

Student Conduct Management Policy

Section 1 - Background and Purpose

(1) This Policy and Procedure outlines the process by which student behaviour issues will be managed by La Trobe University (University).

(2) Where student behaviour issues are treated as alleged student misconduct, the process will generally be governed by the University's [General Misconduct Statute 2009](#) (Statute).

Section 2 - Scope

(3) This Policy applies to:

- a. all students of the University who are currently enrolled in any University subject or course (including students who were not enrolled at the time they allegedly engaged in misconduct and anyone who was an enrolled student when they allegedly engaged in the misconduct).
- b. all staff of the University (for the purposes of reporting/managing student conduct).

Section 3 - Policy Statement

(4) The University's values of excellence, inclusiveness, diversity, equity and social justice are reflected in the standards of conduct expected of all students, staff and other members of the University community.

(5) The standards of conduct expected of students are detailed in a range of instruments, including but not limited to the:

- a. [Charter of Student Rights and Responsibilities](#);
- b. [Student Behaviours Policy](#);
- c. [Sexual Harm Prevention and Response Policy and Procedure](#); and
- d. [General Misconduct Statute 2009](#).

(6) The University aims to address behaviour which falls short of the standards of conduct expected via a process that:

- a. encourages an informative, restorative and/or educative response where possible and appropriate;
- b. is impartial and fair to all parties involved;
- c. is transparent and consistent; and
- d. is managed within an appropriate period.

Section 4 - Procedures

Part A - Reporting a Conduct Concern to Safer Community

(7) All student behaviour concerns and allegations of student misconduct should be reported to Safer Community. Safer Community can be contacted [here](#).

(8) The initial steps taken by Safer Community will generally include, as appropriate:

- a. triaging, screening and assessing the alleged conduct;
- b. providing information and guidance regarding informal management;
- c. providing information and guidance to staff regarding their ability to manage disruptions to classes and examinations in accordance with section 6 and section 7 of the [General Misconduct Statute 2009](#);
- d. conducting preliminary enquiries into the alleged conduct to establish whether, in the opinion of the Deputy Director, Student Conduct & Investigations or their delegate, there is enough evidence to support a finding of student misconduct;
- e. referring individuals to other University processes and/or support services (eg Wellbeing Support/Case Management, Counselling, AccessAbility).

(9) Safer Community may assist in the informal management of conduct concerns by, amongst other things, educating, restorative justice and reinforcing the standards of conduct expected of students.

Temporary safety and investigation integrity measures

(10) Having regard to the nature of the alleged conduct and potential risks Safer Community may put in place temporary health and safety and/or investigation integrity measures, such as a direction that a student does not contact another individual or attend the University or any part of it for a reasonable period of time.

High risk conduct

(11) Where a student or situation is considered by Safer Community as being high-risk, Safer Community may:

- a. notify the Police or Security;
- b. refer the matter directly to the Vice-Chancellor under section 13 of the [General Misconduct Statute 2009](#); or
- c. take any other action that may be appropriate in the circumstances (eg recommend the convening of a Threat Assessment and Management Team (TAMT) under the [Complex Conduct Assessment and Management Policy](#), notify Risk Management Office of a Critical Incident (where appropriate) and/or the relevant Senior Executive Group (SEG) member).

Referring General Misconduct to the General Misconduct Officer

(12) Where Safer Community is satisfied that there is enough evidence to support a finding of general misconduct they may recommend the referral of the matter to the General Misconduct Officer via the Office of Student Conduct and Investigations.

(13) In considering whether to recommend the referral of a matter to a General Misconduct Officer, Safer Community will also have regard to:

- a. the nature and seriousness of the alleged student conduct issue, for example:
 - i. minor, one-off incidents will generally be managed informally; and
 - ii. sexual harm matters will be referred in accordance with the [Sexual Harm Prevention and Response Policy](#)

[and Procedure](#).

- b. Whether the matter may be more appropriately assessed or managed by another University process (eg the [Complex Conduct Assessment and Management Policy](#)).

Part B - Hearing and Determination by General Misconduct Officer

(14) The Office of Student Conduct and Investigations provide support and assistance to General Misconduct Officers, who will hear and determine alleged general misconduct.

(15) Where the Office of Student Conduct and Investigations receives a report of alleged general misconduct, it will notify the General Misconduct Officer.

