



**IHM**<sup>®</sup>  
*Institute of Health and Management*

# **Student Misconduct Policy and Procedure**

### Purpose

The purpose of this policy is to ensure that incidents of misconduct on the part of students are responded to and addressed in a manner that is fair, equitable and appropriate and in accordance with other IHM policies and the law.

### Scope

This policy applies to all current students. It also applies to those IHM staff and members of governing bodies who are involved in the reporting and hearing of matters of misconduct.

### Responsibility

Formal hearing of matters of misconduct is the responsibility of the Academic Board. Responsibility for matters of misconduct resolved informally rests with relevant staff.

### Definitions

#### Misconduct

Actions, that can be resolved either formally or informally, which have or potentially have a negative effect on members of the IHM and the broader community

#### Serious misconduct

Misconduct which requires formal resolution because it either:

1. Violates a criminal law or;
2. Causes a risk, in any of the categories of risk set out in the Quality Assurance and Risk Management Policy and Procedure (academic, financial, health and safety, legal, reputational, security and regulatory), to IHM or to any student, staff member or other person that is considered a high magnitude risk when evaluated in accordance with the IHM risk management framework.

#### Reporting

Any accusation of misconduct in which a serious violation of criminal law is identified during initial investigation will immediately be referred to the police.

IHM will also meet any applicable reporting obligations under the Education Services for Overseas Students Act 2000 where accusations of misconduct relate to overseas students.

### Principles

#### Onus of proof

The onus of proof, in the event of an accusation of student misconduct, rests with the accuser and those investigating on their behalf. For the accusation to be upheld, the evidence must be sufficient to demonstrate beyond reasonable doubt that the accusation is substantiated.

#### Maintaining enrolment during investigation

A student's enrolment status is maintained and they may continue to undertake all of their study activities during the process of investigating an accusation of misconduct.

### Informal resolution

Wherever possible, accusations of misconduct will be resolved informally. Informal resolution will not be possible if:

1. Initial investigation reveals evidence of serious misconduct (see definitions);
2. The accused student wishes to have the matter dealt with through a formal procedure or;
3. The accused student appeals a decision that has been made informally.

### Confidentiality

Any person making an accusation has a right to confidentiality. Their identity will not be disclosed to the student against whom the accusation is made, or to any other party, without their informed consent. Where a formal resolution procedure involves other parties, the person making the accusation will be informed of the procedure and may choose to have their identity withheld from any or all of the other parties involved. They may choose to give an anonymous written statement, rather than giving evidence in person.

### Evidence

Evidence used to substantiate an allegation of student misconduct will be accurately and thoroughly documented. Evidence from sources that have a potential conflict of interest, hearsay evidence and evidence given under duress, will not be considered.

## Procedures

### Informal resolution

The following procedure is followed if an accusation of misconduct is made that can, in accordance with the principle of Informal Resolution set out above, be resolved informally:

1. Staff member receives an accusation of student misconduct;
2. Staff member refers the matter to the Student's Course Coordinator, or, if the Course Coordinator has a potential Conflict of Interest, to the Director of Studies;
3. The Course Coordinator or Director of Studies reviews evidence and investigates the accusation, then makes a decision as to whether it is substantiated;
4. The Course Coordinator or Director of Studies and one other staff member not directly involved deliberate upon the severity of the misconduct and identify an appropriate outcome;
5. The outcome is communicated in writing to both the student and the person making the accusation and the accused student will be given ten business days to appeal the decision before any punitive measures are implemented.

### Formal resolution

Where an accusation of student misconduct cannot be resolved informally, in accordance with the principle and procedure for Informal Resolution, the following procedure will apply:

1. A staff member who is not the person making the accusation, documents the accusation and any relevant evidence identified through an initial investigation using a Student Misconduct Report Form;
2. The staff member forwards the form to the secretary of the Academic Board;

3. Committee members deliberate upon the evidence. Both the student accused of misconduct and the person making the accusation may choose to attend the meeting and may choose to be accompanied by an advocate or to have an advocate attend on their behalf;
4. The committee members may:
  - a. Uphold the accusation;
  - b. Reject the accusation or;
  - c. Arrange for further investigation to occur before making a decision at a subsequent meeting;
5. Both the student accused of misconduct and the person making the accusation are informed in writing of the outcome and any action that is to be taken. At this stage there is no other avenue of internal appeal, but either party may, and is advised in the written notification of their right to, seek further appeal through an external body or authority.

### Appeal

Where an accusation of misconduct is resolved in accordance with the Informal Resolution Procedure, either party may appeal by following the procedure for Formal Resolution and the outcome of that procedure will overrule any decision made informally. Where an accusation of misconduct has been resolved in accordance with the procedure for Formal Resolution, either party may seek further appeal through an external body such as a court or tribunal and is advised of their right to do so.

### Supplementary Information

**Related policies/procedures:** Student Complaints and Appeals Policy and Procedure

**Benchmarking:** Not applicable

**Supporting research and analysis:** Not applicable

**Related legislation:**

- Privacy Act 1988
- Information Privacy Act 2000 (VIC)
- Privacy and Personal Information Act 1998 (NSW)
- Criminal Procedure Act 2009

**Guidelines:** Student Code of Conduct

<b>Name of Document</b>	<b>Student Misconduct Policy and Procedure</b>
<b>Approval Committee</b>	Board of Governance
<b>Endorsement Committee</b>	Academic Board
<b>Policy Status</b>	Amended
<b>Date of Approval</b>	
<b>Responsibilities for Implementation</b>	Senior Academic Team

<b>Key Stakeholders</b>	<ul style="list-style-type: none"> <li>• CEO</li> <li>• Director of Studies</li> <li>• Chair of the Academic Board</li> <li>•</li> </ul>
<b>Date for Next Review</b>	
<b>Policies Superseded by this Policy</b>	None

### Acknowledgement

- University of Sydney