

Non-Academic Misconduct Policy and Procedure		
Code: E2.08	Area: Non-Academic E	
Policy Owner: Executive Management Group	Version #: 1.1	Date: 04 Nov 2019
Policy Developer/Reviewer: PRG	Review date: 02 Oct 2021	

VERSION HISTORY

Version	Updated by	Approval Date	Details
0.1	PRG	31 Apr 2018	New document pending final approval by Executive Management Group
1.0	EMG	02 Oct 2018	Approved by Executive Management Group
1.1	PRG	04 Nov 2019	Minor change to evidence requirements around SASH cases

PURPOSE AND SCOPE

The aim of this policy is:

- Detail the levels of non-academic student misconduct as determined by SITCM.
- Ensure that students have a clear understanding of what constitutes non-academic misconduct and what are the definitions and standard parameters of unacceptable behaviour in the SITCM community and when acting as an agent of the SITCM community.
- Provide surety that SITCM does not tolerate wilful misconduct, especially acts or threats of violence against people.
- Detail the penalties for non-academic misconduct at SITCM.

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.

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 TYPES OF NON-ACADEMIC MISCONDUCT

Non-academic misconduct is (but is not limited to) the following:

2.1.1 ACTS AGAINST PEOPLE

- 1) Any physical violence, or threats of physical violence against another person or people.
- 2) Verbal, visual or other abuse, intimidation or bullying.
- 3) Harassing or discriminating against others, whether visitors, students or staff of SITCM for reasons of, but not limited to: race, ethnic or national origin, gender, sexual preference, disability, age, political credo or religious belief.

2.1.2 ACTS AGAINST PROPERTY

1. Theft of property of any kind, whether belonging to SITCM or any other individual or group.
2. Misuse of SITCM property.
3. Intentional damage of SITCM property.
4. Misuse or damage to the property of any other individual or group.

2.1.3 BREACH OF PRIVACY

- 1) Breaching the privacy or confidentiality of any individual or group.
- 2) The publication of material which is malicious, abusive, offensive, harassing, discriminatory or inappropriate about any member of the SITCM community, whether student, staff or alumni.

2.1.4 UNACCEPTABLE BEHAVIOUR

- 1) Entering the premises of SITCM in contravention of any rules, whether defined by the student handbook or as otherwise defined by SITCM from time to time.
- 2) Prejudicing the good name, reputation or academic standing of the SITCM.
- 3) Disrupting the orderly conduct of teaching.
- 4) Unreasonably interfering with the freedom of other persons to pursue study, conduct their work or engage in the use of SITCM facilities and equipment.
- 5) Breaching the terms or conditions (such as suspension or exclusion) imposed for any other misconduct, whether academic or non-academic.
- 6) Refusing to identify him or herself when required to do so by authorised SITCM staff.
- 7) Failure to quit the premises of SITCM when rightfully required to do so by authorised SITCM staff.
- 8) Failing to leave a classroom when rightfully required to do so by authorised SITCM staff.
- 9) The use of alcohol or any illegal substances on the precincts of SITCM.
- 10) The use of alcohol or any illegal substance at any point, such that it impedes or impairs conduct - this may be considered improper behaviour.
- 11) The use or carriage of any weapon, or article which is deemed by SITCM to be inappropriate whether that is designated directly in the student handbook or otherwise.
- 12) Improper, disgraceful or disorderly behaviour when:
 - a. Within the precincts of SITCM.

- b. On fieldtrips, performances, productions of kinds, off-campus visits, workplace placements or in any other way conducting oneself as a student of SITCM.
 - c. Pursuing any activity related specifically to SITCM enrolment.
- 13) The forging or falsification of documents or other information.
 - 14) Putting themselves or fellow students in harm's way.

2.1.5 ACTS CONTRARY TO THE CODE OF CONDUCT

- 1) Any act contrary to the Code of Conduct, as outlined in the *Student Manual*.

2.2 DETERMINING THE IMMEDIACY OF RESPONSE

The following are circumstances in which immediate action is necessitated and the misconduct may be considered serious:

- 1) Where persons are threatened, harassed, abused, intimidated or bullied.
- 2) Where there is immediate deliberate damage to property.
- 3) Where a student's actions have been clearly impaired or affected by the use of alcohol or illegal substances.
- 4) Where an immediate response is required, students may be suspended forthwith from all activity on SITCM premises and may be excluded for a period of up to 5 working days, not including the day on which the event occurred.

2.3 LEVELS OF NON-ACADEMIC MISCONDUCT

Instances of non-academic misconduct are deemed 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.

2.3.1 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.

2.3.2 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 and as defined herein.
- 2) Major misconduct includes any and all threats or physical acts against another individual or a group; the deliberate damage of property; harassment, discrimination or abuse; and repeated Minor misconduct.

