of the Pro-Vice-Chancellor (Academic Affairs) only.

10.17.2 The only grounds on which a student may appeal are that –

- (a) there was failure to comply with procedural fairness by reason of which the student has not received a fair hearing;
- (b) there is new evidence relating to mitigating circumstances affecting the student's misconduct;
- (c) the decision was manifestly wrong; or
- (d) the penalty imposed was manifestly excessive, inappropriate or not available in the circumstances.

10.17.3 To lodge an appeal the student must -

- (a) give written notice of appeal to the Pro-Vice-Chancellor within twenty working days of the date on which the student received or is deemed to have received written notice of the decision;
- (b) specify whether the appeal relates to the finding of misconduct or to the penalty imposed or to both the finding and the penalty;
- (c) set out the grounds of appeal under Section 10.17.2 and the substance of the matters forming the basis of the appeal;
- (d) provide an address to which notices or documents connected with the appeal may be posted or left for the student; and
- (e) indicate whether the student intends to be accompanied, at any appeals hearing, by a support person who is a former or current legal practitioner or who holds a law degree.

10.18 Action by Pro-Vice-Chancellor

10.18.1 The Pro-Vice-Chancellor must review the student's appeal and may –

- (a) following appropriate investigation, uphold the appeal in toto;
- (b) if Sections 10.17.2 and/or 10.17.3 are not satisfied, decline to progress the appeal;
- (c) if he/she considers that the appeal is frivolous or vexatious, decline to progress the appeal; or
- (d) give notice of the appeal to the chairperson of the Discipline Appeals Committee.

10.18.2 The Pro-Vice-Chancellor must notify the student of his/her decision under this Section.

10.19 Deferral of penalty during appeal

10.19.1 Unless the Pro-Vice-Chancellor, in his/her absolute discretion, determines otherwise, the lodgement of a notice of appeal operates as a deferral of any penalty imposed.

10.19.2 Any deferral of penalty concludes when the appeal has been determined or on written notice from the student that the student's appeal is withdrawn, whichever is the earlier.

10.20 Discipline Appeals Committee

10.20.1 The Discipline Appeals Committee comprises four persons as follows –

- (a) at least two members of staff;
- (b) one student; and
- (c) one other person (who may also be a member of staff)

all appointed by the Pro-Vice-Chancellor who must designate one member as chairperson of the Committee.

10.20.2 Membership of the Discipline Appeals Committee may not include the Designated Officer, any person who was a member of the Discipline Committee which made the decision appealed against, or any person who lodged a report which led to investigation of the alleged misconduct.

10.20.3 A quorum of the Committee is three members.

10.20.4 The chairperson has a deliberative vote and, if required, a casting vote.

10.20.5 The Pro-Vice-Chancellor may appoint a person to act as secretary to the Discipline Appeals Committee. The secretary will provide the Committee with administrative support but does not vote.

10.21 Conduct of Discipline Appeals Committee

10.21.1 Subject to this Section, the provisions of Section 10.12, will apply to all hearings conducted by the Discipline Appeals Committee.

10.21.2 The Discipline Appeals Committee must convene to determine the appeal within twenty working days after receipt by the Pro-Vice-Chancellor of the notice of appeal.

10.21.3 If the appeal is against a finding of misconduct, it is the responsibility of the student to demonstrate that that finding is incorrect. If the appeal is against the severity of a penalty imposed, the Discipline Appeals Committee will confine its deliberations to the question of penalty.

10.21.4 The support person appointed by the student in relation to an appeal may be a former or current legal practitioner or a person who holds a law degree or another person, being willing to act, whom the student appoints. The support person may, subject to the agreement of the chairperson and the student, act as an advocate on the student's behalf and address the Committee.

10.21.5 A hearing conducted by the Discipline Appeals Committee is not a re-hearing. The student or support person may only present submissions, and only to the extent that they are relevant to the ground or grounds in Section 10.17.2 relied upon by the student. However, if the student relies upon the ground in Section 10.17.2(b), the student or support person may also call and examine witnesses and present new material to the Committee.

