



# Regulations for Student Conduct and Discipline

SENATE APPROVED – 17 MARCH 2025

These Regulations are made by the Senate of the University of Western Australia, as the governing authority of the University, under the [University of Western Australia Act 19](#) section 16E.

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## Part 1 – Preliminary

### Purposes of these regulations

These regulations have the following purposes —

- (a) to inform students of behaviour that the University regards as misconduct,
- (b) to implement fair and just procedures for dealing with cases of possible misconduct;
- (c) to provide for the imposition of penalties for misconduct; and
- (d) to constitute, and regulate the conduct of, the Board of Discipline.

These regulations are to be read in conjunction with the Academic Integrity Policy.

### 1 What misconduct is

(1) In these regulations **misconduct** means —

- (a) an act or omission of a student which is prohibited by the Statute or a University regulation, rule, by-law, Code of Conduct or policy or Senate Resolution, or by an order made under, or Code of Conduct adopted by, the Senate or a University regulation, rule, by-law or Senate Resolution; or
- (b) any conduct on the part of a student which impairs the reasonable freedom of other members of the University to pursue their studies or research, 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.

(2) For the purposes of these regulations, misconduct can be —

**academic misconduct** which has the meaning given in the Academic Integrity Policy, which requires a student to demonstrate honest, ethical and responsible scholarship, and includes any activity or practice engaged in by a student that is in breach of assessment guidelines or compromises academic integrity;

**general misconduct** which is inappropriate and unacceptable behaviour by a student in breach of expected standards of behaviour as set out in the instruments mentioned in subregulation (1)(a), including conduct that may also be unlawful or a criminal offence;

**professional misconduct** which is inappropriate behaviour by a student whilst undertaking a component of their course of study either internally or externally (for example: professional or clinical placements, field trips, inter-institutional units) that, while not constituting academic misconduct, constitutes a breach of standards of professional conduct expected within that field of study;

**research misconduct** which has the meaning given in in the University Policy on: Research Integrity and includes any activity or practice engaged in by a student that is a serious breach of the policy, or a Code of Conduct adopted by the policy, or both.

### 2 Definitions of other terms

(1) In these regulations —

**Academic Integrity Policy** means the University Policy on Academic Integrity;

**Board of Discipline** or **Board** means the Board of Discipline established by the Statute clause 87 and constituted under these regulations;

**Deputy Vice-Chancellor** means any of the Deputy Vice-Chancellor (Education and Student Experience), the Deputy Vice-Chancellor (Operations) or the Deputy Vice-Chancellor (Research);

**DVC (ESE)** means the Deputy Vice-Chancellor (Education and Student Experience);

**executive officer** means the executive officer appointed under regulation 7 to convene and coordinate a meeting of the Board of Discipline;

**member of the University** means a member of the Senate, a member of Convocation, a member of staff or a student;

**senior staff member** means an academic staff member of Level C or above or a professional staff member of Level 9 or above.;

**Statute** means the University of Western Australia Statute;

**staff member** or **member of staff** means an individual employed by the University;

**student** means a person enrolled in the University as a student, including 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;

**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;

**University working day** means any day other than —

- (a) a Saturday;
  - (b) a Sunday;
  - (c) a day specified in the University calendar as a University holiday;
  - (d) a day during the University's annual shut-down period as determined by the University's executive each year;
- (2) A reference in these regulations 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.
- (3) Terms in these regulations in the singular include the plural, and terms in the plural include the singular.

## Part 2 – Board of Discipline

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### 3 Functions of the Board

- (1) The functions of the Board of Discipline are to hear, and determine an appropriate outcome, for any —
- (a) charge of misconduct against a student referred to it by the DVC (ESE); and
  - (b) appeal made to it against a determination of a Deputy Vice-Chancellor.
- (2) The Board of Discipline is to perform its functions in accordance with the procedures set out in these regulations.

