

## Student Misconduct Policy and Procedure HEPP47

### PURPOSE

This policy ensures disciplinary procedures comply with the Higher Education Standards Framework (HESF) 2021, particularly standards relating to student participation, support, and procedural fairness.

### SCOPE

This policy applies to all students of Southern Cross Education Institute (Higher Education).

### DEFINITIONS

Exclusion from campus	A student must not enter all or part of Southern Cross Education Institute (Higher Education) campus for the period that the exclusion applies and is subject to any conditions imposed.
Expulsion	A person ceases to be a student at Southern Cross Education Institute (Higher Education).
Misconduct	Conduct contrary to accepted standards of behaviour as outlined in the Student Code of Conduct
Nominated Investigator	The Nominated Investigator may be an internal staff member or an external expert and must have the necessary skills, experience, and independence to ensure procedural fairness.
Natural Justice / Procedural Fairness	The right to a fair and unbiased hearing, including the opportunity to respond to allegations before a decision is made
SCEI-HE	Southern Cross Education Institute (Higher Education)
Suspension	a specified period a student is prohibited from attending any teaching or assessment session or enter the premises of or represent Southern Cross Education Institute (Higher Education) in any way as per the terms of the suspension.

### POLICY

- SCEI-HE takes all reports of misconduct seriously and ensures that they are investigated thoroughly, impartially, and in a timely manner.
- All investigations will be conducted in accordance with the principles of natural justice and procedural fairness, ensuring all parties have the opportunity to be heard.
- All parties involved in misconduct investigations must maintain strict confidentiality throughout the process.
- SCEI-HE reserves the right, and where required by law, has the obligation to report any suspected criminal activity to the relevant legal authorities, maintaining transparency with involved parties where appropriate.

### PROCEDURE

#### 1. Reports of Misconduct

SCEI-HE is committed to investigating allegations of misconduct promptly and fairly, ensuring timely resolution to minimise disruption to student studies.

- Where a staff member has reasonable grounds to believe that a student has committed an act of misconduct, that person must report suspected misconduct to the Course Coordinator or the Academic Director.
- Upon receiving a report of misconduct, the Course Coordinator or the Academic Director will appoint a delegate to Investigation Officer (Nominated Investigator).
- The Nominated Investigator will:
  - Make enquiries regarding the nature of the misconduct;
  - Determine whether misconduct has been proven;
  - Prepare a report on the findings and submit to the Course Coordinator or the Academic Director; and
  - If misconduct has been proven the investigator should include suitable recommendations.
- Upon receipt of the report, the Course Coordinator or the Academic Director will either dismiss the report of misconduct or impose a suitable penalty.

- 1.5 Records of the report of misconduct is to be included in the student's administration file and noted in the electronic Student Management System.
- 1.6 Where the misconduct involves suspected criminal activity, the Academic Director will assess whether it meets criteria for reporting to legal authorities (e.g., serious offences such as assault or theft). If reporting is required, the Academic Director will liaise with authorities and, where appropriate, notify the student of the report to maintain transparency.

## **2. Investigation Process**

- 2.1 An Investigation Officer (Nominated Investigator) will be appointed to investigate and report on the matter of concern. The Course Coordinator or the Academic Director will appoint the best person they see fit to conduct the investigation and may be appointed from either an internal or external source.
- 2.2 The student will be notified in writing of the allegations and given a reasonable opportunity (e.g., 5-10 working days) to respond or provide evidence before a finding is made.
- 2.3 The Course Coordinator or the Academic Director will base their appointment of the investigative officer on:
  - 2.3.1 The level of seriousness of the reported misconduct;
  - 2.3.2 The impartiality of the investigator; and
  - 2.3.3 The skill, experience, and availability of the investigator.
- 2.4 Once the Investigation Officer is appointed the investigation process will take place in a timely manner.

## **3. Preparation and Information Collection**

- 3.1 Review the report of misconduct and determine the most appropriate manner of investigation.
- 3.2 Obtain relevant background information including (but not limited to):
  - 3.2.1 Relevant policies and procedures;
  - 3.2.2 Codes of conduct;
  - 3.2.3 Relevant legislation;
  - 3.2.4 Student academic and administrative records; and
  - 3.2.5 Interviewing the relevant parties.
- 3.3 Where the report of misconduct is of a serious nature, a panel may need to be formed to collectively undertake the investigation, make findings and recommendations. The panel will be formed by the Course Coordinator in consultation with the Academic Director.

## **4. Making a Finding**

SCEI-HE will comply with all relevant legal obligations, including those under the Education Services for Overseas Students (ESOS) Act, in reporting criminal conduct to authorities.

- 4.1 The Investigation Officer will assess all the evidence collected and consider it:
  - 4.1.1 The strength and reliability of the evidence;
  - 4.1.2 Impact on the student and SCEI-HE;
  - 4.1.3 Policies and procedures of SCEI-HE; and
  - 4.1.4 Legal considerations.
- 4.2 The Investigation Officer or Panel will determine whether the misconduct has been proved. If satisfied that misconduct has been proved, impose 1 or more penalties in accordance with this policy and procedure.

