

# ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY

## REGULATION 6.1.1 - STUDENT DISCIPLINE

### PART 1 - GENERAL

1. In this Regulation:

**“assessment session”** means any examination, essay, assignment or other work, in whole or in part, which forms part of a student’s academic assessment;

**“damage”** means the amount of value of any damage to, or loss of, any property including any costs and expenses of, or incidental to, the repair or replacement of any property damaged or lost;

**“expel”** means to terminate a student’s enrolment;

**“precincts of the University”** means any buildings, premises, streets, driveways, footways, and any other areas and includes the location of camps, field placements, workshops and any other study activities controlled or supervised by, or in the temporary possession whether actual or constructive of, the University;

**“senior officer”** means the Dean of any Faculty or the Pro Vice-Chancellor (Students), the Deputy Dean of any Faculty, the Head of any Department, the Director, Student Services, the University Librarian, the Manager/Secretary of the RMIT Union, the Director, Information Technology Services, or the Academic Registrar;

**“student”** means any person who is enrolled at the University or who was so enrolled at the time at which he or she is alleged to have committed misconduct;

**“suspend”** means to prohibit a student from attending any teaching **or assessment** session or enter upon the University precincts, either in whole or in such part as may be prescribed, for a specified period;

**“officer”** means any person employed by the University.

**“Pro-Vice Chancellor (Students)”** means the person who from time to time is the incumbent of this position or who is the person nominated by the Vice-Chancellor from the membership of the Vice-Chancellor’s Executive that occupies a position that is the nearest equivalent of this position.

**“teaching session”** means any activity carried out by the University as part of the provision of courses for students, including classes, tutorials, lectures, laboratory or workshop sessions.

**“Vice-Chancellor’s Executive”** means that Group of senior executives of the University that provides advice to the Vice-Chancellor and includes in its membership, the Pro Vice-Chancellor (Students), Pro Vice-Chancellor (Teaching and Learning), Pro Vice-Chancellor (Research and Innovation) and the Pro Vice-Chancellor (Enterprise and Community Development)

2. A student will have committed a breach of discipline or an act of general misconduct if the student:
- (a) disobeys any reasonable order or direction given to the student by an officer of the University where the officer has reasonable cause to believe that the order or direction is necessary:
    - (i) to ensure the safety of the student or of any other person;
    - (ii) to prevent damage to University property or premises;
    - (iii) for the proper performance of the officer's duties regarding the custody, maintenance or use of any University property or premises;
  - (b) obstructs or interferes with the proper use of any of the facilities of the University by any member of the University;
  - (c) behaves in a manner which is disorderly or detrimental to the interests and good repute of the University;
  - (d) harasses any person on any grounds, including ethnicity, gender, sexual preference or religious or political belief;
  - (e) intimidates or attempts to intimidate any person;
  - (f) wilfully, recklessly or negligently engages in conduct which causes, or may cause, bodily injury to any person;
  - (g) wilfully, recklessly or negligently causes damage to, or without authority removes or wrongfully interferes with, any property:
    - (i) of the University or of any member of the University or of any person, firm or corporation in the course of University activities;
    - (ii) of a student or officer of the University;
  - (h) copies or attempts to copy any copyright material including computer software, without the permission of the University and in breach of the Copyright Act;
  - (i) engages in improper use of any University facilities or equipment;
  - (j) publishes in any way whatsoever any confidential information of, or held by, the University;
  - (k) engages in any false representation, whether oral or written, on any matter concerning or affecting the student in his or her capacity as a student;
  - (l) fails by the required date, or within the required period, to pay any fine or observe any penalty imposed by this Regulation;