### 4 Meetings and constitution of Board

- (1) The Board of Discipline is to meet as often as is required in order to perform its functions.
- (2) A meeting of the Board is constituted by the following members —
- (a) a chair selected by the executive officer from a list of persons appointed by the Vice-Chancellor as having appropriate legal backgrounds, training or qualifications, or equivalent and relevant skills, to act as the chair of the Board as required from time to time;
  - (b) a person nominated by the Chair of the Academic Board, being that Chair or the Deputy Chair or Associate Chair of the Academic Board;
  - (c) 2 senior staff members selected by the executive officer from a list of senior staff members appointed by the Vice-Chancellor to act as members of the Board as required from time to time;
  - (d) the President of the Guild of Undergraduates; and
  - (e) the President of the Postgraduate Students' Association.

### 5 Quorum, voting powers and disclosure

- (1) At a meeting of the Board, the quorum is at least 4 members, including —
- (a) the chair;

- (b) either a member mentioned in regulation 4(2)(b) and at least 1 member mentioned in regulation 4(2)(c), or at least 2 members mentioned in regulation 4(2)(c); and
  - (c) at least 1 of the members mentioned in regulation 4(2)(d) and 4(2)(e).
- (2) On all decisions the chair has a deliberative vote and also a casting vote, which is to be exercised if there is an even number of members present at a meeting.
  - (3) If a member has had any prior involvement with the student or the alleged misconduct to which a hearing to be held at a meeting relates, the member must disclose this to the executive officer or at the meeting and is not eligible to participate in or vote at the meeting in relation to the hearing unless the Board determines that it would not be inappropriate for them to do so.

## 6 Terms of office

- (1) The term for which a person may be appointed under regulation 4(2)(a) or 4(2)(c) is 3 years.
- (2) A person appointed under regulation 4(2)(a) or 4(2)(c) is eligible to be re-appointed but must not serve for more than 2 consecutive terms.
- (3) The appointment of a person under regulation 4(2)(c) ends if the person ceases to be a senior staff member.

## 7 Executive officer to the Board

- (1) The Integrity and Standards Unit is to maintain a list of senior administrators of the University suitable and willing to act as executive officer to the Board.
- (2) When an executive officer is needed to convene and coordinate a meeting of the Board, the Integrity and Standards Unit is to appoint one from the list.

## 8 Advisors to the Board

- (1) The chair may invite subject matter experts, including legal experts of the University, to attend a meeting to provide advice to the Board.

# Part 3 — Penalties for misconduct

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## 9 Penalties

- (1) 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.
- (2) Academic penalties can only be applied where academic misconduct has been proven.
- (3) Guidelines for the application of penalties in relation to academic misconduct are as set out in the Academic Integrity Policy.

#### 10 Other provisions relating to penalties

- (1) A person or body authorised to impose a penalty set out in regulation 9(1) may caution or reprimand the student in addition to, or instead of, any other penalty that may be imposed.
- (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.
- (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) In addition to, or instead of, any penalty imposed, the DVC (ESE) 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.
- (5) A student expelled from the University is not permitted to enrol except with the permission of the DVC (ESE).
- (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.
- (7) Unless the DVC (ESE) 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.
- (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.
- (9) In addition to the provisions of subregulation (7) and (8), the Director of Student Life may suspend all or any of a student's rights and privileges as set out in regulation 9(1)(c) if the student does not pay a fine within the time specified in sub-regulation (6).
- (10) Any suspension imposed by the Director of Student Life under subregulation (9) ceases to have effect on payment of the overdue fine in respect of which it was imposed.

## Part 4 — Dealing with misconduct

### Division 1 — Misconduct dealt with by staff

#### 11 General powers of staff to deal with misconduct

- (1) Members of staff may impose penalties for instances of misconduct by a student to the extent authorised by, and in accordance with, regulations 12 to 19.
- (2) Procedural responsibilities of members of staff in relation to alleged academic misconduct by students and guidelines for applying penalties for academic misconduct are as set out in the Academic Integrity Policy.
- (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 14 to 19 who have the power to impose a greater or more appropriate penalty.
- (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 Integrity and Standards Unit, to the DVC (ESE) who will determine what action to take.
- (5) A member of staff may obtain advice from the Integrity and Standards Unit on the most appropriate member of staff to deal with an instance of misconduct.
- (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 Academic Integrity Policy for instances of alleged academic misconduct; and
  - (e) any relevant mitigating circumstances.

