



STUDENT MISCONDUCT RULE - INAPPROPRIATE BEHAVIOUR GUIDELINES

1. Context and Purpose

- (a) The context of these Guidelines is to establish a framework and set of procedures for reporting and dealing with allegations of behaviour or activity that can be dealt with through educative and/or remedial interventions, rather than as misconduct under the Western Sydney University Student Misconduct Rule 2015 (**Student Misconduct Rule**). Substantial or repeated allegations of inappropriate behaviour, including misconduct, not referred under these Guidelines will be dealt with as misconduct under the Student Misconduct Rule.
- (b) These Guidelines are made by the Vice-Chancellor and President of the University and endorsed by the Academic Senate under Clause 9 of the Student Misconduct Rule.
- (c) These Guidelines are intended to be read in conjunction with the following related UWS Policies and Guidelines:

Academic

[Assessment Policy - Criteria and Standards-Based Assessment](#)
[Referencing Styles Policy](#)
[Revocation of Awards Rule](#)
[Teaching and Learning - Fundamental Code](#)

General

[Student Code of Conduct](#)
[Zero Tolerance to Bastardisation \(Motting and Hazing\) Policy](#)

Academic and general

[Complaint Handling and Resolution Policy](#)
[Medical Assistance Policy](#)
[Student Misconduct Rule](#)

- (d) These Guidelines are not intended, in part or in full, as a substitute for sound judgment in dealing with matters pertaining to academic integrity and/or inappropriate behaviour.

2. Definitions

- (a) Unless otherwise stated words and phrases contained in these guidelines shall have the same meaning as that set out in the Student Misconduct Rule.
- (b) The following plain-English definition of **academic integrity** is provided by the *Exemplary Academic Integrity Project* at the University of South Australia, <http://resource.unisa.edu.au/course/view.php?id=6633>.

“Academic integrity means acting with the values of honesty, trust, fairness, respect and responsibility in learning, teaching and research. It is important for students, teachers, researchers and all staff to act in an honest way, be responsible for their actions, and show fairness in every part of their work. Staff should be role models to students. Academic integrity is important for an individual’s and a school’s reputation”.

- (c) **Inappropriate Behaviour** refers to any behaviour(s) that a person reasonably considers to be unacceptable given the circumstances of the situation in which the behaviour(s) occurred. The range of inappropriate behaviour includes not acting in accordance with the principles of academic integrity and anti-social and disruptive behaviours, such as those described in UWS policy including (though not limited to) the [Student Code of Conduct](#).

3. **What constitutes Inappropriate Behaviour?**

- (a) Western Sydney University recognises that in some cases, it is more appropriate to deal with minor breaches of behaviour which may otherwise constitute student misconduct in a manner where a student, rather than facing a sanction under the Student Misconduct Rule, is given an opportunity to learn from his or her mistake and to minimise the possibility of future breaches.
- (b) Inappropriate Behaviour may be either academic (**Inappropriate Academic Behaviour**) or general (**Inappropriate General Behaviour**).
- (c) For the preservation of academic integrity in Higher Degree Research, all allegations of research misconduct are not considered Inappropriate Behaviour and will be dealt with under the Student Misconduct Rule.

4. **Inappropriate Academic Behaviour**

- (a) Allegations of Inappropriate Academic Behaviour may only be dealt with as such under these Guidelines if all of the following criteria apply:
- i. the student admits the allegation(s) or the facts giving rise to that allegation(s);
 - ii. the student has not previously been the subject of an adverse finding of academic misconduct for the same or substantially similar offence under any policy or rule of the University; and
 - iii. the admitted behaviour is not serious enough to warrant an investigation or a sanction for academic misconduct under the Student Misconduct Rule.
- (b) In determining whether the admitted behaviour warrants an educative or remedial intervention, the Authorised Officer may consider (but is not limited to) any one or more of the following matters:
- the student would benefit from an educative or remedial program;
 - the prior educational qualifications and/or academic record of the student in his or her current program of study;
 - the extent of the behaviour as it relates to the work being assessed;
 - whether the student does not appear to have attempted to gain any unfair academic advantage;

- whether the behaviour occurred with the collusion and or aid of any other person; and
- whether the behaviour poses a minimal or negligible threat to the academic reputation of the University or that of Western Sydney University The College (as the case may be) and their respective assessment processes.

5. Inappropriate General Behaviour

- (a) Allegations of Inappropriate General Behaviour may only be dealt with as being such if all of the following criteria apply:
- i. the student admits the allegation(s) or the facts giving rise to that allegation(s);
 - ii. the student has not previously been the subject of an adverse finding of general misconduct for the same or substantially similar offence under the Student Misconduct Rule;
 - iii. the admitted behaviour is not serious enough to warrant an investigation or a sanction for general misconduct under the Student Misconduct Rule;
 - iv. the admitted behaviour does not involve motting, hazing or other behaviours referred to in the [Zero Tolerance to Bastardisation \(Motting and Hazing\) Policy](#);
 - v. the admitted behaviour does not involve a criminal offence; and
 - vi. the admitted behaviour does not involve a serious or continuing risk to the life, health or safety of the student themselves or another person;
- (b) In determining whether the admitted behaviour warrants an educative or remedial intervention, the Authorised Officer may consider (but is not limited to) any one or more of the following matters:
- the student would benefit from an educative or remedial response;
 - the behaviour was not premeditated and/or appears to be an isolated incident;
 - whether the behaviour was provoked by the wrongful actions of another person and the if the alleged response was not disproportionate to the wrongful act; and
 - whether the student shows any remorse for the behaviour.

