

# UNIVERSITY OF SYDNEY (STUDENT DISCIPLINE) RULE 2016

The Senate, as the governing authority of the University of Sydney, by resolution adopts the following Rule under subsection 37(1) of the *University of Sydney Act 1989 (as amended)* for the purposes of the *University of Sydney By-law 1999*.

Adopted on: 31 October 2016  
 Effective from: 31 March 2017  
 Amended on: 8 June 2017 (administrative amendments only)

## CONTENTS

<b>Contents</b> .....	<b>1</b>
<b>Part 1 Preliminary</b> .....	<b>2</b>
1.1 Name of Rule.....	2
1.2 Commencement.....	2
1.3 Statement of intent.....	2
1.4 Authorities and responsibilities .....	2
1.5 Interpretation.....	2
<b>Part 2 Misconduct</b> .....	<b>4</b>
2.1 Definition of misconduct.....	4
<b>Part 3 Penalties</b> .....	<b>6</b>
3.1 Penalties for misconduct.....	6
3.2 Effect of penalties .....	7
3.3 Suspension of penalties.....	9
3.4 Matters to be taken into account when imposing a penalty.....	9
3.5 Undischarged penalties .....	10
<b>Part 4 Disciplinary process</b> .....	<b>10</b>
4.1 Procedural fairness .....	10
4.2 Reporting and receiving allegations of misconduct .....	10
4.3 Notice of alleged misconduct.....	11
4.4 Preliminary meeting .....	11
4.5 Admission of misconduct after the preliminary meeting .....	11
4.6 Misconduct investigation.....	12
4.7 Investigation outcome and notice .....	13
<b>Part 5 Appeals</b> .....	<b>13</b>
5.1 Appeals .....	13
5.2 Student Disciplinary Appeals Committee .....	14
5.3 Conduct of appeal hearings.....	14
5.4 Failure by a student to attend an appeal hearing .....	15
5.5 Appeal outcome and notice .....	15
<b>Part 6 Temporary suspension and removal of students</b> .....	<b>16</b>
6.1 Emergency power to suspend .....	16
6.2 Suspension pending disciplinary proceedings.....	17
6.3 Removal of a student from a class, building or area .....	18
<b>PART 7 Disqualifying circumstances</b> .....	<b>18</b>
<b>Part 8 General</b> .....	<b>19</b>
8.1 Notices .....	19
8.2 Record keeping.....	20
8.3 Extension of time limits .....	20
8.4 Annual reporting .....	20
<b>Notes</b> 21	
<b>Amendment history</b> .....	<b>21</b>

## PART 1 PRELIMINARY

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### 1.1 Name of Rule

This is the University of Sydney (Student Discipline) Rule 2016.

### 1.2 Commencement

This Rule commences on the date on which Chapter 8 of the *University of Sydney By-Law 1999* is repealed.

### 1.3 Statement of intent

- (1) This Rule governs the management of misconduct matters relating to any:
  - (a) student; or
  - (b) former student, where the alleged misconduct occurred while they were a student.
- (2) Except to the extent that a contrary intention is expressed this Rule binds:
  - (a) the University, staff, affiliates and students; and
  - (b) former students.
- (3) Nothing in this Rule precludes the University from initiating civil or criminal proceedings against a student or former student in respect of misconduct.

### 1.4 Authorities and responsibilities

Authorities and responsibilities set out in this Rule are also defined in the *University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016*, and the *University of Sydney (Delegations of Authority – Academic Functions) Rule 2016*. In the event of any inconsistency, those delegations will prevail.

### 1.5 Interpretation

- (1) In this Rule:

<b>Act</b>	means the <a href="#">University of Sydney Act 1989 (as amended)</a> .
<b>affiliate</b>	means a clinical title holder, an adjunct, conjoint or honorary appointee, a consultant or contractor to the University, an office holder in a University entity, a member of any University Committee and any other person appointed or engaged by the University to perform duties or functions on its behalf.
<b>award course</b>	means a course approved by the Senate, on the recommendation of the Academic Board, that leads to the award of a degree, diploma or certificate.



<b>Committee</b>	means a Student Disciplinary Appeals Committee, established in accordance with section 5.2.
<b>exchange student</b>	means a person who is: <ul style="list-style-type: none"><li>• not admitted to an award course at the University;</li><li>• admitted to a formally approved program of study at an overseas institution with which the University has an exchange arrangement; and</li><li>• enrolled in one or more units of study at the University.</li></ul>
<b>exclusion</b>	means exclusion from the University, an award course, or admission to or use of University lands, for a specified period of time, in accordance with sections 3.1 and 3.2.  <b>Note:</b> Students who are excluded from the University or an award course must reapply for admission.
<b>expulsion</b>	means permanent expulsion from the University, an award course, or admission to or use of University lands, in accordance with section 3.1 or 3.2.
<b>external academic transcript</b>	means a non-confidential record of a student's results in units of study, award courses and other curriculum components, provided to a student for use outside the University.
<b>faculty</b>	means a faculty, University school or a board of studies as established by Senate in each case by its constitution and in this Rule refers to the faculty in which a student is enrolled.
<b>internal academic transcript</b>	means a confidential record of a student's results in units of study, award courses and other curriculum components, prepared for administrative use.
<b>misconduct</b>	has the meaning given to it by section 2.1.
<b>investigator</b>	means a person or panel that conducts a misconduct investigation in accordance with section 4.6.
<b>non-award student</b>	means a person who is not admitted to an award course and is not an exchange student or study abroad student, but is enrolled in a unit of study at the University.
<b>Residential College</b>	means one or more of: <ul style="list-style-type: none"><li>• International House;</li><li>• Mandelbaum House;</li><li>• Sancta Sophia;</li><li>• St Andrew's College;</li><li>• St John's College;</li><li>• St Paul's College;</li><li>• Wesley College;</li><li>• Women's College.</li></ul>