#### 12 Powers of Academic Staff and Unit Coordinators of the University

- (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 1 University working day;
  - (b) if necessary, require through a security officer that the student immediately leave the activity which the student has disrupted.
- (2) A member of academic staff who suspends any or all of a student's rights and privileges in accordance with subregulation (1) must record the case as required under regulation 33 within 5 University working days.
- (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 Academic Integrity Policy —
  - (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 regulation 9(1)(e);
  - (b) deduct marks for an assessment item in accordance with regulation 9(1)(d);
  - (c) award a mark of zero for the assessment item in accordance with regulation 9(1)(d).
- (4) A member of academic staff who applies a penalty in accordance with subregulation (3) must record the case as required under regulation 33 within 5 University working days.

**13 Powers of Professional and General Staff of the University and ISU**

- (1) If 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 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 1 University working day;
  - (b) if necessary, require through a security officer that the student immediately leave the vicinity where the misconduct has occurred.
- (2) A member of the Integrity and Standards Unit who determines that a student has committed an act of misconduct 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 1 University working day;
  - (b) if necessary, require through a security officer that the student immediately leave the vicinity where the misconduct has occurred.
- (3) A member of the professional and general staff or the Integrity and Standards Unit who suspends any or all of a student's rights and privileges in accordance with subregulation (1) or (2) must record the case as required under regulation 33 within 5 University working days.

**14 Powers of the University Librarian**

- (1) If the University Librarian determines after an appropriate investigation, which must include an opportunity for the student to attend an interview or provide a written response, 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 7 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 7 calendar days from the Library premises;
  - (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.
- (2) The University Librarian must within 10 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) record the case as required under regulation 33 within 5 University working days.

**15 Powers of a School Academic Integrity Officer**

- (1) If a school academic integrity officer determines after an appropriate investigation, which must include an opportunity for the student to attend an interview or provide a written response, that a student enrolled in a unit offered by the school has committed an act of academic misconduct they may do one of the following in accordance with the level of academic misconduct as outlined in the Academic Integrity Policy —
  - (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 regulation 9(1)(e);
  - (b) deduct marks for an assessment item in accordance with regulation 9(1)(d);
  - (c) award a mark of zero for the assessment item in accordance with regulation 9(1)(d);
  - (d) award a mark of zero for the unit in which the misconduct occurred in accordance with regulation 9(1)(d);



- (e) recommend to the head of school a grade of N Fail for all units a student is currently enrolled in within a course in accordance with regulation 9(1)(d),
- (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 as required under regulation 33.

## 16 Powers of a Head of School

- (1) If a head of a school determines after an appropriate investigation, which must include an opportunity for the student to attend an interview or provide a written response, 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 regulation 9(1)(a);
  - (b) suspend the student for a period not exceeding 7 calendar days from all or any rights and privileges specified in regulation 9(1)(c) within the school;
  - (c) cancel an award, scholarship or bursary awarded by the University in accordance with regulation 9(1)(b);
  - (d) 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 Academic Integrity Policy and in accordance with regulation 9(1)(d),
  - (e) require the student to do further work or repeat work within the unit or subject area in relation to which misconduct occurred in accordance with the level of academic misconduct as outlined in the Academic Integrity Policy and in accordance with regulation 9(1)(e);
  - (f) subject to the approval of the DVC (ESE), cancel a student's current enrolment in any course or unit offered by the University in accordance with regulation 9(1)(g);
  - (g) subject to the approval of the DVC (ESE), exclude a student from enrolment in all courses or units offered by the University for a period of up to 1 academic year in accordance with regulation 9(1)(f).
- (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 as required under regulation 33

## 17 Powers of the Pro Vice-Chancellor (Research Training)

- (1) If the Pro Vice-Chancellor (Research Training) determines after an appropriate investigation, which must include an opportunity for the student to attend an interview or provide a written response, 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 regulation 9(1)(a);
  - (b) suspend the student for a period not exceeding seven calendar days from all or any rights and privileges specified in regulation 9(1)(c)
  - (c) cancel an award, scholarship or bursary awarded by the University in accordance with regulation 9(1)(b);
  - (d) 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 Academic Integrity Policy and in accordance with regulation 9(1)(d);

