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## Handling a Matter under Statute 6.4: Student Conduct

<b>Establishment:</b>	Council, 10 December 1998
<b>Last Amended:</b>	Academic Senate, 15 November 2023
<b>Nature of Amendment:</b>	Composition of Appeals Committee
<b>Date Last Reviewed:</b>	2023
<b>Responsible Officer:</b>	Pro Vice-Chancellor (Academic Quality and Enhancement)

[Appendix A](#)

[Appendix B](#)

[Appendix C](#)

[Appendix D](#)

### 1. Preamble

The policy and procedures contained herein are made by the Council, pursuant to Statute 6.4 Student Conduct. The Vice-Chancellor will be responsible to the Council for ensuring the effective operation of [Statute 6.4](#) Student Conduct, and for exercising authority on behalf of the University as identified herein or as directed by the Council.

### 2. Policy

- 2.1** The policy and procedures which follow provide a means for resolving a matter of misconduct by a student. The stages through which a matter can proceed are:
- (a) resolution through discussion and mediation
  - (b) an inquiry
  - (c) an appeal.
- 2.2** All matters will be resolved as expeditiously as possible and in accordance with the principles of natural justice.
- 2.3** It is expected that members of the University will take responsibility for their conduct, and have regard for the interests of the University and the University community.

### 3. Application of the Principles of Natural Justice

- All parties to a grievance or complaint will have the right to be heard.
- A respondent to a complaint must be informed of all allegations in relation to their behaviour.
- The exact behaviour, including perceived behaviour or an omission, which constitutes the cause of the matter which is under consideration must be specified.
- A respondent must be informed of the penalties prescribed in Statute 6.4 and in this policy, which may apply to the acts or omissions of which he or she has been accused.

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- A complainant and a respondent must have a proper and equal opportunity to put their cases to the officer, Board or Committee which is hearing the matter, and subject to any legitimate considerations about confidentiality, have equal access to information pertaining to the matter.
  - All submissions and evidence which are relevant to a matter which is under consideration must be considered.
  - Any matter which is not relevant to a complaint which is under consideration must not be taken into account, and the recommendations of the officer, Board or Committee that is hearing the matter must not go beyond the scope of the matter which is being heard.
  - With the exception of a Chairperson of the Appeals Committee who has conducted a preliminary review of an appeal under Clause 9.2.1, a person who has had any prior involvement with a matter which is under consideration in accordance with this Statute may not sit in judgement on the same matter or any related matter.

#### 4. Lodgement of a Complaint

A complaint about the conduct of a student must be lodged with the Pro Vice-Chancellor (Academic Quality and Enhancement). The complaint must be made in writing and include:

- details of the conduct of the student
- a justification as to why the conduct of the student warrants action under *Statute 6.4 Student Conduct*; and
- any supporting documentation.

If the matter is urgent the Pro Vice-Chancellor (Academic Quality and Enhancement) can receive an oral complaint on the basis that the matter will be fully documented as prescribed above as soon as practicable after the incident.

#### 5. Investigation of a Complaint

**5.1** On receipt of a complaint the Pro Vice-Chancellor (Academic Quality and Enhancement) may initiate an investigation of an allegation of student misconduct, or may decide not to proceed with the investigation on the grounds that the complaint is trivial or vexatious. In undertaking an investigation into an allegation of student misconduct, the Pro Vice-Chancellor (Academic Quality and Enhancement) may undertake any one or more of the following:

- (a) request additional evidence from the complainant, including statements from witnesses, or
- (b) interview the student and/or request the student provide a written response to the allegation, or
- (c) appoint a Complaints Officer to conduct an investigation of the facts, compile any evidence and prepare a report on the matter.

The investigation of any complaint will be fully documented.

**5.2** If at any time there is a risk of harm to a person, or damage to University property, or harassment of another person by a student, the Pro Vice-Chancellor (Academic Quality and Enhancement) may immediately, temporarily suspend the student for a period of up to 28 days and instruct the student to leave the campus or property of the University, and will initiate an inquiry into the matter. The Pro Vice-Chancellor (Academic Quality or Enhancement) may extend the period of temporary suspension if he or she considers that the risk remains in existence. In all cases the temporary suspension will cease as soon as an outcome has been decided on the matter in accordance with this policy. Temporary suspension will not be considered proof of misconduct in further proceedings under Statute 6.4.

