

# Student Conduct Management Policy

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Administrative - Vice-Chancellor
<b>Accountable Executive - Policy</b>	Deputy Vice-Chancellor (Academic)
<b>Responsible Manager - Policy</b>	Director, Integrity Office
<b>Review Date</b>	30 May 2027

## Section 2 - Purpose

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

(2) Where student behaviour issues are assessed as alleged student misconduct, the process is normally governed by the University's [General Misconduct Statute 2009](#) (the Statute).

## Section 3 - Scope

(3) This Policy applies to all students, including those enrolled in La Trobe courses through third party teaching partners, and short course participants (for ease of reference all are referred to as students in this Policy).

(4) Students from other institutions who reside in La Trobe student accommodation are bound by the Rules of Residence.

## Section 4 - Key Decisions

<b>Key decisions/Responsibilities</b>	<b>Role</b>
Exclude a student from all or any part of the University indefinitely or for a period, and/or suspend or terminate the student's enrolment in line with the <a href="#">La Trobe University Act 2009</a> and/or the <a href="#">General Misconduct Statute 2009</a> .	Vice-Chancellor
Make temporary directions to eliminate or reduce any identified risk to the health and safety of persons in connection with misconduct allegations or conduct concerns made against a student or students, including the limitation or withdrawal of a student's right to attend any University campus, facility and/or University-managed activity or event (see - <a href="#">Instrument of Delegation No.2 of 2024</a> ).	Deputy Vice-Chancellor (Academic)
Impose other temporary health and safety measures and/or investigation/integrity measures in connection with misconduct allegations or conduct concerns such as a direction not to contact a person, or request that a student attend a medical examination (see - <a href="#">Instrument of Delegation No.2 of 2024</a> ).	Pro Vice-Chancellor (Student Experience and Employability)

## Section 5 - Policy Statement

(5) 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.

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

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

(7) 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 confidential wherever possible and maintains all personal information in accordance with the University's [Privacy Policy](#);
- d. is transparent and consistent;
- e. is free from victimisation and reprisal;
- f. is managed within an appropriate period.

## Section 6 - Procedures

### Part A - Reporting a Conduct Concern to Safer Community

(8) All student behaviour concerns and allegations of student misconduct should be reported to the University's Safer Community team (information and contact details are available on the Safer Community [webpage](#)). Services provided by Safer Community are available to both staff and students at no cost.

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

- a. triaging, screening and assessing the alleged conduct, including consideration of whether any temporary safety and/or investigation integrity measures should be recommended;
- b. providing information and guidance regarding informal management, including time frames and processes;
- 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 and investigations into the alleged conduct to establish whether, in the opinion of the Director, Integrity Office or their nominee, there is enough evidence to support a finding of student misconduct and referral to a General Misconduct Officer under the [General Misconduct Statute 2009](#);
- e. referring individuals to other University processes and/or confidential and free support services (e.g. staff or student wellbeing support/case management, Counselling, AccessAbility).

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

(11) Safer Community will advise relevant parties of any decision or outcome within five business days of the

conclusion of a matter, and will monitor and ensure the prompt implementation of any actions arising from a decision or outcome.

## Temporary Safety and Investigation Integrity Measures

(12) Pending investigation of a matter and having regard to the nature of the alleged conduct and potential risks, the Pro Vice-Chancellor (Student Experience and Employability) may:

- a. approve the implementation of temporary health and safety and/or investigation integrity measures, including
  - i. changes to the student's placement location, class, exam timetable or office location;
  - ii. a direction to the student that they do not contact a member or members of the University community or discuss a matter under investigation;
  - iii. any other risk mitigation measures appropriate in the circumstances that are consistent with University legislation and/or any relevant delegation.
- b. recommend to the Deputy Vice-Chancellor (Academic) that:
  - i. they prohibit a student temporarily from attending any University campus, facility, including student accommodation, and/or University-managed or approved activity or event (e.g. a student placement, orientation event, excursion, tour or conference);
  - ii. they approve conditions being placed on the student's enrolment, for instance that they temporarily transfer to an equivalent online course.