- special consideration** means an application for special consideration due to illness, injury or misadventure.
- student** means a person who:
- is currently admitted to candidature in an award course at the University; or
  - is a non-award student, exchange student or study abroad student enrolled in a unit of study at the University.
- study abroad student** means a person who is:
- not admitted to an award course at the University;
  - admitted to a formally approved program of study at an overseas institution with which the University does not have an exchange arrangement; and
  - enrolled in one or more units of study at the University.
- suspension** means suspension from the University or an award course for a specified period of time, in accordance with section 3.1 or 3.2.
- Note:** Students who are suspended from the University or an award course are not required to reapply for admission.
- unit of study** means the smallest stand-alone component of an award course that is recordable on a student's transcript.
- University lands** includes any land or roads occupied or used in connection with the University, including the whole or part of any building or structure and any land or roads occupied or used in connection with the whole or part of any building or structure.
- (2) A heading to a Part or Schedule is a provision of this Rule. Other headings are not provisions of this Rule, but the number of a section or subsection is a provision of this Rule even if it is in a heading.
- (3) A note, marginal note, footnote or endnote is not a provision of this Rule.
- (4) A reference to a rule (other than this Rule) or policy is a reference to the rule or policy as amended or replaced by the University from time to time.

## **PART 2 MISCONDUCT**

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### **2.1 Definition of misconduct**

- (1) Misconduct includes but is not limited to:
- (a) conduct on the part of a student or former student that:
- (i) prejudices the good order and government of the University;
  - (ii) prejudices the good name or academic standing of the University;
  - (iii) impairs the reasonable freedom of other persons to pursue their studies, research or work in the University, or to participate in the life of the University;
- (b) a breach of the [Code of Conduct for Students](#);



- (c) a breach of the [Bullying, Harassment and Discrimination Prevention Policy 2015](#);
- (d) a breach of the [Privacy Policy 2013](#);
- (e) a breach of the [Policy on the Use of University Information and Communications Technology Resources](#);
- (f) research misconduct, as defined in the [Research Code of Conduct 2013](#);
- (g) a breach of the [Academic Honesty in Coursework Policy 2015](#), including but not limited to:
  - (i) engaging another person to complete or contribute to an assessment in place of the student, whether for payment or otherwise;
  - (ii) submitting work for assessment that has been completed by another person or to which another person has made a significant contribution, whether for payment or otherwise;
  - (iii) completing or contributing significantly to an assessment for another student, whether for payment or otherwise;
  - (iv) submitting fraudulent medical or other documentation;
  - (v) disrupting an examination, improperly copying from or communicating with other people during an examination, or communicating confidential examination content to other people.
- (h) intimidating, assaulting, vilifying, abusing, threatening or endangering:
  - (i) another member of the University community, including but not limited to students, staff, affiliates and visitors to University lands;
  - (ii) a member of the public, where the student is engaged in an activity organised by or in connection with University;including by electronic means;
- (i) altering, falsifying or fabricating any document or record of the University;
- (j) knowingly providing false or misleading information to a staff member or affiliate of the University;
- (k) misusing any University facility or resource in a manner that is unlawful, or is detrimental to the rights or property of others;
- (l) damaging, destroying, stealing, removing or misappropriating University property;
- (m) engaging in unlawful or criminal activity on University lands;
- (n) failing to comply with any order or direction reasonably and lawfully made or given by a University staff member or affiliate under the University's Act, By-law, rules, policies or procedures;
- (o) refusing to identify themselves, or to produce a student ID card, when asked lawfully to do so by an identified staff member or affiliate of the University;
- (p) failing to leave a class, a building, or a specified part of University lands, as required by a University staff member or affiliate in accordance with this Rule;
- (q) failing to comply with any conditions set by the Deputy Vice-Chancellor (Registrar), Vice-Chancellor or Student Disciplinary Appeals Committee under this Rule; and

- (r) a breach of the terms or conditions of a penalty imposed on a student or former student under this Rule.
- (2) A student who attempts to engage in conduct that constitutes misconduct is guilty of misconduct.