**5.3** If at any stage the Pro Vice-Chancellor (Academic Quality and Enhancement) considers that a complaint would more appropriately be dealt with under an alternative appeals, complaints or grievance resolution process of the University the matter will be referred to the appropriate officer for action.

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- 5.4** If a complaint has been dealt with under an alternative appeals, complaints or grievance resolution process and the whole or part of the matter remains unresolved, the matter may then be dealt with under Statute 6.4 at the discretion of the Pro Vice-Chancellor (Academic Quality and Enhancement). In such a case, every effort will be made to avoid or minimise the duplication of processes and procedures.
- 5.5** Following investigation of the complaint, the Pro Vice-Chancellor (Academic Quality and Enhancement) will take one or more of the following actions:
- (a) determine that there is no case to be answered and that no further action be taken against the student
  - (b) refer the matter for resolution by discussion and mediation, in which case the provisions of section 6 of these procedures will apply
  - (c) determine that there has been misconduct, but that the actions of the student do not warrant referral to a Board of Inquiry. In this case, the Pro Vice-Chancellor (Academic Quality and Enhancement) will issue a formal warning to the student to discontinue the misconduct and inform the student of any actions the University may take in the event of any further occurrence of any misconduct
  - (d) determine that there is a prima facie case of misconduct and refer the matter for a hearing by a Board of Inquiry, in which case the provisions of section 7 of these procedures will apply
  - (e) determine that the matter be dealt with in another forum or through an alternative appeals, complaints or grievance resolution process
  - (f) determine that the complaint be treated as malicious or vexatious and be dismissed, and that taking action against the complainant be considered.

## **6. Resolution of a Matter by Discussion and Mediation**

### **6.1 Mediators**

The Pro Vice-Chancellor (Academic Quality and Enhancement) will appoint a Mediator to conduct mediation of a particular matter. A Mediator will, where possible, be appointed on the basis of experience or expertise relevant to the particular matter which is under consideration.

6.1.1 All parties must consent to participate in the mediation process.

6.1.2 All parties will be consulted before a Mediator is appointed.

6.1.3 A Mediator will be appointed from an external mediation service or law firm where a staff member or the University is a party to the complaint.

6.1.4 The Mediator will explore with the parties options for resolving the matter on mutually acceptable terms. The Mediator may not prescribe or enforce an outcome.

### **6.2 Operation**

6.2.1 The Pro Vice-Chancellor (Academic Quality and Enhancement) may instruct another officer of the University as appropriate to represent the University where it is a party in the mediation process.

6.2.2 The Mediator will invite the parties to attend an interview, and seek through discussion to identify an outcome in accordance with Clause 6.3 below, on terms agreed by the parties.

6.2.3 A Complaints Officer may be invited by the Mediator to be present during the mediation process, only as necessary to provide relevant information about the matter which is under consideration. The Mediator will document the agreed outcome and ensure that the parties agree that the record is accurate.

6.2.4 No record will be retained of the mediation process itself or of the discussions and negotiations between the Mediator and the parties. The Mediator may record information gathered during the process to assist in conducting the mediation, however this record will be destroyed at the end of the process. A record will be made of an agreed outcome, and any matters which remain unresolved at

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the conclusion of the mediation process notwithstanding the agreed outcome. This record will be admissible in later proceedings.

6.2.5 The Mediator will provide a record of the agreed outcome or advice of any further action to be taken, to the parties, and to the Pro Vice-Chancellor (Academic Quality and Enhancement). The parties will sign the record and will receive a copy of the signed record.

## **6.3 Outcomes**

6.3.1 Resolution of a matter will be by agreement of the parties, and may include the following outcomes:

- (a) a decision is made that there is no case to answer
- (b) the parties undertake to resolve the matter by negotiation through the Mediator
- (c) a penalty acceptable to the parties is identified by the Mediator after the Mediator consults with the Pro Vice-Chancellor (Academic Quality and Enhancement) and then with the parties.

