
Policy Title

ANU College Student Misconduct Policy and Procedure

Policy Statement

All students enrolled in the ANU College programs and courses are required to complete their enrolment within the time specified on the student's Confirmation of Enrolment (CoE).

Any student found guilty of misconduct may be at risk of suspension or termination from ANU College and, as a consequence, may no longer be eligible for a conditional offer to the ANU.

This policy document should be read in conjunction with the ANU College Student Code of Conduct, the Terms and Conditions published on the Letter of Offer, the *SGA Deferment, Suspension, Withdrawal or Cancellation of Enrolment Policy*, and the *SGA Student Complaints and Appeals Policy and Procedure*.

Purpose

The purpose of this document is to ensure that ANU College manages a fair and transparent process for investigating and resolving cases of alleged misconduct by students enrolled in ANU College programs and courses. This document is intended for use by ANU College students and their families and fee payers, legal custodians and homestay families registered with ANU College, teaching and non-teaching staff and any other stakeholders to whom this document may be relevant.

Scope

This document applies to any charges of misconduct brought against students who are alleged to have breached the Student Code of Conduct during their enrolment in ANU College programs and courses. Specifically, this document applies to students enrolled in Academic English Preparation (AEP), ANU Access English, Foundation Studies (Extended), Foundation Studies (Standard) and Foundation Studies (Rapid).

Policy Provisions

In accordance with the *Education Services for Overseas Students Act 2000* (ESOS Act) and the National Code 2018, 'a provider can defer or temporarily suspend a student on the grounds of misbehaviour.' The ESOS Act and the National Code 2018 also allow for the cancellation of any student's enrolment on the basis of any act of misconduct identified in the provider's rules and procedures.

ANU College teaching and non-teaching staff are committed to providing a positive and constructive learning environment for students that is inclusive and free from any form of harassment (including

¹ References to Foundation courses herein do not apply to the ANU Express program (CRICOS Course Code: 079652M) delivered by SGA's ANU College on behalf of ANU (CRICOS Provider code 00120C). Relevant ANU policy and procedure applies to ANU Express students. For more information, visit: <https://policies.anu.edu.au/pp/index.htm>

sexual assault and harassment), bullying, discrimination and/or inappropriate behaviour. All students are expected to maintain high standards of behaviour and personal integrity.

This document describes the expectations of students with regard to:

- General behaviour and attitude;
- Harassment, bullying and discrimination;
- Computer use;
- Academic honesty; and
- Academic peer culture.

In all cases requiring reference to the Student Code of Conduct and the Student Misconduct Policy and Procedures, the following guiding principles will apply:

- Each case of alleged misconduct will be dealt with on its merits, with due consideration of the precise circumstances, and in accordance with the policies published by ANU College and/or Study Group Australia;
- Any student who is the subject of an allegation of misconduct will be treated fairly, with dignity and with all reasonable regard for privacy, regardless of the student's gender, race, ethnicity, age, disability or background;
- Any student who is the subject of an allegation of misconduct is entitled to be regarded as not having committed the act of alleged misconduct unless or until they admit to the misconduct, or a fair and proper investigation leads to the determination that they did commit the act of misconduct;
- The action of any student who is the subject of a second or subsequent allegation of misconduct will not be assumed to be guilty of an offence. If the action is similar or identical to an earlier breach of the Student Code of Conduct, this may, however, constitute evidence that a student is aware that such action constitutes misconduct, and this may be relevant to the determination of any penalty.

Procedures

STEP 1

A written report of the alleged breach of the Student Code of Conduct will be provided to the relevant Head of Program or, in the absence of the Head of Program, a delegate.

The report will describe the alleged case of misconduct and include any supporting evidence such as items obtained and/or used by the student in connection with the alleged misconduct, photographs or video footage of any relevant activity, statements from witnesses and any other relevant material. All possible details of the date, time, duration, location and context of the alleged misconduct are clearly identified.

STEP 2

The Head of Program (or delegate) will notify the student in writing and, when practicable, in person, of the intention to convene a meeting at ANU College within five (5) working days of the receipt of a report of the alleged misconduct. The student will be requested to attend the meeting and advised to bring a support person. If the student is a minor, the student's (nominated) guardian and/or parent will be invited to attend. A member of the ANU College staff will minute and create a written record of the meeting. If circumstances do not permit all of the parties to convene at ANU College, an online meeting is an acceptable substitute, but all participants must be approved by the Head of Program (or delegate) before commencement.

