

Student Misconduct Policy



Institute of Health &
Management Pty. Ltd.

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SECTION 1

Purpose

1. This policy describes the Institute of Health & Management's (IHM's) principles to ensure that incidents of misconduct on the part of students are responded to and addressed in a manner that is fair, equitable and appropriate and in accordance with other Institute of Health and Management (IHM policies) and the law.

Scope

2. This Policy applies to:
 - a) All current and prospective student enrolled at IHM
 - b) All staff who will be in contact with students
 - c) Members of IHM governing committees who are involved in the reporting and hearing of matters of misconduct

Definitions

3. The following definitions have their meaning as spelt out below:
 - a) **Misconduct** - A breach of or conduct in contravention of rule or by-law of IHM or a breach of any IHM policies of procedures relating to either academic or non-academic misconduct.
 - b) **Academic misconduct** - Includes conduct that:
 - a. Involves academic fraud, cheating, plagiarism, collusion, and any other dishonest conduct by a student to gain academic or general advantage.
 - b. Contravenes or demonstrates disregard for the provisions of the IHM Student Code, academic rules, policies, procedures and/or guidelines.
 - c) **Non-academic misconduct** – Includes conduct that:
 - a) Contravenes or demonstrates disregard for the provisions of the Code, non-academic rules, policies, procedures and/or guidelines.
 - b) Adversely impacts on IHM's reputation including the reputation of staff, students or other members of IHM communities.
 - c) Is criminal or unlawful on IHM premises or property, or on a location where a student is present under the auspices of IHM.
 - d) Damages or wrongfully deals with any property or premises under the control of IHM, or property or a location where a student is present under the auspices of IHM.
 - e) Obstructs any staff or student of IHM in the performance of their duties.
 - f) Assaults, threatens, bullies, harasses or endangers any staff or student of IHM or causes them to fear for their personal safety.
 - g) Attempts to improperly influence any staff or student in performing their duties and/or disobeys any instruction from the IHM, including the failure to leave the building when directed to do so, or the failure to comply with an imposed penalty or agreed outcome under IHM policies and procedures.
 - h) Impairs the reasonable freedom of other persons to pursue their studies or to participate in the IHM activities.

- i) Disrupts, interferes with or is detrimental to the conduct of any teaching, study, assessment or administration of IHM.
- j) Refuses, withholds or fails to identify oneself truthfully or furnishes false personal information to IHM.
- k) Breaches confidentiality or privacy requirements or obligations in respect of IHM, its staff and students.
- d) **Allegation** – an accusation of misconduct.
- e) **Allegation Notice** – communication of an accusation of misconduct that is issued to a student prior to commencing formal misconduct proceedings.

Suite documents

- 4. This Policy is linked to the following Procedure:
 - a) Student Misconduct Procedure
 - b) See also the Associated Information listed in the 'Related Internal Documents' in Section 3 below.

SECTION 2

Policy

Principles

5. Onus of proof

The onus of proof, in the event of an accusation of student misconduct, rests with the accuser and those investigating on their behalf. For the accusation to be upheld, the evidence must be sufficient to demonstrate beyond reasonable doubt that the accusation is substantiated.

6. Maintaining enrolment during investigation

A student's enrolment status is maintained, and they may continue to undertake all of their study activities during the process of investigating an accusation of misconduct.

7. Classification of misconduct

- a) IHM has classified misconduct into two categories as general misconduct and serious misconduct.
- b) General misconduct by a student may include but is not limited to the following examples:
 - a. Minor disturbances during academic activities (face to face or online) that interfere with the freedom of a student or limit the capacity of an academic staff member to fulfil their duties.
 - b. Minor disturbances in any IHM venue or activity that represents immature or childish behaviour that is disruptive or offensive.
 - c. First instances of breaking, ignoring or being unaware of IHM rules or Code of Conduct (dependent on the nature of the rule being broken or ignored).
 - d. Behaving in an unsafe manner in any IHM venue or activity.
 - e. Behaviour that causes offence, whether intentional or not.



