



**Document Control**

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## Student Non-Academic Misconduct Policy

### 1. Introduction

KOI is committed to providing a fulfilling and rewarding learning experience that assists students to achieve their full academic potential. KOI relies on the behaviour of all its students to contribute to the achievement of this commitment and maintain a safe, ethical, harmonious and tolerant study environment.

The key expectations of student behaviour at KOI are:

- acknowledgement that all members of the KOI student community have individual *rights*
- respect for the rights of others
- recognition that rights come with *responsibilities*

This policy applies to any misconduct committed by a KOI student on a KOI campus or while using KOI services or facilities, whether or not in connection with an academic program. This Policy also applies if the misconduct is committed while performing tasks as part of an academic program while the student is located elsewhere than on a KOI campus.

A student who does or attempts to do any of the things set out in Section 2 of this Policy is guilty of non-academic misconduct. For other forms of misconduct relating to academic integrity see KOI's *Student Academic Misconduct Policy*. These policies should be read in conjunction with the *Complaints and Appeals Policy*.

If students are in doubt about any aspect of their conduct or that of others they should normally raise these matters with KOI academic staff or management in the first instance. All such enquiries will be treated in the strictest confidence.

### 2. Non-Academic Misconduct

A student is guilty of non-academic misconduct if he/she, without reasonable cause:

- i. breaches any KOI non-academic policy or rule
- ii. fails to comply with a lawful direction, order or request of any KOI staff member, and/or obstructs or attempts to interfere with a KOI staff member's lawful performance of their duty
- iii. fails to follow normal safety practices (e.g. follow directions both written and verbal given by KOI staff)
- iv. damages or steals property of KOI, or any person on KOI premises, or any other organisation while the student is performing tasks as part of an academic program
- v. enters a KOI campus with drugs, alcohol or weapons or enters a KOI campus under the influence of drugs or alcohol
- vi. smokes anywhere in campus buildings, or within 4 (four) metres of any building entrance where KOI is located
- vii. uses offensive or threatening language or behaviour
- viii. harasses, vilifies, bullies, intimidates or threatens any KOI staff member or student
- ix. unlawfully assaults, attempts to assault, or threatens to assault any person or causes any person to hold reasonable fear for his or her safety or physical or psychological well-being
- x. does anything which disrupts the peace or good order of KOI or brings KOI into disrepute
- xi. discloses confidential information concerning any matter relating to KOI, or any of its staff or students where there is no reasonable or lawful justification for doing so
- xii. misuses the information technology facilities (including software) or communication facilities of KOI to engage in illegal activity (for example, computer hacking or infringing copyright)



- xiii. publishes or distributes recordings of classes without permission of the unit coordinator.
- xiv. makes a false representation regarding a matter affecting him or her as a student of KOI
- xv. alters or falsifies an academic transcript or other document provided by KOI, or purported to be provided by KOI
- xvi. fails to comply with any decision or order made under this policy.

### 3 Alleged Breaches of the Student Non-Academic Misconduct Policy

Serious breaches may be reported directly to the relevant Deputy Dean and/or the CEO and Dean. Where the allegation appears to be in breach of the law, KOI will report the activity to the relevant authority.

All other allegations of student non-academic misconduct will be managed using the following process:

- 3.1 Alleged breaches of the *Student Non-Academic Misconduct Policy* may, in the first instance, be reported to any KOI staff member verbally. As soon as practicable, the breach should be reported using the *Student Misconduct Form* (see Attachment 1), by either the person making the allegation, or the KOI staff member to whom the allegation has been made.
- 3.2 The *Student Misconduct Form* will be passed to the Academic Manager for investigation. The Academic Manager will review all the evidence and provide a report to the Deputy Dean. If the Deputy Dean decides to proceed against a student, the Academic Manager must give notice of the allegation to the student against whom the allegation has been made. The allegation notice must:
  - provide details of the alleged misconduct;
  - state the relevant sub-section(s) of Section 2 that are alleged to have been breached and then quote the relevant sub-section(s);
  - if the allegation is related to a breach of any KOI Policy or rule, the relevant Policy or rule must be specified
  - explain the process that will be followed
  - include a copy of this policy.
- 3.3 During the investigation, the Deputy Dean may, in accordance with the principles of natural justice and procedural fairness, conduct hearings, authorise investigations, and seek written or oral submissions from anyone who the Deputy Dean believes can assist in his/her deliberations by way of evidence or expert opinion.
- 3.4 During the investigation, all parties have the following rights:
  - to be present or make an oral presentation to anybody convened to hear the allegation and respond to questions
  - to be accompanied and assisted by a support person chosen by them at any relevant meetings but may not have legal representation
  - to receive and respond to any documentation, as appropriate, that is submitted in connection with an allegation
  - to have an allegation treated confidentially with details only disclosed with permission, unless KOI has reasonable grounds for believing the information will be a threat to the life or health of any person, or the disclosure is authorised by law
  - to be given a copy of outcomes and reasons in writing by the reporting body, through the CEO and Dean.
- 3.5 On reaching a decision regarding the allegation, the Deputy Dean may
  - dismiss the allegation and advise all relevant parties of the reasons for dismissing the allegationor
  - find the allegation proved
  - recommend a penalty or further action
  - advise the CEO and Deanas appropriate.



3.6 If the allegation is considered proven, the Deputy Dean will make an order to apply the following penalties as appropriate:

- reprimand the student
- impose a probationary enrolment, provisional on the student's good behaviour
- suspend the student from accessing or using all or any specified KOI facilities or services for a specified period not exceeding six months
- refuse or cancel credit for any course
- exclude the student, (and for students holding an *International Student Visa*) report the student to the Department of Immigration and Border Protection (DIBP)
- cancel or revoke an award
- nominate any other remedial action that appears appropriate given the nature and seriousness of the offence

In making an order to apply an appropriate penalty, the Deputy Dean must decide on a penalty that is proportionate to the misconduct and having regard to what is just in all the circumstances.

