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## **Part 3 - Bond University Discipline Regulations**

### *Division 1 – Preliminary*

#### **1 Introduction**

These Regulations may be cited as the Bond University Discipline Regulations.

#### **2 Commencement**

These Regulations commenced on 1 January 2005 and are reviewed on a continuing basis. The most recent published version, as approved by Academic Senate, is the official version.

#### **3 Application of Regulations**

By enrolling in a subject or award at Bond University, students are deemed to be bound by these regulations, including the Bond University Student Conduct Code, as set out in Schedule B to these regulations.

#### **4 Vice-Chancellor's Discretion**

The Vice-Chancellor shall be empowered to waive such of these requirements for these Regulations as considered appropriate. The Academic Senate is appointed as the arbiter of the interpretation and application of these Regulations.

#### **5 Objects**

(1) These regulations are made in recognition of the principle that dealings between members of the University community should be based on mutual respect.

(2) The University expects students to behave in a way that:

- (a) allows reasonable freedom to others to pursue their studies, researches, duties and other lawful activities in the University and on its sites, and to participate in the life of the University;
- (b) recognises that the pursuit of academic excellence is a key aim of the University and that proper student assessment and research procedures are essential in achieving that aim;
- (c) promotes the proper use of University facilities, information, and the property of other persons on its sites.

(3) The objects of these regulations are to:

- (a) promote the principle of mutual respect by informing students of behaviour which the University community considers inappropriate;
- (b) discourage behaviour which the University community considers inappropriate;
- (c) implement fair and just procedures for dealing with cases of alleged misconduct;
- (d) provide for the imposition and enforcement of penalties for proven misconduct.

#### **6 Definitions**

The definitions which apply to particular words used in these regulations are set out in Schedule A to these regulations. Part 1 Award Regulations Schedule 1 also contains a glossary and definitions used in these regulations.

#### **7 Misconduct**

Misconduct by a student for the purposes of these regulations is any violation of the Bond University Student Conduct Code, as set out in Schedule B to these regulations, or the Bond University Sports Code of Behaviour, as set out in Schedule C.

## **8 Council Delegation of Powers**

The Bond University Council delegates power to impose a penalty on a student for a breach of these regulations to the decision-maker who finds the student guilty of misconduct.

### *Division 2 – Dealing With Possible Misconduct*

## **9 Reporting Misconduct**

Any person may, verbally or in writing, report possible misconduct to the appropriate decision-maker, according to their area of jurisdiction, other than the PVC (SAS) or the Chair of Academic Senate, referred to in Discipline Regulation 12.

## **10 How Decision-Makers Proceed**

- (1) If a decision-maker determines that a charge of misconduct should be brought on the basis of allegation(s) made, the student must be given notice of the charge of misconduct.
- (2) Notice of the charge of misconduct must include:
  - (a) the allegation of misconduct, including the subject or award (if any) in which the misconduct has alleged to have occurred;
  - (b) the definition of misconduct in Schedule B which applies;
  - (c) when the misconduct is alleged to have occurred;
  - (d) a brief outline of the alleged facts;
  - (e) a copy of these regulations;
  - (f) details of the decision-maker who will hear the matter;
  - (g) the hearing date or the mechanism for fixing the hearing date, and
  - (h) details of how the student may inspect the evidence;
  - (i) advice to the student that he or she may be accompanied by, or represented by another person not being legal counsel or a solicitor; and
  - (j) the possible consequences of a finding of misconduct.
- (3) When dealing with an allegation of misconduct a decision-maker must:
  - (a) subject to this Subsection, proceed in the way that the decision-maker considers appropriate, without being bound by the rules of evidence, but according to the justice of the case;
  - (b) where 2 or more students are alleged to have committed offences arising out of the same occurrence or series of occurrences, decide whether their cases are to be heard separately or together;
  - (c) give the student a copy of, or an opportunity to inspect, all relevant evidence held by the decision maker;
  - (d) give the student a reasonable opportunity to appear before the decision-maker to answer the allegations;
  - (e) allow the student to be accompanied by or represented by another person not being legal counsel or a solicitor, being willing to act, whom the student appoints; and
  - (f) decide, to the reasonable satisfaction of the decision-maker, whether the student has committed misconduct and, if so, whether one or more of the orders allowed under Discipline Regulation 12 should be made.
- (4) A decision-maker must, in a case where the PVC (SAS) is not the secretary to the decision-maker, give written notice of a decision and any rights of appeal to the student and must provide the PVC (SAS) with a copy of the decision.

## 11 Time Limits

- (1) A decision-maker must not hear a charge against a student unless the notice of the charge of misconduct has been given to the student within 20 semester days of the decision-maker becoming aware of the alleged misconduct, in accordance with Discipline Regulation 9.
- (2) Subject to Subsection (5), a decision-maker must decide the case within 20 semester days of the day notice was given to the student or within a longer period if the student and the PVC (SAS) agree.
- (3) Before a 20 semester day period expires, a decision-maker may apply in writing to the Vice-Chancellor or Deputy Vice Chancellor for a waiver of the need to comply with Subsections (1) and (2).
- (4) The Vice-Chancellor or Deputy Vice Chancellor, before the expiration of the relevant 20 semester day period, may issue a written waiver of the need to comply with Subsections (1) and (2) only if satisfied that the delay is reasonable.
- (5) Despite the rest of this Regulation, a decision-maker may adjourn a hearing without regard to the time limit.

