Student General Misconduct Procedure

1 Purpose

To establish the process and responsibilities for investigating allegations of Student General Misconduct, making Decisions and applying penalties for Student General Misconduct.

2 Scope

This Procedure applies to all Students.

Exclusions:

This Procedure does not apply to:

- Academic Misconduct
- Employee Misconduct
- Research Misconduct.

3 Procedure Overview

This Procedure establishes the process and responsibilities for reporting, investigating, Decision making and applying penalties in relation to allegations of Student General Misconduct.

This Procedure aligns with the:

- *Higher Education Standards Framework (Threshold Standards) 2021:* Standard 2.2 Diversity and Equity, 2.3 Wellbeing and Safety; 2.4 Student Grievances and Complaints
- *National Code of Practice for Providers of Education and Training to Overseas Students (2018):* Standard 10: Complaints and Appeals

4 Procedures

4.1 General Misconduct

General Misconduct is behaviour or conduct by a Student which:

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- is deemed to be serious in nature; and
- is a deliberate failure to comply with the specific provisions of the Student General Conduct Policy; and/or
- is persistent or negligent behaviour in breach of the Student General Conduct Policy; and
- does not constitute as Academic or Research Misconduct, including a breach in research or failure to implement the Research Code of Conduct.

4.2 Reporting alleged General Misconduct

Allegations of Student General Misconduct, including submission of evidence, may be reported by Students, Employees or members of the public by email to StudentGeneralMisconduct@usq.edu.au, or by letter or telephone.

All Complaints which involve an allegation of General Misconduct will be referred for investigation as per the processes set out in this Procedure.

Employees reporting an allegation of General Misconduct must ensure that the Student's behaviour or conduct meets the criteria set out in Section 4.1 of this Procedure.

Any reported allegation of Student General Misconduct which may contain an allegation of Discrimination, Bullying and Harassment in addition to the alleged General Misconduct, will be simultaneously referred by the Associate Provost, or their Delegate, for progression as per the process set out in the Student Discrimination, Bullying, Harassment and Sexual Misconduct Response Procedure.

4.3 Seeking help and support services

Students and Employees who are considering reporting an allegation of General Misconduct may seek assistance and support from University support services, Student representative organisations or Mediation services.

Students who are the subject of an allegation of General Misconduct may also access appropriate support services while the matter is being considered under this Procedure. Support services may provide wellbeing support, advocacy, assistance to understand the University's processes, and support in preparing for participating in meetings or hearings. Support services do not determine the outcome of a matter or provide legal advice or legal representation.

Available support services include, but are not limited to:

1. a Psychologist, Counsellor or Disability Support Officer from Student Services

2. a Welfare Officer from Student Services
3. an Advocacy Officer from the Student Guild
4. a language interpreter
5. a Student Relationship Officer
6. the Employee Assistance Program
7. Mediation support. Independent Mediation is available through the Dispute Resolution Branch, Queensland Department of Justice and Attorney-General.

A Student who is the subject of an allegation of General Misconduct may be assisted by an Authorised Representative or accompanied by a Student Support Person, subject to the requirements of this procedure.

A Student may not have a Support Person or Authorised Representative who is a legal representative (which includes a person who holds a degree other formal qualification in law and/or a person who has been admitted as a lawyer in any Australian jurisdiction) present during any meeting or hearing conducted under this procedure.

4.4 Emergency Powers

In accordance with the Student General Conduct Policy, where a Student's actions or behaviour involves reasonable foreseeable risk to self, others or the University, the Vice-Chancellor (or nominee) must appraise the situation and may, at their discretion, impose emergency restrictions or conditions on a Student on such terms as they consider reasonably necessary. This may involve imposing conditions or restrictions on the Student's Enrolment, access to physical campuses or digital learning environments, specific workplaces and areas of the University, or directions regarding communication with the University, its Employees, Students and affiliates.

A Decision to impose emergency restrictions or conditions on a Student will take effect immediately.

Where a Decision has been made to impose emergency restrictions or conditions on a Student, the Vice-Chancellor or their Delegate, must, as soon as practicable, provide a Notice to the Student, in accordance with the Student General Conduct Policy.