10.21.6 The Vice-Chancellor or Pro-Vice-Chancellor may appoint a former or current legal practitioner or a person who holds a law degree or a member of the staff of the University to represent the University at the hearing. A person so appointed may call and examine witnesses, if the student relies upon the ground in Section 10.17.2(b), present submissions and address the Committee at the conclusion of the evidence.

10.22 Powers of Discipline Appeals Committee

10.22.1 The Discipline Appeals Committee may –

- (a) confirm or vary the decision appealed;
- (b) confirm or vary the penalty appealed; or
- (c) uphold the appeal.

10.22.2 If the Discipline Appeals Committee dismisses the whole or any part of the decision appealed, it must confirm or vary any penalty imposed or substitute another penalty. In imposing a penalty, it may exercise the same powers as those available to the Discipline Committee under Section 10.15.3 above.

10.23 Notification of decision of the Discipline Appeals Committee

10.23.1 The Discipline Appeals Committee must provide a written report to the Pro-Vice-Chancellor who, within five working days of finalisation of the appeal by the Discipline Appeals Committee, must notify the student of –

- (a) the process undertaken;
- (b) the decision reached on the appeal;
- (c) the reasons for the decision; and
- (d) any penalty imposed and any conditions thereon.

10.23.2 The decision of the Discipline Appeals Committee is final and there is no avenue of appeal against that decision to any other body within the University.

10.23.3 A copy of the notification to the student will be provided to the Executive Director, University Services and the relevant Faculty Dean.

PART 4 – Implementation and Enforcement of Penalties

10.24 Fines

10.24.1 A fine imposed under this Statute must be paid within ten working days of receipt or deemed receipt by the student of notification of its imposition.

10.24.2 Any such fine will be paid into the general funds of the University.

10.24.3 An extension of time for payment may, in their absolute discretion, be granted by the decision-maker or by the Executive Director, University Services.

10.25 Application for campus service order in lieu of fine

10.25.1 A student ordered by the Designated Officer or a Discipline Committee to pay a fine may, within the time prescribed for its payment under Section 10.24, apply to the Pro-Vice-Chancellor to undertake campus service rather than pay the fine.

10.25.2 The Pro-Vice-Chancellor or nominee will, in his/her absolute discretion, determine the application.

10.26 Campus service orders

10.26.1 If the Pro-Vice-Chancellor approves the substitution of campus service for a fine, the campus service order must be for a period that equates with the value of the fine.

10.26.2 A campus service order -

- (a) will be in writing and will advise the student of the number of hours, nature and conditions of the campus service, and the places and times at which it is to be performed; and
- (b) is not complied with until the Pro-Vice-Chancellor considers that the work required has been satisfactorily completed.

10.26.3 A student who has been granted a campus service order in lieu of a fine under Section 10.25 may not appeal the nature or duration of the campus service ordered.

10.27 Consequences of exclusion or suspension

Where a student has been excluded or his/her enrolment has been suspended under this Statute, the following provisions apply:

- (a) where the exclusion or suspension does not exceed two weeks, the student may resume studies after the expiry of the nominated period of exclusion or suspension;
- (b) where the exclusion or suspension exceeds two weeks, the student may not resume studies, after the expiry of the nominated period of exclusion or suspension, without first obtaining the approval of the Course Co-ordinator;
- (c) where the period of exclusion or suspension is greater than one standard study period, in order to be considered for re-enrolment, the person must first submit an application for readmission which will be determined by the relevant Faculty Dean.

PART 5 – General

10.28 Confidentiality

Any person or committee who exercises any power or carries out any function under this Statute must treat the subject matter in strict confidence, except as necessary for the discharge of that person's responsibilities or as otherwise required by law.

