

Student Discipline Regulations

Objects

1. The University's Code of Ethics and Student Code of Conduct are founded on the three fundamental principles of justice, respect and responsible care, and the University endeavours to promote adherence to the Student Code of Conduct by students.

The objects of these Regulations are to:

- 1.1. discourage behaviours which the University considers to be inappropriate;
- 1.2. implement a fair process for responding to alleged instances of misconduct; and
- 1.3. provide for the imposition of penalties in instances of where misconduct is established.

Definitions

2. In these Regulations, the following, capitalised words have the following meanings:
 - 2.1 "Academic Misconduct" means any form of academic dishonesty relating to a Unit, whether in an undergraduate, postgraduate or honours course, and includes, but is not limited to:
 - 2.1.1 cheating in relation to assessment;
 - 2.1.2 plagiarism;
 - 2.1.3 submission of the same, or substantially the same, completed assessment in a different Unit;
 - 2.1.4 where the assessment components are not the same or substantially the same, submission of text, figures, or tables copied from a completed assessment in a different Unit without proper acknowledgement of the original source (even if you are the author of the original source);
 - 2.1.5 failure to comply with rules for a particular assessment (for example, what material can be brought into an examination room);
 - 2.1.6 collusion;
 - 2.1.7 purloining or misappropriation (copying the work of another without his or her knowledge);
 - 2.1.8 ghostwriting (submitting the work of another person as your own); and
 - 2.1.9 fabricating, falsifying or misstating results as part of an assessment, and also includes any attempts to commit any form of academic dishonesty listed above.
 - 2.2 "Allegation Notice" means a notice provided to a student under Regulation 17.
 - 2.3 "Arbiter" means the Provost or delegate, unless he or she has an actual or perceived Conflict of Interest in which case it will be another University employee appointed by the Vice Chancellor.
 - 2.4 "Business Day" means a day (other than a Saturday or Sunday) that the University is open for business at its South St Campus.
 - 2.5 "Conflict of Interest" includes but is not limited to a situation where a person has:

- 2.5.1 a personal involvement in the alleged misconduct;
- 2.5.2 a past or present familial relationship or close personal ties with anyone involved in the complaint or alleged misconduct; or
- 2.5.3 close professional ties with anyone involved in the complaint or alleged misconduct (for example conducting a joint research project).
- 2.6 "Director" means the Director authorised by the Provost, currently the Director Student and Library Services.
- 2.7 "General Misconduct" has the meaning specified in Part 1 of Schedule A.
- 2.8 "Investigator" means:
 - 2.8.1 in the case of an allegation of General Misconduct, the Senior Officer;
 - 2.8.2 in the case of an allegation of Academic Misconduct, the person authorised by the Provost; or
 - 2.8.3 in either case, any replacement person as described in Regulation 15, who conducts an investigation as described in Regulations 11 to 16.
- 2.9 "Senior Officer" means those Officers of the University as set out in Part 2 of Schedule A.
- 2.10 "Student Appeals Committee" means the Committee constituted in accordance with the policy for student appeals as approved by Academic Council.
- 2.11 "Unit" means the basic element of a course which delivers education material prescribed in the curriculum.
- 2.12 "Unit Coordinator" means the unit coordinator for the particular unit in respect of which Academic Misconduct is alleged to have occurred.

Emergency Exclusions

- 3. A security officer of the University or other person so authorised by the Vice Chancellor, may, at any time and without a hearing, exclude a student from campus on such terms as are reasonably necessary to protect person, property or to prevent serious disruption of University activities.
- 4. Within three Business Days of such exclusion, either the Director or delegate must send the student written notice of the terms of the exclusion, the reasons for it, and a copy of these Regulations or a website link to them.
- 5. The exclusion will continue until either:
 - 5.1 its term expires;
 - 5.2 it is revoked by the Director or delegate;
 - 5.3 five Business Days have passed and the matter has not been referred for formal investigation for General Misconduct under Regulation 11; or
 - 5.4 The matter has been referred for formal investigation for General Misconduct under Regulation 11 and the process has concluded with no further requirement that the student be excluded from campus.

Reporting Misconduct

- 6. Any person may report any alleged misconduct by a student:
 - 6.1 where the allegation relates to General Misconduct, to the Director or to the Dean Academic Operations (or delegate) of the College in which that student is enrolled; and
 - 6.2 where the allegation relates to Academic Misconduct, to the Unit Coordinator of the relevant Unit.