## 12 Decision-Maker's Jurisdiction and Penalty Powers

- (1) Without limiting the range of orders available to a decision-maker under this section:
  - (a) penalties which are academic in nature should normally be imposed for misconduct which occurred in an academic context, and
  - (b) penalties which are non-academic in nature should normally be imposed only for misconduct which occurs in a non-academic context.
- (2) Subject to Discipline Regulation 10:
  - (a) **Senior Resident Fellows** may deal with any allegation of misconduct relating to an area of on-campus residential accommodation for which they have supervisory responsibility. If a finding of misconduct is made, a senior Resident Fellow may make one or more of the following orders:
    - (i) written reprimand;
    - (ii) fine not exceeding 1 penalty unit.
  - (b) **The General Manager (Accommodation & Dining Services)** may deal with any allegation of misconduct relating to the facilities and their use, including all food and beverage outlets operated by the Centre. If a finding of misconduct is made, the General Manager may make one of the following orders:
    - (i) written reprimand;
    - (ii) fine not exceeding 1 penalty unit;
    - (iii) suspension for a period not exceeding one semester from using the Centre or any of its facilities, or attending any licensed venue or event on campus.
  - (c) **The Student Residences Disciplinary Committee** may deal with any allegation of misconduct in relation to breaches of the rules and regulations outlined in the Student Residences Handbook. The Committee will be constituted of a Chairperson appointed by the PVC(SAS), two (2) Senior Resident Fellows from an area other than that in which the student resides nominated by the General Manager (Accommodation & Dining Services) or delegate, and two (2) Resident Fellows from an area other than that in which the student resides nominated by the General Manager (Accommodation & Dining Services) or delegate. If a finding of misconduct is made, the Student Residences Disciplinary Committee may make one or more of the following orders:
    - (i) Written reprimand;
    - (ii) Fine not exceeding 1 penalty unit;

- (iii) Restitution not exceeding 2 penalty units;
  - (iv) Restitution for the full costs in relation to negligent or deliberate activation of fire alarms;
  - (v) Forfeit of security deposit monies to a limit of ½ a penalty unit.
- (d) **The Sports Disciplinary Committee** may deal with any allegation of misconduct relating to breaches of Schedule C – Sports Code of Behaviour. The Committee will be constituted of a minimum of three and a maximum of six members consisting of, but not limited to, one (1) member nominated by Campus Life, one member nominated by the Fitness Centre and one member nominated by the Bond University Student Association, with one member nominated as Chair. If a finding of misconduct is made, the Committee may make one or more of the following orders
- (i) Written reprimand;
  - (ii) Suspension from the following game or fixture in the event in which the student is due to compete;
  - (iii) Suspension from competing in the event for the balance of the entire competition;
  - (iv) Suspension from Bond University sports events and/or Australian University Sport events;
  - (v) Withdrawal of any or all awards, placings and records obtained by the student/team during the event;
  - (vi) Imposition of a ban from involvement in the relevant event in any form whatsoever including being present at event venues and official functions of the event;
  - (vii) Notification to State and National bodies of the offence and support of any ban they may impose on the player/s.
- (e) **The University Librarian** may deal with any allegation of misconduct arising in, or in connection with, the library facilities or Library materials of the University. If a finding of misconduct is made the University Librarian may make one or more of the following orders:
- (i) written reprimand;
  - (ii) fine not exceeding 1 penalty point;
  - (iii) suspension for a period not exceeding 1 week from attending or using Library facilities;
  - (iv) removal of borrowing rights for a period not exceeding 1 semester;
  - (v) Restitution not exceeding 2 penalty units.
- (f) **The Director, Information Technology Services**, may deal with misuse of IT facilities as set out in the Student Acceptable Use Policy. If a finding of misconduct is made the Director may make one of the following orders:
- (i) written reprimand;
  - (ii) fine not exceeding 1 penalty unit;
  - (iii) suspension for a period not exceeding 1 week from using IT facilities;
  - (iv) restitution not exceeding 2 penalty units.
- (g) **A Dean of Faculty** may deal with any allegation of misconduct relating to the teaching or other activities and assessment conducted by the Faculty or relating to the facilities of the Faculty. The Dean may appoint a Faculty Discipline Committee to deal with such allegations and, with the exception of the power to make the final decision, may delegate to that body the rights and powers vested in the Dean, as a Decision Maker, in accordance with the provisions of the Discipline Regulations, ‘Division 2 – Dealing with Possible Misconduct’. The Faculty Discipline Committee will make a recommendation to the Dean on findings of fact and in relation to which orders, if any, should apply and the

Dean will make the final decision. If a finding of misconduct is made, the Dean may make one or more of the following orders:

- (i) written reprimand;
- (ii) fine not exceeding 1 penalty unit;
- (iii) suspension for a period not exceeding 1 week from attending or using Faculty facilities;
- (iv) reduction or cancellation of the mark for the assessment in relation to which the misconduct occurred;
- (v) requirement to do further work or repeat work within the subject in relation to which misconduct occurred;
- (vi) imposition of a maximum grade the student may gain for the subject in relation to which the misconduct occurred;
- (vii) the return of a mark and grade of zero Fail for the subject(s) in relation to which the misconduct occurred;
- (viii) refusal or cancellation of credit for the subject in relation to which the misconduct occurred;
- (ix) restitution not exceeding 2 penalty points.