- (e) require the student to do further work or repeat work within the unit or subject area in relation to which misconduct occurred and in accordance with regulation 9(1)(e);
  - (f) 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 in accordance with regulation 9(1)(g); or
  - (g) 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 1 academic year in accordance with regulation 9(1)(f).
- (2) The Pro Vice-Chancellor (Research Training) 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) record the case as required under regulation 33.

### **18 Powers of the Director of Student Life**

- (1) If the Director of Student Life determines after an appropriate investigation, which must include an opportunity for the student to attend an interview or provide a written response, 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 regulation 12 to 17, they may do one or more of the following —
- (a) fine the student in accordance with the provisions of regulation 9(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 7 calendar days from all or any rights and privileges specified in regulation 9(1)(c);
  - (d) require a student in accordance with regulation 9(4) to make restitution for University property lost, damaged or destroyed as a result of the misconduct.
- (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) record the case as required under regulation 33.

### **19 Powers of the Deputy Vice-Chancellors**

- (1) If a Deputy Vice-Chancellor determines after an appropriate investigation, which must include an opportunity for the student to attend an interview or provide a written response, 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 regulation 9(1)(a) to (h) and, where appropriate, require the student in accordance with regulation 9(4) to make restitution for University property lost, damaged or destroyed as a result of the misconduct;
  - (b) charge the student with misconduct and, in the case of the DVC (ESE), refer the charge to be heard and adjudicated by the Board of Discipline or, in the case of any other Deputy Vice-Chancellor, request the DVC (ESE) to so refer the charge.

- (2) The DVC (ESE) must within 10 University working days of referring a charge to the Board of Discipline under, or as requested under, subregulation (1)(b) provide to the student concerned written notification of the referral.
- (3) Pending the hearing of a charge referred to the Board of Discipline under, or as requested under, subregulation (1)(b), the DVC (ESE) may suspend the student pending a hearing of the Board of Discipline for a period not exceeding 60 calendar days from all or any of the rights and privileges specified in regulation 9(1)(c) but the Board may lift the suspension at any time after the matter has been referred to it.
- (4) If the Board of Discipline does not lift the suspension, the suspension continues until the period for which it was imposed has elapsed, but does not affect the student's rights and privileges regarding hearings before the Board and appeals to the Vice-Chancellor specified by these regulations.
- (5) A Deputy Vice Chancellor must within 10 University working days of determining the outcome of a case of alleged misconduct under subregulation (1)(a) —
  - (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) record the case as required under regulation 33.

## Division 2 — Misconduct dealt with by the Board of Discipline

### 20 Powers of the Board of Discipline

- (1) The Board of Discipline may hear and adjudicate upon any charge of misconduct referred to it by the DVC (ESE) under, or as requested under, regulation 19(1)(b) (a **disciplinary hearing**).
- (2) If the Board determines that a student has committed an act of misconduct it may impose any one or more of the penalties as set out in regulation 9(1).
- (3) If the Board suspends any rights and privileges of the student specified in regulation 9(1)(c) for more than one year, the student is entitled to a refund of fees paid in respect of those rights and privileges proportionate to the period of suspension.
- (4) If the penalty determined by the Board is expulsion from the University or non-conferral of an award, that penalty takes effect at the end of the 20 University working days after the student is notified of the outcome of the hearing, unless within that period the student submits an appeal against the penalty to the Vice-Chancellor under regulation 28(4).
- (5) If an appeal is submitted in accordance with subregulation (4), the penalty only takes effect if the Vice-Chancellor dismisses the appeal, and the student is notified of the outcome.
- (6) If the penalty determined by the Board is revocation of an award conferred by Senate, the penalty does not take effect unless and until confirmed by the Senate on the recommendation of the Vice-Chancellor, but all the student's rights and privileges specified in regulation 9(1)(c) are suspended until the Senate has considered and determined the matter.
- (7) Despite subregulation (2), if the Board determines that a student has committed an act of misconduct it 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, it is of the opinion that a finding of misconduct should not be recorded, or a penalty should not be imposed.
- (8) Regulations 21 to 24, regulation 31 and regulation 32 apply to a disciplinary hearing (the **hearing**) relating to a student (the **student**).

