

## University Statute No. 22 - Student Conduct

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### 1. Preliminary

- (1) Under the provisions of sections 26(3) and 26(7) of the *Edith Cowan University Act 1984* ("the Act") Rules may be made under this Statute with respect to matters concerning the conduct of students and allegations of misconduct by students.
- (2) These Rules may prescribe the responsibilities and obligations of those persons, classes of persons and bodies of persons within the University necessary for the preservation of order, whilst also protecting the freedom of students and encouraging their cooperation.
- (3) These Rules may stipulate:
  - (a) the forms of conduct that constitute misconduct;
  - (b) the procedures for making complaints of misconduct;
  - (c) the procedures for the consideration of complaints of alleged misconduct and appeals against findings of and penalties imposed for proven misconduct;
  - (d) the persons, classes of persons and bodies of persons who may make complaints, hear complaints and exercise disciplinary powers and determine appeals made against the exercise of such powers;
  - (e) such other matters regarding the conduct and discipline of the University that the Council considers necessary.

### 2. Investigations and appeals

- (1) Investigations and appeals instigated under this Statute must be conducted in accordance with the principles of equity and good conscience and the substantial merits of the case without regard to technicalities or legal forms. Subject to the requirements of natural justice, those conducting investigations and deciding appeals will not be bound by any rules of evidence and may inform themselves of any matter they believe to be relevant.
- (2) When investigating whether an activity constitutes misconduct or when hearing an appeal against a finding of misconduct:
  - (a) freedom of speech and freedom of expression shall be permitted where such speech or expression is consistent with like freedoms given to others and the rights of any person affected;
  - (b) the burden of proving an allegation of misconduct will rest with the University, and the standard of proof is the balance of probabilities;
  - (c) the accused must be:
    - (i) given sufficient particulars to enable him/her to answer the allegation; and
    - (ii) provided with an opportunity to be heard (although not necessarily face to face or even orally); and
  - (d) when a finding of misconduct is made, or an appeal dismissed, the student must be:

- (i) notified of the outcome; and
  - (ii) provided with sufficient reasons to explain the outcome.
- (3) Sub-sections (1) and (2) do not apply to the exercise of summary powers prescribed in a rule under this Statute.

### **3. Penalties and appeals**

- (1) Penalties that may be imposed for proven misconduct may include any one or all of the following:
- (a) fines for any one offence, not exceeding the amount prescribed by section 26(3)(b) of the Act;
  - (b) restitution, not exceeding the amount prescribed by section 26(3)(d) of the Act, for damage to University property arising out of the commission of a disciplinary offence;
  - (c) deprivation of credit for academic work;
  - (d) cancellation or suspension of all or any of a student's rights and privileges, including suspension from the University or parts of the University; and
  - (e) expulsion from the University.
- (2) Appeals against findings of and penalties imposed for proven misconduct must be lodged in accordance with the procedures and in the timeframe specified in Rules made under this Statute, except in exceptional circumstances approved by the Vice-Chancellor.
- (3) In all other circumstances, time limits established in Rules under this Statute should, where practicable, be complied with provided that:
- (a) the Vice-Chancellor may, upon such terms as he or she believes to be appropriate, extend or abridge any period of time fixed by a provision of a rule made under this Statute, and may do so after the expiration of any such period; and
  - (b) no action will be invalidated because a time limit is exceeded.
- (4) Hearings instigated under this Statute must be in private unless the presiding member of the body hearing the appeal decides otherwise.
- (5) Any money owed by any person pursuant to this Statute is payable as a debt and may be recovered by the University.
- (6) No academic award shall be conferred on a student charged with a breach of obligation until after the charge has been dealt with in accordance with this Statute, unless otherwise decided by the Vice-Chancellor.

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