6.3.2 Where a matter cannot be resolved as a result of the mediation process or where a party does not consent to participating in the mediation process, it will be referred to a Board of Inquiry. At any time during the mediation process, any of the parties may request that a matter be referred to a Board of Inquiry and that the mediation process not continue.

6.3.3 Compliance with an outcome agreed during a mediation process will be monitored by the Pro Vice-Chancellor (Academic Quality and Enhancement). If a student fails to comply with an agreed outcome, the original matter, and the breach of compliance will be referred to a Board of Inquiry for consideration.

## **7. Board of Inquiry**

### **7.1 Establishment**

7.1.1 A Board of Inquiry will have the following composition:

- a Chairperson appointed in accordance with Clause 7.1.2 below
- an academic staff member appointed in accordance with Clause 7.1.3 below
- a student appointed in accordance with Clause 7.1.4 below.

7.1.2 A Chairperson with relevant expertise will be appointed by the Pro Vice-Chancellor (Academic Quality and Enhancement) for a term of three years. If the Chairperson is not available to act on a particular matter, the Pro Vice-Chancellor (Academic Quality and Enhancement) may appoint an alternative Chairperson.

7.1.3 Members of a Board established to hear a particular matter will be appointed by the Pro Vice-Chancellor (Academic Quality and Enhancement) from the academic staff members of Academic Senate or Council, having regard to their expertise and experience relevant to the role of the Board, availability to serve and the need to achieve gender balance as far as practicable.

7.1.4 A student member of a Board established to hear a particular matter will be appointed by the Pro Vice-Chancellor (Academic Quality and Enhancement), after consultation with the President of the Students Association, having regard to the student's expertise and experience relevant to the role of the Board, availability to serve and the need to achieve gender balance as far as practicable.

### **7.2 Operation of a Board of Inquiry**

7.2.1 A hearing by the Board of Inquiry will be conducted in accordance with Procedures for the Conduct of a Hearing, contained in Appendix A to this policy. The provisions contained in Clause 3 Application of Principles of Natural Justice and Clause 10 General Provisions and Procedures, must also be complied with.

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7.2.2 The Pro Vice-Chancellor (Academic Quality and Enhancement) will appoint a Secretary to the Board. The Secretary will, at the direction of the Chairperson, provide copies of relevant documents to the Board and to the complainant and the respondent, and will:

- (a) notify the parties that the matter has been referred to a Board of Inquiry
- (b) notify the respondent of the allegations and the penalties for misconduct specified in Statute 6.4 and this policy, and
- (c) invite the respondent to respond to the allegations in writing.

If there is a dispute about the facts the Secretary may collect additional documentary evidence which is relevant to the matter.

### 7.3 Outcome of a Board of Inquiry

7.3.1 A Board of Inquiry will make one of the following determinations:

- (a) a finding that the allegations have been substantiated in full or part, or
- (b) a finding that the allegations have not been substantiated and the complaint is dismissed, or
- (c) a recommendation to the Pro Vice-Chancellor (Academic Quality and Enhancement) that the complaint be treated as malicious or vexatious and be dismissed, and that taking action against the complainant be considered.

7.3.2 If the allegations have not been substantiated no penalty will be imposed.

7.3.3 If the allegations are substantiated, in full or part, a Board of Inquiry may apply one or more of the following outcomes or penalties, taking into account the seriousness of the student's act or acts of misconduct, the impact of the student's misconduct on any other persons or the University, any prior findings of misconduct made against the student, any extenuating circumstances and any other matter or circumstance which the Board considers relevant (including any previous decisions in analogous matters considered by the Board):

- (a) a finding that no penalty should be imposed
- (b) the student or another party is requested to provide an apology in writing
- (c) the student is reprimanded in writing and warned about the consequences of a repetition of the misconduct
- (d) a restriction is placed on the student's access to University property or facilities
- (e) the student is requested to provide recompense (financial or otherwise) for damage to or loss of property which he or she has caused, taking account of the student's ability to pay such costs
- (f) a restriction is placed on a student's conduct for a specified period
- (g) a period of suspension is imposed for a specified period from a specified date, for the remainder of a semester or a period no greater than 14 weeks
- (h) in the case of a finding of Academic Misconduct, the relevant penalty provided in Schedule 2 of the [Student Academic Integrity Policy](#) is imposed
- (i) the student is excluded from participating, enrolling or re-enrolling in a topic or course for a specified period of up to five years. An excluded student's participation or enrolment in a topic or course would cease from the effective date of the exclusion
- (j) the student is expelled from the University and their enrolment is terminated. Expulsion means that a student is indefinitely excluded from re-enrolling in any topic or course of the University

