CET Student Misconduct – Local Provisions

Section 1 – Governing policies

These provisions are to be read with reference to the following documents and any other relevant policies of the University of Sydney and the Education Services for Overseas Students Act 2000 (ESOS Act) National Code of Practice for Registered Authorities and Providers of Education and Training to Overseas Students (The National Code 2007):


Section 2 – Principles of the CET Student Misconduct Process

a. This process is a local provision that applies to all students of the University of Sydney Centre for English (“CET”) in respect of all actions and activities (including inaction or inactivity) relating to or impacting on the University of Sydney (“the University”) or its students and employees.
b. The provisions must be read in conjunction with the statutes, rules, and resolutions of the University, particularly the University’s Student Code of Conduct (February 2015) and The Education Services for Overseas Students Act 2000 (ESOS Act) National Code Part D.
c. The provisions of this document apply to misconduct by students of the CET while they are on any of the campuses of the University, and/or involved in any CET activity.
d. Nothing in these provisions abrogates a person’s right or the University’s right to refer at any stage alleged misconduct to authorities external to the University of Sydney.

Section 3 - Definitions

For the purpose of these provisions:

1. Campus - means any property on which CET conducts its activities.
2. Misconduct - means a breach of any of the personal and/or academic conduct expectations outlined below whilst on a University campus or facility or whilst involved in a University activity.
3. Student conduct expectations.
   1. Personal conduct. All students must:
      1. treat all employees, honorary appointees, consultants, contractors, volunteers any other members of the public and other students with respect, dignity, impartiality, courtesy and sensitivity;
      2. maintain a cooperative and collaborative approach to inter-personal relationships;
      3. act honestly and ethically in their dealings with University employees, honorary appointees, consultants, contractors, volunteers, any other members of the public and other students;
      4. respect the privacy of employees, honorary appointees, consultants, contractors, volunteers any other members of the public and other students;
      5. ensure that they do not act in a manner that unnecessarily or unreasonably impedes the ability of employees, honorary appointees, consultants,
contractors, volunteers any other members of the public and other students to
carry out their study, research or work at the University, including in the
University of Sydney Library, lecture theatres and laboratories;
6. ensure that they do not act in a manner that unnecessarily or unreasonably
impedes the ability of employees, honorary appointees, consultants,
contractors, volunteers any other members of the public or other students to
access or use the resources of the University, including the University of
Sydney Library resources, lecture theatres and laboratories;
7. and ensure that they do not become involved in or encourage discrimination
against or harassment or bullying of employees, honorary appointees,
consultants, contractors, volunteers any other members of the public or other
students.

2. Academic Conduct. All students must:
1. ensure that their enrolment and progress in their course is lawful and consistent with the
statutes, rule and resolutions of the University of Sydney and the local provisions of the
Centre for English Teaching.
2. maintain current information in the student information system, and observe key dates
and deadlines;
3. read all official correspondence from the University, including email;
4. act ethically and honestly in the preparation, conduct, submission and publication of
academic work, and during all forms of assessment, including formal examinations and
informal tests;
5. avoid any activity or behaviour that would unfairly advantage or disadvantage another
student academically

Section 3 – Complaints of misconduct

Where there is an allegation of misconduct

1. Any member of the CET staff or a CET student may, by written complaint, inform a CET Education
Manager of any conduct by a student which the member or student considers to be misconduct. Where
practicable, this should be done within one working day of the occurrence of the alleged misconduct.
2. The CET Education Manager will normally be the one in whose portfolio the student is currently
studying.
3. Where the CET Education Manager declares, or would be seen by a reasonable person as having a
conflict of interest in conducting the investigation, a CET Deputy Director shall appoint another
CET Education Manager to conduct the investigation.
4. The CET Education Manager shall determine, within five working days of receiving the complaint,
whether the conduct, which is the subject of the written complaint, warrants an investigation.
5. If the Education Manager reasonably believes that the complaint identifies misconduct in any of the
following areas, an investigation must occur:
   a. Conduct on the part of a student which is prejudicial to the good order and government of the
      University or impairs the reasonable freedom of other persons to pursue their studies or
      research in the University or to participate in the life of the University; or
   b. Refusal by a student to give satisfactory particulars of the student’s identity in response to a
direction to do so by a prescribed officer (CET staff member); or
   c. Any other form of willful disobedience to a reasonable direction of a prescribed officer (CET staff
      member).
6. If the conduct does not warrant an investigation, the CET Education Manager shall inform the person
making the written complaint of the outcome.

Section 4 - Investigation of Alleged Misconduct

If the conduct warrants an investigation, the CET Education Manager shall, within five working days of receiving
the complaint, advise the student of, in particular, the allegation, the name of the person making the allegation,
that an investigation is underway, and shall invite the student to make representations either in writing or in
person.
In conducting the investigation, the CET Education Manager shall send a written notification to the student including the following details:

1. the allegation and details of the allegation;
2. the name of the person making the allegation;
3. the preliminary enquiries made and the outcome of the enquiries;
4. a request that the student respond within five working days.