### 21 Hearing notification

- (1) The hearing must be conducted at a meeting of the Board of which the student is given not less than 10 University working days' notice.
- (2) The notice must contain particulars of —
  - (a) the charge;
  - (b) the time and place of the hearing; and
  - (c) the student's rights under regulation 22.
- (3) If the hearing is not commenced at the meeting, subregulations (1) and (2) apply to it again.

## 22 Students' rights

- (1) During the hearing the student is entitled —
  - (a) to be present throughout the hearing except when the chair and other members of the Board wish to confer privately among themselves or to consider their decision;
  - (b) to be accompanied by a support person and, if they wish, to be represented by another person;
  - (c) subject to subregulations (2) and (3), to call witnesses; and
  - (d) personally, or through a representative, to call and examine witnesses, cross-examine witnesses and address the Board.
- (2) Before the hearing the student is required to advise the executive officer of any witness they would like to call and provide a summary of the information the witness will be providing.
- (3) The chair is required to consider and approve any witness to be called by the student.
- (4) Despite subregulation (1)(a) the Board may proceed with the hearing in the absence of the student if the Board is satisfied that the student has been given notice in accordance with this regulation and has not provided a valid reason for not attending, or if the student has been removed from the hearing under regulation 23(7).

## 23 Procedural matters

- (1) The Board is not bound by, but must wherever possible be guided by, the Rules of Evidence.
- (2) The Board must ensure that evidence presented is verified before finalising their decision.
- (3) The Board decides its procedure including the order and the manner in which evidence may be called and addresses heard.
- (4) 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—
  - (a) instances of the same or a similar character; or
  - (b) acts or omissions in the pursuit of a common purpose.
- (5) If the Board decides at any stage before making known its decision that it should, in the interests of procedural fairness, not hear or not proceed further with the hearing, the hearing must be adjourned and resumed at a subsequent meeting of the Board constituted by the same members.
- (6) If a hearing is commenced at a meeting of the Board but there is insufficient time to complete the hearing, the hearing may be adjourned and resumed at a subsequent meeting of the Board constituted by the same members.
- (7) 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.

## 24 Outcome notification, effect and record-keeping

- (1) The executive officer must, within 10 University working days of the Board's decision, give the student a written notification of the decision, including, where appropriate, details of any penalty imposed and of the student's rights of appeal.
- (2) Subject to the right of appeal to the Vice-Chancellor provided in regulation 28(7), the decision of the Board is final within the University.
- (3) Subregulation (2) does not affect a student's right to pursue their case outside the University through an approved government body or official.
- (4) The executive officer must ensure all records for the Board are managed as required under the University's Information Retention Policy and its associated instruments and as required under regulation 33.

## Division 3 — General

### 25 Temporary suspension

- (1) This regulation applies to 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.
- (2) The student may be suspended by the Vice-Chancellor from any or all of a student's rights and privileges as specified in regulation 9(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.

### 26 Offences under criminal law

- (1) If it is or becomes apparent that alleged misconduct is also an offence under the criminal law, no action may be taken or continued under these regulations, other than suspension under regulation 25, unless the matter has been reported to the police and —
  - (a) a decision not to prosecute has been taken; or
  - (b) more than 6 months has elapsed since the matter was reported to the police without prosecution action being taken; or
  - (c) prosecution action has resulted in an acquittal or a conviction and sentence
- (2) If and when the conditions in subregulation (1) have been met, the Vice-Chancellor may decide whether disciplinary action under these regulations should be taken or continue.
- (3) 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.