3.7 The Academic Manager will communicate the outcomes of the investigation, including penalties, to all involved parties as appropriate:

- verbally to relevant parties
- in writing (email and a letter via registered mail) to the student against whom the allegation is proven (copy placed on the student's file).

3.8 When advising the student against whom the allegation of misconduct has been found, the Academic Manager will include the following information:

- the details of the allegation
- the reasons / evidence on which the allegation is proven
- the penalties imposed, including timeframes
- the student's right of appeal as per the *Complaints and Appeals Policy*
- a copy of the *Complaints and Appeals Policy*.

## 4. Appeals

### 4.1 Right to Appeal

If dissatisfied with the outcome of a misconduct offence, students have the right to appeal.

The first stage for an appeal is through informal consultation. The student should seek a meeting with the Academic Manager to discuss the outcome of the case. Any such request should be made within ten (10) working days of the date of the letter from the Academic Manager in which the decision on the misconduct was notified.

If the student remains dissatisfied, there are options for a *Final Internal Appeal* and *External Appeal*. Full details of the *Final Internal Appeal* and the *External Appeals Process* are found in the *Complaints and Appeals Policy*.

### 4.2 Formal Appeal Procedures

Students who wish to appeal formally must lodge their appeal in writing within ten (10) working days of receipt of an official notification from KOI of the decision or matter they wish to appeal. Receipt of the appeal will be notified to the student by the Academic Manager.

A student can appeal on one of the following grounds:

- procedural grounds, i.e. where it is thought that the *Misconduct Procedures* were not followed;
- severe extenuating circumstances which must be validated with supporting documentation; or a letter of support from the KOI Student Counsellor.

The appeal should include the following details:

- the student's full name (family/surname and first name), student number and contact details;
- the nature of the decision or matter being appealed;
- the basis for the appeal;



- details of the specific outcome(s) sought by the student; and
- copies of all relevant documents.

The student appeal, together with all relevant supporting material, will be submitted by the Academic Manager to the CEO and Dean for resolution. The CEO and Dean or designated person may appoint an Appeals Committee to review the grievance and make final decisions based on all the evidence, with this committee to be the final point of appeal within KOI, or appoint a mediator to try to resolve the matter. The CEO and Dean, designated person or committee may interview the student and anyone who may have information about the case.

The CEO and Dean will advise the student in writing of the decision on their appeal within twenty (20) working days from the date the appeal is submitted. If the student's appeal is unsuccessful the notification will acknowledge their circumstances and explain why their appeal has been unsuccessful.

Should the student remain dissatisfied with the outcome, there remains a further avenue for *External Appeal*. The *Complaints and Appeals Policy* details the process for External Appeal.

If the appeal is successful, the offence will be removed from the *Misconduct Database* and the student's academic record.

### 4.3 Rejection of an Appeal

An appeal at any level may be rejected if:

- no reasonable grounds are stated for the appeal;
- no new or different grounds are stated for the appeal from those already considered by the previous hearing/adjudicator;
- the student has not ensured that they are in a position to receive all notifications from KOI. Late or non-receipt of official letters will not be accepted as grounds for appeal if changes of address have not been notified and received by KOI; or
- the appeal is lodged outside the time limits stipulated in the *KOI Appeals Procedures*.

### 4.4 External Appeal

If the internal appeal to the CEO and Dean is unsuccessful and the student remains dissatisfied with the outcome of the *Formal Procedure*, the student may request that the matter is dealt with through an External Dispute Resolution process. There are avenues for external dispute resolution which can be followed by any student who believes that an appeal has not been satisfactorily resolved. Any student is entitled to take a matter outside KOI, however students seeking external review in the first instance are encouraged, and often directed by external bodies to seek internal resolution of their complaint or grievance first.

- a) *External Mediation*. The student may contact KOI's *External Mediator* and request mediation of an unresolved complaint and appeal. LEADR is KOI's current *External Mediator*. Complainants can apply for *External Mediation* by completing the *Application for External Review* (available from KOI Reception or downloaded directly from LEADR's website <http://www.leadriama.org/membership-information/student-mediation-scheme>). KOI will cover the fee charged by the *External Mediator*.

Details of LEADR's *Student Mediation Scheme* can be found at <http://www.leadriama.org/documents/item/1205>

LEADR's contact details are:

Level 1, 13-15 Bridge St, Sydney NSW 2000 Australia

T: + 61 2 9251 3366 F: + 61 2 9251 3733

E: [leadr@leadr.com.au](mailto:leadr@leadr.com.au) [www.leadr.com.au](http://www.leadr.com.au)

- b) *Overseas Student Ombudsman (OSO)*. The OSO investigates complaints about problems that overseas students have with private education and training in Australia. Contact details for the OSO are: telephone 1300 362 072; email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au) website: [www.oso.gov.au](http://www.oso.gov.au).



## 5. Privacy

KOI will maintain the confidentiality and privacy of student information. However, information collected from students may, as required in accordance with the Higher Education Support (HES) Act 2003 and other legislation be provided to the Department of Education, Department of Immigration and Border Protection and Commonwealth, State or Territory Government agencies.

KOI is bound by the *Privacy Act 1988* and the *Australian Privacy Principles (APPs)* under the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* with respect to the collection, use and disclosure of personal information. Please see KOI's Privacy policy [www.koi.edu.au](http://www.koi.edu.au) for more information.

\*\*\*\*\* END OF POLICY \*\*\*\*\*