A Decision to impose emergency restrictions or conditions on a Student will expire if, after 20 University Business Days of the Vice-Chancellor's or their Delegates' Decision, no allegation is given, or the matter is not referred to the Student General Misconduct Committee for investigation as a case of General Misconduct. If an allegation Notice is given within 20 University Business Days, the restrictions or conditions continue until such time as proceedings are finalised by a Decision of the Student General Misconduct Committee.

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4.5 Preliminary investigation of alleged General Misconduct

Upon receiving a report of an allegation of General Misconduct, the Associate Provost will arrange for an investigating officer to undertake a preliminary investigation, to determine if a Student should be proceeded against for alleged General Misconduct.

The preliminary investigation will normally include advice of the allegation to the Student and will:

- refer to this Procedure and the Student General Conduct Policy;
- offer the Student the opportunity to submit a written explanation in response; and
- specify the time by which an explanation or response must be submitted by the Student, which will normally be 10 University Business Days from the date of the Notice.

The outcome of a preliminary investigation will be to:

- dismiss the allegations; or
- refer the matter to a relevant Delegate; or
- attempt to reach an Agreed Outcome with the Student; or
- issue an allegation Notice.

4.5.1 Dismiss the allegation/s

The Associate Provost may decide to dismiss an allegation either because it is considered to have been made without cause or substantiating evidence or because it is considered insufficiently serious to be treated as General Misconduct. If an allegation is dismissed, the Associate Provost will inform the person making the allegation and may provide advice on how to respond to the matter. If the Student has been contacted and is aware of the allegation of General Misconduct, the Associate Provost must advise the Student that no action will be taken as soon as is practicable.

If an allegation is dismissed, the Associate Provost will, at their discretion, determine if any record of the allegation is added to the Student's confidential file.

Allegations which are determined by the Associate Provost to be vexatious or frivolous will be rejected. The person who has made the allegation may be subject to discipline in accordance with the Student General Misconduct Procedure or the University's Code of Conduct Policy.

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4.5.2 Refer the matter to a relevant Delegate

The Associate Provost may decide to further refer the matter to a relevant Delegate or, if appropriate, the Student General Misconduct Committee.

Referral to a relevant Delegate may occur when additional information or professional advice is sought, or whether the matter requires escalation outside the Student General Misconduct Procedure.

Referral to the Student General Misconduct Committee will normally only occur if the Associate Provost is of the opinion that the conduct is of such a serious nature that it should be considered by the committee.

4.5.3 Reach an Agreed Outcome

In deciding whether an Agreed Outcome can be reached or whether an allegation Notice should be issued, the Associate Provost will give consideration to the response made by the Student as part of the preliminary investigation and the seriousness of the conduct that is the subject of the allegation.

If the Associate Provost believes an Agreed Outcome would be appropriate after the preliminary investigation has been conducted, the Associate Provost will, in consultation with the person(s) making the allegation, provide a draft Agreed Outcome Notice to the Student. The Student may provide written feedback in relation to the draft Agreed Outcome for further consideration by the Associate Provost.

A final version of the Agreed Outcome shall be put into writing and signed by the Student against whom the allegation is being made and returned to the University.

Where an Agreed Outcome is reached, no further proceeding shall be undertaken unless there is a breach of the Agreed Outcome on the part of the Student.

A copy of the Agreed Outcome shall be placed on the Student's confidential file.

Failure to comply with an Agreed Outcome constitutes an independent act of General Misconduct and the Student will be issued with an allegation Notice.

Where an Agreed Outcome cannot be reached or is not signed and returned by the Student against whom the allegation is being made, the Associate Provost will deem that there has been a failure to reach an Agreed Outcome and issue an allegation Notice to the Student on the basis of the original allegation.

In accordance with the Student General Conduct Policy, Students must comply with any reasonable request or direction from University Employees with regard to safety or compliance with Policy, Procedure or ethical requirements.

4.5.4 Issue an allegation Notice

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If the Associate Provost decides that there is enough evidence against a Student to further investigate the allegation, or is dissatisfied with the response made by the Student as part of the preliminary investigation, an allegation Notice must be given to the Student within 10 University Business Days of the investigating officer's report or deemed failure to reach an Agreed Outcome.

