

Regulations for Student Conduct and Discipline

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Definitions

1.(1) In these Regulations—

- (a) 'member of the University' means a member of the [Senate](#), a member of [Convocation](#), a member of the University staff or a student as defined in paragraph (e);
- (b) 'misconduct' means—
 - (i) an act or omission of a student which is prohibited by a University [Statute](#), [regulation](#), [rule](#), [by-law](#), [Code of Conduct](#) or [policy](#) or Senate Resolution, or by an order made under a University Statute, regulation, rule, by-law or Senate Resolution; or
 - (ii) any conduct on the part of a student which impairs the reasonable freedom of other members of the University to pursue their studies or researches, or the reasonable freedom of persons to express their opinions within the University, or to participate in the life of the University, or which impairs University administration;
- (c) 'academic misconduct' as defined in the [University Policy on: Academic Integrity](#), is any activity or practice engaged in by a student that breaches explicit guidelines relating to the production of work for assessment, in a manner that compromises or defeats the purpose of that assessment;
- (d) 'professional misconduct' is inappropriate behaviour by a student of the University whilst undertaking a component of their course of study either internally or externally (that is, professional/clinical placement, field trip, inter-institutional units) that, while not constituting academic misconduct, constitutes a breach of standards of professional conduct expected within that field of study;
- (e) 'student' means a person enrolled in an award course of the University, whether in Perth or elsewhere, or enrolled through University Extension as a continuing education student in units offered within award courses of the University;
- (f) 'University' when used to describe a locality includes all the land and buildings over which the Senate exercises control whether because the University is the proprietor of the land or building, or because University activities are carried out on the land or in the buildings;
- (g) 'University working days' means those weekdays not specified as University Holidays in the University's [Principal Dates](#);
- (h) reference to a person by the appointment, position or office held includes reference to a person for the time being acting in the appointment, position or office, or to a person's deputy acting in their absence;
- (i) terms in the singular include the plural, and terms in the plural include the singular.

1.(2) Without limiting the generality of the definition in sub-regulation (1), examples of misconduct are set out in [Schedule 1](#).

Purpose of Regulations

2.(1) The purpose of these Regulations is to inform students of behaviour which the University regards as misconduct, to implement fair and just procedures for dealing with cases of possible misconduct and to provide for the imposition of penalties for misconduct.

2.(2) These Regulations are to be read in conjunction with the [University's Guidelines on Academic Integrity](#).

Penalties

3.(1) Subject to the provisions of Regulations [6](#) to [14](#), the penalties that may be imposed for misconduct are:

- (a) fines up to the equivalent of the minimum fortnightly living allowance payable to an independent student under the provisions of [Austudy](#), [Abstudy](#), [Youth Allowance](#), or any other Commonwealth undergraduate student support scheme that may replace them in future;
- (b) cancellation of an award, scholarship or bursary awarded by the University;
- (c) cancellation or restriction of any or all of the following rights and privileges:

- (i) attendance at lectures, seminars, tutorials and other classes;
 - (ii) use of laboratories or other University facilities or parts of them;
 - (iii) attendance at an examination or test or any part of them;
 - (iv) entitlement to the results of any unit, examination or test or of any part of them;
 - (v) attendance at the University or any part of it;
- (d) cancellation or deprivation of credit either for the piece of assessable work in relation to which misconduct occurred or for the whole unit of which the piece of assessable work is a component or for all units a student is currently enrolled in within a course, but only if the misconduct involved acting dishonestly or unfairly;
- (e) requirement to do further work or repeat work within the unit or course in relation to which misconduct occurred;
- (f) exclusion from enrolment in all courses or units offered by the University for a period of up to one academic year;
- (g) cancellation of a student's current enrolment in any course or unit offered by the University;
- (h) penalties set out in other [regulations](#), or in a University [statute](#), [rule](#), [by-law](#), or [Senate](#) resolution;
- (i) expulsion from the University;
- (j) non-conferral of a degree, diploma or other award to which the student would otherwise have been entitled.

3.(2) Academic penalties can only be applied where academic misconduct has been proven.

3.(3) Guidelines for the application of penalties in relation to academic misconduct are as set out in the [University Policy on: Academic Integrity.](#)