## **5. Reporting**

- 5.1 Upon finalising a detailed investigation, the Investigation Officer or Panel will be responsible for compiling a report to the Course Coordinator or the Academic Director outlining the following:
  - 5.1.1 The report of misconduct;
  - 5.1.2 Account of relevant information received as well as information rejected as well as why rejected;
  - 5.1.3 Conclusions reached and reasons why;
  - 5.1.4 Recommendations for penalties arising from conclusions; and
  - 5.1.5 The report should also include any transcripts, statements and/or evidence obtained in the course of the investigation.
- 5.2 All reports of misconduct are recorded in the Student Discipline Register.

## **6. Penalties**

The Investigation Officer or Panel must ensure that penalties are proportionate to the nature and severity of the

misconduct, with reference to the Student Code of Conduct HEPP07. The Investigation Officer or Panel may, in relation to any reported student misconduct, take any 1 or more of the following courses of action:

- 6.1 Where the allegation of misconduct is not supported by the evidence, dismiss the allegation.
- 6.2 Place a record of misconduct on the student's record with no further penalty.
- 6.3 Reprimand the student.
- 6.4 Impose a conditional penalty intended to encourage rehabilitation and a change in behaviour to avoid further misconduct and may include for the student to:
  - 6.4.1 seek counselling;
  - 6.4.2 apologise to any person aggrieved by the misconduct; or
  - 6.4.3 be on probation for a specified period of time with conditions.
- 6.5 Require the student to recompense SCEI-HE or to a person for property lost, damaged, or destroyed due, in whole or in part.
- 6.6 Impose a financial penalty, limited to actual costs or damages incurred (e.g., repair or replacement costs), subject to approval by the Academic Director to ensure fairness.
- 6.7 Exclude the student from areas of SCEI-HE campus.
- 6.8 Suspend the student for a period of time not exceeding 1 semester.
- 6.9 Expel the student; or
- 6.10 Impose a combination of these penalties.

## 7. Notice and Effect of Decision

- 7.1 Within 10 days of any decision to impose a penalty under this policy and procedure, the student must be provided with written notice of the:
  - 7.1.1 decision and the reasons for the decision;
  - 7.1.2 penalty imposed and conditions attached; and
  - 7.1.3 right to appeal the decision under this policy and procedure.
- 7.2 For international students, the notice must include information about potential visa implications (e.g., reporting to the Department of Home Affairs under Section 19 of the Education Services for Overseas Students Act 2000) if penalties such as suspension or expulsion are imposed.
- 7.3 A determination to suspend or expel a student will remain in effect until any appeal has concluded and been decided.
- 7.4 Subject to the absolute discretion of the Course Coordinator or the Academic Director, SCEI-HE shall not:
  - 7.4.1 re-enrol;
  - 7.4.2 issue any statement of results;
  - 7.4.3 issue any transcript of academic record; or
  - 7.4.4 confer any award to a student where that student has failed to pay or fulfil any penalty imposed under this policy and procedure by the required date.

## 8. Appeal

- 8.1 A student may appeal any decision made under this policy and procedure.
- 8.2 Appeals will be reviewed by an independent officer or panel not involved in the original decision, ensuring fairness and transparency.
- 8.3 To lodge an appeal, the student must submit a written appeal to the Academic Director within 10 working days of receiving the decision notice. The appeal will be reviewed by an independent officer or panel not involved in the original decision, ensuring impartiality and adherence to natural justice principles.
- 8.4 A student may be accompanied and assisted but not represented by 1 other person at any time during the investigation and decision process.
- 8.5 For serious cases involving potential suspension or expulsion, the student may engage legal representation or independent advocacy, provided SCEI-HE is notified in advance.
- 8.6 Where a student is legally represented, SCEI-HE may also be represented by legal counsel.

## RELATED DOCUMENTS

Academic Appeals Policy and Procedure HEPP05  
Student Charter HEMIS14  
Student Complaint and Grievance Policy and Procedure HEPP03  
Student Code of Conduct HEPP07



Student Discipline Register

**LEGISLATIVE CONTEXT**

Education Services for Overseas Students Act 2000  
Higher Education Standards Framework (Threshold Standards) 2021  
National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 8 (Specifically 8.8.1)  
Tertiary Education Quality and Standards Agency Act 2011

**RESPONSIBILITIES**

**Course Coordinator and Academic Director:** Responsible for the implementation of this policy and procedure.

**DOCUMENT AND RECORD CONTROL**

<b>Created</b>	Dec 2015 (V1.0)
<b>Amended</b>	Mar 2019 (V1.1); May 2020 (V1.2); Feb 2022 (V1.3); Jan 2024 (V1.4); June 2025 (V1.5)
<b>Last reviewed by</b>	Quality Assurance and Compliance team (May 2025)
<b>Last approved by</b>	Academic Board (June 2025)
<b>Version</b>	1.5
<b>Effective date</b>	June 2025
<b>Next planned review</b>	April 2027