

**Category:** [Student Management and Support](#)

**Version:** 25

**Document Type:** Policy

**Document Status:** Published

**Approved On:** 30 January, 2024

**Audience:** Staff, Students, Research, Academic, Affiliate

**Effective Date:** 31 January, 2024

**Review due by:** 30 June, 2024

**Policy Approver:** Provost

**Policy Steward:** Principal Adviser, Student Grievances And Complaints

**Supporting Process:**

[Student Management and Support Processes](#) , [Guidelines for the Appropriate Exercise of Freedom of Speech](#)

## Student Conduct Policy (MPF1324)

### 1. Objectives

1.1. The objectives of this policy are to:

- a) ensure that student behavioural standards and expectations are defined and met, including the expectations of students with regard to how they treat others;
- b) ensure that student discipline procedures are transparent, consistent, equitable and fair, and consistent with the principles of natural justice;
- c) identify responsibilities and accountabilities for decisions and processes;
- d) define an appropriate, proportionate and consistent framework of penalties which may be imposed for substantiated misconduct;
- e) ensure that decision-making on misconduct is undertaken at appropriate levels of responsibility within the University; and
- f) provide direction for the membership of committees formed to consider student misconduct.

### 2. Scope

2.1. This policy applies to students while on University premises, (including residential colleges and halls that are owned by the University and affiliated colleges): using University facilities and services, or engaging in University activities. It provides a framework for managing complaints about student conduct, including complaints made under section 5.11 of the Sexual Misconduct and Prevention Policy ([MPF1359](#)).

2.2. This policy also applies to managing complaints and investigating allegations about student sexual misconduct that occurs during activities organised or managed by affiliated colleges and affiliated student clubs and societies. In accordance with Part 6 of the Vice-Chancellor Regulation a student club or society is affiliated with the University if it is affiliated by UMSU or the Graduate Student Association, or by a faculty, school, or department of the University.

2.3. This policy does not include alleged academic misconduct or research misconduct, which are considered under the Student Academic Integrity Policy ([MPF1310](#)) and the Research Integrity and Misconduct Policy ([MPF1318](#)).

2.4. This policy does not apply to procedural issues and disputes in relation to student club meetings, which are considered by the clubs, under the club's rules and, where appropriate, the University of Melbourne Student Union.

2.5. This policy does not apply to conduct within online communities, or social networking groups unless the online group has been established to enable student engagement with a University activity.

### 3. Authority

3.1. This policy is made under the *University of Melbourne Act 2009 (Vic)* and the [Vice-Chancellor Regulation](#) .

### 4. Policy

#### Student general misconduct

4.1. Student general misconduct has the meaning given to it in Part 6 of the [Vice-Chancellor Regulation](#) .

4.2. The University follows transparent, fair and timely processes for addressing allegations of student general misconduct in accordance with principles of natural justice, ensuring that all parties are treated equally and fairly.

4.3. The [Student Charter](#) sets out key principles underpinning the relationship between students and the University, and informs the policy principles described in section 4.2.

4.4. While on University premises, using University facilities and services, and engaging in University activities students must:

- a) comply with University statutes, regulations including Part 6 of the [Vice-Chancellor Regulation](#) , policies, rules and procedures concerning their enrolment, studies and conduct at the University;
- b) comply with the Sexual Misconduct Prevention and Response Policy ( [MPF1359](#) ) where relevant and not engage in sexual misconduct (within the meaning of Part 6 of the Vice-Chancellor Regulation);
- c) behave in a way that is professional, respectful, and courteous without being harassing, bullying, or improperly discriminating (where improper discrimination is contrary to University policy or law);
- d) respect the rights of other members of the University community to express dissent or political or religious views, provided the views and conduct accord with Australian laws and the regulatory framework of the University, including, but not limited to, the Freedom of Speech Policy ( [MPF1342](#) );
- e) respect the rights and sensitivities of other people when accessing personal information for, or using information gained through, study or related administrative activities. To this end, students may not take photographs, video or audio recordings of meetings, lectures, tutorials, rehearsals, performances or practical classes without the express permission of the staff member supervising the activity (or the subject coordinator) and the written permission of any identifiable individuals, their legal guardians, or the legal owner of any animal appearing on the recording. For recordings to be made within lectures, tutorials, rehearsals, performances, or practical classes including clinical or hospital settings in which University teaching and/or assessment occurs, express written permission of the relevant dean must be obtained;
- f) provide considered and honest feedback to the University and its staff on the quality of learning and teaching and University services; and
- g) take reasonable steps to secure their personal property whilst on University premises.