In conducting the investigation, the CET Education Manager shall adhere to the principles of natural justice as laid out in:


**Section 5 – Decision by CET Education Manager**

The CET Education Manager shall conduct the investigation and within 10 working days shall then make a decision as to whether, on balance of probabilities, the misconduct occurred and then will:

1. declare the student not guilty of misconduct; or
2. declare the student guilty of misconduct and, do or arrange to be done any of the following:
   3. inform the Deputy Director Teaching & Learning and/or the Deputy Director Operations of the misconduct;
   4. recommend to the Deputy Director Teaching & Learning and/or the Deputy Director Operations that no further action be taken against the student;
   5. or caution or reprimand the student; or
   6. recommend to the Deputy Director Teaching & Learning and/or the Deputy Director Operations that the student be required to pay for damage and/or expense caused by the misconduct not exceeding the full value (less any recoverable insurance claimed) of rectifying the damage and/or compensating the expense; or
   7. recommend to the Deputy Director Teaching & Learning and/or the Deputy Director Operations that the student’s Certificate of Enrolment at CET be cancelled and that the Department of Immigration and Border Protection be notified of the cancellation and the reason for it; or
   8. recommend to the Deputy Director Teaching & Learning and/or the Deputy Director Operations that the misconduct be referred to the relevant government authorities, including the Police.

In determining the veracity of the complaint and the recommended penalty, the Education Manager is entitled to take into consideration any proven repeated instances of misconduct by the student.

**Section 6 - Appeals**

Students contesting a decision of the CET Education Manager have 20 working days to lodge an internal appeal with the CET Student Misconduct Appeal Panel and/or make representations to the Panel.

A student may appeal against:

1. a finding of misconduct; and/or
2. a penalty recommended to be imposed upon him or her; and/or
3. the severity of the penalty recommended to be imposed.

**Section 7 – Internal Appeal (CET Student Misconduct Appeal Panel)**
A three-person CET Student Misconduct Panel will convene to hear and decide matters related to the complaint and the investigation.

The functions of a CET Student Misconduct Panel are:

1. to act on behalf of CET by considering the results of the investigation, making further enquiries if required, and to determine whether or not misconduct has occurred; and
2. to uphold, quash or vary the penalties to be imposed for misconduct.

The members of a Panel shall include:

1. one or more CET Deputy Directors;
2. one or more CET Education Managers (but not the investigating Education Manager);
3. and shall comprise of at least one male member and one female member.

No person with a conflict of interest may be appointed to a Panel.

The decision of the Panel will be by majority vote.

The Panel shall convene at least 20 working days after receiving notice of the results of the investigation from the investigating CET Education Manager.

On receipt of the CET Education Manager's decision, a member of the Panel, normally the Deputy Director Teaching & Learning, shall send a written notification to the student including the following details:

1. the outcome of the investigation by the CET Education Manager;
2. that the student can appeal, by making representations in writing or in person, within 20 working days to the CET Student Misconduct Appeal Panel.
3. That the student is entitled to a hearing in person and can bring a support person to this hearing.

The Panel shall adhere to the principles of natural justice as laid out in:


In determining the veracity of the complaint and the recommended penalty, the Panel is entitled to take into consideration any proven repeated instances of misconduct by the student.

Section 8 – Outcome of Internal Appeal

The CET Student Misconduct Panel, shall make one of the following decisions:

1. declare the student not guilty of misconduct; or
2. declare the student guilty of misconduct and inform the student of his/her right to an external appeal to the Ombudsman within 14 working days and explain that CET will take no action against the student until this period has elapsed.

Section 9 – External Appeals (Ombudsman)

Following an external appeal to the Ombudsman, the CET Student Misconduct Panel shall do one of the following:

1. if the student’s appeal is upheld by the Ombudsman, follow the instructions of the Ombudsman in this matter;
2. if the student’s appeal is not upheld by the Ombudsman; impose the penalty or penalties previously decided by the CET Student Misconduct Appeal Panel.
Following an internal and external appeal period, whether or not an internal and/or external appeal is lodged, the decision of the CET Student Misconduct Appeal Panel shall be final and shall be conveyed to the appellant in writing within 5 working days.

Prepared by: Ward Lee, Deputy Director Operations, Centre for English Teaching

Authorised: Katherine Olston, Acting Director, Centre for English Teaching

Date determined: 13th December 2016

Date effective: 1st January 2017

Date of review: 13th December 2019
### CET STUDENT MISCONDUCT INVESTIGATION, DECISION AND APPEAL PROCESS

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<th>Allegation</th>
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<td>• Complaint re student misconduct received</td>
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<td>• Referred within 1 working day to CET Education Manager</td>
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<td>• CET Education Manager decides within 5 working days if investigation is required and informs student and complainant of outcome of decision</td>
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<td>• CET Education Manager investigates within 10 working days and invites student to make representations in writing or in person.</td>
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<td>• Results of investigation sent to CET Student Misconduct Panel at end of investigation.</td>
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<td>• CET Education Manager decides if misconduct has occurred and, if so, decides on penalties.</td>
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<td>• The student is invited to make any representations in writing or in person within 20 working days in an internal internal appeal to CET Student Misconduct Panel.</td>
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<td>• If the internal appeal is not upheld, the student can also appeal externally to the Ombudsman (within a further 14 working days)</td>
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<td>• Following the internal and external appeal periods, the CET Student Misconduct Panel makes final decision and imposes any penalties</td>
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CET STUDENT MISCONDUCT: FLOW CHART OF PROCESSES

CET Student Misconduct Process Summary December 2016

1. Written complaint from student or staff goes to Education Manager (EM) within 1 working day.
2. EM within 5 days informs student of complaint & decides re investigating.
3. EM investigates within 10 days and invites representations from student.
4. EM then decides on validity of complaint and penalty if valid.
5. Student appeals to CET Student Misconduct Panel within 20 days.
6. Panel upholds EM decision.
7. Student appeals to Ombudsman within 14 days.
8. External appeal not upheld.