

Online University English Entry Course Student Misconduct Policy

1. Purpose

This Policy details the principles that govern UNSW College's (the College) approach to a failure by a student to meet one or more of the responsibilities found in the Online University English Entry Course (OUEEC) Student Code of Conduct. It may be a single breach or multiple breaches.

2. Scope

This Policy applies to:

- (a) all enrolled OUEEC students and their activities undertaken within or with members of UNSW College community;
- (b) former OUEEC students, students not currently enrolled, students previously enrolled where the behaviour in question occurred whilst a member of UNSW College community; and
- (c) enrolled OUEEC students where the relevant conduct directly relates to enrolment or admission to a UNSW College program.

3. Policy Statement

The College is committed to providing a fulfilling and rewarding learning experience to assist students to achieve their full academic potential.

To assist in meeting this commitment, students and staff are required to conduct themselves in a manner that aligns with this objective and supports the responsibilities and standards of behaviour expected of students and outlined in the [OUEEC Student Code of Conduct](#).

4. UNSW College Responsibilities:

The College is expected to:

- (a) require all members of the College community to conduct themselves in a manner that aligns with the standards of behaviour outlined in the [OUEEC Student Code of Conduct](#);
- (b) manage allegations of Academic Misconduct through the [OUEEC Academic Integrity Policy](#);
- (c) investigate and manage any alleged breaches of Non-Academic Misconduct through this Policy..
- (d) ensure investigations into alleged breaches are fair, transparent, consistent with principles of Procedural Fairness and appropriately respect the privacy of those involved.

5. Students' Responsibilities

Students are expected to:

- (a) conduct themselves in a manner that supports freedom for others to pursue their College studies, duties, activities and engagement in College life;
- (b) respect the College's commitment to providing a quality education, a safe, inclusive and fair learning environment and positive student experience;
- (c) accept a shared responsibility between the College and its students to honour and promote a fair, honest, respectful, harmonious and inclusive community;
- (d) uphold the reputation of the College;
- (e) understand that a breach, or repeated breaches, of the [OUEEC Student Code of Conduct](#) are Student Misconduct;
- (f) understand that Student Misconduct is a serious matter and penalties apply which include Suspension or Exclusion from the College.

6. Forms of Misconduct

There are two categories of breaches of the [OUEEC Student Code of Conduct](#), academic and non-academic.

- (a) Academic Misconduct is any behaviour or attempted behaviour that may result in an unfair academic advantage to one or more students and should be reported in accordance with the [OUEEC Academic Integrity Policy](#).
- (b) Non-Academic Misconduct is conduct that breaches the [OUEEC Student Code of Conduct](#) and is managed according to this Policy.

7. Factors Determining the Seriousness of a Breach

Factors determining the seriousness of a breach of the [OUEEC Student Code of Conduct](#) include:

- (a) the extent deviation from expected behaviour;
- (b) any prior breaches of the [OUEEC Student Code of Conduct](#) by the student;
- (c) the student's level of academic experience at the College;
- (d) whether any institutional failures contributed to the breach;
- (e) any mitigating or aggravating circumstances;
- (f) the extent to which College community members, resources, external parties and/or the integrity of College programs may have been adversely affected by the breach.

8. Reporting Student Misconduct

- (a) Any staff member, student or a member of the public may report a student for possible misconduct, with the reporting for non-academic misconduct made to complaintsandconduct@unswcollege.edu.au, where it is referred to one of the Decision Makers in Section 12 of this Policy.



- (b) The misconduct allegation must:
 - i. provide details of the alleged misconduct, including the name(s) of the student(s) who are alleged to be involved; and
 - ii. if possible, cite the relevant section(s) of the [OUEEC Student Code of Conduct](#) that are alleged to have been breached.

9. Managing Reports of Student Misconduct

9.1 Initial steps relating to a report

- (a) The Decision Maker (DM) of their nominee will undertake an assessment of the alleged breach and determine whether it:
 - i. falls within the scope of this Policy;
 - ii. should be referred elsewhere, or
 - iii. should be dismissed.
- (b) The person making the allegation will be informed of this determination of this initial assessment within five (5) working days of receipt of the initial allegation.

