

Non-Academic Misconduct Policy and Procedure		
Code: E2.08	Area: Non-Academic E	
Policy Owner: Executive Management Group	Version #: 1.3	Date: 17 Mar 2021
Policy Developer/Reviewer: QAM	Review date: 17 Mar 2024	

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.

PURPOSE AND SCOPE

The aim of this policy is:

- 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) 2015*, 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 DEFINITION OF NON-ACADEMIC MISCONDUCT

Any breach of the *Student Manual's* Code of Conduct constitutes non-academic misconduct.

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 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 10 working days, not including the day on which the event occurred (refer to the *Sexual Assault and Sexual Harassment Policy and Procedure*).
 - b. Suspensions occur if deemed necessary for the safety of the SITCM community, and are not indicative of any wrongdoing.

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) Observed cases of non-academic misconduct are handled by the senior staff member who is most relevant to the issue (the Investigator).
- 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 Investigator, 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 Investigator.
 - 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.
- 7) Non-academic misconduct is to be established by the Investigator 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 Investigator 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 at SITCM.
 - 2) Where this is the second reported instance of Minor non-academic misconduct, the student is required to formally meet with the Investigator.
 - 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 Investigator may take one of the following actions:
 - a. Any of the actions stated in Section 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 Investigator to discuss the outcome of the investigation.
- 2) The Registrar is responsible for ensuring that all proven cases of non-academic misconduct are contained within 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 presented to the Executive Management Group for review by the Registrar.
- 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 in 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) Sexual Assault and Sexual Harassment Policy and Procedure.
- 6) E2.07 Non-Academic Grievance Policy and Procedure.
- 7) Non-Academic Misconduct Register.
- 8) E2.16 Privacy Policy.
- 9) Incident Report.