**(3)** Subject to Discipline Regulations 12 and 13, the PVC (SAS) or the Chair of Academic Senate may deal with any allegation of misconduct, including a dispute as to whether a matter falls within the jurisdiction of a decision-maker. Normally the PVC (SAS) will deal with misconduct which occurs in a non-academic context, and the Chair of Academic Senate will deal with misconduct which occurs in an academic context. If a finding of misconduct is made the decision-maker may make one or more of the following orders:

- (a) written reprimand;
- (b) fine not exceeding 2 penalty units;
- (c) suspension for a period not exceeding 2 weeks from attending the site;
- (d) removal of borrowing rights for a period not exceeding 1 semester;
- (e) suspension for a period not exceeding one semester from residing in Student Residences;
- (f) suspension for a period not exceeding 1 semester from using Library facilities;
- (g) suspension for a period not exceeding 1 semester from using IT facilities;
- (h) suspension for a period not exceeding 1 semester of the right to use a motor vehicle on the site;
- (i) reduction or cancellation of the mark for the assessment in relation to which misconduct occurred;
- (j) requirement to do further work or repeat work within the subject in relation to which the misconduct occurred;
- (k) imposition of the maximum grade the student may gain for the subject in relation to which the misconduct occurred;
- (l) the return of a mark and grade of zero Fail for the subject(s) in relation to which the misconduct occurred;
- (m) refusal or cancellation of credit for the subject in relation to which misconduct occurred;
- (n) restitution not exceeding 5 penalty units;
- (o) attendance at Counselling for a specified period exceeding 8 hours.

**(4) The Disciplinary Board** may, subject to Discipline Regulation 13(1), deal with any charge of misconduct which has been referred to it and may also deal with appeals. The Board may make one or more of the following orders:

- (a) written reprimand;
- (b) fine not exceeding 5 penalty units;
- (c) reduction or cancellation of the mark for any piece of assessment;

- (d) requirement to do further work or repeat work in any subject;
- (e) imposition of the maximum grade a student may obtain for the subject in relation to which the misconduct occurred;
- (f) imposition of a maximum grade the student may gain for the subject in relation to which the misconduct occurred;
- (g) the return of a mark of zero and grade of Fail for the subject(s) in relation to which the misconduct occurred;
- (h) the return of the grade “Annulled” for the subject in relation to which the misconduct occurred;
- (i) refusal or cancellation of credit for any subject;
- (j) restitution not exceeding 5 penalty units;
- (k) attendance at Counselling for a specified period not exceeding 20 hours;
- (l) suspension for a specified period from attending the site;
- (m) removal of borrowing rights for a period not exceeding 1 year;
- (n) suspension for a period not exceeding 1 year from using Library facilities;
- (o) suspension for a period not exceeding 1 year from using IT facilities;
- (p) suspension for any period of the right to use a motor vehicle on the site;
- (q) suspension from Student Residences for a specified period not exceeding 3 semesters;
- (r) expulsion from Student Residences;
- (s) suspension from the University for a specified period not exceeding 3 semesters;
- (t) expulsion from the University.

### **13 Extended Powers for PVC (SAS) and Chair of Academic Senate**

- (1) The PVC (SAS) or the Chair of Academic Senate may make one or more of the orders which a Disciplinary Board may make under Regulation 12 (4), if a student requests that either the PVC (SAS) or the Chair of Academic Senate hear the allegation of misconduct and make an order under this Subsection.
- (2) If the PVC (SAS) finds misconduct in that a student has not satisfactorily complied with an order made by a decision-maker, the PVC (SAS) may make one or more of the orders which a Disciplinary Board may make under Regulation 12(4), except suspension or expulsion from the University.

### **14 Decision-Maker may Refer Matter**

- (1) A decision-maker may, prior to determining a matter, refer the matter to another decision-maker, having regard for the seriousness of the allegation.
- (2) The referral of a matter from one decision-maker to another, whether or not an allegation notice has been issued, does not in any way restrict the powers of the decision-maker to whom the allegation has been referred, to deal with or impose orders on the student.
- (3) If a matter is referred, the decision-maker to whom the allegation has been referred must issue a new allegation notice to the student, which may include different or additional allegations of misconduct, and which advises that the matter has been referred.