Other provisions relating to penalties

- 4.(1) A person or body authorised to impose a penalty under a University statute, by-law, regulation, rule or Senate resolution, may caution or reprimand the student in addition to or, except in cases of academic misconduct, instead of, any other penalty that may be imposed.
- 4.(2) More than one penalty may be imposed but the total extent of penalties imposed must not be more than is warranted by the nature and severity of the misconduct.
- 4.(3) The person or body imposing a penalty may suspend it either until the time for appealing against it has expired or on such terms and conditions, including undertakings by the student, as the person or body granting the suspension thinks fit.
- 4.(4) In addition to, or instead of, any penalty imposed, the [Deputy Vice-Chancellor \(Education\)](#) or [Director of Student Life](#) may require a student to pay to the University all or part of the cost of repairing or replacing any property lost, damaged or destroyed as a result of the misconduct.
- 4.(5) A student expelled from the University is not permitted to re-enrol except with the permission of the [Deputy Vice-Chancellor \(Education\)](#).
- 4.(6) Unless the [Director of Student Life](#) in recognition of a student's circumstances permits payment over a longer period, a fine imposed under these regulations must be paid within 10 University working days of its notification to the student.
- 4.(7) Unless the [Deputy Vice-Chancellor \(Education\)](#) decides otherwise, a student who has not paid a fine or any fees or other debts due and payable by them to the University, is not, so long as the fine, fees or other debts remain unpaid—
- (a) permitted to re-enrol;
 - (b) informed of results of examinations;
 - (c) granted credit for a course or unit; or
 - (d) given a degree, diploma or other award.
- 4.(8) If a student charged with misconduct is eligible for conferral of an award, a decision on whether or not the award will be conferred must not be made until after the charge has been dealt with in accordance with these Regulations.
- 4.(9) In addition to the provisions of sub-regulation (7) and (8), the [Director of Student Life](#) may suspend all or any of a student's rights and privileges as set out in paragraph [3.\(1\)\(c\)](#) if the student does not pay a fine within the time specified in sub-regulation (6).
- 4.(10) Any suspension imposed by the [Director of Student Life](#) under sub-regulation (9) ceases to have effect on payment of the overdue fine in respect of which it was imposed.

Powers of staff to impose penalties

5.(1) Members of staff may impose penalties for instances of misconduct by a student as set out in Regulations [6](#) to [13](#).

5.(2) Procedural responsibilities of staff in relation to alleged academic misconduct by students and guidelines for applying penalties are as set out in the [University Policy on: Academic Integrity](#).

5.(3) A member of staff who believes that an instance of misconduct warrants a penalty which is greater or more appropriate than those within their power to impose, may refer the instance to one of the members of staff specified in Regulations [8](#) to [13](#) who have the power to impose a greater or more appropriate penalty. (For procedures relating specifically to alleged academic misconduct refer also to the [University Policy on: Academic Integrity](#).)

5.(4) A member of staff who believes that an instance of misconduct warrants a hearing before a [Board of Discipline](#) may refer the instance, through the relevant head of school or through the [Director of Student Life](#) to the [Deputy Vice-Chancellor](#) who will determine what action to take.

5.(5) A member of staff may obtain advice from the [University Secretary](#) on the most appropriate member of staff to deal with an instance of misconduct.

5.(6) A member of staff imposing a penalty must have regard to—

- (a) the nature and severity of the misconduct;
- (b) the principle that academic penalties may only be imposed for misconduct which is primarily of an academic nature;
- (c) previous penalties imposed on a student for misconduct in accordance with these Regulations;
- (d) the [University Policy on: Academic Integrity](#) for instances of alleged academic misconduct;
- (e) any relevant mitigating circumstances.

Powers of members of the Academic Staff and Unit Coordinators of the University

6.(1) A member of the academic staff who determines that a student has committed an act of misconduct by disrupting a lecture, seminar, tutorial, laboratory or other class or library session conducted or supervised by the member of staff, may do one or more of the following -

- (a) suspend any or all of the student's rights and privileges with respect to attendance at or participation in the activity concerned for a period not exceeding one University working day;
- (b) if necessary require through a security officer that the student immediately leave the activity which the student has disrupted.

6.(2) A member of academic staff who suspends any or all of a student's rights and privileges in accordance with sub-regulation (1) must report this matter in writing to the relevant head of school within five University working days.

6.(3) A member of academic staff who is also the unit coordinator of the unit in which academic misconduct occurred, may do one of the following in accordance with the level of academic misconduct as outlined in the [University Policy on: Academic Integrity](#) –

- (a) require the student to resubmit a revised assessment item or to do further work for the assessment item in the unit in accordance with paragraph 3(1)(e);
- (b) deduct marks for an assessment item in accordance with paragraph 3(1)(d);
- (c) award a mark of zero for the assessment item in accordance with paragraph 3(1)(d)

6.(4) Specific procedural responsibilities of members of the academic staff and unit coordinators in relation to instances of alleged academic misconduct are as set out in the [University Policy on: Academic Integrity](#).

Powers of members of the Professional and General Staff of the University

7.(1) A member of the professional and general staff who is responsible for the operation or maintenance of any of the University's facilities or processes and who determines that a student has committed an act of misconduct by obstructing or interfering with the operation or maintenance of these facilities or processes, may do one or more of the following —

- (a) suspend all of the student's rights and privileges with respect to those facilities or processes for a period not exceeding one University working day;
- (b) if necessary require through a security officer that the student immediately leave the vicinity where the misconduct has occurred.