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- (k) a recommendation is made to the Deputy Vice-Chancellor (Students) that an academic award conferred by the University on the student is rescinded in accordance with the [Conferral of Awards and Graduation Policy](#)
  - (l) any combination of the above named penalties is imposed
  - (m) an alternative penalty is imposed, after consultation with the Pro Vice-Chancellor (Academic Quality and Enhancement) and the student
  - (n) the Deputy Vice-Chancellor (Students) is advised to consider taking action in an external legal forum.

7.3.4 In applying the penalties above, a Board of Inquiry shall have regard for any provision within a relevant course rule that places a limit on the time period in which the student must complete their degree.

7.3.5 Compliance with an outcome imposed by a Board of Inquiry will be monitored by the Pro Vice-Chancellor (Academic Quality and Enhancement). If a student fails to comply with an outcome imposed by a Board of Inquiry, the matter will be referred to the Appeals Committee for consideration. If the Appeals Committee is satisfied that a breach of compliance has occurred, it will decide an outcome in accordance with its powers under Clause 8.3 of this policy and will report on the matter to the Pro Vice-Chancellor (Academic Quality and Enhancement).

7.4 Either of the parties if not satisfied with the decision of a Board of Inquiry may appeal to the Appeal Committee as defined in Section 9 of this policy. An appeal may only be made on one or more of the grounds specified in Section 9 of this policy. An appeal must be lodged, in writing, with the Pro Vice-Chancellor (Academic Quality and Enhancement) within 20 working days of the date of the notification of the decision from the Board of Inquiry, or such longer period as the Pro Vice-Chancellor (Academic Quality and Enhancement) may approve on the written request by a party. Any such request must set out the reasons for the request and may be made before or after the expiry of the time for lodging an appeal.

## 8. Re-admission to a course or re-enrolment in a topic

8.1 After the expiry of the period of exclusion, a student who has been excluded will have the right to re-enrol in the course or topic concerned except where course-specific provisions, as outlined in the relevant course rule, require the student to make an application for re-admission.

8.2 A student who is excluded from a course or topic and who wishes to seek permission to be re-admitted to the course or re-enrolled in that topic before the exclusion period expires must submit an application to the Deputy Vice-Chancellor (Students), who will consider and decide the matter on behalf of Council. Applications should include comprehensive information as the student considers appropriate, that:

- demonstrates he or she has addressed the matters that led to his or her exclusion, and
- demonstrates he or she would conduct themselves in a manner the University expects of its students.

An application for permission to re-enrol from an excluded student would not normally be considered before the expiry of one academic year from the effective date of the exclusion.

8.3 A student who is expelled from the University and who wishes to seek permission to be re-admitted to a course must submit an application to the Deputy Vice-Chancellor (Students), who will consider and decide the matter on behalf of Council. Applications should include comprehensive information as the student considers appropriate, that:

- demonstrates he or she has addressed the matters that led to his or her expulsion, and
- demonstrates he or she would conduct themselves in a manner the University expects of its students.

An application for permission to re-enrol from an expelled student would not normally be considered before five (5) years have elapsed since the effective date of the expulsion.

8.4 In considering an application to be re-admitted or re-enrol, the Deputy Vice-Chancellor (Students) will

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consider the report of the Board of Inquiry that made the decision to suspend, exclude or expel the student and advice from the relevant Executive Dean. After considering an application the Deputy Vice-Chancellor (Students) may take one of the following courses of action:

- the student is not re-admitted to the course or not permitted to re-enrol in the topic, or
- the student is re-admitted to the course with a restricted enrolment or subject to a restriction on their conduct, or
- the student is re-admitted to the course without restriction or is permitted to re-enrol in the topic.