### **15 Composition of Disciplinary Board**

- (1) Membership of the Disciplinary Board includes:
  - (a) Chairperson, who is a senior academic staff member appointed by Academic Senate for a term of three (3) years;
  - (b) Two (2) academic staff members appointed by the Vice-Chancellor or Deputy Vice Chancellor for a term of 3 years;

- (c) One (1) person who is a student at the time of appointment, nominated by the President of the Bond University Student Association for a term of one (1) year.
- (2) The Manager, Academic Secretariat, or nominee acts as secretary to the Board. The secretary is to provide administrative support and advice, but does not vote.
- (3) The Chairperson has a deliberative vote and a casting vote.
- (4) A quorum for the Board is three (3) and must include one (1) student representative.
- (5) If, in a particular case, a member of the Board is absent, or declines to sit, the Vice-Chancellor or Deputy Vice Chancellor may nominate a person to sit in the member's place for the purposes of dealing with that case.
- (6) A person nominated under Subsection (5) must hold the same qualifications, as specified in Subsection (1), as the member being replaced.
- (7) The Vice-Chancellor or Deputy Vice Chancellor may appoint a member of the Board, including a replacement member, to act as chairperson during the absence of the chairperson.
- (8) If a member leaves the Board during his or her term, the Vice-Chancellor or Deputy Vice Chancellor may appoint a person qualified under the relevant paragraph of Subsection (1), to fill the casual vacancy for the rest of the term.

### *Division 3 – Appeals*

#### **16 Procedure for Lodging Appeal**

- (1) The student may appeal a decision of a decision-maker, as to whether the student has committed misconduct or as to any order imposed on the student.
- (2) There is no appeal from appellate decisions of the Disciplinary Board if the orders imposed on the student do not exceed those of the kind which could be made under Discipline Regulation 12(2)(g).
- (3) To appeal a decision the student must give notice of the appeal to the Manager, Academic Secretariat, within 14 semester days, or in the case of international students 20 working days, of being given notice of the decision, stating whether the appeal is against the finding of misconduct, the orders, or both.
- (4) The Manager, Academic Secretariat, must give notice of an appeal to the chairperson of the relevant appeal body.

#### **17 Who Hears an Appeal?**

- (1) The Disciplinary Board deals with all appeals from decisions of other decision makers, other than decisions made under Regulation 13(1), and proceeds by way of a new hearing under the procedures set out in Regulation 10.
- (2) The Discipline Appeals Committee deals with appeals from all first instance decisions of the Disciplinary Board, and decisions referred to in Section 13(1), and proceeds by way of a new hearing under the procedures set out in Section 18.
- (3) Subject to Subsection (5), an appeal body must meet to hear an appeal within 20 semester days of the day the chairperson receives notice under Regulation 16(4).
- (4) Despite Subsection (3), an appeal body may adjourn a hearing without regard to the time limit.
- (5) An appeal body must affirm, set aside or vary the decision appealed against and may make any one or more of the orders which the Disciplinary Board may make under Regulation 12(4).

## **18 How Discipline Appeals Committee Proceeds**

- (1) When dealing with an appeal the Discipline Appeals Committee must proceed in the way the chairperson decides, but it must observe the following requirements:
  - (a) the secretary must give the student notice, at least 5 days before the date of the hearing, of the time and the place of the hearing and of the rights granted under Regulation 18;
  - (b) the student is entitled to be represented by another person, not being legal counsel or a solicitor, being willing to act, whom the student appoints;
  - (c) subject to Paragraph (h), the student together with a representative is entitled to be present throughout the hearing except where the members of the committee wish to confer privately among themselves or to consider their decision;
  - (d) the student or representative may call and examine witnesses, cross-examine witnesses other than a witness called on the part of the student, and may address the committee at the conclusion of the evidence;
  - (e) the committee must determine an appeal on the basis of evidence adduced by the parties, without being bound by the rules of evidence, but according to the justice of the case;
  - (f) the student and representative must be given a copy of, or an opportunity to inspect, all evidence;
  - (g) at every hearing the committee has complete authority to keep order in the proceedings, including the authority to order the removal of a person, including a student or representative;
  - (h) when 2 or more students are alleged to have committed offences arising out of the same occurrence or series of occurrences, the committee must decide whether their cases are to be heard separately or together.
    - (i) A hearing before the committee must be conducted in closed session.
    - (j) If the appeal does not relate solely to the orders made by the decision-maker, the committee must decide, to its reasonable satisfaction, whether the student has committed misconduct.
- (2) The chairperson must cause to be kept a record of the proceedings of each hearing, containing a fair summary of the evidence submitted to or obtained by the committee and other minutes of its proceedings necessary to show fairly the way in which it conducted the inquiry.
- (3) As soon as practicable after the committee has reached a decision, it must communicate the decision to the PVC (SAS) and to the student.
- (4) There is no other avenue of appeal within the University.

## **19 Composition of Discipline Appeals Committee**

- (1) The Discipline Appeals Committee comprises:
  - (a) 2 Deans appointed by the Vice-Chancellor for a term of 2 years, one of whom is appointed as chairperson;
  - (b) 1 member of the Academic Senate, appointed by the Vice-Chancellor, after consulting with the Chair of Academic Senate, for a term of 2 years;
  - (c) 1 person who is a student at the time of appointment, appointed by the Vice-Chancellor, after consulting the President of the Student Association, for a term of 1 year.
- (2) No member may sit who has previously been involved as a decision-maker in a case which is being appealed.
- (3) The Manager, Academic Secretariat, or nominee acts as secretary to the Discipline Appeals Committee. The secretary is to provide the committee with administrative support and advice, but does not vote.
- (4) The chairperson has a deliberative vote and a casting vote.