Participants at the meeting will normally include:

- the student;
- the Head of Program (or delegate);
- the person nominated by the student to provide support;
- the ANU College Student Support Officer (Welfare);
- any other individual(s) whose presence is deemed appropriate by the Head of Program (or delegate). This may include an ANU College translator if the issue is serious (having the potential to result in termination of enrolment) or the student requires assistance due to low language proficiency level.

The purpose of the meeting is to:

- Ensure that the student understands the policy and procedures and that there are no language barriers or other factors that may impede the student's participation;
- Explain the nature of the alleged misconduct and the possible consequences for the student;
- Present all available evidence;
- Enable the student to explain the circumstances of the alleged misconduct;
- Discuss, if appropriate, possible ways of resolving the matter;
- Produce a written summary of the discussion on which a decision can be based.

STEP 3

Within five (5) working days of the meeting, the Head of Program (or delegate) will write to the student to outline the decision, reasons for the decision, any penalties to be imposed and the procedure for an appeal by the student, if applicable.

In the case of alleged academic misconduct, the student's results will not be finalised or released until a decision is taken and any penalty has been determined.

If the Head of Program (or delegate) finds that student misconduct is not proven, the decision will be final and all records of the investigation will be stored for the enrolment period of that student. The Head of Program (or delegate) will arrange for the student to complete any assessment and/or to receive any academic results, if applicable.

If the Head of Program (or delegate) finds that student misconduct is proven and the decision is taken to suspend or cancel a student's enrolment on this basis, complete documentary evidence of the process and the outcome will be kept on the student's official record in accordance with the regulatory obligations of the College. The documentation should include the:

- Initial report of alleged misconduct;
- Notification to the student;
- Notice of allegation of misconduct and misconduct hearing;
- Notification of outcome and right to appeal;
- Notice of appeal;

- Decision of any appeals process and copies of all documentation provided thereto;
- Other material relevant to the investigation of the case.

STEP 4

Appeals Process

A student who does not accept the outcome of the process outlined in Steps 1-3 will be advised in writing of the option to access the internal appeal process of the College.

Penalties

Any penalty imposed for a breach of the Student Code of Conduct will be carefully considered. Decisions made by the Head of Program (or delegate) will take into account, but not be limited to, the following:

- The nature of the misconduct, including the involvement of other individuals, and the actual or potential benefit to the student, if any;
- The impact of the misconduct on members of the ANU College community or any other individual, group or organisation;
- The academic and personal conduct record of the student;
- The student's contribution to the investigation process;
- Parental input (in the case of students under 18);
- Any extenuating or mitigating factors.

Academic Misconduct

The Study Group Academic Honesty Policy provides further guidance in this area.

The Head of Program (or delegate), in consultation with the student's teacher(s) and other members of the ANU College staff, will determine any penalty for proven academic misconduct, such as the following:

- A formal caution to be recorded on the student's official ANU College record;
- The deduction of a specific amount of marks for an assessment task or other activity;
- The annulment or disallowance of results in a particular assessment task or activity;
- A requirement to attempt additional or supplementary assessment tasks, with any associated costs borne by the student;
- The student to be placed on academic probation, with specific conditions identified that would enable satisfactory course completion and progress;
- The exclusion of the student from ANU College programs and courses through suspension or cancellation of their enrolment.

Non-Academic Misconduct

The Head of Program (or delegate), in consultation with the student's teacher(s) and other members of the ANU College staff, will determine any penalty for proven non-academic misconduct. The student may be required to:

- apologise formally, in person and/or in writing, to any aggrieved party;
- enter into a contract governing access to and behaviour at ANU College;

- undertake some form of remediation, such as counselling;
- provide full reimbursement of the cost of any damage done to any person or property;
- leave ANU College temporarily or permanently;
- accept any other penalty or action considered appropriate.

Roles and Responsibilities

All decisions regarding a student's failure to abide by the Student Code of Conduct will be made by the relevant Head of Program (Foundation Studies or ELICOS). The Head of Program will take advice from the relevant Course Coordinators, the student's teachers, the Student Support Officers (Welfare and Academic) and any other member of staff who may be in a position to contribute to a determination in a case relating to student conduct.

Supporting Documents

National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code 2018)

SGA Deferment, Suspension, Withdrawal or Cancellation of Enrolment Policy

Study Group Student Complaints and Appeals Policy and Procedure

Study Group Academic Honesty Policy (*under review*)

Approval and Review

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Document History

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16 April 2019	v2.2 Minor amendment to scope to maintain business currency.	June 2021