However, enrolment in any topic is dependent on a student being able to meet appropriate prerequisites for the topic.

**8.5** Students will be notified of the outcome of their applications as soon as possible and provided with the reasons for the decision.

## **9. Appeals Committee**

An appeal will be heard to resolve a matter on the grounds that:

- (a) proper process has not been followed in the handling of a complaint, or
- (b) an outcome imposed by a Board of Inquiry is unjust, in which case the Appeals Committee will limit its investigations to a review of the outcome, or
- (c) new evidence of a substantive nature has become available after the resolution of a matter by a Board of Inquiry which could change the outcome of the matter.

### **9.1 Establishment**

9.1.1 The Appeals Committee will have the following composition:

- an external Chairperson appointed in accordance with Clause 9.1.2 below
- a staff member of the University appointed in accordance with Clause 9.1.3 below, and
- a student of the University appointed after consultation with the President of the Students Association in accordance with Clause 9.1.3 below.

9.1.2 A Chairperson who is not a student or a member of staff of the University will be appointed by the Pro Vice-Chancellor (Academic Quality and Enhancement) for a term of three years. If the Chairperson is not available to act on a particular matter, the Pro Vice-Chancellor (Academic Quality and Enhancement) may appoint an alternative Chairperson.

9.1.3 Members of an Appeals Committee established to hear a particular matter will be appointed by the Pro Vice-Chancellor (Academic Quality and Enhancement), having regard to the person's expertise and experience relevant to the role of the committee, availability to serve and the need to achieve gender balance as far as practicable.

9.1.4 The University will indemnify members of an Appeals Committee against all claims and actions for acts or omissions undertaken in good faith in the exercise of their powers or duties in relation to any decisions or proceedings of an Appeals Committee.

### **9.2 Operation**

9.2.1 On receiving a written appeal from one of the parties, the Pro Vice-Chancellor (Academic Quality and Enhancement) will refer the matter to the Chairperson of the Appeals Committee. The Chairperson will make a preliminary determination as to whether prima facie evidence exists of a matter which requires investigation by an Appeals Committee. In making their preliminary determination, the Chairperson will consider the written appeal and the documentation considered by the Board of Inquiry. The Chairperson may also request a report from the complainant, other persons involved in

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the investigation of the complaint, or the Secretary or Chairperson of the Board of Inquiry, in order to clarify the steps taken in handling the complaint, or the steps taken in the course of the proceedings of the Board of Inquiry.

- 9.2.2 If the Chairperson is of the view that sufficient evidence does not exist to enable the matter to be considered, an Appeals Committee will not be convened and the Pro Vice-Chancellor (Academic Quality and Enhancement) will be informed of the reasons.
- 9.2.3 If an Appeals Committee is to be convened the Pro Vice-Chancellor (Academic Quality and Enhancement) will appoint a Secretary to the Appeals Committee. The Secretary will, at the direction of the Chairperson of the Appeals Committee, provide copies of relevant documents to the Appeals Committee, and to the complainant and the respondent, and will:
- (a) notify the parties that the matter has been referred to an Appeals Committee
  - (b) notify the respondent of the outcomes which an Appeals Committee may impose, as specified in Statute 6.4 and this policy.
- 9.2.4 Once a matter has been referred to an Appeals Committee, the Committee will conduct a hearing in accordance with Clause 10 of this policy and the Procedures for the Conduct of a Hearing, contained in Appendix A to this policy.
- 9.2.5 If in the course of hearing an appeal, a matter or circumstance becomes apparent to the Appeals Committee which would have, had it been raised by either party, constituted grounds of appeal under section 9(a), (b) or (c), the Appeals Committee may at its discretion consider and make a determination in respect of that matter or circumstance as if it had been raised as a ground for appeal by either party.
- 9.2.6 Compliance with an outcome imposed by an Appeals Committee will be monitored by the Pro Vice-Chancellor (Academic Quality and Enhancement). If a student fails to comply with the outcome which the Appeals Committee has imposed, the Deputy Vice-Chancellor and the Vice-Chancellor will be informed of the matter, normally with a recommendation that the student be expelled.