Research Misconduct

7. An allegation involving misconduct in the course of research may be referred to the processes under the *Research Misconduct Policy and Procedure*.

Initial Review of Misconduct

8. The Unit Coordinator must decide whether or not to refer an allegation to an Investigator within ten Business Days of becoming aware of the allegation. Subject to Regulation 10, in relation to any allegation of Academic Misconduct, the Unit Coordinator may decide not to commence any investigation under these Regulations on the basis that:
 - 8.1 no offence was committed;
 - 8.2 the alleged Academic Misconduct is minor and the student has no record of any previous Academic Misconduct; or
 - 8.3 the allegations relate to misconduct in the course of research, and the Unit Coordinator is satisfied that they are being appropriately addressed in accordance with relevant University policy in relation to research misconduct.
9. If no investigation is commenced under these Regulations because the alleged Academic Misconduct is minor and the student has no record of any previous Academic Misconduct, the student may be required to receive instruction (for example attendance at a workshop) on how to avoid Academic Misconduct in the future.
10. If a student disputes alleged Academic Misconduct which the Unit Coordinator considers is minor or the Unit Coordinator otherwise considers an investigation is warranted then the Unit Coordinator must report the Academic Misconduct to the Investigator.
11. The Director or Dean Academic Operations (or delegate), as the case may be, will refer all allegations of General Misconduct to a Senior Officer for investigation who has no actual or perceived Conflict of Interest.

Investigating Misconduct

12. The Investigator may either:
 - 12.1 consider that there is sufficient evidence in support of an allegation and that no further investigation is warranted, in which case an investigation will be deemed to have been completed for the purposes of Regulation 17 and notice may be issued in accordance with that Regulation;
 - 12.2 commence an investigation process in relation to the allegation; or
 - 12.3 decide that on the information available no offence was committed, and dismiss the allegation.
13. As part of any investigation process, the Investigator:
 - 13.1 must, within five Business Days of the allegation being brought to her or his attention, send a written notice to the student that an allegation is being investigated and providing a description of the nature of that allegation; and
 - 13.2 may request in that notice that the student attend an interview.

The Investigator must give at least five Business Days' notice of an interview time and date (unless the student agrees to a shorter notice period). The student is not required to attend and, if the student does attend, the student may exercise his or her right to silence at any time.
14. The Investigator's role is not that of prosecutor – the Investigator must be conscious of any information that may exonerate the student.

15. The Investigator may be replaced at any time during the course of the investigation (for example if a Conflict of Interest becomes apparent) by another Senior Officer approved by (in the case of General Misconduct) the Dean Academic Operations or Director, or (in the case of Academic Misconduct) the Provost.
16. The Investigator must, at the conclusion of the investigation, prepare a report to be provided to the Arbiter. In accordance with relevant University procedures in relation to allegations of Academic Misconduct, the Investigator may be the same person as the Arbiter.

Allegation Notice

17. Within seven Business Days of the Arbiter receiving a report or, if the Arbiter is the Investigator, completing the investigation, he or she must either dismiss the allegation (and provide written notice of that fact to the student) or provide written notice to the student ("Allegation Notice") that:
 - 17.1 sets out full particulars of the alleged misconduct;
 - 17.2 includes a copy of any report prepared under Regulation 16;
 - 17.3 decide that on the information available no offence was committed, and dismiss the allegation.
 - 17.4 gives the name and contact address of the Arbiter;
 - 17.5 advises the student that he or she may give a written submission in response to the allegation; and
 - 17.6 advises whether the student will be offered a hearing, and if so, include the proposed date and location for that hearing and the matters set out in Regulations 19 and 25 below.
18. The Arbiter is not required to offer the student a hearing. However, if the student is not offered a hearing then, if the allegation is upheld, the Arbiter must not suspend nor expel the student, nor impose any penalty under Regulation 39.

Response by the Student

19. The student may request any Arbiter's or appeal hearing to be by teleconference at the University's expense if the student does not ordinarily reside within a radius of 100km from the University's South Street campus, or if a disability prevents the student's attendance. Any student who comes to the University for a hearing is responsible for her or his own transport and accommodation costs.

