

Non-Academic Misconduct Policy and Procedure		
Code: E2.08	Area: Non-Academic E	
Policy Owner: Executive Management Group	Version #: 1.4	Date: 11 May 2022
Policy Developer/Reviewer: QAM	Review date: 11 May 2025	

VERSION HISTORY

Version	Updated by	Approval Date	Details
1.0	EMG	2 Oct 2018	Approved by Executive Management Group
1.1	PRG	4 Nov 2019	Minor change to evidence requirements around SASH cases
1.2	PRG	10 Jul 2020	Removed examples of non-academic misconduct and instead directed readers to the Student Manual's Code of Conduct; linked to SASH policy.
1.3	EMG	17 Mar 2021	Clarified that each non-academic misconduct case is investigated by the most relevant senior staff.
1.4	EMG	11 May 2022	Added general principles section and investigations section.

PURPOSE AND SCOPE

The aim of this policy is to:

- Provide surety that wilful misconduct is not tolerated.
- Detail the levels of non-academic student misconduct.
- Detail the penalties for non-academic misconduct.

This policy applies to all students at the Sydney Institute of Traditional Chinese Medicine (SITCM) and covers all forms of non-academic misconduct including but not limited to plagiarism and cheating.

1 OVERVIEW

Non-academic misconduct will not be tolerated at the Sydney Institute of Traditional Chinese Medicine (SITCM) and penalties may be applied to students who are determined to be culpable of misconduct. SITCM recognises that the seriousness of misconduct varies and has structured a two-tier approach to dealing with non-academic misconduct depending on the level of seriousness.

This policy is informed by the *Higher Education Standards Framework (Threshold Standards) 2021*, in particular Standard 2.3 Wellbeing and Safety.

Staff misconduct is covered in the *Staff Misconduct Policy and Procedure*. Student misconduct that is academic in nature is covered under the *Academic Misconduct Policy and Procedure*.

2 POLICY

2.1 GENERAL PRINCIPLES

- 1) Cases must be handled fairly, in terms of both processes and outcomes.
- 2) The outcome of each case must not threaten to undermine the safety of the SITCM community or the reputation of SITCM.
- 3) Cases must be handled expeditiously to the extent that fairness can still be ensured.
- 4) Each case is treated on its own individual merits.
- 5) The privacy of all parties involved in a case must be protected insofar as reasonably possible.
- 6) All parties involved in a case must be treated courteously by SITCM representatives.

2.2 DEFINITION OF NON-ACADEMIC MISCONDUCT

- 1) Any breach of the *Student Manual's* Code of Conduct constitutes non-academic misconduct.
- 2) Non-academic misconduct is divided into minor misconduct and major misconduct.

2.2.1 MINOR MISCONDUCT

- 1) Instances of non-academic misconduct are deemed minor misconduct where the misconduct may reasonably be judged to result from careless practices and/or neglect of the specific guidelines relating to conduct by students.

2.2.2 MAJOR MISCONDUCT

- 1) Instances of non-academic misconduct are deemed major misconduct where the misconduct may reasonably be judged to result from an intentional breach of any of the rules of behaviour expected within the SITCM community as defined in the Student Code of Conduct.
- 2) Major misconduct includes but is not limited to:
 - a. Threats of violence or acts of violence against another individual or a group.
 - b. The deliberate damage of property.
 - c. Harassment, discrimination or abuse.
 - d. Minor misconduct if the student was previously found to have committed non-academic misconduct at least twice.

2.3 INVESTIGATIONS

- 1) Non-academic misconduct allegations are investigated by the senior staff member who is most relevant to the issue (the Investigator), as determined by the CEO or CEO's delegate.
- 2) The initiation of a non-academic misconduct investigation normally requires evidence.
 - a. In cases of sexual assault or sexual harassment, evidence may not be required to initiate an investigation.
- 3) An investigator has the power to interview all people involved in the investigation and conduct and other activities necessary to determine whether misconduct occurred.

2.3.1 IMMEDIATE ACTION

- 1) The following are circumstances in which immediate action may be required:
 - a. Where a person is threatened, attacked, harassed, abused, intimidated or bullied.

- b. Where there is immediate deliberate damage to property.
 - c. Where a student's actions have been clearly impaired or affected by the use of alcohol or illegal substances.
- 2) Where an immediate response is required to ensure the safety of the SITCM community, the CEO or CEO's delegate may immediately suspend a student from the SITCM campus and participating in all SITCM activities for a period of up to five (5) working days, not including the day on which the event occurred.
 - a. In sexual assault or sexual harassment cases, students may be excluded for a period of up to ten (10) working days, not including the day on which the event occurred (refer to the *Sexual Assault and Sexual Harassment Policy and Procedure*).
 - b. These suspensions occur for the safety of the SITCM community, and are not indicative of any wrongdoing.