### **9.3 Outcome of an Appeal**

- 9.3.1 An Appeals Committee will make one of following decisions:
- (a) uphold the appeal in whole or in part, or
  - (b) dismiss the appeal.
- 9.3.2 If the appeal is dismissed, the Appeals Committee must confirm the decision of the Board of Inquiry.
- 9.3.3 If the appeal is upheld, in whole or part, the Appeals Committee will make one of the following determinations:
- (a) remit the decision back to the Board of Inquiry for reconsideration, asking the Board to take into account any recommendations from the Appeals Committee
  - (b) set aside, amend or vary one or more of the findings of a Board of Inquiry
  - (c) substitute a new finding
  - (d) set aside, amend or vary one or more of the penalties applied by a Board of Inquiry
  - (e) apply an alternative penalty to that applied by a Board of Inquiry, provided it is one of the penalties available to a Board of Inquiry as set out in Clause 7.3 above
  - (f) to impose any outcome or penalty which a Board of Inquiry is able to impose
  - (g) recommend that the Deputy Vice-Chancellor (Students) be advised to consider taking further action in an external legal forum to resolve the matter

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- (h) recommend to the Pro Vice-Chancellor (Academic Quality and Enhancement) that the complaint be treated as malicious or vexatious and be dismissed, and that taking action against the complainant be considered.

## **10. General Provisions and Procedures**

### **10.1 General Provisions**

- 10.1.1 Each process will be completed in a timely manner. Written communication must normally be dispatched within seven days of the event or request that prompted its dispatch. Prior to any stage of a complaint process being initiated (refer to Clause 2.1 of this policy), all parties will be given no less than fourteen days' notice in writing, of the action which will be taken and of any requirements which they must comply with. The period of not less than 14 days' notice may be reduced with the prior written consent of both parties or in the discretion of the Pro Vice-Chancellor (Academic Quality and Enhancement) having regard to the particular circumstances of the matter.
- 10.1.2 Written communication and notices to the parties will be sent by email to their Flinders email accounts. Where a student completes a course of study or discontinues their enrolment, and it is determined that proceeding under this Policy and Procedures should continue, then notices may be sent to an alternative email account or postal address nominated by the student or, in the absence of such nomination, the student's alternative email account or postal address as recorded in the University's records. Where a staff member who is a party to a matter being investigated under this Policy and Procedures ceases to be an employee, and continues to participate in any proceedings, notices may be sent to an alternative email account or postal address nominated by the former staff member or, in the absence of such nomination, the staff member's alternative email account or postal address as recorded in the University's records.
- 10.1.3 Communications and notices sent in accordance with paragraphs 10.1.1 and 10.1.2 are deemed to have been received by the intended recipient:
- (a) in the case of email, if sent before 3:00 pm on a business day, 2 hours after the time the email is sent (as recorded on the device from which the sender sent the email), or if sent on or after 3:00 pm on a business day, at 11:00 am on the next ensuing business day, unless the sender receives, before the deemed time of receipt, an automated message that the email has not been delivered; and
  - (b) in the case of post, 2 business days after the date of posting (if posted to an address in Australia) or 7 business days after the date of posting (if posted to an address in another country).
- 10.1.4 A matter will be treated as confidential to those persons involved in proceedings during and after the proceedings, except if an open hearing is conducted. General information derived from hearings may be used for administrative purposes, provided parties cannot be identified.
- 10.1.5 The Deputy Vice-Chancellor (Students) may decide in his or her discretion that a matter be pursued on behalf of the University, and appoint a senior officer to present the complaint.
- 10.1.6 Where a student is found to have committed an act of misconduct, the determination of an outcome or penalty may take into account any previous findings of misconduct, whether such misconduct was of the same nature or not .
- 10.1.7 Should there be a significant change of circumstances, the Pro Vice-Chancellor (Academic Quality and Enhancement) may review any penalties imposed on a student or establish an Appeals Committee to conduct a review of the penalties. A penalty may be varied as a result of such a review.
- 10.1.8 If any process against a student is initiated in accordance with Statute 6.4, and the student subsequently completes a course of study or discontinues his or her enrolment, proceedings against the former student may be continued or discontinued, at the discretion of the Pro Vice-Chancellor (Academic Quality and Enhancement).
- 10.1.9 During any process, provided that confidentiality is not breached and the principles of natural justice are upheld:

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- (a) more than one charge may be heard against the same student concurrently, and/or
  - (b) provided that the matter or matters are such that the alleged charges or offences have arisen from the same event, charges of misconduct against more than one student may be heard concurrently.