- (m) engages in any other conduct, whether within or outside the precincts of the University, that may be prejudicial to the good order and discipline of the University or is likely to bring the University into disrepute.
3. A student will have committed academic misconduct if the student cheats or attempts to cheat by:
- (a) impersonating, or allowing himself or herself to be impersonated by any person in, or for the purposes of, any assessment session;
  - (b) plagiarising or otherwise submitting the work of another person as the student's own work;
  - (c) taking into, or using in connection with, any assessment session any material other than material specifically permitted by the instructions for that assessment;
  - (d) obtaining from, or giving to, another person during any assessment session any information relating to that session or any part of it without approval of the supervisor of that session;
  - (e) behaving in any manner that is, in the opinion of an officer, intended to provide a misleading basis for assessment.
4. (a) Any person in charge of any supervised assessment session who believes that a student has committed any academic misconduct under Section 3 will immediately inform the student.
- (b) Any student informed of alleged academic misconduct under sub-section (a) may complete that assessment session.
5. (a) Any person in charge of any teaching or assessment session may suspend a student from that session if the student is interfering in any way with the proper conduct of the session.
- (b) Any person in charge of any meeting conducted by, or for, the University may suspend a student from that meeting if the student is interfering in any way with the proper conduct of the meeting.
6. A student will be informed in writing of any charge of misconduct as soon as practicable.

## **PART 2 - STUDENTS STUDYING AT RMIT**

7. A charge of misconduct under section 2 or section 3 will be referred to a senior officer who will either:
- (a) hear the charge pursuant to section 21; or
  - (b)
    - (i) refer the charge to the Pro-Vice Chancellor (Students) or
    - (ii) refer the charge to the Discipline Board

8. Where a senior officer hears a charge under sub-section 7(a) and finds the student guilty of the charge, that senior officer may:
  - (a) reprimand the student;
  - (b) impose a fine not exceeding one hundred dollars provided that no fine may be imposed for any academic misconduct;
  - (c) require the student to pay the cost of any damage;
  - (d) record a failure for all or any part of any assessment;
  - (e) require the student to repeat any assessment;
  - (f) suspend the student for a period not exceeding fourteen days; or
  - (g) impose such combination of these penalties as the senior officer may consider appropriate.
  
9. Where a charge is referred to the Pro-Vice Chancellor (Students), the Pro-Vice Chancellor (Students) may:
  - (a) hear the charge pursuant to Section 21; or
  - (b) refer the charge to the Discipline Board.
  
10. Where the Pro-Vice Chancellor (Students) hears a charge under sub-section 9(a) and finds the student guilty of the charge, the Pro Vice-Chancellor (Students) may:
  - (a) reprimand the student;
  - (b) impose a fine not exceeding two hundred dollars provided that no fine may be imposed for any academic misconduct;
  - (c) require the student to pay the cost of any damage;
  - (d) record a failure for all or any part of any assessment;
  - (e) require the student to repeat any assessment;
  - (f) cancel the results of any assessment session;
  - (g) suspend the student for a period not exceeding six months;
  - (h) impose such combination of these penalties as may be considered appropriate.
  
11. There will be a Discipline Panel (“the Panel”) which will comprise:
  - (a) two members nominated by the Vice-Chancellor from the membership of the Vice-Chancellor’s Executive

- (b) six senior officers who are members of the academic staff appointed by the Vice-Chancellor;
  - (c) three students nominated by the Student Union Council (“the SUC”) and appointed by the Vice-Chancellor;
12. (a) Senior officer members of the Panel will be appointed for a term of two years and student members for a term of one year.
- (b) Members of the Panel may be reappointed.
13. (a) There will be a Discipline Board (“the Board”).
- (b) When the Board is to be convened, the Vice-Chancellor or nominee will appoint:
- (i) one member from the Panel being one of the nominees of the Vice-Chancellor from the Vice-Chancellor’s Executive;
  - (ii) two senior officers from the Panel;
  - (iii) one student from the Panel.
- (c) The Board so convened by the Vice-Chancellor or nominee may in its discretion appoint one other person as a member of the Board, but is under no obligation to do so.
14. (a) The Chairperson of the Board will be the member from the Panel who is a nominee of the Vice-Chancellor from the Vice-Chancellor’s Executive.
- (b) The Secretary of the Board will be a member of the staff of the Office of the Pro Vice-Chancellor (Students), but the Secretary is not a member of the Board itself
15. The quorum for any meeting of the Board will be four members provided that one will be a student member.
16. The Discipline Board will as nearly as possible have an equal number of men and women.
17. A member of the Panel will not be appointed a member of the Board who:
- (a) has had any involvement with the alleged misconduct or breach of discipline; or
  - (b) for any other reason it would be inappropriate to be a member to hear the case.
18. The Board will hear:
- (a) any charge referred to it under sub-section 7(b)(ii) or sub-section 9(b); and
  - (b) any appeal under section 24.
19. The Board will decide any matter by a majority of members present provided that where there is an equality of votes the Board will decide in favour of the student.