- (5) A quorum of the committee is 3.
- (6) If, in a particular case, a member of the committee is absent, or declines or is unable to sit, the Vice-Chancellor may nominate a person to sit in the member's place for the purposes of dealing with that case.
- (7) A person appointed under Subsection (6) must hold the same qualification, as specified in Subsection (1), as the member being replaced.
- (8) The Vice-Chancellor may appoint a member of the committee, including a replacement member, to act as chairperson during the absence of the chairperson.
- (9) If a member leaves the committee during his or her term, the Vice-Chancellor may appoint a person qualified under the relevant paragraph of Subsection (1), to fill the casual vacancy for the remainder of the term.

## **20 Appeal Operates to Stay Proceedings**

- (1) Subject to Subsection (2) an appeal from a decision suspends the implementation of that decision.
- (2) Despite Subsection (1), a decision-maker may make an implementation direction that the decision is to be implemented, despite the appeal.
- (3) Where a student applies to the chairperson of the body that is to hear the appeal to nullify an implementation direction, the chairperson must urgently consider that application.
- (4) Those deciding whether to make or nullify an implementation direction must consider the following factors:
  - (a) implementation before appeal would result in undue hardship to the student;
  - (b) suspension or implementation would most assist the appeal body's ability to deal with the matter; and
  - (c) implementation or suspension would be most likely to maintain the current position.

## **21 External Review by Student Ombudsman**

### **(1) Domestic Students**

- (a) The Student Ombudsman, being a person of suitable background and experience; who is not an employee of the University, may be appointed by the Vice Chancellor or Deputy Vice Chancellor, in consultation with the Student Association, to conduct external reviews of decisions.
- (b) Where an individual is not satisfied with the outcome of an appeal the matter may be referred to the Student Ombudsman. A student must have exhausted all internal avenues of appeal before lodging an appeal with the Student Ombudsman.
- (c) An individual who wishes to have a matter referred to the Student Ombudsman must notify the Manager, Academic Secretariat, or nominee in writing. The request for review must:
  - i. clearly state the decision for which external review is being sought;
  - ii. provide the grounds for the seeking of an external review;
  - iii. be submitted within 14 semester days of the advice given of the most recent decision, which has given rise to the request for external review; and
  - iv. be referred by the Manager, Academic Secretariat, or nominee within 5 semester days to the Ombudsman, together with any other relevant documentation pertaining to the decision for which review is sought.
- (d) The Student Ombudsman will conduct such enquiries as he or she thinks fit where a matter is referred for investigation, and will have access to such information as is necessary to conduct the investigation. The Ombudsman will investigate in an

independent and impartial way and will not advocate for the student or the provider. Complaint investigations will be conducted in private and will normally be informal.

The process followed by the Student Ombudsman may at his or her discretion include interviewing the student who has requested the review, and interviewing other parties who have been involved in the making of the decision under review. A student may also specifically request an interview with the Student Ombudsman. Where a student attends an interview with the Student Ombudsman, whether at the request of the Student Ombudsman or the student, they may be represented or accompanied by another person, not being legal counsel or solicitor.

(e) At the end of an investigation the Student Ombudsman may conclude that the University has acted reasonably and advise the University accordingly. If the Student Ombudsman finds that the University has failed to take appropriate action or the action appears to have been contrary to the law, unreasonable, unjust or otherwise wrong, the Ombudsman may recommend that the University remedy the problem by reconsidering the decision, apologising to the student, providing clearer information, changing a policy or procedure or by taking some other appropriate action.

(f) The Student Ombudsman will normally review a decision and provide a formally signed off report on the matter to the Vice-Chancellor or Deputy Vice Chancellor within 20 working days of the date of referral. The report will contain the findings of the investigation, the Ombudsman's recommendations, and full reasons for the recommendations for the consideration of the Vice Chancellor or Deputy Vice Chancellor. The Student Ombudsman will advise the student of his/her decision and the reasons for the decision in writing.

(g) The Vice Chancellor or Deputy Vice Chancellor will, after consideration of the report, normally adopt the recommendations of the Ombudsman, unless there are exceptional circumstances which require otherwise.

(h) The Vice Chancellor or Deputy Vice Chancellor will advise the student of the outcome of an appeal to the Ombudsman and the action the University will take in response to the Ombudsman's report within 5 semester days of the date they receive notice of the decision.

## **(2) Current and Intending Overseas Students**

The Overseas Students Ombudsman offers a free and independent service for current and intending overseas students who have a complaint or want to lodge an external appeal about a decision made by the University. Refer to the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.

If this option is taken, the student must advise the Manager, Academic Secretariat, within 20 working days of being advised of the outcome from the Decisions Review Committee. The Manager, Academic Secretariat, will advise Student Administration accordingly.