4.5. While on University premises, using University facilities and services or engaging in University activities, students must **not** engage in improper behaviour including:

- a) contravening a provision of a University statute, regulation or policy relating to student conduct;
- b) intentionally or recklessly causing injury to any person or endangering the safety of any person;
- c) engaging in conduct which causes the University to be guilty of a crime;
- d) causing risk or serious damage to the reputation of the University;
- e) failing to comply with any reasonable direction or request of a senior officer or a security officer employed or contracted by the University;

- f) interfering with or improperly, recklessly, or unsafely using University property, facilities or services;
- g) interfering with University teaching or learning or assessment or graduation activities including while undertaking professional placements and fieldwork;

Examples of interference includes causing a disturbance, annoyance or nuisance to any other student or staff in relation to such an activity; failing to answer a reasonable question or disobeying any reasonable instructions or directions of University staff (including a supervisor of assessment)

- h) failing to supply accurate personal and other information to the University according to the deadlines set by the University;
- i) inciting another person to commit student academic or student general misconduct;
- j) falsely claiming an identity, qualification, prior learning or professional experience;
- k) engaging in an infringement of intellectual property;
- l) intentionally or recklessly causing damage to, or committing theft of University property, or property on University premises;
- m) breaches of a law or rule of conduct relating to student card use, smoking, alcohol consumption, use of drugs, gambling or occupational health and safety.

4.6. While at the University or in connection with a University activity, students must **not** engage in inappropriate behaviour that harms another member of the University community, including;

- a) harassment;
- b) discrimination against other individuals based on a protected attribute defined in University policy or at law;
- c) bully, stalk, victimise, or display other forms of threatening or intimidating behaviour;
- d) use abusive or offensive language;
- e) vilification of an individual or group of individuals;
- f) disrespecting staff and students and their right to hold and communicate different opinions;
- g) behaving in a disorderly manner or causing a disturbance in the University community;
- h) accessing, displaying, downloading, uploading or broadcasting of offensive material without reasonable justification;

4.7. Students must **not** engage in misleading or deceptive or corrupt conduct in connection with the University's performance of its various functions, including:

- a) submitting fraudulent or forged documents to the University or any organisation involved in a University activity;
- b) offering a bribe or other improper inducement in relation to the provision of University services or the discharge of the function or duties of University staff;
- c) making deliberate or careless misrepresentations about the provision of University services or the discharge of function or duties of University staff, and;
- d) falsely use a title.

4.8. Failure by a student to meet expected standards of behaviour may be dealt with as student general misconduct and the student may be subject to disciplinary action.

4.9. Penalties for student general misconduct are applied in accordance with Part 6 of the Vice-Chancellor Regulation .

## **Student Sexual Misconduct**

4.10. As stated in Sexual Misconduct Prevention and Response Policy ([MPF1359](#)) at clause 1.2 a) *...sexual misconduct will not be tolerated and has no place in our University community.* The University is committed to taking positive action to prevent sexual misconduct in all its forms, and to take timely and appropriate action in response to sexual misconduct. With respect to reports of student sexual misconduct, the safety and wellbeing of individuals making reports or a complaint about sexual misconduct will be treated with sensitivity and respect. All reports of student sexual misconduct will be acted upon and will adhere to the principles of procedural fairness.

4.11. Where student sexual misconduct is found, a range of penalties are available to ensure a fair and just outcome. The penalty ultimately applied will be proportionate to the nature of the misconduct that has occurred and the gravity of its impact on the victim survivor, consider the University's duties of care and hold the respondent accountable for their behaviour.

4.12. Sexual misconduct often constitutes criminal activity. The University supports the right of current and former students who have experienced sexual misconduct or sexual harassment to decide whether they want to report the incident to Victoria Police.

## **5. Procedural principles**

### **Allegations of student general misconduct**

5.1. Any person, or group of persons, may make an allegation of student general misconduct to the Academic Registrar.

5.2. The Academic Registrar must consider allegations of student general misconduct.

5.3. Where a University employee has been authorised to act for the Academic Registrar, the authorised person must notify the Academic Registrar of every allegation of student general misconduct and of the decision that the authorised person made in relation to it.

5.4. If the Academic Registrar decides that it is more appropriate for an allegation of student general misconduct to be managed by another senior officer, the allegation must immediately be referred by the Academic Registrar or the authorised person to that other senior officer.