7.(2) A member of the professional and general staff who suspends any or all of a student's rights and privileges in accordance with sub-regulation (1) must report this matter in writing to the relevant head of school or, for staff in central administration, to the [Director of Student Life](#) within five University working days.

Powers of the University Librarian

8.(1) If the [University Librarian](#) determines, after appropriate investigation which must include the offer of an interview with the student concerned, that a student has committed an act of misconduct in or in relation to the library they may do one or more of the following —

- (a) fine the student in accordance with the provisions of the [Library Rules](#);
- (b) suspend the student's borrowing privileges in accordance with the provisions of the Library Rules;
- (c) suspend the student for a period not exceeding seven calendar days from any of the student's rights and privileges in relation to the Library;
- (d) exclude the student for a period not exceeding seven calendar days from the Library premises; and
- (e) refer to the relevant head of school or [Deputy Vice-Chancellor](#) an instance of misconduct which obstructs or interferes with the academic progress of other students.

8.(2) The University Librarian must within ten University working days of receiving notification of a case of alleged misconduct—

- (a) provide the student concerned with written notification of any penalty imposed under this clause and, except for breaches of the Library Rules which are in the opinion of the Librarian straightforward and for which a specific penalty is prescribed in the Library Rules, of the student's rights of appeal; and
- (b) in all instances of misconduct record the case in the University's confidential case management system; and
- (c) forward a copy of written notification sent to the student to [Archives and Records Management Services](#) to be placed on a confidential file for the student.

Powers of a School Academic Integrity Officer

9.(1) If a school academic integrity officer determines, after appropriate investigation which must include the offer of an interview with the student concerned, that a student enrolled in a unit offered by the school has committed an act of academic misconduct,, they may do one or more of the following —

- (a) suspend the student for a period not exceeding seven calendar days from all or any rights and privileges specified in paragraph [3\(1\)\(c\)](#) within the department;
- (b) cancel or deprive the student of credit for the piece of assessable work in relation to which misconduct occurred or for the whole of the unit of which that piece of assessable work is a component in accordance with the level of misconduct as outlined in the [University Policy on: Academic Integrity](#);
- (c) require the student to do further work or repeat work within the unit or subject area in relation to which misconduct occurred.
- (d) recommend to the head of school a grade of N Fail for all units a student is currently enrolled in within a course in in accordance with paragraph [3\(1\)\(d\)](#),

9.(2) The school academic integrity officer concerned must within 10 University working days of determining the outcome of an alleged case of misconduct—

- (a) provide to the student concerned written notification of the outcome and of any penalty imposed under this clause and the student's rights of appeal;
- (b) in all instances of misconduct record the case in the University's confidential case management system; and
- (c) forward a copy of written notification sent to the student to [Archives and Records Management Services](#) to be placed on a confidential file for the student.

9.(3) Specific procedural responsibilities of heads of school in relation to instances of alleged academic misconduct and guidelines for applying penalties are as set out in the [University Policy on: Academic Integrity](#).

Powers of a Head of School

10.(1) If a head of a school determines, after appropriate investigation, which must include the offer of an interview with the student concerned, that a student enrolled for a degree within the school has committed an act of misconduct they may do one or more of the following —

- (a) fine the student in accordance with the provisions of [paragraph 3\(1\)\(a\)](#);

- (b) suspend the student for a period not exceeding seven calendar days from all or any rights and privileges specified in [paragraph 3\(1\)\(c\)](#) within the faculty;
- (c) cancel or deprive the student of credit for either the piece of assessable work in relation to which misconduct occurred or for the whole of the unit of which that piece of assessable work is a component or for all units currently enrolled in within a course, in accordance with the level of academic misconduct as outlined in the [University Policy on: Academic Integrity](#);
- (d) require the student to do further work or repeat work within the unit or subject area in relation to which misconduct occurred;
- (e) subject to the approval of the [Deputy Vice-Chancellor \(Education\)](#), cancel a student's current enrolment in any course or unit offered by the University; or
- (f) subject to the approval of the [Deputy Vice-Chancellor \(Education\)](#), exclude a student from enrolment in all courses or units offered by the University for a period of up to one academic year.

10.(2) The head of school concerned must within 10 University working days of determining the outcome of a case of alleged misconduct—

- (a) provide to the student concerned written notification of the outcome and of any penalty imposed under this clause and the student's rights of appeal;
- (b) in all instances of misconduct record the case in the University's confidential case management system; and
- (c) forward a copy of written notification sent to the student to [Archives and Records Management Services](#) which will be placed on a confidential file for the student.

10.(3) Specific procedural responsibilities of a head of school in relation to instances of alleged academic misconduct and guidelines for applying penalties are as set out in the [University Policy on: Academic Integrity](#).