## **PART 3 PENALTIES**

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### **3.1 Penalties for misconduct**

- (1) One or more of the following penalties may be imposed on a student or former student found guilty of misconduct:
  - (a) rescission of an academic award conferred by the University;
  - (b) deferral of an academic award by the University;
  - (c) expulsion from the University;
  - (d) expulsion from an award course;
  - (e) expulsion from admission to or use of University lands;
  - (f) exclusion from the University;
  - (g) exclusion from an award course;
  - (h) exclusion from admission to or use of University lands;
  - (i) suspension from the University;
  - (j) suspension from an award course;
  - (k) a fail and result of zero for a unit of study;
  - (l) a fine; or
  - (m) a reprimand.
- (2) The Vice-Chancellor and the Student Disciplinary Appeals Committee have power to impose all of the penalties listed in subsection (1).
- (3) The Deputy Vice-Chancellor (Registrar) has power to impose the following penalties:
  - (a) deferral of an academic award by the University for a period of up to one year;
  - (b) exclusion from the University for a period of up to one year;
  - (c) exclusion from an award course for a period of up to one year;
  - (d) exclusion from admission to or use of University lands for a period of up to one year;
  - (e) suspension from the University for a period of up to one year;
  - (f) suspension from an award course for a period of up to one year;
  - (g) a fail and result of zero for a unit of study;
  - (h) a fine; or
  - (i) a reprimand.

### 3.2 Effect of penalties

- (1) When an academic award conferred by the University is rescinded:
  - (a) the rescission will be recorded on the student or former student's internal academic transcript and external academic transcript until such time as the student or former student has met all the requirements for the degree to be legitimately awarded;
  - (b) the student or former student is prohibited from:
    - (i) representing that they hold the relevant award or qualification; and
    - (ii) using the award for any other purpose.
- (2) When an academic award is deferred by the University, the student will not be permitted to graduate from their award course during the deferral period.
- (3) When a student or former student is expelled from the University:
  - (a) subject to section 3.2(11), the expulsion will be recorded on the student or former student's internal academic transcript and external academic transcript;
  - (b) the student's current enrolment will be terminated, and they will forfeit any fees paid for that enrolment period;
  - (c) the student or former student will not be entitled to receive any benefits, advantages or privileges of the University;
  - (d) the student or former student will not be permitted to enrol in or graduate from any course at the University.
- (4) When a student or former student is expelled from an award course:
  - (a) subject to section 3.2(11), the expulsion will be recorded on the student or former student's internal academic transcript and external academic transcript;
  - (b) the student's current enrolment will be terminated, and they will forfeit any fees paid for that enrolment period;
  - (c) the student or former student will not be entitled to any benefits, advantages or privileges related to the award course;
  - (d) the student or former student will not be permitted to re-enrol in or graduate from the award course.
- (5) When a student or former student is expelled from admission to or use of University lands, the student or former student will not be permitted to attend or use any University lands specified in the notice of expulsion, for any purpose.
- (6) When a student or former student is excluded from the University:
  - (a) the exclusion will be recorded on the student or former student's:
    - (i) internal academic transcript; and
    - (ii) external academic transcript, for the term of the exclusion;
  - (b) the student's current enrolment will be terminated, and they will forfeit any fees paid for that enrolment period;
  - (c) the student or former student will not be entitled to any benefits, advantages or privileges of the University during the period of the exclusion;
  - (d) the student or former student will not be permitted to enrol in or graduate from any award course at the University during the period of the exclusion;



- (e) at the end of the period of exclusion:
  - (i) the student will be required to apply for admission to any award course;
  - (ii) admission to any award course will be subject to any conditions set by the Vice-Chancellor, Deputy Vice-Chancellor (Registrar) or Student Disciplinary Appeals Committee at the time of the student's exclusion, relating to the student's future conduct; and
  - (iii) the student will not be permitted to apply for, and will be ineligible to receive, credit for any studies undertaken during the exclusion period.
- (7) When a student or former student is excluded from an award course:
  - (a) the exclusion will be recorded on the student or former student's:
    - (i) internal academic transcript; and
    - (ii) external academic transcript, for the term of the exclusion;
  - (b) the student's current enrolment will be terminated, and they will forfeit any fees paid for that enrolment period;
  - (c) the student or former student will not be entitled to any benefits, advantages or privileges related to the award course during the period of the exclusion;
  - (d) the student or former student will not be permitted to enrol in or graduate from the award course during the period of the exclusion;
  - (e) at the end of the period of exclusion:
    - (i) the student will be required to re-apply for admission to their award course;
    - (ii) admission to the award course will be subject to any conditions set by the Vice-Chancellor, Deputy Vice-Chancellor (Registrar) or Student Disciplinary Appeals Committee at the time of the student's exclusion, relating to the student's future conduct;
    - (iii) the student will not be permitted to apply for, and will be ineligible to receive, credit for any studies undertaken during the exclusion period.
- (8) When a student or former student is excluded from admission to or use of University lands, the student or former student will not be permitted to attend or use any University lands specified in the notice of exclusion, for any purpose, during the exclusion period.
- (9) When a student or former student is suspended from the University:
  - (a) the suspension will be recorded on the student or former student's:
    - (i) internal academic transcript; and
    - (ii) external academic transcript, for the term of the suspension;
  - (b) the student's current enrolment will be terminated, and they will forfeit any fees paid for that enrolment period;
  - (c) the student or former student will not be entitled to any benefits, advantages or privileges of the University during the period of the suspension;
  - (d) the student or former student will not be permitted to enrol in or graduate from any award course at the University during the period of the suspension;
  - (e) the student's re-enrolment in their award course at the end of the period of suspension will be subject to any conditions set by the Vice-Chancellor, Deputy Vice-Chancellor (Registrar) or Student Disciplinary Appeals