5.5. The Academic Registrar will make an initial assessment of a complaint to determine next steps, taking account of:

- a) the complainant's needs and wishes;
- b) any wider obligations and duties including obligations relating to occupational health and safety, duty of care and any other legal obligations;
- c) whether there is a risk to the health or safety of the individual who made the complaint or another person;
- d) whether the complaint relates to a minor under the age of 18;
- e) what investigative or other actions, if any, are available to the University;
- f) whether two or more people name the same respondent in separate complaints, or the University is concerned the complaint may suggest a pattern of behaviour by the respondent;
- g) whether it is required to communicate the nature of the complaint to other authorities; or
- h) any relevant processes or sanctions that are available to the University under the terms of any contract between the individual (or their employer) and the University.

5.6. Persons who make an allegation of student general misconduct are given the opportunity to formally present their cases. No person will suffer any discrimination or reprisal as a result of raising an allegation in good faith.

5.7. All staff who are involved in the student general misconduct process must treat all parties fairly and respect privacy and confidentiality of all parties.

### **Unsatisfactory progress and deferral of consideration**

5.8. In some cases, an allegation of student general misconduct may be made while the student is already engaged in an unsatisfactory academic progress process in accordance with the Academic Progress Review Policies. Unsatisfactory academic progress has the potential to lead to the termination of a student's enrolment. In that instance, the Academic Registrar may defer consideration of the student general misconduct matter until the resolution of the unsatisfactory academic progress matter.

### **Educative response to an allegation of student general misconduct**

5.9. The Academic Registrar may determine that an educative response to an allegation of student general misconduct in the form of a warning is appropriate provided:

- a) it appears that the behaviour or action of the student may have been unintentional; and/or
- b) where what appears to be student general misconduct is minor and thus an educative response would be more appropriate; and
- c) the student has not previously had an allegation of student general misconduct made against them.

5.10. Where an educative response is chosen, the Academic Registrar must warn the student in writing:

- a) that the conduct, while inappropriate, is not deemed to be student general misconduct, and that an educative response will be offered to raise awareness of the University's behavioural expectations of its students; and
- b) that the consequences of not meeting the University's expectations in relation to student conduct in future may include a finding of student general misconduct and may lead to any of the available penalties for student general misconduct, including termination of enrolment.

## **Referral and notification of investigation**

5.11. If the Academic Registrar determines that an allegation of student general misconduct should be progressed, the Academic Registrar must, within 10 University business days of the allegation being brought to their attention:

- a) refer the matter to an investigator in accordance with section 5.12 or refer the matter to a case manager to assess whether the conduct may be more appropriately considered under another University policy or process; or
- b) refer the matter to the student discipline committee for determination in accordance with this policy; and
- c) provide a notice to the student in accordance with section 5.13.

5.12. If the Academic Registrar determines that the particulars or nature of an allegation of student general misconduct requires further investigation, an investigator may be engaged to make findings of fact and produce a summary report for the student discipline committee's consideration. The nature of any investigation will be decided by the Academic Registrar and will be dependent on the specifics of the case and the material provided with the allegation.

5.13. Where an allegation of student general misconduct is to be progressed, the Academic Registrar must provide the student with a written allegation notice:

- a) setting out the regulations and policies which are alleged to have been breached, as well as all relevant allegations of fact, action or omission in support of the allegation;
- b) attaching copies of any primary supporting documents relating to the alleged misconduct;
- c) offering the student an opportunity to:
  - i. provide in writing an explanation or submission or evidence in response to the allegation no less than 24 hours prior to the matter being heard by the discipline committee; and/or
  - ii. be heard by the discipline committee in relation to it,
- d) referring the student to the provisions of the relevant regulation and policy; and
- e) advising the student:
  - i. of the student's right to a support person;
  - ii. of the provisions of section 5.7; and
  - iii. that they are encouraged to seek independent advice from the [Student Union Advocacy Service](#).

5.14. If a student wishes to take up any of the opportunities set out in the allegation notice the student must notify the secretary of the discipline committee in writing accordingly within five University business days after receipt or deemed receipt of the allegation notice.

5.15. Within 10 University business days of receipt of the allegation notice detailed in section 5.13, the committee secretary must inform the student of the names of the members of the discipline

committee who will hear the allegation of misconduct.

5.16. If no notice requiring a hearing is given by the student, or if the student declines to attend the hearing, the committee will proceed to consider the allegation, including the conduct of a hearing in the absence of the student if deemed necessary or appropriate by the committee.

### **Convening the student discipline committee**

5.17. The secretary of the committee must convene a meeting of the student discipline committee to determine the allegation of misconduct within 20 University business days after receipt of the allegation notice by the student. The Academic Registrar may extend this time limit in cases where a person is appointed to undertake a fact find investigation, or similar, prior to the discipline committee meeting.

5.18. The committee must give the student the opportunity to be heard as notified by the student. If the student requires a hearing, they must be given at least five University business days' notice of the time and, where the hearing is conducted in person, the place, or where the hearing is to be conducted online, the method and/or technology to be used.