Powers of the Dean of the Graduate Research School

11.(1) If the Dean of the [Graduate Research School](#) determines, after appropriate investigation which must include the offer of an interview with the student concerned, that a student has committed an act of misconduct in relation to postgraduate research studies, they may do one or more of the following —

- (a) fine the student in accordance with the provisions of [paragraph 3\(1\)\(a\)](#);
- (b) suspend the student for a period not exceeding seven calendar days from all or any rights and privileges specified in [paragraph 3\(1\)\(c\)](#);
- (c) cancel or deprive the student of credit for either the piece of assessable work in relation to which misconduct occurred or for the whole of the unit of which that piece of assessable work is a component or all units a student is currently enrolled in within a course or equivalent in accordance with the level of misconduct as outlined in the [University Policy on: Academic Integrity](#);
- (d) require the student to do further work or repeat work within the unit or subject area in relation to which misconduct occurred;
- (e) subject to the approval of the [Deputy Vice-Chancellor \(Research\)](#), cancel a student's current enrolment in any course or unit offered by the University; or
- (f) subject to the approval of the [Deputy Vice-Chancellor \(Research\)](#), exclude a student from enrolment in all courses or units offered by the University for a period of up to one academic year.

11.(2) The Dean of the Graduate Research School must within 10 University working days of determining the outcome of a case of alleged misconduct—

- (a) provide to the student concerned written notification of the outcome and of any penalty imposed under this clause and the student's rights of appeal; and
- (b) in all instances of misconduct record the case in the University's confidential case management system; and
- (c) forward a copy of written notification sent to the student to [Archives and Records Management Services](#) to be placed on a confidential file for the student.

11.(3) Specific procedural responsibilities of the Dean of the Graduate Research School in relation to instances of alleged academic misconduct and guidelines for applying penalties are as set out in the [University Policy on: Academic Integrity](#).

Powers of the Director of Student Life

12.(1) If the [Director of Student Life](#) determines, after appropriate investigation which must include the offer of an interview with the student concerned, that a student has committed an act of misconduct in relation to an event, process or facility for which the [Director of Student Life](#) has responsibility or which is not the responsibility of any of the staff listed in Regulations 8 to 11, they may do one or more of the following —

- (a) fine the student in accordance with the provisions of [paragraph 3\(1\)\(a\)](#);
- (b) exclude the student from a University test or examination or any part of them but only if it is necessary to do so to preserve order in the place where the examination or test is being conducted;
- (c) suspend the student for a period not exceeding seven calendar days from all or any rights and privileges specified in [paragraph 3\(1\)\(c\)](#);
- (d) require a student in accordance with [sub-regulation 4\(4\)](#) to make restitution for University property lost, damaged or destroyed as a result of the misconduct.

12.(2) The [Director of Student Life](#) must within 10 University working days of determining the outcome of a case of alleged misconduct—

- (a) provide to the student concerned written notification of the outcome, and of any penalty imposed under this regulation and the student's rights of appeal; and
- (b) in all instances of misconduct record the case in the University's confidential case management system; and
- (c) forward a copy of written notification sent to the student to [Archives and Records Management Services](#) to be placed on a confidential file for the student.

Powers of the Deputy Vice-Chancellor

13.(1) If the [Deputy Vice-Chancellor](#) determines, after appropriate investigation which must include the offer of an interview with the student concerned, that a student has committed an act of misconduct, they may do one or more of the following —

- (a) impose one or more of the penalties listed in [paragraphs 3\(1\)\(a\) to \(h\)](#);
- (b) require a student in accordance with sub-regulation 4(4) to make restitution for University property lost, damaged or destroyed as a result of the misconduct;
- (c) charge a student with misconduct and refer the charge to be heard and determined by a [Board of Discipline](#) as defined in Regulation 14.

13.(2) Pending the hearing of the case by a Board of Discipline as specified in paragraph 1(c), the [Deputy Vice-Chancellor](#) may suspend the student for a period not exceeding 28 calendar days from all or any of the rights and privileges specified in paragraph [3\(1\)\(c\)](#) but the Board may lift the suspension at any time after the matter has been referred to it.

13.(3) If the Board of Discipline does not lift the suspension it will continue until the period for which it was imposed has elapsed but it will not apply to the student's rights and privileges regarding hearings before the Board and appeals to the Vice-Chancellor specified by these Regulations.

13.(4) The [Deputy Vice-Chancellor](#) must within 10 University working days of determining the outcome of a case of alleged misconduct—

- (a) provide to the student concerned written notification of the outcome and of any penalty imposed under this clause and the student's rights of appeal on any decision to refer the charge to a Board of Discipline; and
- (b) in all instances of misconduct record the case in the University's confidential case management system; and
- (c) forward a copy of written notification sent to the student to [Archives and Records Management Services](#) to be placed on a confidential file for the student.