Committee at the time of the student's suspension, relating to the student's future conduct; and

- (f) at the end of the period of suspension, the student will not be permitted to apply for, and will be ineligible to receive, credit for any studies undertaken during the suspension period.
- (10) When a student or former student is suspended from an award course:
- (a) the suspension will be recorded on the student or former student's:
    - (i) internal academic transcript; and
    - (ii) external academic transcript, for the term of the suspension;
  - (b) the student's current enrolment will be terminated, and they will forfeit any fees paid for that enrolment period;
  - (c) the student or former student will not be entitled to any benefits, advantages or privileges related to the award course during the period of the suspension;
  - (d) the student or former student will not be permitted to re-enrol in or graduate from the award course during the period of the suspension;
  - (e) the student's re-enrolment in the award course at the end of the period of suspension will be subject to any conditions set by the Vice-Chancellor, Deputy Vice-Chancellor (Registrar) or Student Disciplinary Appeals Committee at the time of the student's suspension, relating to the student's future conduct; and
  - (f) at the end of the period of suspension, the student will not be permitted to apply for, and will be ineligible to receive, credit for any studies undertaken during the suspension period.
- (11) The Deputy Vice-Chancellor (Registrar) may, in their absolute discretion and on the written application of the student or former student, determine that an expulsion will not be recorded on the student or former student's external academic transcript in exceptional circumstances.

### **3.3 Suspension of penalties**

The Vice-Chancellor, Deputy Vice-Chancellor (Registrar) or Student Disciplinary Appeals Committee, when imposing a penalty, may suspend the operation of that penalty on such terms and conditions as they consider appropriate.

### **3.4 Matters to be taken into account when imposing a penalty**

- (1) The Vice-Chancellor, Deputy Vice-Chancellor (Registrar) or Student Disciplinary Appeals Committee must, when imposing a penalty for misconduct, take into account:
- (a) the nature, frequency and seriousness of the misconduct;
  - (b) any previous record of misconduct by the student or former student;
  - (c) previous penalties imposed on a student or former student for misconduct, including any penalty suspended in accordance with this Rule;
  - (d) the timing of any admission by the student or former student of the misconduct; and
  - (e) any relevant mitigating circumstances.

- (2) The Vice-Chancellor, Deputy Vice-Chancellor (Registrar) or Student Disciplinary Appeals Committee may take into account such other relevant matters as they consider appropriate.

### **3.5 Undischarged penalties**

While any penalty imposed under this Rule remains outstanding, unfulfilled or unpaid (as relevant), the student or former student will not be permitted to:

- (a) receive an external transcript; or
- (b) graduate from an award course.

## **PART 4 DISCIPLINARY PROCESS**

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### **4.1 Procedural fairness**

- (1) Students and former students are entitled to procedural fairness in the management of allegations of misconduct, including in any appeal.
- (2) The Vice-Chancellor, Deputy Vice-Chancellor (Registrar) and members of the Student Disciplinary Appeals Committee will not hear and determine an allegation of misconduct if they:
  - (a) are personally and substantially involved in any aspect of the allegation; or
  - (b) have a current or prior personal or professional relationship with the student.
- (3) If the Vice-Chancellor is precluded by section 4.1(2) from managing an allegation of misconduct, the Chancellor or Deputy Chancellor will perform the Vice-Chancellor's functions under this Rule.
- (4) If the Deputy Vice-Chancellor (Registrar) is precluded by section 4.1(2) from managing an allegation of misconduct, the Vice-Chancellor will perform the Deputy Vice-Chancellor (Registrar)'s functions under this Rule.
- (5) For the purposes of section 4.1(2), the Vice-Chancellor, Deputy Vice-Chancellor (Registrar) and members of the Student Disciplinary Appeals Committee are not personally and substantially involved in any aspect of an allegation of misconduct by reason only of the fact that they have dealt with the allegation or some other allegation under this Rule.

### **4.2 Reporting and receiving allegations of misconduct**

- (1) Any person may, by written report, inform the Deputy Vice-Chancellor (Registrar) of any alleged conduct by a student or former student that might constitute misconduct.
- (2) On receipt of such a report, the Deputy Vice-Chancellor (Registrar) will:
  - (a) acknowledge receipt of the report within 10 working days; and
  - (b) determine whether the alleged conduct, if proven, could constitute misconduct.
- (3) If the Deputy Vice-Chancellor (Registrar) determines that the alleged conduct, if proven:
  - (a) would not constitute misconduct, they will:

- (i) refer the matter to the Student Affairs Unit;
    - (ii) refer the matter to the relevant faculty;
    - (iii) issue a warning letter; or
    - (iv) take no further action;
  - (b) could constitute misconduct, they will notify the student or former student of the alleged misconduct.
- (4) The Deputy Vice-Chancellor (Registrar) may formulate a report of misconduct on their own motion.