20. Where the Board hears a charge under sub-section 7(b)(ii) or sub-section 9(b) and finds a student guilty of the charge it may:
- (a) where the charge is one of general misconduct:
    - (i) reprimand the student;
    - (ii) impose a fine not exceeding five hundred dollars;
    - (iii) require the student to pay the cost of any damage;
    - (iv) suspend the student for a period not exceeding twelve months;
    - (v) expel the student;
    - (vi) impose such other penalty as the Board may consider appropriate; or
    - (vii) impose such combination of these penalties as the Board may consider appropriate.
  - (b) where the charge is one of academic misconduct:
    - (i) reprimand the student;
    - (ii) record a failure in any assessment session;
    - (iii) require the student to repeat any assessment session;
    - (iv) cancel any or all results;
    - (v) suspend the student for a period not exceeding twelve months;
    - (vi) expel the student;
    - (vii) impose such other penalty as the Board may consider appropriate; or
    - (viii) impose such combination of these penalties as the Board may consider appropriate.
21. Any student against whom a charge has been laid under this Part will receive not less than ten days before the date of the hearing:
- (a) notice in writing stating:
    - (i) particulars of the charge including the name of the complainant;
    - (ii) the date of the hearing;
    - (iii) that the assistance of Student Services Group and the SUC is available to the student;
    - (iv) that the student has the right:
      - (i) to be heard;
      - (ii) to make a written submission concerning the charge;
      - (iii) to be accompanied at the hearing by another student, an officer of the University or by any other person; and
      - (iv) to be represented by another person;
      - (v) to be present throughout the hearing.
  - (b) a copy of this Regulation.

22. Notwithstanding sub-section 21(iv)(i), where the student does not attend the hearing and has not submitted to the University any reasonable cause for his or her absence, the hearing may proceed and the decision made by the Board at the hearing will not thereby be invalidated.
23. Any student on whom a penalty has been imposed by a senior officer, the Pro-Vice Chancellor (Students), or the Board will be given notice in writing stating:
- (a) particulars of the offence including the name of the complainant;
  - (b) the date of the determination;
  - (c) the penalty imposed;
  - (d) where the penalty is, or includes, a fine the officer to whom and by which date the fine is required to be paid;
  - (e) that the student has the right to appeal pursuant to section 25(a); and
  - (f) that the assistance of Student Services Group and the SUC is available to the student.
24. Subject to section 25 a student may appeal against any penalty imposed by a senior officer, the Pro-Vice Chancellor (Students) or the Board, other than a penalty imposed by the Board on appeal, on any of the following grounds;
- (a) personal bias or ill will at the hearing;
  - (b) a denial of natural justice;
  - (c) new evidence that was not available at the time of the hearing and which is inconsistent with the decision appealed against; or
  - (d) the penalty was excessive or inappropriate.
25. (a) Any notice of appeal will be submitted in writing by the student to the Academic Registrar not later than fourteen days after the student has received notice in writing of the decision under section 23.
- (b) Any notice of appeal under sub-section (a) will state:
- (i) the date of the decision appealed against;
  - (ii) the name of the officer or body that made the decision; and
  - (iii) the grounds of the appeal in accordance with section 24.
26. Other than in exceptional circumstances, any charge or appeal under this Regulation will be heard within thirty days of either:
- (a) the date of notice of the charge under section 21; or
  - (b) the date of the notice of appeal under sub-section 25(a) as the case may be.