If the student does not respond to the offer of a hearing or does not attend for the hearing, the Arbiter may proceed without a hearing, or the hearing may proceed in the student's absence.
20. If the student intends to rely on a written submission, a copy of the submission must be provided to the Arbiter (where there will be a hearing) prior to the hearing and, in all other cases, within seven Business Days of the receipt or deemed receipt of the Allegation Notice.

Hearing

21. If the student accepts the offer of a hearing, the hearing shall be convened and conducted by the Arbiter on the date set down in the Allegation Notice.
22. In accepting a hearing, the student may choose to admit the offence and have a hearing in respect of penalty only.
23. The student must be given at least five Business Days' notice of the date and location of the hearing (unless the student agrees to a shorter notice period).

24. If the student does not attend then the Arbiter may proceed with the hearing or adjourn, at the Arbiter's discretion.
25. The student may nominate a support person to attend the hearing with them, who:
 - 25.1 must not be associated or allegedly associated with the alleged misconduct;
 - 25.2 must not be a qualified legal practitioner; and
 - 25.3 with the permission of the Arbiter, has the right to be heard and may speak on behalf of the student.
26. The student or any support person may be excluded from the hearing if he or she disrupts or impairs the conduct of the hearing. The hearing may continue in his/her absence.
27. For the avoidance of doubt, Regulations 25 and 26 do not limit any legal obligations the University may have to ensure that a student with special needs has adequate support to address those needs at any hearing.
28. The Arbiter may adjourn and reconvene any hearing as required.
29. If the identity of an Arbiter changes during the hearing process (for example where a Conflict of Interest becomes apparent) then the matter will be re-heard from the beginning by the new Arbiter, unless the student and new Arbiter agree otherwise.

Fairness

30. In conducting the hearing and/or considering any written submission, the Arbiter:
 - 30.1 must not be associated or allegedly associated with the alleged misconduct;
 - 30.2 may inform himself or herself in relation to any matter he/she thinks fit;
 - 30.3 must act fairly, having regard to the requirements of natural justice; and
 - 30.4 must ensure that the student is informed (e.g. by way of the Allegation Notice and/or subsequent notice) of the evidence to be taken into account in making the decision and give the student a reasonable opportunity to respond to that evidence.
31. A student (and any support person present) has the right to remain silent at any hearing, and no negative inference must be drawn as a result of the student exercising this right.

Decision

32. The Arbiter may only uphold any allegation of either Academic Misconduct or General Misconduct if satisfied that it has been proved on the balance of probabilities.
33. If the Arbiter upholds an allegation of General Misconduct, the Arbiter may impose a penalty in accordance with Regulation 38 (except that the Arbiter cannot suspend or expel the student if the student was not offered a hearing pursuant to Regulation 18).
34. If the Arbiter upholds an allegation of Academic Misconduct, the Arbiter:
 - 34.1 may, if they have authority under Regulation 39, impose a penalty described in that Regulation (except that the Arbiter cannot suspend or expel the student if the student was not offered a hearing pursuant to Regulation 18); or
 - 34.2 may otherwise impose any other penalty prescribed in Regulation 38.

The Arbiter may take into account previous findings of misconduct against a student in determining the appropriate penalty to impose.
35. Within five Business Days of the decision being made under Regulation 32, the student must be sent written notice of: the decision and the reasons for that decision; the penalty imposed; the right to appeal under Regulation 42; and with whom and within what timeframe an appeal must be lodged. Reasons for decision must also include

reasons for any decision to exclude or adjourn in accordance with regulations 26 or 28 respectively.

Extensions of Time

- 36. The student and the Arbiter may agree to extend any of the time limits mentioned in Regulations 17 to 35. Should the student not comply with any agreed extension of time under Regulation 20, the Arbiter may still proceed with a hearing.
- 37. The Vice Chancellor (or delegate) may, on the request of the Arbiter, extend any time limits under Regulation 8 and Regulations 17 to 35 if satisfied that
 - 37.1 reasonable attempts to consult the student about an extension of time have been made;
 - 37.2 the student is not materially prejudiced by such an extension of time.