### **4.3 Notice of alleged misconduct**

The Deputy Vice-Chancellor (Registrar) will write to the student or former student:

- (a) setting out the alleged conduct;
- (b) describing the penalty or range of penalties likely to be imposed if the conduct is admitted or proven to be misconduct;
- (c) inviting the student or former student to a preliminary meeting with the Deputy Vice-Chancellor (Registrar) or their nominee;
- (d) informing the student or former student that they are entitled to bring a support person or representative to that meeting; and
- (e) providing a copy of, or an electronic link to, this Rule.

### **4.4 Preliminary meeting**

- (1) During the preliminary meeting with the student or former student, the Deputy Vice-Chancellor (Registrar) or their nominee will:
  - (a) explain the allegations;
  - (b) explain the penalty or range of penalties likely to be imposed if misconduct is admitted or proven; and
  - (c) invite the student to respond to the allegations.
- (2) If the student or former student admits engaging in conduct that constitutes misconduct, and accepts the penalty likely to be imposed:
  - (a) the Deputy Vice-Chancellor (Registrar) or the Vice-Chancellor will impose a penalty in relation to that conduct, in accordance with section 3.1; or
  - (b) no further action will be taken.
- (3) If the student or former student does not admit engaging in conduct that constitutes misconduct, the Deputy Vice-Chancellor (Registrar) will require that an investigation be conducted in accordance with section 4.6.

### **4.5 Admission of misconduct after the preliminary meeting**

- (1) A student or former student may admit in writing at any time after the preliminary meeting that they have engaged in conduct that constitutes misconduct.
- (2) When a student or former student admits in writing after the preliminary meeting that they have engaged in conduct that constitutes misconduct:

- (a) any investigation or hearing being undertaken by or on behalf of the University in relation to that conduct will cease; and
- (b) the Deputy Vice-Chancellor (Registrar) or the Vice-Chancellor will impose a penalty in accordance with section 3.1; or
- (c) no further action will be taken.

#### **4.6 Misconduct investigation**

- (1) Investigations into allegations of misconduct will be conducted:
  - (a) by the Deputy Vice-Chancellor (Registrar) or their nominee;
  - (b) by the University's Office of General Counsel, on referral by the Deputy Vice-Chancellor (Registrar);
  - (c) in the case of alleged research misconduct, by a person or panel appointed by the Deputy Vice-Chancellor (Research) in consultation with the Deputy Vice-Chancellor (Registrar); or
  - (d) in the case of alleged misconduct occurring within or directly concerning a Residential College, by an investigator selected by the Deputy Vice-Chancellor (Registrar) and the relevant Residential College.
- (2) The Deputy Vice-Chancellor (Registrar) has power to require any staff member or any student to participate in a misconduct investigation, but no person is obliged to answer any question.
- (3) If at any time during an investigation a related allegation of misconduct is made against a student or former student, the investigator may investigate that allegation together with the existing allegations.
- (4) When conducting an investigation under this section, an investigator will:
  - (a) give the student or former student copies of any documents relating to the allegations;
  - (b) give the student or former student an opportunity to respond in writing and in person to the allegations and any documents provided;
  - (c) invite the student or former student to bring a support person or representative to any meeting;
  - (d) allow the student or former student to provide:
    - (i) any documentary information relevant to the allegations; and
    - (ii) the names of any witnesses who can provide information relevant to the allegations.
- (5) A decision by the investigator not to interview a witness, or refusal by a witness to be interviewed, for the purposes of the investigation will not invalidate the outcome of the investigation.
- (6) At the conclusion of the investigation, the investigator will provide a report to the Deputy Vice-Chancellor (Registrar) setting out:
  - (a) findings of fact relevant to the alleged conduct; and
  - (b) any findings of misconduct.

#### 4.7 Investigation outcome and notice

- (1) The Deputy Vice-Chancellor (Registrar) may accept or reject the findings set out in the investigation report and:
  - (a) decide to take no further action;
  - (b) decide to issue a warning;
  - (c) if they find that the student or former student is guilty of misconduct, decide to impose a penalty in accordance with section 3.1; or
  - (d) refer the investigation report to the Vice-Chancellor.
- (2) If the Deputy Vice-Chancellor (Registrar) refers the investigation report to the Vice-Chancellor, the Vice-Chancellor may accept or reject the findings set out in the report and decide to:
  - (a) take no further action;
  - (b) issue a warning; or
  - (c) if the Vice-Chancellor finds that the student or former student is guilty of misconduct, impose a penalty in accordance with section 3.1.
- (3) If the Deputy Vice-Chancellor (Registrar) or the Vice-Chancellor decides to take no further action, they will notify the student of that decision.
- (4) If the Deputy Vice-Chancellor (Registrar) or the Vice-Chancellor finds that a student or former student is guilty of misconduct and decides to impose a penalty in accordance with section 3.1, they will give the student:
  - (a) written notice of the finding of misconduct;
  - (b) written notice of the penalty; and
  - (c) a copy of the investigation report.
- (5) If the student or former student does not lodge an appeal in accordance with Part 5, the penalty will be imposed on the student or former student.