27. The Board will hear the appeal and either:
- (a) uphold the appeal; or
  - (b) dismiss the appeal and affirm or vary the penalty.
28. (a) Where a charge has been referred directly to the Board, the student may appeal against the decision of the Board to the Vice-Chancellor;
- (b) The Vice-Chancellor will appoint an Appeals Committee comprising not less than
- (i) one external member of the Council or a person external to the University, who will be chairperson;
  - (ii) one senior officer; and
  - (iii) one student nominated by the SUC;
- provided that no person will be appointed a member of an Appeals Committee who was a member of the Board the decision of which is the subject of the appeal or who has had any other involvement in the matter.
- (c) The Appeals Committee will hear the appeal and either:
- (i) uphold the appeal; or
  - (ii) dismiss the appeal and affirm or vary the penalty.
- (d) The decision of the Appeals Committee will be final.
29. Unless the Pro Vice-Chancellor (Students) otherwise directs, pending the hearing of an appeal under section 24, section 28 or section 42:
- (a) any order suspending or expelling the appellant from the University, either in whole or in part, will remain in effect;
  - (b) any other penalty imposed will be suspended; and
  - (c) the student may not receive any award of the University.
30. (a) The Pro-Vice Chancellor (Students), any senior officer, the Board or Appeals Committee, as the case may be, after hearing any charge or appeal, shall submit to the Academic Registrar a report in writing setting out the particulars of the charge, the decision of the hearing and the penalty imposed.
- (b) The Academic Registrar shall:
- (i) place the original of the report on the student's file;
  - (ii) maintain a register of all such reports; and
  - (iii) take such action as may be necessary with regard to any penalty imposed.
31. Where, under this Regulation, any fine remains unpaid or any other penalty remains unfulfilled by the date prescribed, the student on whom that penalty was imposed may not:

- (a) re-enrol;
- (b) receive any statement of results;
- (c) receive any award;

provided that in exceptional circumstances the Pro Vice-Chancellor (Students) may approve that any such student be re-enrolled , receive any award or receive any statement of results as the case may be.

32. Any written notice required to be given by the University under this Regulation will either:
- (a) be delivered personally to the student; or
  - (b) be sent by guaranteed delivery to the student at the most recent address recorded by the University and any such notice will be deemed to have been received by the student two days after the date of posting.
33. Subject to the Act and any Statute and Regulation , the Board or any Appeals Committee constituted under section 28 will regulate its own proceedings and in hearing any case is not bound by rules or practices as to evidence but may inform itself in relation to any matter in such manner as it may consider appropriate.

### **PART 3 - STUDENTS STUDYING AT ANOTHER INSTITUTION**

34. Notwithstanding any provision in this Regulation, where a student is studying at another institution any charge of misconduct will be subject to the relevant terms of any agreement between the University and the institution dealing with student discipline provided that in the absence of any such agreement a charge of misconduct will be heard under this Part.
35. (a) A senior officer will inform a student by notice in writing of:
- (i) any charge of misconduct; and
  - (ii) the student's rights under this section.
- (b) The student may apply to the Vice-Chancellor within fourteen days from the date of the notice under sub-section (a) to have the charge heard in Melbourne and the decision whether the charge may be heard in Melbourne is wholly at the discretion of the Vice-Chancellor. The Vice-Chancellor will determine the application within fourteen days of receipt of the application failing which the application will be deemed to be approved.
- (c) Where the Vice-Chancellor approves that the charge may be heard in Melbourne the charge will be heard pursuant to Part 2 of this Regulation.
- (d) Where the student does not apply to have the charge heard in Melbourne or where the student has applied to have the charge heard in Melbourne and the Vice-Chancellor has not approved the application the charge will be heard under section 36 to section 48 at the relevant location.

