

Student Misconduct Policy

Version 1.0

1. Purpose

This policy outlines the expectations and consequences related to student conduct at Nexus Institute of Higher Education.

The policy should be read in conjunction with

- Student Code of Conduct
- Complaints and Appeals Policy
- Bullying, Discrimination and Harassment Prevention Policy
- Sexual Assault and Sexual Harassment Prevention Policy
- Use of Information and Communications Technology Policy

2. Scope

The policy applies to all students enrolled at Nexus Institute and encompasses general misconduct. Academic misconduct is covered by the Academic Integrity Policy.

3. Definitions

Academic misconduct: any act that seeks to gain an unfair academic advantage or compromises the integrity of the educational process, such as plagiarism, cheating and fabrication.

Non-academic misconduct: any behaviour that violates the Student Code of Conduct and disrupts the academic or social environment of the university, such as harassment, discrimination and unauthorized use of Nexus Institute facilities.

Misconduct Register: the secure database which records allegations of misconduct, the results of their investigations and penalties imposed.

4. Policy statement

Students are expected to conduct themselves in a manner that upholds the values and standards of Nexus Institute. Students are required to familiarise themselves with and adhere to the Student Codes of Conduct.

Nexus Institute is committed to providing a safe and inclusive environment for all students and staff. Any form of misconduct, such as harassment, discrimination and disruptive behaviour will not be tolerated.

Nexus Institute will conduct fair and impartial investigations into allegations of misconduct, affording all parties involved an opportunity to be heard.

Consequences for proven misconduct may range from counselling and a warning for minor offences, to disciplinary probation, suspension, or expulsion for serious offences.

5. Procedures

Types of misconduct. Examples of minor offences include:

- Breach of policy and/or procedures
- Disruptive or unacceptable behaviour that has caused annoyance to others.
- Failure to follow reasonable directions from staff.
- Providing misleading information.
- Minor damage to property.
- Misuse or interference of the Institution's property.
- Misuse of facilities or a breach of facility rules.
- Divulging, without authority, confidential or personal information of another student or staff member.

More serious offences include:

- Participating in or permitting illegal activity on campus premises.
- Unauthorised, inappropriate or unethical use of file-sharing sites and artificial intelligence tools.
- Sexual assault or sexual harassment.
- Serious inappropriate behaviour such as violence (or threats of), vandalism, vilification, harassment, etc.
- Threatening or endangering the life of another person or themselves.
- Theft.
- Behaviour that brings the Institution into disrepute.
- Any act or omission which leads to a conviction.
- Repeated offences where penalties have been given.
- Failure to comply with a previously imposed penalty.

Reporting Misconduct. Any member of the Institute community who becomes aware of potential misconduct should report it to the Registrar.

Preliminary Assessment. Upon receipt of a misconduct report, the Registrar will conduct a preliminary assessment to determine the validity and severity of the allegations. If the allegations are deemed serious, the Registrar will initiate an investigation. In less serious cases, the matter may be resolved through mediation or counselling.

Investigation. If an investigation is initiated, the Registrar will arrange a thorough and impartial investigation and interview relevant parties.

The student accused of misconduct will be promptly notified by email. The notification will include details of the allegations, the investigative process, and the potential consequences of the findings. The student will be invited to attend an interview with the Registrar to respond to the concern. The interview is recorded and the student may bring a support person if they wish, but the support person is not permitted to participate.

After the interview, the Registrar will prepare a report for the CEO providing

- the evidence
- the student's response
- a recommendation of the severity of the misconduct and the penalty.

Penalties. The CEO reviews the report and the student's record and determines the penalty. The following factors are taken into account when determining the level and penalty of academic misconduct:

- the type of misconduct
- the extent of misconduct
- the experience of the student
- whether the misconduct was deemed unintentional or intentional
- whether the student cooperates or shows any remorse
- any previous offences or allegations.

Penalties for general misconduct may include:

- a warning
- a formal apology to the aggrieved party
- counselling
- disciplinary probation
- suspension
- expulsion.

The Registrar emails the student about the outcome and advises them that they have the right to lodge a complaint as allowed by the Complaints and Appeals Policy if they are dissatisfied with the outcome.

The Institute may refer the student to the relevant government authorities (e.g. Australian Federal Police, Australian Security Intelligence Organisation, Department of Home Affairs) as appropriate. For international students, any enrolment changes will be reported to the Department of Home Affairs (after the appeals process is complete).

The Registrar records the outcome in the Misconduct Register.

6. Roles and responsibilities

Students are responsible for:

- behaving with honesty and integrity
- acting as expected under the Student Code of Conduct and
- reporting allegations of misconduct to the Institution.

Staff are responsible for:

- educating students on expected levels of behaviour and promoting a safe and productive study environment for students and
- reporting allegations of misconduct to the Registrar.

The Registrar is responsible for monitoring patterns of misconduct through analysis of the Misconduct Register and reporting to the Board of Directors. The Registrar is responsible for maintaining student records of misconduct and for updating the Misconduct Register.

7. Related information

- Higher Education Standards Framework (Threshold Standards) 2021

8. Document control

Category	Operational
HESF Standard	6.2.1j, 7.2.2c, 7.3.3c
Policy code and name	Student Misconduct Policy
Policy owner	Registrar
Policy approver	Board of Directors
Date of approval	14 December 2023
Date of next review	1 December 2026
Change log	Version 0. Original version created on 30 November 2023.
	Version 1. Feedback from Board of Directors incorporated on 15 Dec 23.