Boards of Discipline

Powers of a Board

14.(1) A Board of Discipline constituted under these Regulations has authority to hear and adjudicate upon—

- (a) a charge of misconduct referred to it by the [Deputy Vice-Chancellor](#) ; and
- (b) an appeal made to it against a determination of the [Deputy Vice-Chancellor](#) which has been made under the provisions of these Regulations.

(2) A Board of Discipline may, for an instance of misconduct, impose any penalty or penalties that may be imposed under these Regulations, provided that—

- (a) it may suspend a student's rights and privileges specified in paragraph 3(1)(c) for no more than one year without the student being entitled to any refund of fees paid in respect of those rights and privileges; and
- (b) if the penalty is expulsion from the University or non-conferral of an award, this penalty does not take effect unless confirmed by the Senate, but all the student's rights and privileges specified in paragraph 3(1)(c) are suspended until the Senate has considered and determined the matter.

14.(3) A Board of Discipline may impose a penalty in addition to a penalty imposed by a staff member under Regulations 6 to 13 but may not increase a fine imposed at a lower level.

14.(4) When a charge of misconduct against a student has been found at a hearing before a Board of Discipline the Board may decline to record a finding of misconduct or to impose a penalty if, in its opinion, the misconduct was trivial or if, for any other reason, the Board is of the opinion that a finding of misconduct should not be recorded or a penalty should not be imposed.

Constitution of a Board

15.(1) Subject to sub-regulations (2), (3), (4) and (5) a Board of Discipline comprises:

- (a) a chair selected by the Chancellor from a panel appointed annually by the Senate and comprising members of the Senate or senior members of academic staff;
- (b) the [Chair of the Academic Board](#) or nominee;
- (c) the [President of the Student Guild](#) or nominee;
- (d) one person selected by the Chair of the Academic Board from a panel of staff appointed annually by the Senate on the recommendation of the [Deputy Vice-Chancellor](#);
- (e) one person selected by the [President of the Student Guild](#) from a panel of students appointed annually by the Senate on the recommendation of the [President of the Student Guild](#).

(2) A person must not be a member of a Board of Discipline if they have had any prior involvement with the student or the alleged misconduct or if for any other reason it would be inappropriate for them to hear the case.

(3) An [Inclusion and Diversity Adviser](#) is entitled to attend a meeting of a Board of Discipline to provide advice on matters of equity.

(4) The Chair, or the student through the Chair, may require that the University lawyer or a member of staff who is a legal practitioner or has a degree in law may be invited at the discretion of the Chair to attend a meeting of a Board of Discipline to provide advice on matters related to process and procedure raised either by members of the Board or by the student.

(5) The [Vice-Chancellor](#) may appoint a person to represent the University at the hearing.

Procedure of a Board

16.(1) The quorum of a Board of Discipline is all members.

16.(2) At all meetings of Boards of Discipline the Chair has a deliberative but not a casting vote.

16.(3) If the vote on whether or not a charge of misconduct has been proved is equally divided, the charge must be declared not to have been proved.

16.(4) The [University Secretary](#) will for each Board of Discipline either act as Executive Officer or appoint a member of the administrative staff to act as Executive Officer.

16.(5) A Board of Discipline which has been constituted to hear and adjudicate upon any charge of misconduct or an appeal continues to act in the matter even if new panels have been nominated after it was constituted.

16.(6) A Board of Discipline constituted to hear and adjudicate upon a charge of misconduct against a student may have referred to it—

- (a) a charge or charges of misconduct against another student; or
- (b) another charge or other charges against the student; or
- (c) an appeal or appeals.

16.(7) The Board must deal with all the charges and appeals referred to it but—

- (a) the Board must not deal with several charges against a student together or with charges against several students together unless the charges arise out of instances of misconduct which are part of a series of—
 - (i) instances of the same or a similar character; or
 - (ii) acts or omissions in the pursuit of a common purpose;
- (b) if the Board decides at any stage before making known its decision that it should, in the interests of justice, not hear or not proceed further with any of the charges or appeals, another Board of Discipline must be constituted to deal with them.

16.(8) A Board of Discipline constituted to hear and adjudicate upon an appeal may have referred to it a charge or charges of misconduct or another appeal or appeals and the Board must deal with all the appeals and charges referred to it subject to the same provisions as are contained in sub-regulation (7).