36. Where a charge of misconduct is to be heard under sub-section 35(d) the Vice-Chancellor will appoint:

- (a) such person or persons (“the referee”) as he or she considers appropriate to hear the charge; and
- (b) such other person or persons (“the review officer”) to whom the student may appeal against any decision by the referee

who will hear the charge or the appeal, as the case may be, in such manner as he or she may consider appropriate.

37. Any student against whom a charge of misconduct has been laid and which is to be heard under this Part will receive not less than ten days before the date of the hearing:

- (a) notice in writing stating:
  - (i) particulars of the charge, including the name of the complainant;
  - (ii) the date of the hearing;
  - (iii) that the student has the right:
    - (i) to be heard;
    - (ii) to make a written submission concerning the charge;
    - (iii) to be accompanied at the hearing by another person; and
    - (iv) to be represented by another person;
    - (v) to be present throughout the hearing; and
    - (vi) to call any persons as witnesses.

(b) a copy of this Regulation.

38. Other than in exceptional circumstances any charge under this Part will be heard within thirty days of the date of the notice under section 37.

39. Notwithstanding sub-section 37(c)(i), where the student does not attend the hearing and has not submitted to the University any reasonable cause for his or her absence the hearing may proceed and the decision will not thereby be invalidated.

40. Where the referee finds the student guilty of the charge the referee may:

- (a) Where the charge is one of general misconduct:
  - (i) reprimand the student;
  - (ii) impose a fine not exceeding five hundred dollars;
  - (iii) require the student to pay the cost of any damage;
  - (iv) suspend the student for a period not exceeding twelve months;
  - (v) expel the student;
  - (vi) impose such other penalty as the Board may consider appropriate; or
  - (vii) impose such combination of these penalties as the Board may consider appropriate.

- (b) where the charge is one of academic misconduct:
  - (i) reprimand the student;
  - (ii) record a failure in any assessment session;
  - (iii) require the student to repeat any assessment session;
  - (iv) cancel any or all results;
  - (v) suspend the student for a period not exceeding twelve months;
  - (vi) expel the student;
  - (vii) impose such other penalty as the Board may consider appropriate; or
  - (viii) impose such combination of these penalties as the Board may consider appropriate.

41. Any student on whom a penalty is imposed under this Part will be given notice in writing stating:

- (a) particulars of the offence including the name of the complainant;
- (b) the date of the determination;
- (c) the penalty imposed;
- (d) where the penalty is or includes a fine, the person to whom and by which date the fine is to be paid;
- (e) that the student has the right to appeal to the review officer pursuant to section 43(a).

42. Subject to section 43 a student may appeal against any penalty imposed under this Part on any of the following grounds:

- (a) personal bias or ill will at the hearing;
- (b) a denial of natural justice;
- (c) new evidence that was not available at the time of the hearing and which is inconsistent with the decision appealed against;
- (d) the penalty was excessive or inappropriate.

43. (a) Any notice of appeal will be submitted in writing by the student to the review officer not later than fourteen days after the student has received notice in writing of the decision under section 41.

- (b) Any notice of appeal under sub-section (a) will state;
  - (i) the date of the decision appealed against;
  - (ii) the name of the referee; and
  - (iii) the grounds of the appeal in accordance with Section 42.

44. Other than in exceptional circumstances, any appeal under this Part will be heard within thirty days of the notice of appeal under section 43.

45. (a) The review officer will hear the appeal and either:
- (i) uphold the appeal; or
  - (ii) dismiss the appeal and affirm or vary the penalty.
- (b) The decision under sub-section (a) will be final.
46. Section 29 to section 32 inclusive applies to charges heard under this Part.

**Made 3<sup>rd</sup> July 1995**

**Amended 9<sup>th</sup> December 1996, 8<sup>th</sup> October 2002**