## *Division 4 – Summary Fines*

### **22 Summary Fine**

- (1) In minor cases of misconduct, a decision-maker may give notice to a student that a fine not exceeding 1 penalty unit will be imposed unless the student, by a date at least 14 days after the issue of the notice, shows cause why the fine should not be imposed.
- (2) A notice under Subsection (1) must specify:
  - (a) the allegation of misconduct, including the subject (if any) in which the misconduct is alleged to have occurred;
  - (b) which parts of the definition of misconduct in Schedule B apply;
  - (c) when the misconduct is alleged to have occurred;
  - (d) a brief outline of the alleged facts;
  - (e) a copy of these regulations;
  - (f) details of the decision-maker who will consider the matter;
  - (g) the date by which the student must submit a response to the notice, and
  - (h) details of how the student may inspect the evidence.
- (3) If the student fails to show cause satisfactorily to the decision-maker concerned by that date, the fine is automatically imposed and payable in terms of the notice.
- (4) A student fined under this Section may appeal to the Disciplinary Board which may affirm, set aside, reduce or increase the fine up to 1 penalty unit.

## *Division 5 – Implementation and Enforcement of Orders*

### **23 Fines**

- (1) A fine imposed under these regulations must be paid into the general funds of the University.
- (2) A fine imposed under these regulations must be paid within 14 days of the expiry of the appeal period in Regulation 16(3).
- (3) An extension of time for payment may be granted by the person or body imposing the fine, the Vice-Chancellor or Deputy Vice Chancellor, or the PVC (SAS).
- (4) If a fine is not paid within the time prescribed for payment, the student must not be awarded a result in any assessment or receive or be granted credit for any subject or program or receive any degree or other award of the University, so long as the fine remains unpaid.
- (5) Despite Subsection (4), a student may apply to the PVC (SAS) for the release of results on the ground of hardship, for example, the intervention of financial exigency since the decision-maker imposed the fine. If satisfied the hardship justifies it, the PVC (SAS) may release the results but may impose conditions before doing so.

### **24 Suspension and Expulsion**

- (6) A person or body empowered to suspend or expel a student from the University may direct that the suspension or expulsion be set aside or deferred upon conditions that the person or body decides.
- (7) A person who is expelled from the University must not be re-enrolled except by permission of Academic Senate.

### **25 Publication**

The PVC (SAS) must record and publish details of findings of misconduct according to a scheme approved by Academic Senate.

## *Division 6 – General*

### **26 Withholding Results**

If a student has been given a notice of a charge of misconduct, the University may withhold the student's academic results until the proceedings (including an appeal) are finalised.

### **27 Interim Suspension**

(1) The Vice-Chancellor or Deputy Vice Chancellor may suspend a student on considering it necessary to avert a substantial risk of:

- (a) injury to a person;
- (b) damage to property, or
- (c) serious disruption of a University activity.

(2) Before imposing the suspension the Vice-Chancellor or Deputy Vice Chancellor must make a reasonable effort to provide the student with an opportunity to explain why the suspension ought not to be imposed.

(3) The PVC (SAS) must give written notice of the suspension to the student and the suspension takes effect when such notice has been given.

(4) A suspension ends if after 10 days no allegation notice has been given to the student or if 14 days after notice is given the Disciplinary Board has not held a meeting to consider the allegation.

(5) If these steps are taken, the suspension continues until proceedings are finalised or the suspension is lifted by the Vice-Chancellor or Deputy Vice Chancellor, the Disciplinary Board, or the Discipline Appeals Committee.

(6) The Vice-Chancellor or Deputy Vice Chancellor must lift the suspension if satisfied that the risk that necessitated it has passed.

### **28 Notice**

(7) A notice is considered given to the student if it is in writing and is:

- (a) given to the student in person; or
- (b) posted to the student at the last address notified to the University by the student;
- (c) transmitted by facsimile to a number provided by the student as being identified with the relevant address; or
- (d) sent by email to the student's email address.

### **29 Where a Person ceases to be a Student**

The University may deal with alleged misconduct in accordance with these regulations if the student who is alleged to have committed the misconduct ceases to be a student before proceedings are finalised and may proceed as if the person had continued to be a student.

### **30 Records of Decisions and Reviews**

The Manager, Academic Secretariat, or nominee will ensure that records of all Disciplinary Board and Discipline Appeals Committee hearings will be kept on file under his or her control. Access will be made available to these records only with the prior approval of the Manager, Academic Secretariat, or nominee. Records will be kept for seven (7) years and will remain confidential and subject to the provisions of the Privacy Act.

## Schedule A – Definitions

In these Regulations:

**Allegation notice** - means the notice the University gives to a student to commence formal misconduct proceedings.

**Academic Misconduct** - Academic misconduct, whether inadvertent or deliberate, includes the failure to comply with the regulations, policies and procedures determining the conduct of candidates during assessment including plagiarism and cheating; falsification or misrepresentation of academic records; and other actions that are judged to be acts of academic misconduct.

**Academic Transcript** - An official statement of a student's academic record at the University.

**Assessment** - means work such as examination, assignment, practical, presentation or project work, dissertation, thesis or minor thesis which a student is required to complete for any one or a combination of the following reasons:

- (a) the fulfillment of educational purposes (i.e. to motivate learning, to provide feedback);
- (b) to provide a basis for an official record of achievement or certification of competence;
- (c) to permit grading of the student's performance in the subject.

**Counselling** - means counselling through the University's Office of Student Services, or another organisation agreed between the student and the decision-maker.

**Award program** - means an approved sequence of subjects; or an approved sequence of subjects together with industry, practical or clinical experience and/or cooperative study arrangements; and/or an investigation of an approved topic the results of which are presented in a thesis; leading to an award.