## PART 5 APPEALS

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### 5.1 Appeals

- (1) A student or former student may appeal against either or both of:
  - (a) a finding by the Deputy Vice-Chancellor (Registrar) or Vice-Chancellor that the student or former student is guilty of misconduct;
  - (b) a decision by the Deputy Vice-Chancellor (Registrar) or Vice-Chancellor to impose a penalty.
- (2) An appeal may only be made on one or more of the following grounds:
  - (a) the finding of misconduct is unreasonable or cannot be supported, having regard to the relevant evidence;
  - (b) the finding of misconduct was:
    - (i) made in breach of the requirements of procedural fairness;
    - (ii) made in breach of a material requirement of this Rule;
    - (iii) based on a material misunderstanding of the meaning or effect of a provision in this Rule;

- (iv) based on a material mistake as to the facts;
  - (c) new evidence has become available to the student or former student, being evidence that:
    - (i) is relevant;
    - (ii) was not available or known to the student or former student at the time of responding to the allegation; and
    - (iii) could reasonably be expected to affect the finding of misconduct or the penalty imposed;
  - (d) the penalty to be imposed on the student or former student is excessive or inappropriate.
- (3) Any appeal must:
- (a) be lodged in writing with the Deputy Vice-Chancellor (Registrar) within 20 working days of the date of the notice referred to in section 4.7(3);
  - (b) specify one or more grounds of appeal, as prescribed in section 5.1(2); and
  - (c) attach all relevant supporting documentation.
- (4) Appeals will be heard by a Student Disciplinary Appeals Committee.
- (5) A decision by the Deputy Vice-Chancellor (Registrar) or Vice-Chancellor to impose a prescribed penalty will not be enforced against a student or former student until the appeal has been heard and determined.

## **5.2 Student Disciplinary Appeals Committee**

- (1) A Student Disciplinary Appeals Committee will comprise three members:
- (a) a person who may but need not be a staff member, as the Chair of the Committee;
  - (b) a staff member, who may but need not be a senior staff member; and
  - (c) a student who has attended the University for the full time equivalent of at least two years.
- (2) The Deputy Vice-Chancellor (Registrar) will from time to time approve panels of people in each of the above categories, who will be appointed to a Committee by the Deputy Vice-Chancellor (Registrar) or their nominee.

## **5.3 Conduct of appeal hearings**

- (1) The Chair of the Committee will cause the student or former student to be given at least 10 working days' written notice of:
- (a) the members of the Committee;
  - (b) the date, time and location of the hearing;
  - (c) the requirement for them to attend the hearing;
  - (d) their right to bring a support person or representative to the hearing; and
  - (e) their right to make oral and written submissions about (as relevant):
    - (i) the grounds for appeal;
    - (ii) the alleged misconduct;

- (iii) the evidence on which the allegation of misconduct is based; and
  - (iv) the penalty.
- (2) A support person or representative has no right to be heard, except with consent of the Chair of the Committee.
- (3) The Committee:
  - (a) will determine its own procedures;
  - (b) is not bound by the rules of evidence; and
  - (c) may inform itself on any matter relevant to the grounds of appeal in any manner that it thinks fit;provided it acts consistently with the requirements of procedural fairness.
- (4) The Chair of the Committee has power to require any staff member or any student to participate in an appeal hearing, but no person is obliged to answer any question.
- (5) The Chair of the Committee must determine any question relating to the admissibility of evidence, procedural fairness or any other question of law.
- (6) All members of the Committee must be present in person at an appeal hearing.
- (7) The Deputy Vice-Chancellor (Registrar) will designate a person to attend an appeal hearing on behalf of the University and:
  - (a) present the evidence on which the allegation of misconduct is based; and
  - (b) (as relevant) make submissions about:
    - (i) the alleged misconduct; and
    - (ii) the penalty.
- (8) All appeal hearings will be conducted in private.

#### **5.4 Failure by a student to attend an appeal hearing**

- (1) If a student or former student fails to attend an appeal hearing, the Committee may:
  - (a) adjourn the hearing; or
  - (b) if notice has been given to the student or former student in accordance with section 5.4(2), decide the matter in the absence of the student or former student.
- (2) If an appeal hearing is adjourned in accordance with section 5.4(1), the Chair of the Committee will cause the student or former student to be given written notice:
  - (a) that the hearing is adjourned;
  - (b) of the new date, time and location of the adjourned hearing; and
  - (c) that the adjourned hearing will proceed on that date, notwithstanding any further absence of the student or former student.

#### **5.5 Appeal outcome and notice**

- (1) A decision of the Committee requires a simple majority.
- (2) The Committee may uphold or dismiss an appeal.