9.2 Alleged breach involving imminent or serious threat to College community

- (a) If the matter constitutes a potential breach of the [OUEEC Student Code of Conduct](#), an assessment is undertaken to determine whether immediate intervention is warranted to prevent or minimize an imminent and serious threat from a student in relation to:
 - i. the safety or well-being of any member of the College community; or
 - ii. the proper functioning of any College activity or damage to its resources.
- (b) If it is determined immediate intervention is warranted, the College Chief Executive Officer (CEO) or an Executive Director may suspend the student from the College immediately, initially for a period not exceeding twenty (20) working days, while a further investigation of the matter is undertaken. The student will be notified in writing of the interim Suspension and of their right to appeal the interim Suspension until finalisation of the investigation.
- (c) Any Suspension or restriction (other than ICT restrictions) shall be reported to the Compliance Committee, with that Committee having the authority to extend the interim Suspension or restriction period to cover the time taken to finalise any misconduct investigation, including any appeal, and may broaden the areas from which the student is suspended or restricted.
- (d) If it appears that a Suspension or restriction of a student was not warranted, the Suspension may constitute a ground on which the student may apply for Special Consideration in the assessment of any courses being taken.



9.3 Investigation of a Breach

- (a) An investigation is launched into the alleged breach, either while the student is temporarily suspended (see 9.2) or while a student continues their studies.
- (b) The purpose of the investigation is to make findings of fact, enabling the DM or their nominee to assess if a breach has occurred, the extent of the breach and further action required.
- (c) The student will be provided with a written statement of allegations and invited to admit or deny these in whole or part within ten (10) working days of receiving the notice of alleged breach, through a written statement.
- (d) The DM, their nominee or the student may also seek an opportunity to meet to discuss the allegations, supported by the student's written statement.
- (e) The DM or their nominee may also contact other parties to gather relevant information and consider whether additional allegations or concerns should be raised with the student or elsewhere.
- (f) If the student declines or fails to respond to the allegations, the process will proceed directly to the penalty recommendation stage.

9.4 Investigation Report and Penalty Recommendation

- (a) On completion of the investigation and receipt of the student's written submission, the DM will prepare a report which includes:
 - i. a summary of the allegations and the investigation process; and
 - ii. an evaluation of the facts, documents, information gathered and student's responses; and
 - iii. a penalty recommendation if deemed serious Student Misconduct (see Section 7), to the Student Misconduct Committee; or
 - iv. a determination of the outcome of the investigation by the DM.
- (b) If serious Student Misconduct, the report and penalty recommendation to the Student Misconduct Committee must be submitted within ten (10) working days of receipt of the student's response to the allegations (or, in the event that the student fails to respond to the allegations, within 10 working days of the deadline for the student's response).
- (c) The Student Misconduct Committee will then determine the penalties if any, that will apply.

10. Outcome Advice to Student

- (a) The student will be advised of either the Student Misconduct Committee's decision if a serious Student Misconduct, or the DM's determination, within twenty (20) working days of receipt of the student's response to the allegations (or, in the event



that the student fails to respond to the allegations, within 20 working days of the deadline for the student’s response).

- (b) At any stage, the College, or the person making the allegation, may withdraw an allegation of misconduct or decline to proceed with an investigation. Where the formal process is underway, all parties will be notified in writing that the allegation has been withdrawn. In most instances the College will then deem the matter resolved. However, in certain circumstances, the College may deem the matter serious enough for an internal investigation to continue or for referral to an external agency.

11. Penalties

- (a) The following factors are taken into account when determining the penalty imposed:
 - i. any previous findings of misconduct and the penalties imposed;
 - ii. the stage or level of study of the student;
 - iii. the severity of the breach;
 - iv. any intention or deliberation on the part of the student;
 - v. personal health, family or other factors that have contributed to the misconduct;
 - vi. other matters considered relevant in the circumstances.
- (b) Available penalties include:
 - i. a formal reprimand or warning;
 - ii. remedial educative action;
 - iii. probationary enrolment, with continuation of enrolment subject to specific conditions and/or the future good behaviour of the student;
 - iv. student compensation payment equal to the restoration/replacement cost of an item;
 - v. review of eligibility for admission and any credit already granted;
 - vi. revocation of an award;
 - vii. Suspension from the College;
 - viii. Exclusion from the College, either permanently or for a specific period.

12. Decision Makers

Misconduct Category	Decision Maker responsible for recommendation
Academic matter	Executive Director or their nominee
Other non-academic matter (not covered below)	Head of Student Experience or their nominee



College resources or facilities	Head of Campus Operations or their nominee
Discrimination, harassment, bullying	Head of HR or their nominee
Financial matters	Head of Financial Operations or their nominee
Admissions matters	Head of Admissions and Student Systems or their nominee
IT matters	Head of IT or their nominee
Other	Head of Legal, Risk & Compliance or their nominee

13. Appeals

- (a) A student has the right to appeal a decision made in regard to a allegations of Student Misconduct, through the [OUEEC Student Appeal Policy](#).
- (b) Any appeal must be submitted by email to the College Student Appeals Committee (appeals@unswcollege.edu.au) on the Request to Appeal Form within twenty (20) working days of the notification regarding the outcome of the Student Misconduct investigation.