**Days** – Calendar days (see also Semester Days and Working Days).

**Decision-maker** - means an officer or body of the University listed in Regulation 12 of these regulations.

**Designated officer** – means:

- (a) the Vice-Chancellor; PVC (SAS); Manager Academic Services; Director, Commercial and Financial Services; Credit Manager; Director, Information Services; General Manager, Accommodation, Sport and Recreation;
- (b) Deans, Associate Deans, Heads of Programs, Deputy Deans or holders of equivalent offices and members of the teaching staff of the rank of Associate Professor and Professor;
- (c) Authorised Security Officers;
- (d) Any other person designated in writing by the Vice-Chancellor or Deputy Vice Chancellor.

**Exceptional Circumstances** – Circumstances beyond the control of the student that are considered by the Dean or delegate of the relevant Faculty/Institute or other decision-maker to be unexpected and extraordinary.

**Misconduct** - is defined in Schedule B.

**Officer** - of the University includes an employee of the University.

**Penalty unit** - One Penalty Unit equals \$200.

**Plagiarism** - Plagiarism is a specific form of academic misconduct relating to the unacknowledged use of someone else's work in a piece of assessment. Deliberate plagiarism is regarded as a serious act of academic misconduct.

**Restitution** - means recompense paid to the University or another person at the order of the decision-maker for property lost, damaged or destroyed due, in whole or in part, to the conduct of the student.

**Semester** - means a designated academic period, of 14 weeks duration, including any relevant examination period.

**Semester days** - Days within a semester, including weekends, but excluding days between semesters (See also Days and Working Days).

**Faculty** - means an Institute or a Faculty comprising mainly academic staff and headed by a Dean or Director, which is a formal part of the University's academic governance structure, responsible for all matters concerning the subjects or programs that it supervises.

**Faculty of enrolment** - means the Faculty(s) or Institute in which the student is enrolled as a candidate for an award.

**Student** - includes any person enrolled in and undertaking a subject at the University.

**Student Association** – means Bond University Student Association and not Faculty Student Associations.

**Site** - includes any land or waterways which for the time being is the property, or in the possession, or under the control of the University, together with any structure, whether permanent or temporary, on that land.

**University Officer** - An employee of the University.

**Working Days** – Days falling from Monday to Friday from 8:30am to 5:00pm excluding public holidays (See also Days and Semester Days).

## Schedule B – Student Code of Conduct

### 1 General

(1) Misconduct is prohibited conduct by a student, and therefore a violation of Bond University's Student Conduct Code, that:

- (a) impairs the reasonable freedom of others to pursue their studies, researches, duties and other lawful activities in the University or on the site or to participate in the life of the University; or
- (b) hinders the pursuit of academic excellence by circumvention of proper procedures in relation to student assessment or research; or
- (c) amounts to improper use of University facilities or information or improper use of the property of others on the site; or
- (d) is instanced in Section 2 of this Schedule.

(2) A student who attempts to commit misconduct is guilty of misconduct.

2 Without limiting the effects of subsections (1) and (2) instances of misconduct are set out below:

#### (1) Student Integrity

- (a) All forms of academic dishonesty, including cheating or doing anything which may assist a person to cheat, in relation to assessment. For example:
  - (i) knowingly plagiarising the work of another person, including a fellow student, by adapting or incorporating it in a piece of assessment without due acknowledgement;
  - (ii) knowingly plagiarising the ideas of an author of a text by incorporating them in a piece of assessment without due acknowledgement;
  - (iii) collaborating with another student about assessable work and representing that as individual work;
  - (iv) intentionally fabricating, falsifying or mis-stating results which are reported in, or relied on for the purposes of a piece of assessment;
  - (v) submitting the same or a similar piece of work twice, unless prior approval has been obtained from the coordinators of both subjects;
  - (vi) bringing unauthorised material into an examination room;
  - (vii) negotiating (or attempting to negotiate) or using a website to obtain or seek to obtain or purchase from another person, services or documentation to complete or to contribute to a piece of assessable work. This provision applies even if the specified documentation or services are not actually applied to the work completed for assessment. (This provision does not refer to obtaining research material such as published journal articles, books, book chapters and other research material that the student who has acquired such material then uses to complete assessable work with due acknowledgement.)
- (b) making a false representation as to a matter affecting the student as a student.

#### (2) Dealing with Others at the University or External to the University

- (a) Disrupting or obstructing an official University or University sponsored activity, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavour, administration, service or the provision of communication, computing or emergency services.
- (b) Misrepresenting oneself or an organisation as an agent of the University, unless explicit written permission to do so has been granted by an authorised officer of the University.