- f. Smoking on IHM property.
 - g. Drinking alcohol on IHM property, unless at an authorised event.
- c) Serious Misconduct by a student may include but is not limited to the following examples:
- a. Repeated disruption during academic activities (face-to-face or online) that interferes with the learning of other students.
 - b. Showing disrespect to IHM staff or other students.
 - c. Bullying or harassing behaviour including but is not limited to, cyber-bullying, assault, intimidation or displaying aggression towards others at any time during academic activities, when representing the IHM to public or when on campus.
 - d. Causes a risk, in any of the categories considered a high magnitude risk to IHM or to any student, staff member or other person when evaluated in accordance with the IHM risk management framework, as set out in the Quality Assurance and Risk Management Policy and Procedure (academic, financial, health and safety, legal, reputational, security and regulatory).
 - e. Theft of IHM property or any personal property from other individuals.
 - f. Attending IHM activities (including academic and non-academic activities) under the influence or being in possession of alcohol, drugs, or any other prohibited substance.
 - g. Attending IHM activities (including academic and non-academic activities) with weapons or items likely to cause harm or intimidation to others at any time.
 - h. Discrimination against anyone on the grounds of gender identity, sexual orientation, marital, parental or carer status, pregnancy, breastfeeding, age, physical features, impairment, race, ethnicity, potential, or religious belief.
 - i. Engaging in fraudulent or intentionally deceptive activity.

8. Informal resolution

Wherever possible, accusations of misconduct will be resolved informally. Informal resolution will not be possible if:

- a) Initial investigation reveals evidence of serious misconduct.
- b) The accused student wishes to have the matter dealt with through a formal procedure.
- c) The accused student appeals a decision that has been made informally.

9. Confidentiality

- a) Any person making an accusation has a right to confidentiality.
- b) Their identity will not be disclosed to the student against whom the accusation is made, or to any other party, without their informed consent.
- c) Where a formal resolution procedure involves other parties, the person making the accusation will be informed of the procedure and may choose to have their identity withheld from any or all of the other parties involved.
- d) They may choose to give an anonymous written statement, rather than giving evidence in person.

10. Minimising Disadvantage

All due consideration will be given to ensuring the student is not unfairly disadvantaged as a result of application of procedures under this policy.

11. Evidence

- a) Evidence used to substantiate an allegation of student misconduct will be accurately and thoroughly documented.
- b) Evidence from sources that have a potential conflict of interest, hearsay evidence and evidence given under duress, will not be considered.

12. Reporting

- a) Any accusation of misconduct in which a serious violation of criminal law is identified during initial investigation will immediately be referred to the police.
- b) IHM will also meet any applicable reporting obligations under the Education Services for Overseas Students Act 2000 where accusations of misconduct relate to overseas students.

SECTION 3

Associated information

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| Related Internal Documents | <ul style="list-style-type: none"> • Access and Equity Policy • Access and Equity Procedure • Accessibility Policy • Accessibility Procedure • Student Complaints and Appeal Policy • Student Complaints and Appeal Procedure • Student Misconduct Procedure • Student Support and Advocacy Services Procedure |
| Related Legislation, Standards, and Codes | <ul style="list-style-type: none"> • ESOS legislative framework • ESOS Act (2000) • National Code of Practice for Providers of Education and Training to Overseas Students 2018 • National Code of Practice (2018): Standard 6: Student Support Services • National Code of Practice (2018): Standard 8: Overseas student visa requirements • National Code of Practice (2018): Standard 9: Deferring, suspending, or cancelling the overseas student's enrolment. • HESF (2021). Higher Education Standard Framework Domain 1: Student participation and attainment • Privacy Act (1988). Privacy Act 1988. Federal Register of Legislation. • Information Privacy Act 200 (2001 – 2014) • Criminal Procedure Act (2009) |

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| Document Custodian | Academic Dean or Chair, Learning and Teaching Committee |
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Change history

| Version Control | | Version 3 |
|-----------------|------------|--|
| Change Summary | Date | Short description of change, incl version number, changes, who considered, approved etc |
| | 14/05/2021 | <ol style="list-style-type: none"> 1. Policy and Procedure are now in two separate documents 2. Feedback from Wells Advisory was accepted and incorporated 3. Definitions have been added 4. Minor editorial changes have been made 5. Version 2 approved by Academic Board on 2nd June 2021 |