5.19. Any additional documents relevant to the alleged student general misconduct that could not be provided with the allegation notice must be received by the student no less than five University business days prior to the committee meeting. This includes a summary report if an investigation has been undertaken in accordance with 5.12. Otherwise, the committee cannot consider these documents.

5.20. The committee meeting may be convened at any time of the calendar year. However, the student and the chair of the committee may agree in writing at any time to extend or shorten the time limits or to reschedule the date, time and place for any meeting of the committee.

5.21. The chair of the committee may, as the case requires, adjourn and reconvene any meeting of the committee.

### **Composition of the student discipline committee**

5.22. The student discipline committee is appointed by the Academic Registrar and comprises the following members:

- a) The Chair who must be a senior member of the academic staff or a member of the professional staff at UOM10 or above;
- b) a senior member of the academic staff or a member of the professional staff at UOM10 or above. The staff member cannot be from same faculty or administrative division as the member appointed under section 5.22(a);
- c) a student nominated by the recognised student organisation who has received appropriate training recognised by the Academic Registrar; and
- d) the student discipline committee cannot include the person who referred the allegation to the Academic Registrar.

5.23. Notwithstanding the requirements set in section 5.22, the Academic Registrar or the Chair of the committee may vary the composition of a student discipline committee by appointing under section 5.22(c) a senior member of the academic staff or a member of the professional staff at UOM10 or above. The staff member cannot be from same faculty as the member appointed under section 5.22(a) or (b).

### **Discipline Committee Procedures**

5.24. The student may not send a representative in their place but may, no later than 24 hours before the commencement of a meeting of the committee, request permission from the chair to bring a support person to the student discipline committee meeting provided that person is not:

- a) a legal practitioner; or
- b) a person who was involved, or associated with, or alleged to have been involved nor associated with the misconduct detailed in the allegation notice.

5.25. The support person has no right to be heard, except with the permission of the chair of the committee, and may be excluded from the meeting by the chair of the committee at the chair's discretion if the support person disrupts or unreasonably impairs the conduct of the hearing.

5.26. The student is not permitted to make audio and/or visual recordings of the student discipline committee meeting without the written permission of the Chair. The student discipline committee meeting will be documented according to the University's Records Management Policy ([MPF1106](#)) and notes will be taken for all student discipline committee meetings by the Committee Secretary. It is the usual practice for student discipline committee meetings to be conducted via video conferencing software, such as Zoom.

5.27. Requests for "in-camera" student discipline committee meetings will not be granted.

5.28. In determining an allegation of student general misconduct, the committee:

- a) may follow any procedure it considers appropriate and make any enquiries it believes to be relevant;
- b) is not bound by legal rules of evidence or other technicalities or legal forms, and may inform itself in relation to any matter in any manner it thinks fit;
- c) must act fairly in all the circumstances, having regard to the requirements of natural justice;
- d) must make a decision based on the evidence before them that it is more probable than not that:

- i. the allegation is proved or not proved; and/or
- ii. a proposition is true or false;

- e) must balance the rights of the individual student with the need for fair and impartial decision-making for all students;
- f) must preserve the expectations and standards of student conduct on behalf of the University;
- g) must be scrupulously honest and exercise all due care and diligence in the performance of their duty;
- h) must avoid any action which could affect their judgement when dealing with committee matters;
- i) must treat each other and other members of the University community with professionalism, courtesy and respect;
- j) must not improperly influence other committee members;
- k) may not consider prior findings of student general misconduct when deciding whether to uphold an allegation of misconduct;
- l) must inform the student of the evidence it intends to consider in making its decision and give the student the opportunity to present their case and to respond to any relevant evidence or allegations orally and/or in writing; and
- m) can at any time co-opt persons onto the committee to advise or participate in any way that it considers appropriate.

5.29. The committee may, at any time:

- a) refer any matter initiated under this policy to be dealt with under another University policy, process or Regulation as appropriate; and
- b) stop any actions commenced under this policy.