10.29 Extension of time limits

10.29.1 The Vice-Chancellor or Executive Director, University Services, may in his/her discretion extend any of the time limits prescribed for the taking of any actions or steps referred to in this Statute for such period and on such terms, if any, as he/she considers appropriate.

10.29.2 The Designated Officer, the chairperson of the Discipline Committee or the chairperson of the Discipline Appeals Committee, as appropriate, may agree in writing with the student at any time to extend the time limits referred to in this Statute or to reschedule the date, time and place for a hearing, with consequential adjustment to the associated timelines.

10.30 Consequences of issue of allegation notice

If a student has been given an allegation notice, the University may withhold –

- (a) any assessment results or final grades;
 - (b) the outcome of any application for credit;
 - (c) approval for the student to graduate or receive any statement indicating eligibility to graduate or to receive a diploma or certificate of the University
- until the proceedings (including any appeal) are finalised.

10.31 Notice

- 10.31.1 A notice to a student is sufficient if it is in writing and is -
- (a) given to the student in person;
 - (b) posted by registered post or delivered by courier to the student -
 - (i) at the semester address shown on the student's most recent enrolment, if posted during a semester;
 - (ii) at the home address shown on the student's most recent enrolment, if posted during a vacation; or
 - (iii) at the student's residential or business address last known to the person or body giving the notice; or
 - (c) transmitted by facsimile to a number provided by the student as being identified with the relevant address.

10.31.2 Any notice is deemed to have been received –

- (a) if sent by registered post to an address within Australia, on the third working day after it was sent;
- (b) if sent by registered post to an address outside Australia, on the seventh working day after it was sent;
- (c) if delivered by courier, on the date recorded in the courier's records as the date of delivery;
- (d) if sent by facsimile, no later than 48 hours from the date and time at which it was sent.

10.31.3 By agreement with the student, the University may use email as a means of communication. In such circumstances any notice sent by email is deemed to have been received no later than 48 hours from the date and time at which it was sent.

10.32 Undischarged penalties

10.32.1 While any penalty imposed under this Statute remains outstanding, unfulfilled or unpaid, or while a student is suspended or excluded from any campus or site, the student is not entitled, without the written consent of the Vice-Chancellor or Executive Director, University Services, to –

- (a) enrol;
- (b) receive any results of assessment;
- (c) receive or be granted credit for any course or unit; or
- (d) graduate or receive any statement indicating eligibility to graduate or receive a diploma or certificate of the University.

10.32.2 While a student is suspended he/she must not, without the prior written consent of the Vice-Chancellor or Executive Director, University Services –

- (a) attend any class;
- (b) sit any examination;
- (c) submit any work for assessment;
- (d) gain any credit;
- (e) access the whole or nominated parts of any campus or site or any of the University's library, computing and network or other facilities or services;
- (f) be reimbursed any fees paid, or be relieved of responsibility to pay any fees payable, by the student in relation to any such period; or
- (g) be re-enrolled.

10.33 Maintenance of records

10.33.1 The Executive Director, University Services, must keep a record of all findings of misconduct and the penalties imposed under this Statute. These records will form part of the University's disciplinary records and part of the student's file which may be made available –

- (a) to persons within the University if, in the opinion of the Executive Director, University Services, they have a legitimate need to know; and
- (b) to persons outside the University in response to –
 - (i) a written request by the Police if they are investigating the conduct in question or a related matter;
 - (ii) a court order or subpoena; or

- (iii) a request by another higher education provider or affiliated residential facility of such a provider if, in the opinion of the Executive Director, University Services, they have a legitimate need to know.

10.33.2 Where the student is found guilty of the alleged misconduct, the following documentation will be maintained on the student's file:

- (a) a copy of the allegation notice sent to the student;
- (b) a copy of the student's response (if any);
- (c) a copy of the notice of decision forwarded to the student;
- (d) a copy of any student appeal;
- (e) a copy of the notice of decision on any appeal.

If the student is found not guilty, either on the initial hearing or on appeal, no documentation regarding the matter will be placed on the individual student's file.