## High-Risk Conduct

(13) Where a student or situation is considered by the Manager, Safer Community and Student Conduct as being high-risk, they may notify the Police or Security and the Director, Integrity Office who will in turn notify the Pro Vice-Chancellor (Student Experience and Employability). The Pro Vice-Chancellor (Student Experience and Employability) will take action as appropriate for the circumstances. This may include:

- a. convening a Threat Assessment and Management Team (TAMT) under the [Complex Conduct Assessment and Management Policy](#);
- b. notifying the Risk Management Office of a Critical Incident and/or the relevant Senior Executive Group (SEG) member;
- c. recommending the Deputy Vice-Chancellor (Academic) refer the matter directly to the Vice-Chancellor under Section 13 of the [General Misconduct Statute 2009](#).

## Referring General Misconduct to the General Misconduct Officer

(14) Where the Director, Integrity Office is satisfied there is enough evidence to suggest a prima facie case of general misconduct they may refer the matter to a University General Misconduct Officer.

(15) In considering whether to refer a matter to a General Misconduct Officer, regard will be had to:

- a. the nature and seriousness of the alleged student conduct issue, for example:
  - i. minor, one-off incidents will generally be managed informally where appropriate and possible; 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 (e.g. the [Complex Conduct Assessment and Management Policy](#)).

## Part B - Hearing and Determination by General Misconduct Officer

(16) The Office of Integrity and Investigations provides support and assistance to General Misconduct Officers, who will hear and determine alleged general misconduct.

(17) The General Misconduct Officer may:

- a. dismiss the referral and take no further action (e.g., if the alleged conduct does 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

(18) Prior to being required to respond to an allegation, students will 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. The support person may be a member of the Student Advocacy service or any person chosen by the student, other than a legal practitioner or person with a law degree.

(19) In exceptional circumstances (e.g. very serious cases and/or where there are complex evidentiary issues), the General Misconduct Officer may allow a student to have representation. The General Misconduct Officer may also seek advice/support from a suitably qualified person (e.g. they may appoint a lawyer to assist in the hearing).

(20) 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 Director, Integrity Office or other suitably qualified individuals on the appropriate arrangements for conducting the hearing.

### Procedural Requirements for General Misconduct Officers

(21) The procedural requirements are set out in Section 11 of the [General Misconduct Statute 2009](#). 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.

(22) 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

(23) 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 Integrity and 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

(24) 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

(25) 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 [General Misconduct Statute 2009](#):

- 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.

(26) 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.

(27) 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.

(28) A student must comply with an exclusion decision and a student who fails to comply will breach/commit general misconduct.

## Part D - Recording and Reporting of Student Conduct Matters

(29) The University will record all student conduct matters in accordance with the requirements of the [Higher Education Threshold Standards 2021](#), the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) and the University's [Records Management Policy](#).

(30) A summary of student conduct matters handled each year is included in the Safer Community and Student Conduct annual report for submission to the Office of the Deputy Vice-Chancellor (Academic).

## Part E - Breaches of this Policy

(31) Where a student has any concerns about the way in which this Policy has been applied (as opposed to an appeal about the outcome that has been determined under the Statute), including any concerns about a breach of confidentiality, they may lodge a complaint with the Office of the University Ombudsman. If their concerns relate to the way in which their issue is handled by the University Ombudsman, they may lodge a complaint with an external organisation such as the Australian Human Rights Commission, Victorian Privacy Commissioner, Victoria Police or [National Student Ombudsman](#). For further information on complaints considered by the [National Student Ombudsman](#), go to [Making a complaint | National Student Ombudsman \(NSO\)](#).

## Section 7 - Definitions

(32) For the purpose of this policy and procedure:

- a. exclusion: means the temporary or permanent prohibition of an individual from accessing any or all University facilities and services or participating in University activities. A temporary prohibition may be for a specific period or until a condition or conditions have been met. Where a student or participant is excluded from a course, short course or subject, their enrolment in the course, short course or subject is cancelled and, where not prevented by the terms of their exclusion, they must reapply for admission.
- b. General Misconduct Officer: a staff member with appropriate skills and experience appointed by the Vice-Chancellor to hear and determine all allegations of general misconduct for students that are referred or reported under the [General Misconduct Statute 2009](#).
- c. 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.

## Section 8 - Authority and Associated Information

(33) This Policy is made under the [La Trobe University Act 2009](#).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	30th May 2024
<b>Review Date</b>	30th May 2027
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	30th May 2024
<b>Expiry Date</b>	Not Applicable
<b>Responsible Manager - Policy</b>	Allan Cormack Director, Integrity Office
<b>Enquiries Contact</b>	Integrity Office