- 10.1.10 A student will be responsible for informing himself or herself about the policy environment which applies to students of the University. A guide to relevant Statutes, policies and procedures is provided in Appendix B to this policy.
- 10.1.11 The parties may be accompanied by a person of their choice, and are entitled to seek legal advice on a matter, but they will not be entitled to legal representation in an interview or hearing. A guide to sources of information, support and advice for students is provided in Appendix D.

## 10.2 Record Keeping

- 10.2.1 If an allegation is proven the Pro Vice-Chancellor (Academic Quality and Enhancement) will arrange for a record of the matter and the outcome to be placed on a confidential file. A file note recording the existence of the confidential file will be placed on the student's personal file and on the student record system.
- 10.2.2 If a student is expelled from the University the student's academic record will be annotated to this effect.
- 10.2.3 The Pro Vice-Chancellor (Academic Quality and Enhancement) will authorise the inclusion, amendment or deletion of a record on a student's file, on the student record system, or on an academic record.
- 10.2.4 A complete record will be kept of all proceedings and decisions relating to a hearing of a Board of Inquiry or an Appeals Committee. All such records will be confidential and kept in a secure place.
- 10.2.5 A record of a matter will be kept for five years. The Pro Vice-Chancellor (Academic Quality and Enhancement) will then review the record and decide either that it be destroyed, or kept for a specified period.

## 10.3 Conflict of Interest

If an officer with responsibility under this policy believes that there is an actual or perceived conflict of interest, the matter should be referred to another appropriate senior officer for decision.

## Appendix A

### Procedures for Hearings of Boards of Inquiry and Appeals Committees established under Statute 6.4

The following Procedures for the Conduct of a Hearing are approved by Council and will apply in a hearing of the Board of Inquiry or Appeals Committee. The Board of Inquiry or Appeals Committee, may, after consultation with the parties, and subject to the provisions of [Statute 6.4](#), vary the procedures to accommodate the particular circumstances of the matter before it, and establish additional procedures which shall apply in a hearing.

1. Upon referral of a matter to a Board of Inquiry or an Appeals Committee, the Chairperson will discuss with the Board of Inquiry or Appeals Committee the matter before it and the process to be adopted for the conduct of a hearing. The Chairperson will then brief the parties and their representatives on the process which will apply in the hearing.
2. All participants in a hearing shall comply with the directions of the Chairperson in relation to the conduct of the hearing.
3. Subject to compliance with 1 above, and legitimate considerations with regard to confidentiality, the respondent and their representative and the representative of the University (where appointed) shall

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be entitled to be present throughout the hearing, except when the members of the Board or Committee wish to confer amongst themselves or consider their decision.

