

# CENTRE FOR ENGLISH TEACHING - STUDENT DISCIPLINE PROVISIONS 2022

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## 1 Purpose and application

- (1) These provisions govern the management of misconduct matters relating to:
  - (a) any CET student; or
  - (b) any former CET student, where the alleged misconduct occurred while they were a CET student.
- (2) These provisions apply to:
  - (a) the CET;
  - (b) CET staff and affiliates;
  - (c) CET students; and
  - (d) former CET students.

## 2 Commencement

These provisions commence on 28 August 2017.

## 3 Statement of Intent

- (1) Except to the extent that a contrary intention is expressed these provisions bind:
  - (a) CET staff, affiliates, and students; and
  - (b) former CET students.
- (2) Nothing in this Rule precludes the University from initiating civil or criminal proceedings against a student or former student in respect of misconduct.

## 4 Interpretation

- (1) In these provisions:

**CET** means the Centre for English Teaching, which is a part of the University of Sydney.

**CET student** means a student enrolled in a course taught and administered by the CET.



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| <b>expulsion</b>           | has the meaning given in the <a href="#">University of Sydney (Student Discipline) Rule</a> , which at the date of these procedures is:<br><br>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>HEO</b>                 | means Higher Education Officer.  |
| <b>misconduct</b>          | has the meaning specified in clause 7.   |
| <b>packaged student</b>    | means a student who: <ul style="list-style-type: none"><li>• holds a conditional offer of admission to a course at the University, subject to demonstrating higher English proficiency; and</li><li>• holds a single visa to complete an English language program at the CET and a course at the University.</li></ul>   |
| <b>PRISMS</b>              | has the meaning given in the <a href="#">International Student Change of Provider Policy</a> which at the date of these provisions is:<br><br>means the Provider Registration and International Student Management System reporting database, which is shared between education providers in conjunction with the Australian Department of Education and the Department of Home Affairs.                 |
| <b>research misconduct</b> | has the meaning given in clause 18 of the University's <a href="#">Research Code of Conduct</a> .  |
| <b>suspension</b>          | has the meaning given in <a href="#">University of Sydney (Student Discipline) Rule</a> which at the date of these provisions is:<br><br>means suspension from the University or an award course for a specified period of time, in accordance with section 3.1 or 3.2.<br><br><b>Note:</b> Students who are suspended from the University or an award course are not required to reapply for admission. |
| <b>University</b>          | means the University of Sydney.  |

**University lands** has the meaning given in the [Campus Access Policy](#)

That is:

includes any land or road occupied or used by, or in connection with, the University. This includes:

- all or part of any building or structure; and
- any land used or occupied in connection with a building or structure.

**University student** means a 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.

## 5 General Principles

- (1) The CET Director will manage and arrange for any reports of misconduct to be investigated in a timely, transparent and procedurally fair manner.
- (2) Misconduct reports can be made by any person. The CET Director may report any serious findings of packaged students to the University.
- (3) CET staff are legally obligated to report serious offences to the NSW Police.

## 6 Confidentiality

- (1) Matters are to be kept confidential by both the student and CET staff except where:
  - (a) the student chooses to discuss the matter with their designated support person;
  - (b) CET staff are required to disclose to the University a misconduct outcome of suspension or exclusion of a packaged student; or
  - (c) CET staff are required to share information with Australian government authorities. This may include, but is not limited to:
    - (i) completing a [PRISMS](#) report for the Department of Education and Training;
    - (ii) responding to a production notice from a government department, e.g. Department of Home Affairs; or
    - (iii) responding to a subpoena.
- (2) CET will keep a record of, and share with other parts of the University as required:
  - (a) all findings of misconduct; and
  - (b) all penalties imposed on a student or former student.

## 7 Misconduct

- (1) Misconduct includes, but is not limited to:
- (a) conduct on the part of a CET student or former CET student that:
    - (i) prejudices the good order and government of CET or the University;
    - (ii) prejudices the good order or academic standing of CET or the University;
    - (iii) impairs the reasonable freedom of other individuals to pursue their studies, research or work at CET or the University, or to participate in the life of CET or the University;
  - (b) conduct which would constitute a breach of the:
    - (i) [\*Student Charter\*](#);
    - (ii) [\*Student Sexual Misconduct Policy\*](#);
    - (iii) [\*Student Sexual Misconduct Response Procedures\*](#);
    - (iv) [\*Acceptable Use of ICT Resources\*](#); or
    - (v) [\*CET Social Media Guidelines for Students\*](#).
  - (c) conduct which, if engaged in by a University student, would constitute a breach any of the following University policies:
    - (i) the [\*Bullying, Harassment and Discrimination Prevention Policy\*](#);
    - (ii) the [\*Privacy Policy\*](#); or
    - (iii) the [\*University of Sydney \(Student Discipline\) Rule\*](#).