Penalties

- 38. Subject to Regulation 39 the penalties that may be imposed for Academic Misconduct and General Misconduct are:
 - 38.1 a caution;
 - 38.2 a requirement that the student have no or limited contact with any particular staff member(s) or student(s) (this penalty can only be imposed for General Misconduct);
 - 38.3 suspension (of up to 12 months) of, or placing conditions on the exercise of, any or all of the student's rights and privileges, including: attendance at classes, participation in assessments and examinations, use of or attendance at facilities, access to assessment results, graduation, and re-enrolment;
 - 38.4 requirement to rewrite and resubmit an assessment component, or to write and submit another assessment component in its place, including with a proviso that assessment will be for a reduced mark (this penalty can only be imposed for Academic Misconduct);
 - 38.5 failure of a unit or units (this penalty can only be imposed for Academic Misconduct);
 - 38.6 failure in an assessment component of a unit, or a reduced mark for that component, including receiving 0% for an assessment component with no possibility of a resubmission (this penalty can only be imposed for Academic Misconduct);
 - 38.7 a suspension of the student's enrolment for one or more teaching periods to a maximum equivalent of one year, including the cancellation of current enrolments in all units at Murdoch; or
 - 38.8 expulsion from the University, including the cancellation of current enrolments in all units at Murdoch.

Where a student has withdrawn from a unit after having been advised of an investigation of Academic Misconduct in relation to that unit, and an Arbiter imposes a penalty that would result in a failure in that unit, the University is authorised to amend the result for that unit accordingly.

In addition, a person who has committed Academic Misconduct may be required to attend a workshop, on how to avoid Academic Misconduct in the future.

- 39. Only the Provost, or, in the case of a Conflict of Interest, another person appointed by the Vice Chancellor, can impose a penalty of expulsion from the University (including cancellation of current enrolments in all units at Murdoch) pursuant to Regulation 38.8 provided that this will not limit the powers of the Student Appeals Committee.

40. Any penalty imposed under these Regulations can be suspended by the person imposing it for such period as that person sees fit. Any such suspension may be subject to such terms and conditions (including undertakings by the student) as the person granting it thinks fit.
41. A student expelled from the University shall not be re-enrolled except with the approval of the Vice Chancellor (or delegate).

Appeals

42. The student may appeal against any finding of misconduct under Regulation 32 or any penalty imposed under Regulations 38 or 39. Without limiting the effect of any of the following Regulations, appeals made against any finding of misconduct or penalty imposed under these Regulations shall be governed by the provisions of the policy for student appeals as approved by Academic Council.

Appeal may defer Original Decision

43. An appeal defers:
 - 43.1 any cancellation or suspension of enrolment; and
 - 43.2 the implementation of any other decision being appealed againstexcept for any penalty imposed for General Misconduct (such penalties may only be deferred by the Vice Chancellor (or delegate) at his or her absolute discretion).

This Regulation 43 will not limit the power of the University under Regulation 3.

Miscellaneous

44. Where these Regulations require the provision of written notice, such notice may be provided by way of electronic mail, facsimile or other form of electronic messaging reasonably adopted by the University from time to time.
45. The University must keep written records of any complaint or appeal, and may include records of proceedings, decisions or penalties on a student's files (including record of attendance at any workshops).
46. These Regulations do not prevent allegations against a student from being dealt with according to a procedure described in any other University statute, regulation, policy or by-law, provided that such other procedures shall not in any material respect, replicate the procedure or penalties imposed under these Regulations in respect of those allegations.
47. Any investigation by an Investigator, or hearing by an Arbiter, or Student Appeals Committee, may be deferred by the decision of the Investigator, Arbiter or majority vote of the Student Appeals Committee if the matter is before the courts. This will not limit the University's powers under Regulation 3.
48. Any minutes required to be kept under these Regulations do not need to be a verbatim transcript, but must be a full and true record and include any written submissions. Minutes do not need to include any discussions between the members of a decision-making body prior to making a decision, or a recording of the vote.
49. Any minutes are confidential documents and must be a true representation. The University may withhold a student's results until any proceedings relating to a misconduct allegation have been finalised.
50. Proceedings for misconduct against a student, and any appeal process, may continue notwithstanding that a student ceases to be enrolled.

