

## STUDENT MISCONDUCT PROCEDURES

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| <b>Purpose</b>     | The purpose of this document is to set out the procedures for dealing with a breach of NIDA's Student Code of Conduct or other NIDA policies.   |
| <b>Scope</b>       | <p>This procedure applies to all students enrolled in the higher education courses at NIDA.</p> <p>These procedures do not preclude NIDA from instituting civil or criminal proceedings.</p>  |
| <b>Definitions</b> | <p>The Student Code of conduct provides a framework for the conduct expected of students of NIDA while at NIDA or involved in NIDA related activities.</p> <p>Misconduct is a breach of the NIDA Student Code of Conduct or other NIDA policies and may lead to disciplinary action by NIDA</p> <p>Procedural fairness means the right to a fair hearing. It involves:</p> <ul style="list-style-type: none"> <li>• ensuring there is a proper investigation of the facts;</li> <li>• the opportunity for all parties to be heard, including for those who have had a complaint made against them to be aware of the allegations against them and to respond;</li> <li>• ensuring all parties are informed of the procedures under which the matter is being handled and are given a copy of the relevant policy and procedure document;</li> <li>• ensuring there is a proper investigation of the facts and that all relevant submissions and any mitigating factors are taken into account</li> <li>• ensuring that the investigation is concluded promptly</li> <li>• the right to have any material considered by an unbiased, impartial decision-maker</li> <li>• advising all parties that disciplinary penalties may apply</li> </ul> |
| <b>Procedure</b>   | <p>Allegations of misconduct must be made in writing to the Director Student and Staff Services. Allegations must be supported by evidence.</p> <p><b>The Investigation</b></p> <p>The Director, Student and Staff Services will investigate the allegation and will prepare a report for the Director/CEO on the findings of the investigation. The Director/CEO will make a determination and the student will be advised accordingly.</p> <p>The student will typically be notified in writing to their NIDA student email address within ten working days of the receipt of</p>   |

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|  | <p>the written allegations. Formal investigations will usually be commenced within twenty working days.</p> <p>After evaluating the evidence presented, it should be considered whether it is more likely than not, on the balance of probability, that the allegation/s or any number of the allegations against the student are proven.</p> <p><b>The Determination</b></p> <p>As a result of the investigation, it may be determined:</p> <ul style="list-style-type: none"><li>• to dismiss the allegations, if they have not been proven;</li><li>• to impose no penalty because no penalty is warranted.</li></ul> <p>As a result of the investigation it may be determined that NIDA will take one or more of the following actions:</p> <ul style="list-style-type: none"><li>• to require the student/s to enter into mediation with relevant parties;</li><li>• in the case of academic misconduct, to issue a formal reprimand or warning, to reduce the student's marks or fail the student in the subject or course or to require remedial educative action</li><li>• to issue a formal reprimand or warning to the offending student</li><li>• to withdraw student access to some or all NIDA activities, facilities or services for a specific period of time</li><li>• to require access under certain conditions</li><li>• to require restitution of damages</li><li>• to require a formal apology to be made to the relevant party</li><li>• to require the student to enter into mediation</li><li>• to suspend the student from NIDA and NIDA courses for a period of any duration up to the end of the current academic year</li><li>• to exclude the student from NIDA for a period of up to 24 months, including the option of conditional return from exclusion</li><li>• require such other penalty or action as may be appropriate</li></ul> <p>The determination will be confirmed in writing giving reasons and the detail of any penalty typically within five working days of the conclusion of the investigation.</p> <p>Students have up to ten working days in which they may appeal the decision to issue them with a penalty, including suspension or exclusion. An appeal against a finding of non-academic misconduct or against any specific penalty will be treated in accordance with NIDA's Grievance Policy and Procedures: Non Academic Matters. An appeal against a penalty for academic misconduct will be treated in accordance with NIDA's Grievance Policy and Procedures: Academic Matters.</p> <p>The imposition of the penalty will not take effect until after the</p> |
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|   | <p>conclusion of the appeals process, unless there are exceptional circumstances involving the safety of others or the proper functioning of NIDA that requires that the student not be permitted to attend NIDA.</p> <p>If the student is an overseas student studying in Australia then NIDA will inform the student that suspension or exclusion from NIDA may affect their student visa. NIDA will also notify the Secretary of the relevant Australian Government Department of its decision as is required under Section 19 of the ESOS Act.</p> <p>Students suspended or excluded from NIDA in accordance with this policy shall not be entitled to any refund of course fees.</p> <p>In cases where the Director / CEO takes disciplinary action involving withdrawal of access for a student to some or all NIDA activities, facilities or services for a specific period of time or to suspend a student from NIDA and NIDA courses for a period of any duration up to the end of the current academic year or to exclude a student from NIDA for a period of up to 24 months, including the option of conditional return from exclusion, the Director / CEO will submit a written report to the next meeting of the Board of Directors.</p> |
| <b>Related policies, procedures and documents</b> | <ul style="list-style-type: none"> <li>• Student Code of Conduct</li> <li>• Grievance Policy and Procedure: Non Academic Matters</li> <li>• Grievance Policy and Procedure: Academic Matters</li> <li>• Student Handbook</li> </ul>  |
| <b>Responsibility for implementation</b>          | Director, Student and Staff Services   |
| <b>Approval body</b>                              | Board of Directors   |
| <b>Date originally approved</b>                   | 24 October 2013  |
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| <b>Contact position</b>                           | Director, Student and Staff Services   |
| <b>TRIM Record No</b>                             | 14/06494   |