- (c) Harassment on the site or in the course of an official University activity based on any of the prohibited grounds of discrimination set out in the Anti-Discrimination Act 1991 for example:
    - (i) Sexual harassment of a person in terms of the Anti-Discrimination Act 1991 (Qld).
    - (ii) Harassment based on the age, ethnicity, gender, disability, colour, national origin, race, religion or sexual orientation of the person harassed.
  - (d) Engaging in any sexual offence, including but not limited to sexual assault, public sexual indecency or indecent exposure.
  - (e) Endangering, threatening, unlawfully assaulting, or causing physical harm to any member of the University community, member of the public, or oneself, or causing reasonable apprehension of such harm, on a site or in the course of an official University activity.
  - (f) Engaging in conduct that results in a conviction for a serious criminal offence that is detrimental to the reputation of the University wherever the conduct that resulted in that conviction occurs.
  - (g) Engaging in any other conduct, whether within or outside the University, that is prejudicial to the good order and discipline of the University or brings the University into disrepute.
- (3) Dealings with Property or Information**
- (a) Intentionally damaging or wrongfully dealing with property on a site of the University. For example:
    - (i) littering;
    - (ii) defacing or affixing a notice to part of the site;
    - (iii) damage to, theft of, or failing to return library material or IT equipment.
  - (b) Unauthorised presence in or unauthorised use of University property, resources or facilities.
  - (c) Unauthorised access to, disclosure of, or use of any University document, record or identification.
  - (d) Forgery, falsification, unauthorised alteration, or misuse of University documents, records or identification, or University related documents (for example, medical certificates submitted in relation to deferred exams or appeals).
  - (e) Knowingly disclosing confidential information relating to any University matter which is of a confidential nature and which the student has no right to divulge.
  - (f) Misuse of Information Technology facilities, including software, or communication facilities of the University. For example:
    - (i) gaining or assisting another person to gain unauthorised access to a facility;
    - (ii) using a facility for unauthorised purposes;
    - (iii) unauthorised modification, transfer or deletion of any hardware, software or data;
    - (iv) unlawful copying of software using a University facility or installing software on a University facility without authorisation;
    - (v) downloading, viewing and/or distribution of illegal pornographic or extremely violent material.
  - (g) Failure to comply with directions from authorised officers in the performance of their duty, including providing false information, including false identification, or failure to provide information to the University or to authorised officers in the performance of their duty.

- (h) Misuse, theft, misappropriation, destruction, damage or unauthorised use, access, or reproduction of property, data, records, equipment or services belonging to the University or any other person or entity.
- (i) Possessing the property which the student knows or has reason to believe may be stolen or misappropriated.

**(4) Behaviour at the University**

- (a) Creating a disturbance or being disorderly on site. For example:
  - (i) using insulting, threatening or obscene language on a University site, whether verbally or in writing;
  - (ii) lighting a fire without permission;
  - (iii) throwing stones or other missiles;
  - (iv) frightening birds.
- (b) Possessing, using, manufacturing, distributing or selling illegal drugs or drug paraphernalia.
- (c) Possessing, using or storing any weapon, dangerous instrument, explosive device, fireworks, or dangerous chemical.
- (d) Use of a motor vehicle in a dangerous manner on campus.
- (e) Not satisfactorily complying with an order made by the Disciplinary Board or other decision-maker.

**(5) Dealings with Officers of the University**

- (a) Obstructing or attempting to interfere with the lawful performance of duty by an officer of the University.
- (b) Failing to supply the student's name and address when required to do so by an officer of the University who reasonably requires the information for the performance of the officer's duties.
- (c) Failing to supply the student's student card or other evidence of identity when required to do so by an officer of the University who reasonably requires proof of identity for the performance of the officer's duties, unless the student had reasonable cause not to provide the evidence sought and the student supplies the student card or other evidence of identity to the PVC (SAS) within 48 hours of the time when supply was required by the officer.
- (d) Recording by audio and/or visual means any class, consultation or discussion with a teacher or member of staff without the prior express consent of that person.
- (e) Passing to or transmission to any other person any recording by audio and/or visual means of any class, consultation or discussion with a teacher or member of staff without their express consent.
- (f) Disobeying a reasonable direction of an authorised officer. For example:
  - (i) refusing to leave a building or part of a building when directed to do so by a security officer
  - (ii) failing to comply with a direction by a member of the academic staff not to record by audio and/or visual means any class, or to refrain from passing recordings of classes to others.

## **Schedule C – Sports Code of Behaviour**

### **1 General**

- (1) All students representing Bond University at sport should:
- (a) Respect the rights, dignity and worth of fellow players, coaches, officials and spectators;
  - (b) Adhere to the game's rules at all times (including when the student is subjected to acts of aggression);
  - (c) Respect the talent, potential and development of fellow players and competitors;
  - (d) Care for and respect the equipment provided to them or utilized as part of the activity;
  - (e) Be frank and honest with their coach concerning illness and injury and their ability to train for or participate fully within all sporting activities;
  - (f) Conduct themselves in a professional manner relating to language, temper and punctuality;
  - (g) Maintain high personal behaviour standards at all time;
  - (h) Abide by the rules of the event and respect the decisions of the official, making all appeals through the formal process and respecting the final decision;
  - (i) Be in an appropriate state of physical health for the competition, including being free of the influence of drugs and/or alcohol;
  - (j) Cooperate with coaches and staff in the development of programs to adequately prepare the student for competition at the highest level.

### **2 Breaches**

(1) Violations of the Sports Code of Behaviour are defined as misconduct under Regulation 7 – Misconduct.

(2) Students who breach any of the clauses of the Sports Code of Behaviour may be referred to the Bond University Sports Disciplinary Committee, which can make any of the orders allowed under Regulation 12(2)(d).