6. Reporting Allegations of Inappropriate Behaviour

- (a) Allegations of suspected Inappropriate Behaviour should be reported to any one or more of the following:
- any member of staff, who if not an Authorised Officer, must then refer it promptly to the appropriate Authorised Officer; or
 - directly to the appropriate Authorised Officer.
- (b) If a report of suspected Inappropriate Behaviour is deemed not to warrant further investigation, the Authorised Officer may dismiss the allegation.
- (c) If a report of suspected Inappropriate Behaviour does not satisfy all the criteria specified in these Guidelines, then the alleged behaviour will be dealt with as misconduct under the Student Misconduct Rule.
- (d) On determination that the alleged behaviour should be dealt with as

Inappropriate Behaviour, the student will be informed by the Authorised Officer that the matter will be dealt with under these Guidelines.

7. Educative or Remedial Responses to Inappropriate Academic Behaviour

- (a) Educative or remedial responses to Inappropriate Academic Behaviour should take into account the conventions and educative approaches associated with the discipline to which the unit of study relates, the academic discipline overall and any other relevant Guidelines issued by the Western Sydney University Academic Senate.
- (b) Any educative or remedial response may include and is not limited to:
- an agreement by the student to undertake counselling, training, or other program of study in academic writing or literacy skills;
 - resubmission of a piece of academic work after a period of further study; and
 - submission of an additional piece of academic work, designed with the express purpose of assisting the student improve his or her academic writing and referencing.
- (c) Where an educative or remedial response involves the student resubmitting a piece of academic work or undertaking an additional piece of academic work then such assessment shall be marked on a Pass or Fail basis and shall not be included in the calculation of the mark or grade for the unit.
- (d) The educative or remedial work will be treated as if it were a threshold requirement for the unit.

8. Educative or Remedial Responses to Inappropriate General Behaviour

- (a) Educative or remedial responses to Inappropriate General Behaviour should take into account the extent of the behaviour and any other relevant Guidelines issued by the Western Sydney University Academic Senate.
- (b) Any educative or remedial response may include and is not limited to:
- an agreement that the student undertake counselling or other remedial measures;
 - an agreement to pay compensation of up to \$250.00 for repair or replacement of damaged or lost property; and
 - an agreement to apologise either verbally or in writing to any person aggrieved by the student's conduct.

9. Procedures for Dealing with Inappropriate Behaviour

- (a) These procedures are engaged on referral from an Authorised Officer under Clause 11(4)(b) of the Student Misconduct Rule.
- (b) On referral of an admission of Inappropriate Behaviour, the relevant Authorised Nominee must receive:

- copies of all material forming part of the preliminary assessment of the allegation under Clause 11(1) of the Student Misconduct Rule;
 - copies of any material obtained during any interview with the student, including a record of the interview;
 - copies of any other evidence obtained during the preliminary action process under Clause 11 of the Student Misconduct Rule.
- (c) Following receipt of the relevant material, the Authorised Nominee must send a written notice to the student to attend a meeting to discuss the admitted behaviour. The notice must be sent at least two (2) business days before the meeting is due to take place.
- (d) The notice to the student must:
- outline the nature of the Inappropriate Behaviour, including any known details such as date, place and time;
 - include copies of all relevant evidence received by the Authorised Nominee;
 - invite the student to attend the meeting at a specified time, date and place to discuss the admitted behaviour;
 - tell the student that, at the meeting, he or she will have the opportunity to provide an explanation for the admitted behaviour;
 - tell the student that he or she may bring a support person to the meeting; and
 - enclose a copy of these Guidelines.
- (e) The respondent student may bring a support person with them to attend the meeting if he or she wishes to do so. The support person may speak on behalf of the student. However, the Authorised Nominee may ask the support person to leave the meeting if he or she is disruptive, or interferes with the meeting process or the ability of the Authorised Nominee to discharge their decision-making;
- (f) At the meeting the Authorised Nominee must:
- give the student all details and evidence then known and available about the admitted Inappropriate Behaviour;
 - explain the range of potential educative or remedial responses available under these Guidelines;
 - explain that if the student refuses to cooperate further, then the allegation may be referred for investigation under the Student Misconduct Rule; and
 - give the student a reasonable opportunity to give his or her own version of events and provide any evidence in support.
- (g) Following the meeting the Authorised Nominee is to consider the evidence and the student's response and will notify the student in writing as soon as possible (but generally within 5 business days) of the agreed educative or remedial response to the Inappropriate Behaviour, or that the matter was dismissed and no further action will be taken, whichever is appropriate.
- (h) At the conclusion of proceedings described in Clause 9(g) of these Guidelines [above], the Authorised Nominee must prepare a document to be placed upon the student's record that contains:
- i. a brief statement of the admitted Inappropriate Behaviour;

- ii. details of the person who reported the allegation of Inappropriate Behaviour;
 - iii. a copy of any material provided by the student;
 - iv. a short statement of reasons why the matter was dealt with by way of educative or remedial intervention; and
 - v. details of the agreed educative or remedial intervention, or a statement that the matter was dismissed and no further action was taken, whichever is appropriate.
- (i) The document shall be placed on TRIM under a heading indicating that it relates to an admission of Inappropriate Behaviour dealt with under these Guidelines and not by way of misconduct under the Student Misconduct Rule.

10. Who are Authorised Nominees?

- (a) Unit Coordinators, approved in writing by their relevant Director of Academic Program are authorised to deal with all admissions of Inappropriate Academic Behaviour, as well as admissions of Inappropriate General Behaviour that occur inside of teaching spaces under their direct control.
- (b) Admissions of Inappropriate General Behaviour that occur outside of teaching spaces, e.g. University Libraries, uwsconnect operated premises, can be dealt with by the University staff member in charge of that premises or facility at the time the Inappropriate Behaviour occurs. These persons include:
- a librarian or assistant librarian;
 - the general manager or other manager of uwsconnect;
 - a campus Provost, or nominee

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