The allegation Notice will specify:

- that the Associate Provost and, where appropriate, relevant Delegates will conduct the hearing with the Student, either in person or by other appropriate communication method; or
- that the matter will be referred to the Student General Misconduct Committee for hearing if the Associate Provost determines that the alleged offence is of a sufficiently serious nature.

The allegation Notice must:

- provide details of the alleged General Misconduct;
- refer to this Procedure and the Student General Conduct Policy;
- offer the Student the opportunity to submit a further detailed written explanation or response and/or be heard in person;
- specify the date, time and place where the hearing will be conducted and/or provide options for distance participation;
- specify whether the matter will be heard before the Associate Provost or the Student General Misconduct Committee;
- inform the Student of their right to provide any relevant evidence to support their case at the time of their hearing;
- specify the time by which any additional written explanation or response must be submitted by the Student, which must be at least three University Business Days before the date of the hearing; and
- inform the Student that, subject to the requirements of Section 4.3, they have the opportunity to be represented by an Authorised Representative or to bring with them a Student Support Person.

Where a Student does not respond to an allegation Notice or confirm their attendance, the hearing will proceed as scheduled.

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4.6 Conducting a hearing

When conducting a hearing, the Associate Provost and the Student General Misconduct Committee:

- are not bound by the rules of evidence or other technicalities or legal forms;
- must act fairly in all circumstances, having regard to the principles of natural justice and procedural fairness;
- must give each party the opportunity to state their case and to respond to allegations and any relevant evidence; and
- must advise the Student against whom an allegation has been made, of their right to be represented by an Authorised Representative, or to bring with them to the hearing a Student Support Person.

The Authorised Representative or Student Support Person must not have been involved in or associated with the alleged General Misconduct or be alleged to have been involved in or associated with the alleged General Misconduct.

A hearing by the Student General Misconduct Committee must be conducted in accordance with the Student General Misconduct Committee Terms of Reference.

4.7 Making a Decision

Where the Associate Provost or the Student General Misconduct Committee conducts a hearing, they shall reach one of the following Decisions normally within five University Business Days of the hearing:

- the case of alleged General Misconduct against the Student is not proven; or
- the case of alleged General Misconduct against the Student is proven.

Where the Associate Provost conducts a hearing and a Decision is unable to be reached, they reserve the right to refer the matter to the Student General Misconduct Committee for further consideration.

Decisions will be made on the basis of conclusive evidence and/or balance of probabilities.

4.8 Application of penalty

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If the case of alleged General Misconduct against the Student is proven, the Associate Provost or the Student General Misconduct Committee may choose to apply one or more penalties in accordance with the Student General Misconduct Procedure Penalty Schedule.

4.9 Notification of Decision and penalty

The Associate Provost or the Student General Misconduct Committee, (as appropriate) must, within five University Business Days of reaching a Decision, provide Notice of the Decision to the Student and the person/s who made the allegation of General Misconduct. The Notice must include any applicable penalty/ies, give reasons for the Decision, and specify the rights of Appeal, where applicable.

4.10 Appeals

There is no right of Appeal against a Decision of the Associate Provost or the Student General Misconduct Committee where:

- the claim of alleged General Misconduct is dismissed under Section 4.5.1 of this Procedure; or
- there is a signed Agreed Outcome under Section 4.5.3 of this Procedure; or
- the case of alleged General Misconduct against a Student is not proven under Section 4.7 of this Procedure; or
- a reprimand or warning only is issued.

If they have grounds to do so, Students may Appeal a Decision of the Associate Provost or the Student General Misconduct Committee by lodging an Appeal in accordance with the Student Appeals Procedure.

4.11 Other jurisdictions

Any action that is implemented as a result of this Procedure may proceed irrespective of any action involving the Student in any court, commission or tribunal and irrespective of any other external investigation of the matters giving rise to the allegations against the Student.