## Part 5 — Appeals

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### 27 Right of appeal and grounds for appeal

- (1) A student who is dissatisfied with the determination of a school academic integrity officer under regulation 15 may, within 20 University working days, submit an appeal to the relevant head of school and that head of school is to consider the appeal.
- (2) A student who is dissatisfied with the determination of a staff member under regulation 14, 16, 17, or 18, may within 20 University working days of the date on which the student is notified of the determination or outcome, submit an appeal to be considered by a Deputy Vice-Chancellor and that Deputy Vice-Chancellor is to consider the appeal.
- (3) A student who is dissatisfied with a determination of a Deputy Vice-Chancellor under regulation 19(1)(a), may within 20 University working days of the date on which the student is notified of the determination or outcome, submit an appeal to be heard and adjudicated upon by the Board of Discipline.
- (4) An appeal against a determination may be made on one or more of the following grounds —
  - (a) the determination was not made in accordance with these regulations;
  - (b) the process was procedurally irregular or unfair and has materially affected the outcome;
  - (c) the determination was not made in consideration of relevant evidence or was made in consideration of irrelevant evidence;
  - (d) new information is available that was not reasonably available to the student and that if provided and considered would have, in all likelihood, affected the outcome or the penalty or penalties imposed;
  - (e) the penalty or penalties imposed is or are unreasonable and excessively harsh with respect to the misconduct engaged in.

## 28 Appeal process

- (1) An appeal to be heard at a meeting of the Board of Discipline may be summarily dismissed by the chair if the chair is of the opinion that the appeal is frivolous, vexatious, misconceived or lacking in substance, and the executive officer must record that decision as required under regulation 33.
- (2) Within 10 University working days of the Board receiving an appeal the executive officer must advise the student in writing as to whether the appeal has been summarily dismissed, and if not, as to the appeal process that will take place.
- (3) If the appeal has not been summarily dismissed, the Board is to hear and adjudicate upon the appeal and regulations 20 to 24 apply, with necessary or appropriate modifications, to the hearing of the appeal by the Board.
- (4) A student who is dissatisfied with a determination of the Board under regulation 20, may within 20 University working days of the date on which the student is notified of the determination or outcome, submit an appeal to be considered by the Vice-Chancellor and the Vice-Chancellor is to consider the appeal.
- (5) A head of school, a Deputy Vice-Chancellor, the Board or the Vice-Chancellor may suspend the implementation of a penalty pending the determination of an appeal under this regulation.

## 29 Decision on appeal

- (1) Having considered an appeal under regulation 27, a head of school, a Deputy Vice-Chancellor, the Board of Discipline or the Vice Chancellor (the **decision-maker**) may do any of the following —
  - (a) dismiss the appeal and affirm the determination and, if the decision-maker thinks fit, increase a penalty or impose a new penalty within their authority to apply;
  - (b) uphold the appeal and by adjusting or removing original penalties and, if necessary, imposing new penalties, achieve a penalty outcome that is more lenient than the original penalty outcome;
  - (c) uphold the appeal and dismiss the charge of misconduct.
- (2) A decision under subregulation (1) is final within the University.
- (3) The decision-maker or the executive officer (in the case of an appeal to the Board) must—
  - (a) within 10 University working days of the determination of the appeal, advise the student in writing of the outcome of the appeal and of any further right of appeal or review within the University or their right to appeal or seek review externally; and
  - (b) record the outcome of the appeal as required under regulation 33.
- (4) After subregulation (3)(a) has been complied with for an appeal determined by the Vice-Chancellor, the University does not have to engage in any further communication with the student or a representative of the student on matters relating to the appeal unless this is required by any subsequent external process.

## Part 6 —Miscellaneous

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### 30 Costs

- (1) The Board of Discipline, after hearing 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 the student has incurred in the hearing or appeal.
- (2) If the Board makes an award of costs, it will fix the amount payable and this amount will be paid to the student out of University funds.
- (3) A student who believes that the award of costs by the Board is unfair may appeal to the Vice-Chancellor for a review of the award.

**31 Notice given to students**

- (1) A written notice required to be given to a student under these regulations may be given in either or both of the following ways —
  - (a) by giving it to the student in person;
  - (b) by sending it to the email address nominated by the student or to their nominated personal email address as recorded on the University's student information system, if their student email address is not active.
- (2) A notice sent by email is taken to be given and received on the day it is sent.