(16) Having regard to the information, the General Misconduct Officer may:

- a. dismiss the referral and take no further action (eg if the alleged conduct could not constitute general misconduct or there is insufficient evidence to support such a finding);
- b. refer the matter to Safer Community for informal resolution;
- c. seek further information and, in complex cases, may approve the appointment of a specialist investigator;
- d. provide the student alleged to have committed general misconduct, an opportunity to respond before making a finding as to whether general misconduct has occurred and what sanction, if any, may be appropriate in the circumstances; and/or
- e. take any other reasonable action appropriate in all the circumstances.

Opportunity to be heard

(17) Before hearing from a student, they will generally be informed in writing of the following:

- a. the basis upon which there is a reasonable belief that the student may have committed general misconduct;
- b. the possible sanction that may be imposed under the [General Misconduct Statute 2009](#);
- c. their ability to respond (in writing, via video conference or in person), noting the date, time and location for any meeting; and
- d. their right to be accompanied by a support person, other than a legal practitioner or person with a law degree.

(18) In exceptional circumstances, the General Misconduct Officer may decide it is necessary to convene an oral hearing, and in those circumstances the student may have an opportunity to be represented (including by a lawyer) and may be able to cross-examine any complainant. The General Misconduct Officer may also seek advice/support from a suitably qualified person (eg they may appoint a lawyer to assist in the hearing).

(19) Where an oral hearing involves an allegation relating to the safety of any person or sexual harm, the General Misconduct Officer will seek advice from the Deputy Director, Student Conduct & Investigations or the Senior Manager, Student Conduct & Investigations other suitably qualified individuals on the appropriate arrangements for conducting the hearing.

Procedural Requirements for General Misconduct Officers

(20) The procedural requirements are set out in section 11 of the Statute. In hearing and determining any general misconduct matter, the General Misconduct Officer:

- a. may inform themselves on any matter as they say fit;
- b. is bound by the rules of Procedural Fairness; and
- c. is not bound by the rules of evidence or practices or procedures applicable to courts of record.

(21) The General Misconduct Officer:

- a. must conduct each hearing with as little formality and technicality, and determine each proceeding with as much speed, as the requirements of the Statute, regulations and a proper consideration of the matter permits; and
- b. subject to the Statute and regulations, may regulate their own procedure.

Outcome

(22) Once the General Misconduct Officer has heard from the student, the General Misconduct Officer may:

- a. Determine that the alleged general misconduct cannot be substantiated on the available evidence and take no further action;
- b. Refer the matter back to the Office of Student Investigations for further inquiries to be conducted;
- c. Determine that the alleged misconduct can be substantiated setting out the reasons for the determination and any sanction to be imposed under the [General Misconduct Statute 2009](#); or
- d. Refer the matter to another University process.

Appeal

(23) The General Misconduct Officer will advise the student as soon as practicable of the outcome and their right of appeal to the University Appeals Committee, describing the requirements prescribed in section 12 of the [General Misconduct Statute 2009](#) for making such an application.

Part C - Action by the Vice-Chancellor - High Risk Misconduct

(24) Where the Vice-Chancellor is satisfied that:

- a. a student has engaged in general misconduct of the kind referred to in section 4(c),(e) or (f) of the Statute, or
- b. a student's conduct otherwise poses a risk of injury or damage to any person or property or to the interests or good reputation of the University,

the Vice-Chancellor may, in accordance with section 13 of the Statute:

- a. exclude the student from the University or any part or facility of the University indefinitely or for a period determined by the Vice-Chancellor; and/or
- b. suspend or terminate the student's enrolment.

(25) The Vice-Chancellor must give written notice of their decision to the student concerned as soon as reasonably practicable. A notice of decision must set out the reasons for the decision.

(26) If the Vice-Chancellor is reasonably satisfied that it is appropriate or necessary in the circumstances, an exclusion decision may be expressed to take effect immediately and, if so expressed, shall take effect immediately, even if the written notice cannot be given to the student concerned immediately.

(27) A student must comply with an exclusion decision and a student who fails to comply is guilty of general misconduct.

Section 5 - Definitions

(28) For the purpose of this Policy and Procedure:

- a. Procedural Fairness: a legal concept that is sometimes used interchangeable with natural justice. What is procedurally fair will depend on the circumstances. It generally involves:
- i. the right to be told of allegations to be put to a person in sufficient detail to enable them to respond. This will not necessarily involve the person being given all information, and some confidential information and original documents may not necessarily be provided;
 - ii. an opportunity to answer to allegations before any decision is made, including sufficient time to respond; and
 - iii. a requirement that a decision maker is not biased and gives genuine consideration to whatever response is given by a person.

Status and Details

Status	Current
Effective Date	7th May 2021
Review Date	15th April 2024
Approval Authority	Vice-Chancellor
Approval Date	15th April 2021
Expiry Date	Not Applicable
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