5.30. The student discipline committee must determine the severity of the alleged student general misconduct to inform the appropriate penalty (if any). This determination is dependent on the nature and circumstances of the alleged misconduct, and following process-related questions may be considered in line with section 5.28:

- a) The type of behaviour that constitutes the alleged breach;
  - i. *How serious is the alleged behaviour and does it also potentially constitute an ongoing risk to members of the University community?*
- b) The level of the student's course;

- i. Is the student enrolled at undergraduate, graduate or research higher degree level and how long have they been a student at the University?*
- c) The student's knowledge, understanding and exposure to accepted practices and cultural norms;
  - i. Is the student from overseas or culturally or linguistically diverse background, or had a sheltered or socially isolated upbringing?*
- d) Whether the student has been found to have breached the University's expectations of student conduct in the past;
  - i. This question can only be asked after the committee has agreed that student general misconduct has occurred and it is deciding on an appropriate penalty, in accordance with section 5.33.*
- e) Where relevant, the needs and wishes of the person, or group of persons, who were directly affected by the student misconduct;
  - i. Is the person, or group of persons, who were directly affected by the student misconduct seeking a specific outcome?*
- f) The nature of the alleged behaviour;
  - i. What is the context of the alleged breach? The intention of the student may be a factor in the context.*
- g) Whether other factors may have contributed to the alleged behaviour.

## **Discipline Committee Outcomes**

- 5.31. The committee must either dismiss or uphold each allegation of student general misconduct.
- 5.32. The committee must dismiss an allegation of student general misconduct unless a majority of the members of the committee are satisfied that the allegation has been upheld.
- 5.33. Where the committee upholds an allegation of student general misconduct, it may impose a penalty on the student or make a recommendation to the Vice-Chancellor in accordance with Part 6 of the [Vice-Chancellor Regulation](#) . T
- 5.34. Within three University business days of the Committee making a decision in respect of the allegation of student general misconduct:
  - a) the student must be provided with:
    - i. written notice of the terms of the decision;
    - ii. any penalty imposed or recommended including, where relevant, the effective date of the penalty in accordance with the Regulations; and
    - iii. the right to appeal under section 5.56; and
  - b) the Academic Registrar must be informed of the decision.
- 5.35. The University may decide on a case-by-case basis to communicate the decision, any penalties imposed and if relevant, a copy of the investigator's report, to someone other than the student.
- 5.36. The University may share information about findings of facts arising out of an investigation and any disciplinary decisions that are made as a result, with potential future employers or other third parties who seek references or information about a person's conduct while a student at the University .

## **Immediate Orders**



5.37. The Academic Registrar may recommend that the Vice-Chancellor makes an Immediate Order in accordance with section 29 of the [Vice-Chancellor Regulation](#) .

## Notices and general provisions

5.38. Any notice to a student for the purposes of this policy is sufficient if it is in writing and is emailed to the student's email accounts that are registered in the University student system.

5.39. A notice is deemed to have been received on the same day that it is sent by email.

5.40. A copy of any notice sent to a student must be retained by the University in such form as the Academic Registrar may prescribe.

5.41. The Academic Registrar may exercise their discretion to extend any of the time limits or times prescribed for the taking of any actions or steps referred to in this policy for such period or periods and on such terms the Academic Registrar deems appropriate.

5.42. A person or committee exercising any power or carrying out any function under this policy may use such administrative and professional assistance and support as is reasonable to facilitate the exercise of such powers or functions.

## Penalties for student general misconduct

5.43. Where a committee upholds an allegation of student general misconduct against a student, it may apply impose one or more penalty in accordance with Part 6 of the [Vice-Chancellor Regulation](#) .

5.44. Where, in accordance with Part 6 of the [Vice-Chancellor Regulation](#) , the committee refers a matter to the Vice-Chancellor, the Vice-Chancellor must have regard to the terms of the decision and the recommendation of the committee. The Vice-Chancellor is not required to accord a hearing to the student before imposing a penalty. The Vice-Chancellor may:

- a) impose the penalty recommended by the committee;
- b) if the committee recommended that the student's enrolment be terminated or the student be expelled, suspend the student's enrolment for such period and on such terms and conditions as the Vice-Chancellor considers necessary or appropriate;
- c) if the committee recommended that the student's enrolment be suspended, suspend the student's enrolment for a shorter period than that recommended by the committee and/or on such terms and conditions as the Vice-Chancellor considers necessary or appropriate, being terms and conditions which in the Vice-Chancellor's opinion are less onerous than those recommended by the committee; or
- d) refer the matter back to the committee with a recommendation that it impose one or more of the penalties referred to in section 27, Part 6 of the [Vice-Chancellor Regulation](#) .

5.45. Where the Vice-Chancellor refers a matter back to the committee, the committee must consider the recommendation made by the Vice-Chancellor, and within the next five University business days:

- a) if an Immediate Order is in place, provide a recommendation to the Vice-Chancellor of the penalty that should be imposed; or
- b) where an Immediate Order is not in place, impose one or more of the penalties referred to in Part 6 of the [Vice-Chancellor Regulation](#) .