14. Record Keeping

- (a) Records of all misconduct proceedings and reports are retained and recorded in the Student Misconduct Register, with all findings of serious Student Misconduct also recorded on the student’s permanent record.
- (b) The Student Misconduct Committee reports all outcomes to the Compliance Committee.
- (c) An annual report on trends and emerging issues will be provided twice a year as follows:
 - i. Academic Board for academic matters;
 - ii. College Executive for non-academic matters.

15. Privacy and Confidentiality

- (a) Information gathered in the processes outlined are confidential and handled in accordance with the [College Privacy Policy](#).
- (b) Access to information will be restricted to staff of the College, UNSW or their service providers who are directly involved in the process or for whom access and use is necessary to enable proper investigation and resolution of the matter.

16. Roles, responsibilities and delegations

Role	Responsibility
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Student Misconduct Committee	<ul style="list-style-type: none"> ▪ Determines outcomes/penalties in relation to Student Misconduct. ▪ Reports all outcomes to the Compliance Committee.
Student Appeals Committee	Impartial consideration of academic and non-academic appeals.
Compliance Committee	Has authority to extend the interim Suspension or restriction period to cover the time taken to finalise any misconduct investigation, including any appeal, and may broaden the areas from which the student is suspended or restricted.

17. Definitions

Role	Responsibility
Academic Misconduct	Various types of student violations of Academic Integrity including plagiarism and exam cheating.
Conflict of Interest	Interest, involvement or information that may influence or be reasonably perceived to influence a person's ability to make objective recommendations or decisions.
Enrolled	A status where a student has already accepted the College conditions of enrolment and paid the required amount to secure their place in the OUVEC.
Exclusion	Cancellation, either permanently or for a specified period, of the student enrolment. During the period of exclusion, a student is not permitted to undertake study in any College course/program. There is no automatic right of re-admission.
Non-Academic Misconduct	Conduct that breaches the Student Code of Conduct that is not related to an academic matter.
OUVEC / Online University English Entry Course	The Online University English Entry Course, a UNSW College Program that builds academic and English language skills with all content, communication and distribution of learning resources delivered electronically.
Procedural Fairness	<p>A principle of law that is concerned with the procedures used by a decision-maker, rather than the actual outcome reached.</p> <p>Key requirements of procedural fairness include:</p> <ul style="list-style-type: none"> (a) ensuring respondents are provided with all necessary details of the allegations that have been made against them; (b) ensuring respondents are given a proper opportunity to



	<p>respond to the allegations in an appropriate way before a decision is made (including as to any mitigating circumstances);</p> <p>(c) that persons involved in deciding an outcome do not have any bias or Conflict of Interest;</p> <p>(d) that a decision is based only on relevant evidence.</p>
Prospective Student	A person who intends to become or has taken any steps towards enrolling in the OUEEC.
Special Consideration	A process for assessing and addressing the impact of events beyond the control of the student that have affected performance.
Student Code of Conduct	Outlines College responsibilities and the standard of conduct expected of all students as members of the College community.
Student Misconduct	A failure by a student to meet one or more of the responsibilities articulated in the Student Code of Conduct.
Suspension	A forced, temporary leave from the College with an automatic right of re-entry for the first available intake after the conclusion of the suspension has elapsed. A student's enrolment will be cancelled if a student does not re-enrol in that timeframe.

18. Related Policy and Supporting Documents

Related Policy Documents and Supporting Documents	
Policy	<ul style="list-style-type: none"> • OUEEC Student Code of Conduct • OUEEC Student Appeal Policy • OUEEC Academic Integrity Policy • College Privacy Policy
Forms	<ul style="list-style-type: none"> • Request to Appeal Form

19. Policy Governance

OUEEC Student Misconduct Policy	
Category/Business Group	Legal and Compliance
Published Externally (Yes/No)	Yes



OUEEC Student Misconduct Policy	
Approver	Chief Executive Officer
Responsible Officer	Executive Director, Students
Contact Officer	Compliance Manager
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Next Review Date	23 July 2027
Version	1.0

Revision History

Version	Approved by	Approval date	Effective date	Sections modified
1	Chief Executive Officer – Sarah Lightfoot	23 July 2024	23 July 2024	N/A

Please visit our website to ensure that you have the latest version of this Procedure. Policies and procedures are available at: unswcollege.edu.au/about/policies