- 17.(1) In determining the time and date for a hearing before a Board of Discipline or an appeal in accordance with [Regulation 19\(4\)](#), the Executive Officer must make all reasonable efforts to select a time and date which is convenient to the student concerned.
- 17.(2) A hearing must not be held more than 20 University working days after receipt of the referral or appeal to the Board.
- 17.(3) The Executive Officer must give a student not less than 10 University working days' written notice of a hearing of the charge before a Board of Discipline.
- 17.(4) The notice must contain particulars of—
- (a) the charge;
 - (b) the time and place of the hearing; and
 - (c) the student's rights under sub-regulation (6).
- 17.(5) If, for any reason other than those set out in [sub-regulation 23](#), a student fails to appear at the hearing, the Board may, if it is satisfied that the student has been given notice in accordance with these regulations and that the student has not provided a valid reason for not attending, proceed with the hearing in the student's absence.
- 17.(6) During the hearing the student is entitled—
- (a) to be represented by another person;
 - (b) to be present with a representative throughout the hearing except when the chair and members of the Board wish to confer privately among themselves or to consider their decision;
 - (c) either alone or via a representative to call and examine witnesses, cross-examine witnesses and address the Board;
 - (d) to require that an Equity Officer be present.
- 17.(7) Any person required to attend under sub-regulation 15(4), may, through the Chair, address the Board or the student.
- 17.(8) The Board is not bound but must wherever possible be guided by the Rules of Evidence.
- 17.(9) The Board decides its procedure including the order and the manner in which evidence may be called and addresses heard.
- 17.(10) Hearings of the Board are in private unless the student charged elects that a hearing be open to other members of the University but—
- (a) if charges against two or more students are being dealt with together before the Board and any one of them elects a private hearing the hearing must be private; and
 - (b) the Board may order that an open hearing be continued in private if in its opinion order cannot otherwise be maintained.
- 17.(11) At every hearing the Board has complete authority to keep order and it may order the removal of any person for unruly conduct including a student in respect of whom the hearing is taking place or the representative of such a student.
- 17.(12) If the Board of Discipline determines that a charge of misconduct has been found, it may, subject to sub-regulation 4(2) and 14(3), impose one or more of the penalties set out in Regulation 3.
- 17.(13) If the penalty is expulsion from the University, it does not take effect until the time for lodging an appeal has expired and the penalty has been confirmed by Senate, but all of a student's rights and privileges are suspended until the Senate has considered the matter without the student being entitled to compensation.
- 17.(14) The Executive Officer must record the misconduct case in the University's case management system.
- 17.(15) The Executive Officer must within 10 University working days of the Board of Discipline's decision give the student concerned a written notification of the decision including details of any penalty imposed and of the student's rights of appeal.
- 17.(16) The Executive Officer must forward a copy of written notification sent to the student to [Archives and Records Management Services](#).
- 17.(17) Subject to the rights of appeal provided in [Regulations 19 and 20](#) and to a student's right to pursue their case outside the University through an approved government body or official, a decision under these Regulations that a student has been guilty of misconduct or that imposes a penalty on a student is final.

Appeals

- 19.(1) A student who is dissatisfied with the determination of a member of staff in exercising their powers under Regulations 8 to 13, or with the outcome of an appeal made under this Regulation, may, within 20 University working days of the date on which the student is notified of the determination or outcome, appeal in writing to the next most senior staff member or body as listed in Regulations 8 to 13 stating precisely the grounds on which the appeal is made.
- 19.(2) The next most senior staff member or body as referred to in sub-regulation (1) is—
- in the case of the University Librarian ([Regulation 8](#)), the [Deputy Vice-Chancellor \(Education\)](#);
 - in the case of a school academic integrity officer ([Regulation 9](#)), the relevant head of school;
 - in the case of a head of school ([Regulation 10](#)), the [Deputy Vice-Chancellor \(Education\)](#);
 - in the case of the Dean of the Graduate Research School ([Regulation 11](#)), the [Deputy Vice-Chancellor \(Research\)](#);
 - in the case of the [Director of Student Life \(Regulation 12\)](#), the [Deputy Vice-Chancellor \(Education\)](#);
 - in the case of the [Deputy Vice-Chancellor \(Regulation 13\)](#), the Board of Discipline in accordance with sub-regulations (4) and (5) below.
- 19.(3) Members of staff to whom an appeal is made in accordance with sub-regulation (1) must—
- within 10 University working days of the receipt of the appeal advise the student in writing of the outcome and the student's further rights of appeal;
 - in all appeals record the outcome in the University's confidential case management system; and
 - forward a copy of written notification sent to the student to [Archives and Records Management Services](#) to be placed on a confidential file for the student; and
 - forward a copy of the written notification also to the earlier decision maker for information.
- 19.(4) A student who is dissatisfied with the determination of the [Deputy Vice-Chancellor](#) in exercising their powers under Regulation 13, or the outcome of an appeal to the [Deputy Vice-Chancellor](#) under this Regulation, may, within 20 University working days of the date on which the student is notified of the determination or outcome, appeal in writing to the [University Secretary](#) that the case be heard by of a Board of Discipline.
- 19.(5) The constitution and conduct of the Board of Discipline which hears an appeal is as provided for under [Regulations 14, 15, 16 and 17](#).
- 19.(6) A student who is dissatisfied with the determination of a Board of Discipline may appeal to the [Vice-Chancellor](#) within 20 University working days of the date on which the student is notified of the determination.
- 19.(7) Subject to the student's right to pursue their case outside the University through an appropriate government body or official, the Vice-Chancellor's decision in regard to appeals submitted under this Regulation is final.
- 19.(8) If the penalty is expulsion from the University, it does not take effect until the time for lodging an appeal has expired and the penalty has been confirmed by Senate, but all of a student's rights and privileges are suspended until the [Senate](#) has considered the matter without the student being entitled to compensation.
- 19.(9) The Vice-Chancellor must within 10 University working days of the receipt of the appeal—
- advise the student in writing of the decision on an appeal submitted under this Regulation;
 - forward to [Archives and Records Management Services](#) a copy of the letter sent to the student which will be placed on a confidential file for that student and, if the matter is one of the academic misconduct, forward a copy of the written notification also to the relevant head of school and school academic integrity officer for information.
- 19.(20) When considering appeals under Regulation 19, members of staff and the Board of Discipline may—
- suspend the implementation of a penalty pending the outcome of an appeal;
 - affirm or annul the decision or penalty or both;
 - reduce or increase the penalty but not increase a fine;
 - impose in place of the original penalty any other penalty which is provided for under these Regulations.