## Undischarged penalties

5.46. While any penalty imposed in accordance with this policy remains outstanding, unfulfilled or unpaid, or while a student is suspended or excluded due to undischarged penalties, the student must not, without the written consent of the Vice-Chancellor:

- a) enrol;
- b) attend any classes;
- c) receive any results of assessment;

- d) graduate or receive a degree, diploma or any certificate stating that the student is qualified to graduate or receive a degree or diploma in the University;
- e) receive a certificate of academic record; or
- f) access the University's library or computing and network facilities.

5.47. Where any penalty imposed takes some time to discharge, the Vice-Chancellor may provide written consent for the student to engage in specific activities in section 5.46.

### **Consequence of suspension or termination of enrolment and exclusion**

5.48. While a student is suspended the student must not, without the written consent of the Vice-Chancellor:

- a) attend any classes, including classes conducted online;
- b) sit any examinations;
- c) submit any work for assessment;
- d) gain any credit; or
- e) access the University's library or computing and network facilities.

5.49. While a student is excluded or after a termination of enrolment the student must not:

- a) attend any classes relating to any subject or group of subjects from which the student has been excluded or had enrolment terminated, including classes conducted online;
- b) sit any examinations relating to any subject or group of subjects from which the student has been excluded or had enrolment terminated;
- c) submit any work for assessment in any subject or group of subjects from which the student has been excluded or had enrolment terminated;
- d) gain any credit for work submitted in any subject or group of subjects from which the student has been excluded or had enrolment terminated; or
- e) seek access to, enter upon or otherwise use or enjoy any University premises, facilities, activities, subjects, tutorials or incidents of University life specified in any notice of exclusion issued in accordance with the terms of this policy.

5.50. A student is not entitled to receive any credit for any studies undertaken at the University, or any other institution during a period when the student's enrolment is or was suspended, without the written consent of the Vice-Chancellor.

### **Readmission after expulsion, reinstatement where enrolment suspended and forfeiture of fees**

5.51. After a period of no less than five years since the date of a student's expulsion under the provisions of the Vice-Chancellor Regulation (Part 6 – Student Conduct), or the provisions of the Academic Board Regulation (Part 9 – Student Academic Integrity), the Vice-Chancellor may lift or vary the terms of the expulsion.

5.52. A student may make a written request to the Vice-Chancellor ([vc@unimelb.edu.au](mailto:vc@unimelb.edu.au)) for re-admission to the University, including the provision of a detailed case as to why they should be re-admitted in light of the nature of the conduct for which they were expelled from the University. The Vice-Chancellor may require specific additional documentation to be provided in support of the request.

- a) The Vice-Chancellor may consider the student's written request and then may:
  - i. lift the expulsion unconditionally; or
  - ii. lift the expulsion with conditions; or
  - iii. make no change to the terms of the expulsion.
- b) The Vice-Chancellor will aim to respond to the student's written request within 10 University business days. However, a response may take longer for more complex cases or where significant time has elapsed since the expulsion occurred.

c) Where the Vice-Chancellor decides to lift a sanction under 5.52(a)(i) or (ii), the decision applies solely to sanctions previously placed on admission and enrolment as a result of the expulsion.

d) The Vice-Chancellor's decision to lift a sanction on admission and enrolment does not reinstate the student's place in a course or subject. Where a sanction on admission and enrolment is lifted by the Vice-Chancellor the student:

- will be required to apply for admission to a course or subject and will be subject to the usual competitive selection processes as other applicants; and

- will be subject to section 23 of the Academic Board Regulation, which allows a Dean or Academic Registrar to refuse a student's entry into a course or subject.

The Vice-Chancellor's decision is final and is not subject to appeal within the University.

5.53. A student's enrolment must be reinstated after the expiration of any period of suspension, provided that the student has complied with any terms and conditions imposed as part of the suspension.

5.54. . The Vice-Chancellor may, at the Vice-Chancellor's discretion, reinstate a student's enrolment after the expiration of any period of suspension even though the student has failed to comply with any terms or conditions imposed as part of the suspension.

5.55. No fees paid by a student relating to any period of suspension, exclusion, termination of enrolment or expulsion are refundable.

## Appeals

5.56. Where a decision under this Policy is appealable, any appeal, excluding decisions made under section 5.52, must be made in writing to the Academic Secretary in accordance with the Student Appeals Policy ( [MPF1323](#) ).

## Confidentiality

5.57. Any person or committee who exercises any power or carries out any function under this policy or hears any appeal must treat the matter in the strictest confidence, except where necessary for the discharge of that person's or committee's responsibilities under University policies or as otherwise required or permitted by law.

## Records

5.58. The Academic Registrar must keep a record of all:

- a) findings of student general misconduct; and
- b) penalties imposed in respect of such findings.