4. A hearing will be held in camera, unless the Board of Inquiry or the Appeals Committee decides, with the consent of all parties, and taking account of the welfare of the parties and the University, that an open hearing will be conducted. The Chairperson of a Board of Inquiry or Appeals Committee may direct that all observers in attendance at an open hearing identify themselves before being admitted to the meeting room.
5. A hearing may proceed in the absence of the respondent provided that proper notice has been given as to the time, date and place of the hearing.
6. If a person is unable to attend in person during proceedings, the Pro Vice-Chancellor (Academic Quality and Enhancement), or a Chairperson of a Board of Inquiry or an Appeals Committee may authorise that proceedings be continued by way of an alternative method of communication (e.g. written communication or a teleconference).
7. The quorum for hearings of a Board of Inquiry or an Appeals Committee will be two members, one of whom must be the Chairperson. A Board of Inquiry or Appeals Committee will continue to act notwithstanding any vacancy in its membership, subject to the requirement of a quorum and to Clause 8 below.
8. A member of a Board of Inquiry or an Appeals Committee may continue to act in a hearing notwithstanding that after the hearing was constituted that member has ceased to be, a staff member or student of the University or a member of Council.
9. If in the course of a hearing the Chairperson of a Board of Inquiry or an Appeals Committee becomes unavailable or incapable of continuing to act as Chairperson, a new Board of Inquiry or Appeals Committee will be convened and the hearing will commence de novo.
10. A Board of Inquiry or Appeals Committee will consider the evidence before it, seek further information as necessary, and may call any person to provide evidence. Hearings will not be bound by the rules of evidence, but they may serve as a guide in the conduct of proceedings. Parties and witnesses may be examined and questioned by the Board or Committee.
11. The Chairperson will have a deliberative vote but not a casting vote.
12. A finding against a student of misconduct must be proven on the balance of probabilities.
13. A Board of Inquiry or an Appeals Committee will decide on an outcome in accordance with the penalties outlined in Clauses 7.3 and 8.3 of the policy respectively, and prepare a report on its findings and reasons for decisions.
14. A complete record must be kept of all proceedings and decisions relating to a hearing of a Board of Inquiry or an Appeals Committee. The Board or Committee will confirm the record. Unless the Board or Committee decides otherwise, the record will be available to the parties on request to the Secretary.
15. The Secretary will inform the Pro Vice-Chancellor (Academic Quality and Enhancement) and the parties of the decision and the reasons for the decision, and undertake record keeping and administrative action.

## **Appendix B**

### **Publication of University Legislation, Rules and Policies**

Students are required to comply with all legislation under which the University operates, and with University Statutes, By-Laws, regulations, policies, procedures, and directives from staff responsible for managing relevant areas or matters. This information is published annually.

College policies and procedures, or those relating to specific courses are published in College publications.

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The following list identifies general University policies and procedures which contain a specific reference to Statute 6.4:

1. [Sexual Harassment and Sexual Assault Prevention and Response Policy](#)
2. Policy for the Operation of Flinders Living: Housing Advisory Board Constitution
3. [Student Academic Integrity Policy](#)
4. [Breach of Research Integrity Procedures](#)
5. [Student Complaints Procedures](#)
6. [Library Rules](#)
7. [Information Security Policy](#)

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## Appendix C

### Student Conduct in Laboratories

Students are required to comply with the following rules in the use of University laboratories:

1. All students must adhere to the safety rules for laboratory practice as they apply to each laboratory in which they carry out procedures.
2. Any new experiments should be referred to the supervisor who will conduct a risk assessment and institute appropriate hazard control measures and/or seek advice from the Technical or Laboratory Manager.
3. Any accident must be reported at once to the person currently in charge of the laboratory.
4. The Vice-President and Executive Dean of the College may impose a fine not exceeding \$100 (payable within seven days from time of imposition) for any breach of discipline, misconduct, misuse of apparatus or reagents, or waste of gas, water and electricity. The amount and reason for the fine is to be reported in writing by the Vice-President and Executive Dean to the Vice-President (Corporate Services).
5. The Vice-President and Executive Dean may refer any misconduct or offence on the part of a student to the Pro Vice-Chancellor (Academic Quality and Enhancement) in accordance with this policy.
6. All preparations and equipment made from materials supplied by the University shall remain the property of the University.

## Appendix D

### Sources of Information, Support and Advice for Students

Students and staff may obtain advice and assistance on the operation of Statute 6.4 or other policies or procedures which apply to students, as follows:

General Student Conduct and Student-Related Services: Manager, Student Policy and Projects Legislation, Policies and Procedure: Manager, Student Policy and Projects  
Counselling and Support: Health, Counselling and Disability Services

Student Conduct and Policies relating to Flinders Housing and University Hall: Dean of Flinders Housing

Policies on Equal Opportunity, Sexual Harassment, and Anti-Discrimination (race, disability, sexuality):  
Manager, Equal Opportunity and Diversity

Student-Related Policies and Procedures: Manager, Student Policy and Projects College Policies and Course-Related Matters: Head of College Services Counselling and Support: Health and Counselling Services  
Student Advocacy and Support: Flinders University Student Association