4.12 Record keeping

The Associate Provost will ensure that a complete and accurate record of all relevant material is kept in accordance with the Records and Information Management Policy. Records will be kept of the Student General Misconduct allegation, investigation process and outcome.

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5 References

Nil.

6 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

7 Procedure Information

Accountable Officer	Deputy Vice-Chancellor (Students and Education)
Responsible Officer	Dean (Students)
Policy Type	University Procedure
Policy Suite	Student General Conduct Policy
Subordinate Schedules	Student General Misconduct Procedure Penalty Schedule
Approved Date	14/10/2026
Effective Date	14/10/2026
Review Date	20/7/2020
Relevant Legislation	*Anti-Discrimination Act 1991* *Disability Discrimination Act 1992* *Education Services for Overseas Students Act 2000* *Education Services for Overseas Students Regulations 2001* *Evidence Act 1977* *Higher Education Support Act 2003* *Human Rights Act 2019* *Information Privacy Act 2009* *Right to Information Act 2009*
Policy Exceptions	Policy Exceptions Register
Related Policies	Academic Freedom and Freedom of Speech Policy

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	Acceptable use of ICT Resources Policy Code of Conduct Policy Delegations Policy Enterprise Risk Management Policy Fraud and Corruption Risk Management Policy Handling Personal Student Information Policy and Procedure Privacy Policy Public Interest Disclosure Policy Records and Information Management Policy Research Code of Conduct Policy Right to Information Policy Scholarships, Bursaries and Prizes Policy Social Media Policy Student Communication Policy Student Grievance Resolution Policy Travel Policy Work Health and Safety Policy
Related Procedures	Privacy Procedure Right to Information Procedure Social Media Procedure Student Appeals Procedure Student Communication Procedure Student Debt Management Procedure Student Discrimination, Bullying, Harassment and Sexual Misconduct Response Procedure

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	Student Grievance Resolution Procedure
Related forms, publications and websites	Counselling and Wellness Diversity and Inclusion Student Disability Support Employee Assistance Program and eapdirect Feedback, Complaints and Appeals Queensland Government's Department of Justice and Attorney-General UniSQ Student Guild Advocacy Service
Definitions	**Terms defined in the Definitions Dictionary**
	Academic Misconduct Academic Misconduct encompasses all behaviours, including doing as well as attempting to do, any of the acts, omissions or activities that constitute Academic Misconduct: involving the misrepresentation of academic achievement; or undermining the core values (honesty, trust, fairness and respect) of Academic Integrity; or breaching Academic Integrity; whether intentional or unintentional. Academic Misconduct includes, but is not limited to the following: Plagiarism and Self-plagiarism; using (including for Assessment or review) the work prepared by another person or software, including generative artificial intelligence, as their own without appropriate attribution; Collusion, such as any unauthorised collaboration in preparation or presentation of work, including knowingly allowing personal work to be copied by others; all forms of Cheating in examinations and other Assessment tasks; Contract Cheating; Promoting ways to breach Academic Integrity or using University resources to support others in breaching Academic Integrity; offering or accepting bribes (money or other favours), e.g. for Admission or for Marks/Grades; and fabrication or falsification of information or Student identity (TEQSA Guidance Note: Academic Integrity, Version 1.2, 28 March 2019). Appeal A formal, written request made by a Student or Employee to a higher authority to have a Decision overturned. Authorised Representative A representative who has been authorised to represent or act on

behalf of a Student and acknowledged as such by the University in writing and in compliance with relevant University policy.

Bullying

Bullying occurs when a person or group of people repeatedly behaves unreasonably towards a person or group of persons, and that behaviour creates a risk to health and safety. Interpretation Rule: Unless context otherwise requires, a reference to 'bullying' (or other grammatical forms of any of this term) wherever appearing in University policy or procedure, and whether or not those terms are capitalised in any such instrument, is taken to include a reference to 'Antisemitism' as defined in the Definitions Dictionary .

Council

Council means the governing body, the University of Southern Queensland Council.

Decision

A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University.

Delegate (noun)

Delegate (noun) means the officer, Employee or committee of the University to whom, or to which, a delegation of authority has been made under this Policy.