5.59. The records form part of the student's disciplinary record and must form part of a student's file which will be made available to persons within the University or outside the University in accordance with the University's Privacy Policy ( [MPF1104](#) ). The disciplinary record does not appear on the academic transcript.

5.60. Prior records may be considered for the purposes of assessing what penalty, if any, should be imposed or recommended under the provisions of this policy and the Vice-Chancellor Regulation in any case where an allegation of misconduct has been upheld or confirmed against a student.

## 6. Roles and responsibilities

Role/Decision/Action	Responsibility	Conditions and limitations
----------------------	----------------	----------------------------

<ul style="list-style-type: none"> <li>■ Receive allegations of student general misconduct</li>   <li>■ Consider allegations of student general misconduct</li>   <li>■ Establishing a student discipline misconduct committee</li>   <li>■ Provision of allegation notice to students</li>   <li>■ Provision of outcome notice to student</li> </ul>	Principal Adviser, Student Conduct, authorised to act by the Academic Registrar	Must be in accordance with the provisions of this policy
Ensure that records are kept of all actions taken under this policy	Principal Adviser, Student Conduct, authorised to act by the Academic Registrar	Must be in accordance with this policy and University Records Management Policy ( <a href="#">MPF1106</a> )
Provision of report on student behaviour to Principal Adviser, Student Conduct, authorised to act by the Academic Registrar	University staff	Report should be in writing and provide sufficient details of the behaviour or incident to facilitate investigation
Ensuring appropriate conduct of student general misconduct discipline committees	Chair of student general misconduct discipline committee	Must be in accordance with the provisions of this policy
Application of appropriate penalty as required	Student general misconduct discipline committee	Must be in accordance with the provisions of the Vice-Chancellor Regulation and this policy

## 7. Definitions

Definitions in the University's [Statute and Regulations](#) apply.

**Academic Registrar** means the office holder duly appointed with that title, or with a title including that term, and includes a person duly appointed to act in the place of that officeholder for the time being.

**computing and network facilities** means computers, computer systems, data network infrastructure, dial ■ in network access facilities, email and other communications and information facilities together with associated equipment, software, files and data storage and retrieval facilities, all of which are owned or operated by the University and form part of the central facilities or the local facilities.

**exclusion** means, except where the context indicates otherwise, denial of access to all or specified university premises, facilities, services, activities, subjects, lectures or tutorials and “exclude” and “excluding” have a corresponding meaning.

**facilities** include University computing and/or network facilities.

**harassment** means any unwelcome behaviour that offends, humiliates or intimidates a person.

**natural justice** or **procedural fairness** means that a person receives a fair and unbiased hearing before a decision is made that will impact on their rights or interests.

**premises** means land or buildings.

**protected attribute** means:

- a) age or age group;
- b) breastfeeding;
- c) employment activity;
- d) family or carer’s responsibilities; parental status or status as a carer;
- e) impairment or disability, whether short term, long term or permanent, including behaviour that is a symptom or manifestation of a disability or a genetic predisposition to that disability;
- f) industrial activity;
- g) lawful sexual activity;
- h) marital or relationship status;
- i) physical features;
- j) political opinion, belief or activity;
- k) pregnancy or potential pregnancy;
- l) race or colour, descent or ancestry, nationality or national origin, ethnicity or ethnic origin, national extraction or social origin;
- m) religious belief or activity;
- n) sex, gender identity or intersex status;
- o) sexual orientation;
- p) personal association with a person who is identified by reference to any of the above attributes; and
- q) any other attribute protected by the Equal Opportunity Act 2010 (Vic) or Commonwealth anti-discrimination legislation.

**senior member of staff** means an academic staff appointed at the classification level C or above, or a member of professional staff appointed at UoM 10 or above.

**senior officer** has the meaning given to it in Part 6 of the [Vice-Chancellor Regulation](#) .

**student** in this policy has the meaning given to it in Part 6 of the [Vice-Chancellor Regulation](#) .

**subject** means a subject offered on an assessed or a non-assessed basis.

**suspension** has the meaning given to it in Part 6 of the [Vice-Chancellor Regulation](#) .

**termination** has the meaning given to it in Part 6 of the [Vice-Chancellor Regulation](#) .

**University** has the meaning given to it in Part 6 of the [Vice-Chancellor Regulation](#) .

**University business day** means a day that is not a Saturday, Sunday or a University holiday as indicated on the University calendar (as amended from time to time).

**University community** has the meaning given to it in Part 6 of the [Vice-Chancellor Regulation](#) .

## **POLICY APPROVER**

Provost

## **POLICY STEWARD**

Principal Adviser, Student Conduct

## **REVIEW**

This policy is due to be reviewed by 30 June 2024.