2.4 PENALTIES

- 1) Penalties that may be imposed on a student for minor non-academic misconduct include:
 - a. No further action.
 - b. A verbal warning.
 - c. Counselling.
 - d. A formal written warning
 - e. Suspension from attending classes at SITCM.
 - f. Limiting access to SITCM facilities.
 - g. An order for the student to pay the full cost of restoration for damage done to SITCM.
 - h. An order for the student to apologise to the aggrieved person(s).
 - i. An order for the student to undertake community service at SITCM.
- 2) Penalties that may be imposed on a student for major non-academic misconduct include:
 - a. Any combination of the actions stated in Section 2.5(1).
 - b. Suspension from the SITCM campus or from enrolment for a particular unit/course for a nominated time period.
 - c. Imposing of conditions on enrolments and participation at SITCM.
 - d. Withholding of academic results or official academic records.
 - e. Expulsion from SITCM.
- 3) In deciding the penalty, the Investigator must consider the following:
 - a. The consequences of the misconduct.
 - b. The intention of the student at the time of the misconduct.
 - c. Whether misconduct or serious misconduct has previously been established against the student.
 - d. Section 2.1 (General Principles).
- 4) Outcomes and penalties must be communicated in writing to the student and will be kept on the student's file.
- 5) The student must be advised of their right to appeal the finding of non-academic misconduct.

2.5 APPEALS

- 1) A student may appeal against a decision made under this policy.
- 2) The grounds for appeal are that the decision is inconsistent with this policy.
- 3) Students wishing to make an appeal should consult the *Non-Academic Grievance Policy and Procedure*.

3 PROCEDURES

3.1 INVESTIGATION

- 1) A potential case of non-academic misconduct is reported to the CEO or CEO's delegate.
- 2) Within three (3) working days of being informed, the CEO or CEO's delegate appoints an Investigator.
 - a. In cases where Section 2.3.1 (Immediate Action) applies, the CEO or CEO's delegate immediately takes any necessary action before appointing the Investigator.
- 3) The Investigator ascertains whether enough evidence of non-academic misconduct exists to sustain an investigation.
 - a. In cases of sexual assault or sexual harassment, evidence may not be required to initiate an investigation.
 - b. If no evidence of non-academic misconduct can be identified by the Investigator, there is generally no requirement to contact the student.
- 4) If enough evidence of non-academic misconduct exists to sustain an investigation, the Investigator emails the student within five (5) working days of their appointment to:
 - a. Advise the student of the particulars of the suspected non-academic misconduct and give them a chance to respond to the allegation.
 - b. Inform the student of the penalties that may be applied if non-academic misconduct is established.
 - c. Request that they attend a meeting with the Investigator, and inform them of their right to be represented by a support person at the meeting.
 - i. If the student cannot attend the meeting, they have ten (10) working days from receipt of the Investigator's email to provide the Investigator with a written statement that the Investigator will consider when determining the outcome.
- 5) The Investigator determines whether non-academic misconduct has been established and, if it has been established, the penalty that best aligns with Section 2.4(3).
- 6) Within ten (10) working days of meeting the student, receiving the student's statement or the ten-day-period that the student had to respond, the Investigator emails both the student and the Registrar to notify them of:
 - a. Whether non-academic misconduct has been established; and
 - b. If non-academic misconduct has been established:
 - i. Whether it was minor or major;
 - ii. The penalty to be imposed; and
 - iii. The student's right to appeal the decision within ten (10) working days, in accordance with Stage 3 of the *Non-Academic Grievance Policy and Procedure*.
- 7) A student may be required to attend a further meeting with the Investigator to discuss the outcome of the investigation.
- 8) The Registrar is responsible for ensuring that all proven cases of non-academic misconduct are recorded in the *Non-Academic Misconduct Register*, the details of which are kept strictly confidential to comply with SITCM's *Privacy Policy*.
- 9) The Registrar presents any updates in the *Non-Academic Misconduct Register* at their next available meeting of the Executive Management Group for review.

- 10) The content of the *Non-Academic Misconduct Register* informs SITCM's annual *Incident Report*, which the CEO presents to the Board of Directors for discussion and action.

4 RELATED POLICY AND OTHER DOCUMENTATION

- 1) Higher Education Standards Framework (Threshold Standards) 2021.
- 2) Staff Misconduct Policy and Procedure.
- 3) Academic Misconduct Policy and Procedure.
- 4) Student Manual.
- 5) Sexual Assault and Sexual Harassment Policy and Procedure.
- 6) Non-Academic Grievance Policy and Procedure.
- 7) Non-Academic Misconduct Register.
- 8) Privacy Policy.
- 9) Incident Report.