- (3) If the Committee upholds an appeal, it may, in its absolute discretion and as relevant:
  - (a) refer the allegation of misconduct back to the Deputy Vice-Chancellor (Registrar) or Vice-Chancellor for management in accordance with this Rule;
  - (b) quash the finding of the Deputy Vice-Chancellor (Registrar) or Vice-Chancellor that the student or former student is guilty of misconduct, and substitute a new finding;
  - (c) quash the decision of the Deputy Vice-Chancellor (Registrar) or Vice-Chancellor to impose a penalty on the student or former student, and decide to:
    - (i) take no further action;
    - (ii) issue a warning; or
    - (iii) substitute a new penalty.
- (4) If the Committee dismisses an appeal:
  - (a) the finding by the Deputy Vice-Chancellor (Registrar) or Vice-Chancellor that the student or former student is guilty of misconduct will stand; and
  - (b) the decision by the Deputy Vice-Chancellor (Registrar) or Vice-Chancellor to impose a penalty will stand.
- (5) As soon as possible and no later than 15 working days following the hearing, the Committee will give the student or former student and the Deputy Vice-Chancellor (Registrar) written notice of:
  - (a) the outcome of the appeal;
  - (b) any penalty to be imposed in accordance with section 5.5(3);
  - (c) reasons for the Committee's decision; and
  - (d) the student's right to appeal to the NSW Ombudsman.
- (6) Subject to section 3.2(11), the Deputy Vice-Chancellor (Registrar) will:
  - (a) cause any penalty to be imposed on the student or former student as soon as practicable after notice has been given in accordance with section 5.5(5); and
  - (b) inform the student or former student of the penalty commencement date, where applicable.

## **PART 6 TEMPORARY SUSPENSION AND REMOVAL OF STUDENTS**

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### **6.1 Emergency power to suspend**

- (1) Notwithstanding any provision of this Rule, the Deputy Vice-Chancellor (Registrar) may in their absolute discretion, temporarily suspend a student from entering University lands for such period and on such terms and conditions as they consider necessary.
- (2) The Deputy Vice-Chancellor (Registrar) must not suspend a student in accordance with section 6.1(1) unless they have reasonable grounds for believing that the student has engaged in conduct or is engaging in conduct that involves or might involve:



- (a) injury to the student or to any other person;
  - (b) serious damage to property; or
  - (c) serious disruption of any activity properly carried on by the University or on University lands.
- (3) A decision to suspend a student in accordance with section 6.1(1) may be made summarily, and the Deputy Vice-Chancellor (Registrar):
- (a) is not required to accord a hearing to the student before making their decision;
  - (b) may inform themselves in relation to any matter in any manner that they think fit.
- (4) If the Deputy Vice-Chancellor (Registrar) decides to suspend a student in accordance with section 6.1(1), they must, within 24 hours, provide a written notice to the student:
- (a) specifying the terms of the decision;
  - (b) specifying in summary form the reasons for the decision;
  - (c) advising the student of the provisions of this section; and
  - (d) providing a copy of, or an electronic link to, this Rule.
- (5) Any suspension imposed on a student in accordance with this section:
- (a) must be for a period of not longer than one month; and
  - (b) will continue to operate until:
    - (i) it is revoked or varied by the Deputy Vice-Chancellor (Registrar); or
    - (ii) it expires in accordance with its terms.
- (6) Nothing in this Rule affects the power of a University representative to issue a Termination of License Notice in accordance with the [University of Sydney \(Campus Access\) Rule 2009](#).

## 6.2 Suspension pending disciplinary proceedings

- (1) The Deputy Vice-Chancellor (Registrar) may in their absolute discretion suspend a student or former student from entering University lands, pending the outcome of disciplinary proceedings under this Rule.
- (2) The Deputy Vice-Chancellor (Registrar) must not suspend a student or former student in accordance with section 6.2(1) unless:
  - (a) the Deputy Vice-Chancellor (Registrar) has reasonable grounds for believing that the suspension is necessary to:
    - (i) protect the health and safety of another student, staff member or affiliate;
    - (ii) protect the health and safety of the student or former student;
    - (iii) prevent serious damage to property; or
    - (iv) prevent serious disruption of any activity properly carried on by the University or on University lands; and
  - (b) the initial period of the suspension is not longer than one month.
- (3) The Deputy Vice-Chancellor (Registrar) may extend a suspension made in accordance with this section up to a maximum period of three months.

- (4) If a student is suspended in accordance with this section and is later found to be not guilty of misconduct, the University will make reasonable allowance for any academic disadvantage suffered by the student as a result of the suspension.

### **6.3 Removal of a student from a class, building or area**

- (1) A University staff member or affiliate may require a student to temporarily leave a class, a building, or a specified part of University lands where, in the reasonable opinion of the staff member or affiliate:
- (a) the student's conduct is impairing the reasonable freedom of other persons to pursue their studies, research or work in the University; or
  - (b) the temporary removal of the student is necessary to:
    - (i) protect the health and safety of another student, staff member or affiliate;
    - (ii) protect the health and safety of the student;
    - (iii) prevent serious damage to property; or
    - (iv) prevent serious disruption of any activity properly carried on by the University or on University lands.
- (2) A University staff member or affiliate who has exercised their power in accordance with subsection (1) must report the student's removal and the circumstances of the removal to the Deputy Vice-Chancellor (Registrar) within 24 hours of the removal.