## **VERSION HISTORY**

<b>Version</b>	<b>Approved By</b>	<b>Approval Date</b>	<b>Effective Date</b>	<b>Sections Modified</b>
1	Provost	19 July 2016	21 July 2016	New policy arising from the Regulatory Framework Review and the Policy Consolidation Project.
2	Principal Adviser, Student Complaints and Grievances	31 August 2016	31 August 2016	Editorial amendment to section 5.10(d) to correct omission regarding training.

3	Provost	16 November 2016	21 November 2016	Change of name and greater focus on DSHB issues and to bring this policy into line with Student Academic Integrity Policy and to ensure that the focus of soon-to-be rescinded student policies are covered by this policy.
4	Principal Adviser, Student Grievances and Complaints	2 December 2016	2 December 2016	Editorial amendment to section 4.1(d) to include link to newly published Appropriate Workplace Behaviour Policy (MPF1328).
5	Provost	13 February 2017	14 February 2017	Added section 4.1(l), incorporating content from previous Privileged Information Accessed through Study Procedure.
6	Principal Adviser, Student Grievances and Complaints	14 February 2017	14 February 2017	Editorial amendment to section 4.1(l).

7	Principal Adviser, Student Grievances and Complaints	20 February 2017	20 February 2017	Editorial amendment to section 4.1(l).
8	Principal Adviser, Student Grievances and Complaints	7 March 2017	7 March 2017	Editorial amendment to section 1(c).
9	Provost	25 May 2017	25 May 2017	Addition of section 4.1 referencing Student Charter.
10	Principal Adviser, Student Grievances and Complaints	7 August 2017	8 August 2017	Editorial amendment to section 4.1(l).
11	Principal Adviser, Student Grievances and Complaints	14 May 2018	8 August 2018	Editorial amendment to section 4.1 to fix broken link to Student Charter.
12	Principal Adviser, Student Grievances and Complaints	29 August 2019	30 August 2019	Editorial amendment to section 5.28 to include link to penalty guidelines.



13	Provost	5 December 2019	6 December 2019	Amendment to 4.2(e) to include reference to the Freedom of Speech Policy (MPF1342).
----	---------	-----------------	-----------------	---

14	Provost	9 December 2020	23 December 2020	<p>Amendments to align with Council approved changes to the Vice-Chancellor Regulation (approved on 9 December 2020), to include a new section on educative responses to student general misconduct, a new section providing guidance on next steps by assessing the severity of alleged student general misconduct, changes to the composition of the student discipline committee to better reflect the business of the student general misconduct disciplinary meeting, changes to referral and notification section to reflect changes throughout, and changes to discipline committee procedures and definitions to reflect the changes to the Vice-Chancellor Regulation. Changes made throughout the policy as recommended by the Diversity and Inclusion Policy Review.</p>
----	---------	-----------------	------------------	---

15	Provost	12 January 2021	19 January 2021	Minor amendments to reflect delegations of s29 of the Vice-Chancellor Regulation.
16	Principal Adviser, Student Grievances and Complaints	21 April 2021	21 April 2021	Editorial change to reflect updated Student Appeals Policy name.
17	Principal Adviser, Student Grievances and Complaints	15 September 2021	22 September 2021	Editorial amendment to section 7.
18	Policy Officer	8 November 2021	8 November 2021	Amended Supporting Process links.
19	Principal Adviser, Student Grievances and Complaints	8 March 2022	10 March 2022	Included references to the Sexual Misconduct Prevention and Response Policy.
20	Council	8 December 2022	22 December 2022	Amendments to reflect changes made to the Vice-Chancellor Regulation and addition of information related to readmission after expulsion and editorial amendments

21	Principal Adviser, Student Conduct	9 January 2022	9 January 2022	Minor amendments to Discipline Committee Procedures and Investigation Rules section and editorial amendments.
22	Principal Adviser, Student Conduct	25 January 2023	25 January 2023	Editorial changes and update to hyperlinks
23	Policy Officer	21 March 2023	21 March 2023	Editorial changes and updates to hyperlinks
24	Policy Officer	4 April 2023	4 April 2023	Amended small formatting inconsistencies.

25	Provost	30 January 2024	31 January 2024	<p>Amendments as a result of the changes to the Vice Chancellor Regulation and simplification of the definition of student general misconduct, together with a few edits required for clarity.</p> <p>Amended review date from 31st October 2023 to 30 June 2024 to acknowledge changes so far and allow additional time for a comprehensive cyclical review by June 2024.</p>
----	---------	-----------------	-----------------	--