**32 Interviews, hearings and delegations**

- (1) A student must be given a minimum of 5 University working days' notice of any interview except where —
  - (a) the matter is to be heard by the Board of Discipline and the period of notice must be in accordance with regulation 21; or
  - (b) the student waives the requirement for notice and the decision maker is of the view that student has sufficient time to prepare for the interview.
- (2) A staff member may delegate to an appropriate person any of the staff member's investigative, interviewing or decision-making roles in any case of alleged misconduct.
- (3) The Integrity and Standards Unit may undertake an investigation into any case reported, any case delegated, or any case under a standing delegation.
- (4) Where satisfied that it would be impractical for a student to attend an interview or hearing required under these regulations, the staff member or, in the case of a hearing, the chair of the Board of Discipline, must determine a fair alternative process to ensure that the student has an opportunity to be heard.

**33 Records**

- (1) Details of misconduct findings and penalties are not to be entered on a student's formal academic record.
- (2) Relevant records relating to a student discipline case under these regulations must be stored confidentially in the University's record management system and case management system.
- (3) Relevant records relating to the proceedings of the Board of Discipline must be stored in a confidential committee file.
- (4) The final outcome of a student discipline case must be placed on the student's file with a confidential caveat.

**34 Relationship to other legislation**

- (1) 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) the Statute or a University regulation or by-law, or a Senate resolution.

**35 Student ceasing to be a student**

- (1) This regulation applies if a person is alleged to have committed misconduct while a student and the person ceases or has ceased to be a student.
- (2) If proceedings against the person for misconduct are commenced, but not finalised, under these regulations before the person ceases to be a student, the proceedings may be continued and finalised as if the person had continued to be a student.
- (3) If proceedings against the person for misconduct are not commenced under these regulations before the person ceases to be a student, the person may be dealt with under these regulations as if they had continued to be a student.
- (4) Subregulation (3) applies even if the misconduct was not detected until after the person ceased to be a student.

### 36 Transitional

- (1) In this regulation —  
**previous regulations** means these regulations as in force before amendments to them took effect.
- (2) If an action or proceeding relating to student misconduct was commenced, but not finalised, under previous regulations, the action or proceeding may be continued and finalised under the previous regulations.
- (3) An appeal made, but not decided, under previous regulations may be continued and finalised under the previous regulations.
- (4) For the purposes of subregulations (2) and (3), a reference in previous regulations to a Board of Discipline is taken to be a reference to the Board of Discipline constituted under these regulations as amended.
- (5) Subject to any right of appeal, all decisions that had effect under previous regulations continue to have effect.
- (6) The Vice-Chancellor may resolve any issue relating to the transition from previous regulations to these regulations and the Vice-Chancellor's decision is final.

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**Approval and Implementation:**

Approval Authority: Senate

Responsible Officer(s): Associate Director, Integrity and Standards

**Revision History:**

**TRIM F23/2036 - STRATEGIC MANAGEMENT – LEGISLATION - Regulations – Student Conduct and Discipline**

Version	Description Approved/Amended/Rescinded	UWA Senate approval (date and resolution)	Commencement
1	Approved – New Regulations	9 December 2019 S R61/19	9 December 2019
2	Amended (reg 5(f), 7(1), 8, 15, 16(b))	23 August 2021 S R64/21	23 August 2021
3	Amended (reg 4(2), 5(4)(b), Chapter 2 (Heading and Note), 6(3), 7, 11, 13, 15(b), 22(2), 24(2), 25(2) and 26) Deleted (3, 16 and 17) Inserted (16, 16A, 16B, 16C, 16D, 17 and 17A)	4 December 2023 S R100/23	7 December 2023
4	Amended (reg 16C(2) and 16D(6))	12 March 2024 S R06/24	9 April 2024
5	Amended (reg 16D(3), 16D(16)) and 16D(18)	27 March 2024 S CR01/24	9 April 2024
6	Restructure of document in line with Senate documents, amended regulations relating to the Board of Discipline	17 March 2025 S	2 April 2025