## **PART 7 DISQUALIFYING CIRCUMSTANCES**

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### **7.1 Termination of candidature where disqualifying circumstances exist**

- (1) Subject to this section, the Deputy Vice-Chancellor (Registrar) may terminate the candidature of a student if one or more of the following disqualifying circumstances exist:
- (a) the student, or someone acting on the student's behalf, made a material misrepresentation in applying for admission to an award course;
  - (b) the student failed to disclose to the University a fact or circumstance material to its decision to admit the person to an award course; or
  - (c) the student was admitted to an award course on the basis of a degree, diploma or certificate obtained wholly or partly by fraud, academic misconduct or other dishonesty.
- (2) Before terminating the candidature of a student in accordance with this section, the Deputy Vice-Chancellor (Registrar) must give the student written notice of the proposed termination of candidature.
- (3) The notice must:
- (a) set out the basis on which it is proposed that the student's candidature be terminated;
  - (b) inform the student that they may make written submissions to the Deputy Vice-Chancellor (Registrar) on the proposed termination of candidature, and by when to make such submissions;

- (c) inform the student that the Deputy Vice-Chancellor (Registrar) will determine, after considering any submissions from the student, whether to terminate the student's candidature.
- (4) The period for making submissions under subsection (3) must be at least 20 working days.
- (5) The Deputy Vice-Chancellor (Registrar) will:
  - (a) consider the student's submissions within 10 working days of receiving them; and
  - (b) take all reasonable measures to finalise the process as soon as practicable.
- (6) If the Deputy Vice-Chancellor (Registrar) is satisfied, after considering any submissions made by the student, that:
  - (a) the disqualifying circumstances specified in the notice exist; and
  - (b) because of those disqualifying circumstances the student's candidature in the award course should be terminated;

the Deputy Vice-Chancellor (Registrar) will terminate the student's candidature in the award course.
- (7) The Deputy Vice-Chancellor (Registrar) will notify the student of the decision in writing, including reasons, as soon as possible after it is made.
- (8) If the Deputy Vice-Chancellor (Registrar) terminates the candidature of a student in accordance with this section:
  - (a) any liability of the student to pay fees or charges to the University is not affected;
  - (b) the student is not entitled to a refund, repayment or set off of any fee or other amount paid in relation to the course; and
  - (c) the student will not be eligible for admission to any course at the University for a period of three years from the date of termination of candidature.

## **PART 8 GENERAL**

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### **8.1 Notices**

- (1) Any notice given to a student or former student for the purposes of this Rule is sufficient if it is:
  - (a) given to the student or former student in person;
  - (b) posted by registered or express post to the student or former student at the address last shown on their enrolment record as their postal address;
  - (c) delivered by courier to the student or former student at the address last shown on their enrolment record as their postal address;
  - (d) sent to a student by email at their University email address.
- (2) A notice is deemed to have been received:
  - (a) if sent by email, 24 hours after the time it was sent.
  - (b) if sent by registered or express post to an address within Australia, on the third working day after it was sent;

- (c) if sent by registered or express post to an address outside Australia, on the seventh working day after it was sent;
- (d) if delivered by courier, on the date recorded in the courier's records as the date of delivery.

## 8.2 Record keeping

- (1) The Deputy Vice-Chancellor (Registrar) will keep a record of:
  - (a) all findings of misconduct; and
  - (b) all penalties imposed on a student or former student;in accordance with this Rule and the [University Record Keeping Policy](#).
- (2) Subject to section 3.2, information about allegations of misconduct will be kept on a confidential file.

## 8.3 Extension of time limits

- (1) The Deputy Vice-Chancellor (Registrar) may, at their absolute discretion, extend a time limit under this Rule, other than a time limit prescribed in Part 6.
- (2) When deciding whether to extend a time limit, the Deputy Vice-Chancellor (Registrar) will take into consideration:
  - (a) the reason for any request for an extension;
  - (b) the period of the extension; and
  - (c) any prejudice that will be caused by granting the extension.
- (3) The Deputy Vice-Chancellor (Registrar) may extend a time limit retrospectively.
- (4) The Deputy Vice-Chancellor (Registrar) will not extend a time limit for any longer than is reasonably necessary.

## 8.4 Annual reporting

The Deputy Vice-Chancellor (Registrar) will report annually to Senate on student discipline matters.

## NOTES

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### University of Sydney (Student Discipline) Rule 2016

Date adopted: 31 October 2016

Date commenced: 31 March 2017

Related documents: *University of Sydney Act 1989 (NSW)*  
*University of Sydney By-law 1999 (NSW) (as amended)*  
*University of Sydney (Coursework) Rule 2014*  
*University of Sydney (Student Appeals against Academic Decisions) Rule 2006*  
*University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016*  
*University of Sydney (Delegations of Authority – Academic Functions) Rule 2016*  
*Academic Honesty in Coursework Policy 2015*

## AMENDMENT HISTORY

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Provision	Amendment	Commencing
1.4; related documents	Updating references to <i>University of Sydney (Delegations of Authority – Academic Functions) Rule 2016</i> and <i>University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016</i>	8 June 2017
1.5	Amending hyperlink to <i>University of Sydney Act 1989</i>	8 June 2017