SCHEDULE A
PART 1: MEANING OF GENERAL MISCONDUCT

1. General Misconduct shall include any conduct on the part of a student that:
 - a. impairs the reasonable freedom of University staff or students to pursue and participate in academic, community or other lawful University activities, or in the life of the University;
 - b. amounts to the improper use of University facilities or improper use of University property; or
 - c. is otherwise described in items A to Q below.
2. Murdoch supports the right of peaceful protest or dissent, and orderly demonstration (including picketing). These are permitted provided the time and location has been approved by the relevant Murdoch officer, and unless and until they cause any of the effects listed below (for example Harassment or Intimidation, Violence or Interference with any University Activity).
 - A. Interference with any University Activity:
 - (i) This includes, for example, preventing an audience from listening to a class or other university function; interfering with a person's ability to use a University facility; or participating in any effort to prevent or disrupt a class or other university function. For the avoidance of doubt, this is not intended to cover actions which may arise from or be the result of a student's disability or medical condition.
 - B. Misuse of the University's Facilities (including Computing, communication or Library Facilities)
 - (i) This encompasses engaging in threatening or abusive communications on, from or to University premises using University mail, e-mail or computing facilities and other breaches of University information technology policies.
 - (ii) This also encompasses all library offences (e.g. hiding, mutilating or stealing library materials, and willful and repeated failure to respond to recall notices).
 - C. Falsification
 - (i) This encompasses deliberately using incomplete, false or misleading information for purposes connected with academic progression or enrolment, whether that occurs before or after the person is enrolled as a student; furnishing of false information to University staff, and using the University's name, logo or Official Seal without authority.
 - D. Harassment or Intimidation
 - (i) This encompasses any act of harassment, intimidation or coercion. It includes, but is not limited to, any harassment, intimidation or coercion based on race, sex, ethnic origin or sexual orientation. It also includes any sexual harassment.
 - E. Violence
 - (i) Without limiting the effect of item D "Harassment or Intimidation", this covers any act of violence (including, but not limited to, assault) against another person.
 - F. Theft or Misuse of Property
 - (i) Any theft, misuse, damage or wrongful dealing with any of the property that is owned by, under the control of or situated at the premises of the University, or on a location where the student is present as part of a University activity.

- (ii) This could encompass, for example, misuse of fire alarms, destruction of property, littering, misuse of student accommodation or gaining unauthorised access to any University property.
- G. Distributing notes or recordings of classes, or any course materials, for commercial return
- H. Failing to comply with any lawful direction given under University legislation or policy
 - (i) This includes a failure to abide by any penalty imposed.
- I. Failure to comply with an Officer's reasonable request
 - (i) Failure to comply with a reasonable request or direction by any staff member of the University, retail store staff member or security officer to ensure safety of person or property or maintenance of good order.
- J. Obstruction
 - (i) Obstruction or interference with a university staff member in the performance of his or her duties.
- K. Compromising of University security
 - (i) For example, unauthorised propping-open of a door.
- L. Trespassing
 - (i) This includes: (a) when a student continues to occupy a university building despite a request from a staff member of the University that the student leave; and (b) the presence at any University site where such presence is prohibited (e.g. a construction site, or a room for which permission is required to enter and permission has not been obtained).
- M. Weapons
 - (i) Possession or use of any weapon, explosive or incendiary material on campus at any University activity, except as part of an approved, academic exercise.
- N. Alcohol or Drugs
 - (i) Unlawful possession, use or distribution of alcohol or drugs on University property or as part of a University activity.
- O. Lewd, obscene or disorderly behaviour
 - (i) Note that "disorderly behaviour" encompasses causing or participating in any disturbance that impairs the orderly functioning of the University or any University activities.
- P. Inciting another person to commit general misconduct
- Q. Repeated lodgment of vexatious or frivolous complaints or appeals

PART 2: SENIOR OFFICERS

The Senior Officers are officers with responsibility and authority for carrying out investigations in relation to circumstances of general misconduct.

These officers shall comprise:

- One person within each College as nominated by the Dean Academic Operations.
- At least six persons from each College as nominated by the Director authorised under Regulation 2.6.
- One person within the Research & Development Office as nominated by the Director, Research & Development (or equivalent); and
- Any person who is delegated the role of Arbiter in accordance with these regulations.

Approval and Implementation:

Approval Authority:	Senate
Responsible Officer(s):	University Secretary

Revision History:

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Note: All enquiries relating to Legislation should be referred to the University Secretary's Office.