Employee

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

Enrolment

The process of admitting Students to one or more Courses for the current Academic Year.

Exclusion

Prohibition from enrolling in a Course or program for a specified period due to unsatisfactory academic progress.

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General Misconduct

Behaviour or conduct which is contrary to expected Student conduct outlined in the Student General Conduct Policy.

Mediation

A process in which parties to a dispute, with the assistance of a neutral third party ('the Mediator'), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The Mediator has no advisory or other determinative role with regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

Notice

A Notice from the University is a document, whether physical or electronic. A Notice may be: given by hand to the addressee or delivered to the address provided by the addressee to the University; or sent by registered or pre-paid mail to the address provided by the addressee to the University; or sent by electronic communication to the University-issued email account provided by the University to a Student during the period of Enrolment until the completion of their program; or sent by electronic communication to the email address provided to the University by an addressee not enrolled at the University. A Notice is taken to be received if: given by hand to the addressee or delivered to the address provided to the University by the addressee; or sent by registered or pre-paid mail - three University Business Days after the date of posting; or sent by electronic communication - at the time that would be the time of receipt under the Electronic Transactions Act 1999 or its succeeding legislation. A Notice that would be deemed to have been received out of business hours or on a non-University Business Day will instead be deemed received on the next University Business Day.

Policy

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.

Procedure

An operational instruction that sets out the process to operationalise a Policy.

Racism

A person's race includes their: colour; and descent or ancestry; and ethnicity or ethnic origin; and nationality or national origin. Racism is the process by which systems and policies, actions and attitudes create inequitable opportunities and outcomes for people based on race. Racism occurs when prejudice - whether individual or institutional - is accompanied by the power to discriminate against, oppress or limit the rights of others. The Anti-Discrimination Act 1991 (Qld) makes it unlawful to discriminate against a person because of their race.

Research Misconduct

Breaches of the University Research Code of Conduct and the Australian Code for the Responsible Conduct of Research occur on a spectrum, from minor (less serious) to major (more serious). Some major/serious breaches may be regarded as 'research misconduct'. The University uses the definition recommended in the National Health and Medical Research Council Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research and defines Research Misconduct as a serious breach of the Code which is also intentional or reckless or negligent. The use of the term Research Misconduct for serious breaches will be considered in the context of other institutional processes, Regardless of whether a Code investigation and an investigation done under an employment or student disciplinary agreement are separate or integrated, the University will take all reasonable steps to ensure that these do not conflict, or hinder the timely implementation of all corrective actions. Research misconduct does not include honest differences in judgement. Unintentional errors do not usually constitute research misconduct unless they result from behaviour that is reckless or negligent. Repeated or persistent breaches will likely constitute a serious breach, which will trigger consideration of Research Misconduct.

Student

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

Student Support Person

Any individual who is providing support and assistance to a Student involved in a grievance resolution process, including accompanying the Student to meetings or interviews. A Support Person may confer with the Student during the meeting or interview and may be invited by

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	the Chair (or meeting convenor) to present the Student's case in their capacity as a Support Person. University The term 'University' or 'UniSQ' means the University of Southern Queensland. University Business Days The days of Monday to Friday inclusive between 9am and 5pm Australian Eastern Standard Time (AEST), with the exclusion of gazetted Public Holidays for the relevant campus location, plus the closure of the University between 25 December and 1 January in the following year inclusive as specified in the Enterprise Agreement, as well as any closure of the University either at one or several campuses in accordance with a direction of the Crisis Management Team.
	Definitions that relate to this procedure only
	Agreed Outcome The mutual resolution of an allegation of General Misconduct through a process of consultation in accordance with Section 4.5 Reaching an Agreed Outcome of this Procedure. **Discrimination** Unlawful Discrimination occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being denied entry to public places and other facilities. **Harassment** Unlawful harassment occurs when a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. Harassment may include behaviour, comments or images which a reasonable person would consider to be offensive, humiliating, intimidating or threatening. Harassment includes all forms of sexual harassment.

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Keywords	General Misconduct, Misconduct, misbehaviour, conduct, behaviour, hearing, emergency power to exclude, allegation
Record No	14/2761PL

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