2.4 APPEALS

- 1) A student may appeal against a decision made under this policy.
- 2) Students wishing to make an appeal should consult the *Non-Academic Grievance Policy and Procedure*.

3 PROCEDURES

3.1 DETERMINING NON-ACADEMIC MISCONDUCT

3.1.1 INVESTIGATION

- 1) The Registrar will investigate allegations of non-academic misconduct.
- 2) Allegations of non-academic misconduct must be based on evidence.
 - a. In cases of sexual assault or sexual harassment, evidence may not be required to make an allegation.
- 3) Allegations of non-academic misconduct may require the investigator to interview involved parties.
- 4) If no evidence of non-academic misconduct is found by the Registrar there is no requirement to contact the student.
- 5) If evidence is found of non-academic misconduct the student must be notified within five working days of the allegation.
- 6) A student accused of non-academic misconduct must attend a meeting with the Registrar.
 - a. The student will be advised of the particulars of the suspected non-academic misconduct and given a chance to respond the allegation.
 - b. The student(s) should be informed of the penalties that may be applied if the allegation of non-academic misconduct is upheld.
 - c. The student has the right to be represented by a support person at the meeting.
 - d. In cases where it is impracticable for a student to attend a meeting, the non-academic misconduct will be put to the student in writing, and the student must respond within ten (10) working days from receipt of the written communication.

3.1.2 DETERMINING THE IMMEDIACY OF RESPONSE

The following are circumstances in which immediate action is necessitated and the misconduct may be considered serious:

- 1) Where persons are threatened, harassed, abused, intimidated or bullied.
- 2) Where there is immediate deliberate damage to property.
- 3) Where a student's actions have been clearly impaired or affected by the use of alcohol or illegal substances.
- 4) Where an immediate response is required, students may be suspended forthwith from all activity on SITCM premises and may be excluded for a period of up to 5 working days, not including the day on which the event occurred.

3.1.3 DECISION

- 1) Non-academic misconduct is to be established by the Registrar (or other nominated person) after the investigation and will be determined as follows:
 - a. Whether non-academic misconduct has been established, proven or upheld.
 - b. Whether the non-academic misconduct was minor or major.

3.2 PENALTIES

Once an allegation of non-academic misconduct has been investigated and found to be upheld a determination will be made within ten (10) working days of the appropriate penalty. Each case of non-academic misconduct will be treated on its individual merits.

3.2.1 MINOR MISCONDUCT

- 1) Where the Registrar determines that non-academic misconduct may reasonably be judged to result from careless practices and/or neglect of the specific guidelines relating to conduct by students. The following penalties may apply (but are not limited to):
 - 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 on behalf of SITCM.
- 2) Where this is the second reported instance of Minor non-academic misconduct, the student is required to formally meet with the Registrar.
- 3) Where Minor non-academic misconduct has been established, proven or upheld on three occasions, the student shall immediately be reported for Major non-academic misconduct.
- 4) Warnings 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 and the penalty imposed.

3.2.2 MAJOR MISCONDUCT

- 1) Where Major non-academic misconduct has been established, the Registrar may take one of the following actions:
 - a. Any of the actions stated in *3.2.1 Minor Misconduct (1)*.
 - b. Suspension from enrolment for a particular unit/course/SITCM 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.
- 2) Warnings and penalties must be communicated in writing to the student and will be kept on the student's file.
- 3) The student must be advised of their right to appeal the finding of non-academic misconduct and the penalty imposed.

3.3 OUTCOMES

- 1) Students will be notified of the outcome of the investigation and any penalties that may apply in writing via email.
 - a. Students may be required to attend a further meeting with the Registrar to discuss the outcome of the investigation.
- 2) The Registrar enters all proven cases of non-academic misconduct into the *Non-Academic Misconduct Register*, the details of which are kept strictly confidential to comply with SITCM's *Privacy Policy*.
- 3) Any updates in the *Non-Academic Misconduct Register* are reviewed by the Executive Management Group.

- 4) The content of the *Non-Academic Misconduct Register* will be used to draft an annual *Incident Report*. This report will be presented to the Board of Directors, who will consider the implementation of each recommendation contained within the report.

4 RELATED POLICY AND OTHER DOCUMENTATION

- 1) Higher Education Standards Framework (Threshold Standards) 2015.
- 2) E2.24 Staff Misconduct Policy and Procedure.
- 3) A1.15 Academic Misconduct Policy and Procedure.
- 4) Student Manual.
- 5) Non-Academic Misconduct Register.
- 6) E2.16 Privacy Policy.
- 7) Incident Report.
- 8) E2.07 Non-Academic Grievance Policy and Procedure.