Costs, Miscellaneous and Records

Costs

21.(1) A [Board of Discipline](#) which has heard a charge of misconduct against a student or an appeal by a student may award the student the whole or part of the monetary costs which they have incurred in the hearing or appeal.

21.(2) If a Board of Discipline makes an award of costs, it will fix the amount payable and this amount will be paid to the student out of University funds.

21.(3) A student who believes that the award of costs by a Board of Discipline is unfair may appeal to the [Vice-Chancellor](#) for a review of this award.

Miscellaneous

Notice given to students

22.(1) A written notice required to be given to a student under these Regulations may be—

- (a) given to the student in person;
- (b) sent to the email address or fax number nominated by the student;
- (c) posted to the last address provided to the University as the student's place of residence.

22.(2) A notice sent by email or fax—

- (a) is taken to be given and received on the day it is sent;
- (b) must be sent by post also.

22.(3) A notice sent by post is taken to be given—

- (a) three days after it is posted for addresses within Australia;
- (b) seven days after it is posted for addresses outside Australia.

Interviews, hearings and delegations

23.(1) Except where the student waives the requirement for notice, a student must be given up to five University working days notice of any interview to be conducted in accordance with these Regulations and the [University Policy on: Academic Integrity](#) to arrange for another person to accompany the student to the interview.

23.(2) A staff member may delegate to an appropriate person the investigative, interviewing and/or decision making role in any case of alleged misconduct.

23.(3) If the [University Secretary](#) is satisfied that it would be impractical for a student to attend an interview or hearing required under these Regulations, the [University Secretary](#) must determine a fair alternative process to ensure that the student has an opportunity to present a case to the staff member or Board concerned.

Records

24.(1) Details of misconduct findings and penalties are not entered on a student's formal academic record.

24.(2) For internal information purposes only, a reference to misconduct findings is maintained by way of a case registered in the University's case management system and copies of formal documentation stored on a confidential student file.

Relationship to Other Legislation

25. Nothing in these regulations affects the power or authority of a person or body in the University under—

- (a) an Act of Parliament; or
- (b) a University [statute](#) or a University [regulation](#), [by-law](#), or [Senate](#) resolution.

Student ceasing to be a student

26. The University may deal with misconduct under these Regulations even if the student alleged to have committed it ceases to be a student before proceedings are finalised and may proceed as if the student had continued to be a student.

Offences under criminal law

27.(1) If the alleged misconduct is also an offence under criminal law, action under these Regulations may continue, but may be deferred at the discretion of the [Vice-Chancellor](#) may decide pending a police investigation or prosecution.

27.(2) In the case of all other offences under the criminal law, no action may be taken under these Regulations, other than suspension under regulation 28, unless—

- (a) the matter has been reported to the police; and
- (b) (i) the matter has been either prosecuted; or
 - (ii) a decision not to prosecute has been taken; or
 - (iii) more than six months has elapsed since the matter was reported to the police.

27.(3) If the conditions in sub-regulation (2) have been met, the Vice-Chancellor may decide whether disciplinary action under these Regulations should continue or be taken.

27.(4) If a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty must be taken into consideration in determining the penalty under these Regulations.

Temporary Suspension and Removal

28 A student—

- (a) who is the subject of a complaint of misconduct; or
- (b) against whom a criminal charge is pending; or
- (c) who is the subject of a police investigation

may be suspended by the Vice-Chancellor from any or all of a student's rights and privileges as specified in regulation 3(1)(c) pending the outcome of disciplinary proceedings under these Regulations if the Vice-Chancellor decides that suspension of the student is necessary for the protection of other members of the University.

Schedule 1 – Examples of Misconduct

1. Without limiting the generality of the definition in [Chapter 10 University of Western Australia Statute \(the UWA Statute\)](#) and in the detail in paragraph 1(1)(b), examples of misconduct are set out below.

Academic misconduct

(1) any activity or practice engaged in by a student that breaches explicit guidelines relating to the production of work for assessment, in a manner that compromises or defeats the purpose of that assessment:

Example 1: Plagiarising the work of another person, including a fellow student or the author of a text, by adapting or incorporating it in a piece of assessable work without due acknowledgment

Example 2: Bringing unauthorised material into an examination room

Example 3: Intentionally falsifying results which are reported in, or relied on for the purposes of, a piece of assessable work

Professional misconduct

(2) inappropriate behaviour by a student of the University whilst undertaking a component of their course of study either internally or externally (that is, professional/clinical placement, field trip, inter-institutional units and the like) that, while not constituting academic misconduct, constitutes a breach of standards of professional conduct expected within that field of study:

Example 1: Disorderly behaviour whilst under the influence of alcohol or other substances

Example 2: Sexual harassment of a person as defined in the University's [Sexual Misconduct Policy](#) approved by [Senate Resolution](#)

Dealings with others at the University

(3) wilfully obstructing or disrupting University teaching, study, research, examination, test or official activity:

Example 1: Disrupting an examination or official meeting

(4) wilfully interfering unduly with the freedom of speech within the University of a member of the University or of a speaker invited by any section of the University to express their views:

Example 1: Disrupting to an unreasonable degree an address by a guest speaker

(5) wilfully interfering with the freedom of movement within the University of a member of the University or of a guest or visitor:

Example 1: Preventing someone from entering a building

(6) harassing a person in or upon the premises of the University as prohibited by policies approved by Senate Resolutions, pursuant to anti-discriminatory Commonwealth or State legislation:

Example 1: Sexual harassment of a person as defined in the University's Sexual Harassment Policy approved by Senate Resolution

Example 2: Racial harassment of a person as defined in the University's Racial Harassment Policy approved by Senate Resolution

(7) assaulting or attempting to assault a person within the University:

Example 1: Causing any person to hold reasonable fears for their safety or physical or psychological well-being

(8) providing false or deliberately misleading information to other members of the University:

Example 1: Falsifying an academic record

Example 2: Falsifying documents or providing false documents in order to gain admission to the University

(9) failing to comply with the reasonable direction of a member of staff:

Example 1: Entering any place within the University when forbidden to do so by a University employee;

Example 2: Refusing to leave a building when directed to do so by a University employee;

Example 3: Preventing another student from enjoying their rights as set out in the [Charter of Student Rights and Responsibilities](#).

Dealings with property or information

(10) wilfully damaging, or wrongfully dealing with University property, or the property within the University of any person:

Example 1: Leaving litter

Example 2: Misuse of emergency equipment

Example 3: Defacing or affixing a notice to a part of a University location

Example 4: Vandalism

Example 5: Failure to comply with the [Library Rules](#)

Example 6: Misuse of computer equipment in contravention of the University's the [University Policy on Acceptable Use of IT Policy UP19/1](#) and [Cybersecurity Policy UP19/2](#).

Example 7: Copying, or attempting to copy, any copyright material including computer software without the permission of the University and in breach of the [Copyright Act](#)

Example 8: Knowingly disclosing confidential information

Behaviour at the University

(11) creating a disturbance or being disorderly on University premises:

Example 1: Using abusive or insulting language

Example 2: Disorderly behaviour whilst under the influence of alcohol or other substances

Example 3: Frightening wildlife

Example 4: Lighting a fire without permission

Example 5: Contravening the rules of conduct set out in the [by-laws](#)

(12) Wilfully obstructing or attempting to obstruct or deter a member of staff in the performance of their duties;

(13) Failing to provide the student's name and address when required to do so by a member of staff who reasonably requires the information for the performance of their duties.

Action likely to cause injury or impair safety on University premises

(14) disobeying or failing to comply with the University's health and safety policies:

Example 1: Remaining in a building after the fire alarm has sounded.

Contravention of any statute, by-Law, regulation or rule

(15) disobeying or failing to comply with a provision of a University statute, regulation, rule, by-law or a Senate resolution or with an order made under a University statute, regulation, by-law or Senate resolution:

Example 1: Contravening the University's [Intellectual Property Regulations](#) by disclosing the details of intellectual property if the disclosure would prejudice the protection of intellectual property owned by the University

Example 2: Contravening the by-laws by smoking in a smoke-free area

Example 3: Failure to comply with the Library Rules

Behaviour which brings the University into disrepute

(16) acting in a manner which brings the University into disrepute:

Example 1: Disorderly or offensive conduct while engaged in University activities e.g. a field trip

Enforcement of penalties

(17) failing to comply with any penalty imposed under any University statute, regulation, rule or by-law, or any Senate resolution.