**Note:** All University rules, policies and procedures are publicly available from the University [Policy Register](#).
  - (d) conduct which, if engaged in by a University student, would constitute research misconduct;
- Note:** See also [\*Research Code of Conduct\*](#); [\*Charter of Freedom of Speech and Academic Freedom\*](#).
- (e) conduct which, if engaged in by a University student, would constitute a breach of the University's [\*Academic Integrity Policy\*](#), whether using digital technologies or face-to-face, including but not limited to:
    - (i) engaging another person to complete or contribute to an assessment in place of the CET student, whether for payment or otherwise;
    - (ii) submitting for 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 CET or University student, whether for payment or otherwise;
    - (iv) submitting fraudulent medical or other documentation; or
    - (v) disrupting an examination, improperly communicating with other people during an examination, or communicating confidential examination content to other people;



- (f) intimidating, assaulting, vilifying, abusing, threatening or endangering (including by electronic means):
    - (i) another member of the CET or University community, including but not limited to staff, affiliates and visitors to University lands;
    - (ii) a member of the public, where the CET student is engaged in an activity organised by or in connection with CET or the University;
  - (g) misusing any CET or University facility or resource in a manner that is unlawful or is detrimental to the rights or property of others;
  - (h) damaging, destroying, stealing removing or misappropriating CET or University property;
  - (i) engaging in unlawful or criminal activity on University lands;
  - (j) altering, falsifying or fabricating any document or record of CET or the University;
  - (k) knowingly providing false or misleading information to a staff member or affiliate of the University
  - (l) failing to comply with any order or direction reasonably and lawfully made or given by a CET or University staff member or affiliate under the [University of Sydney Act 1989](#), the [University of Sydney By-Law 1999](#), or any University rule, policy or procedures;  
**Note:** All University rules, policies and procedures are publicly available from the University [Policy Register](#).
  - (m) 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;
  - (n) 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 these provisions;
  - (o) failing to comply with any conditions set by the Director, CET or their nominee under these provisions; and
  - (p) a breach of the terms or conditions of a penalty imposed under these provisions.
- (2) A person who attempts to engage in conduct that constitutes misconduct is guilty of misconduct.

## 8 Penalties

- (1) The Director, CET, or nominee may impose one or more of following penalties for breach of these provisions, subject to the requirements of the [Education Services for Overseas Students Act 2000 \(Cth\) National Code Part D, Standard 13](#):
- (a) suspension from course;
  - (b) cancellation of enrolment;
    - (i) a student on a student visa who is expelled from the course will have their visa cancelled on [PRISMS](#). Cancellation may also be referred to as expulsion;

**Note:** See also subclause 8(8).



or

(c) other measures.

- (2) At the time the penalty is imposed, the Director, CET or their nominee must advise the student to seek advice from the [Department of Home Affairs](#) on the potential impact on their student visa.
- (3) During any penalty period, CET will not release a student, or recommend the release of a student, to study at another institution consistent with the University's [International Student Change of Provider Policy](#).

**(4) Suspension**

- (5) A suspension is where a student is required to temporarily leave:
- (a) a class (online or on campus);
  - (b) a course (online or on campus);
  - (c) a building; or
  - (d) a specified part of University lands.
- (6) The Director, CET or their nominee may request Campus Security to remove a CET student from a class, building or any part of University lands if in their opinion:
- (a) the student's conduct is impairing the reasonable freedom of other persons to pursue their studies, research or work at 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; prevent serious damage to property; or
    - (iii) prevent serious disruption of any activity properly carried on by the University or on University lands.
  - (c) A suspension may be imposed with immediate effect if there are extenuating circumstances relating to the student's welfare or the welfare of others with whom the student may come into contact. These include, but are not limited to:
    - (i) a CET student aged under 18 refusing to maintain approved ~~ca~~ arrangements;
    - (ii) a missing CET student;
    - (iii) a CET student with medical concerns, severe depression or psychological issues which causes the Director, CET to fear for the student's wellbeing or others with whom the student may come into contact; or
    - (iv) a CET student being at risk of committing a criminal offence.
- (7) The Director, CET or their nominee may request ICT to remove a student from any classes conducted via remote format or delivered by technologies if:
- (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) there are extenuating circumstances relating to the CET student's welfare, or the welfare of others with whom the student may come into contact.



- (8) A person making such a request to Campus Security or ICT must report the removal and the circumstances in which it occurred to the Director, CET (if the request is made by a nominee of the Director), and the Registrar within 24 hours of the removal.
- (9) **Cancellation or expulsion**
- (a) When a student or former student is expelled from CET non-award study:
- (i) the student's current enrolment will be terminated, and they will forfeit any fees paid for that enrolment period;
  - (ii) the student or former student will not be entitled to any benefits, advantages or privileges related to the non-award study; and
  - (iii) the student or former student will not be permitted to re-enrol in any non-award study at the University.
- (10) **Other measures**
- (11) The CET Director or their nominee may impose a penalty, or penalties, other than suspension or cancellation of enrolment where the Director or their nominee has determined that this is appropriate and proportionate.
- (a) The CET Director or their nominee will take into account:
- (i) the nature and severity of the misconduct;
  - (ii) matters specified in clauses 8(12) and 8(13).
- (12) Less severe penalties may include but are not limited to:
- (a) issuing a reprimand;
  - (b) encouraging the student to apologise in writing to a person whom the student is believed to have intimidated, assaulted, vilified, abused, threatened or endangered (including by electronic means);
  - (c) requiring the student to cease any contact with a person whom the student is believed to have intimidated, assaulted, vilified, abused, threatened or endangered (including by electronic means);
  - (d) requiring the student to change to another class of the same course, which may be offered at a different time of day;
  - (e) directing that the results of an assessment or examination be reduced by a percentage determined by the Director;
  - (f) directing that the results of an assessment or examination be reduced to zero with no opportunity for the assessment or examination to be undertaken again by the student;
  - (g) directing that the student repeat an assessment or examination;
  - (h) requiring the student to engage with appropriate health professionals or counsellors for a minimum period of time or number of sessions;
  - (i) requiring the student to complete the [Academic Honesty Education Module](#); or
  - (j) requiring the student to complete [Consent matters: online consent education module](#).
- (13) When imposing a penalty for misconduct on a CET student or former student, the Director, CET or their nominee must take into account:



- (a) any previous record of misconduct by the person;
  - (b) previous penalties imposed on the person for misconduct;
  - (c) the timing of any admission by the person of the misconduct; and
  - (d) any relevant mitigating circumstances.
- (14) The Director, CET or nominee may take into account such other relevant matters as they consider appropriate.

## 9 Disciplinary process

- (1) CET students and former students are entitled to procedural fairness in the management of allegations of misconduct, including in any appeal.
- (2) A CET staff member will not hear and decide 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 CET student or former student.
- (3) If a CET Education Manager is precluded from investigating an allegation, another CET Education Manager will investigate it.
- (4) The Director, or their nominee may refer any matter to a University or external investigator.
- (5) If the CET Director or nominee is precluded from managing an allegation, the CET Director will appoint another CET, University or external nominee to manage it.
- (6) For the purposes of clause 9(2), a CET staff member will not be personally and substantially involved in any aspect of an allegation if they have dealt with it under these provisions.
- (7) **Reporting and receiving allegations of misconduct**
  - (a) Any person may, by written report, inform a CET Education Manager of any alleged misconduct by a CET student or former student.
  - (b) Reports should be made to the CET Education Manager in whose portfolio the CET student or former student is or was studying.
  - (c) The CET Education Manager must:
    - (i) inform the CET Deputy Director, who is the usual nominee of the CET Director, of the report as soon as possible; and
    - (ii) acknowledge receipt of the report, in writing, within 10 working days.
  - (d) The CET Education Manager must, within five working days, decide:
    - (i) if extenuating circumstances exist; and
    - (ii) whether the reported conduct warrants investigation.
  - (e) If the CET Education Manager decides that extenuating circumstances exist, the CET Education Manager must immediately inform the CET Deputy Director.
  - (f) If the CET Education Manager decides that the report does not warrant investigation they must inform:
    - (i) the CET Director, of the determination and reasons for it; and





- (ii) the person making the report, of the determination.
  - (g) If the CET Education Manager decides that the report does warrant investigation, they must inform the CET Director of the determination and reasons for it.
- (8) The Director or nominee may accept or reject a recommendation by the CET Education Manager under subclause 7(g). The Director or nominee will consider:
- (a) the outcome of any preliminary assessment of or inquiry into the alleged conduct;
  - (b) the nature, frequency and seriousness of the alleged conduct;
  - (c) any previous record of misconduct by the student or former student;
  - (d) whether the student or former student has admitted the alleged conduct;
  - (e) where appropriate, the wishes of any person who has made a complaint about the alleged conduct; and
  - (f) any other relevant circumstances.
- (9) If the relevant CET Education Manager has, or might reasonably be perceived as having a conflict of interests in conducting an investigation, the CET Director must appoint another person to conduct the investigation. If this investigator is internal to CET, they must be a Manager of grade HEO8 or above.
- (10) The investigation may be conducted by:
- (a) an investigator external to CET but internal to the University; or
  - (b) may be conducted by an investigator external to the University.
- (11) **Notice of alleged misconduct**
- (a) Prior to commencing an investigation, the CET Education Manager must, within 10 working days of receipt of the report, provide the CET student or former student with written notice of the following:
    - (i) the allegation;
    - (ii) a description of the penalty or range of penalties likely to be imposed if the conduct is admitted or is proven to be misconduct;
    - (iii) notification that until a misconduct matter is finalised, any pending CET results or recommendations are withheld, which may delay the student continuing or commencing further studies by at least one semester;
    - (iv) a request that the person respond in writing, within 10 working days of the date of the notice;
    - (v) an invitation to the person to attend a preliminary meeting, informing them that they may bring a support person or representative to it; and
    - (vi) a copy of, or electronic link to, these provisions.
- (12) **Preliminary meeting**
- (a) At the preliminary meeting the CET Education Manager must:
    - (i) explain the allegation;
    - (ii) explain the penalty or range of penalties likely to be imposed if misconduct is admitted or proven; and



- (iii) invite the CET student or former student to respond to the allegation.
- (b) If the CET student or former student admits engaging in conduct that constitutes misconduct, and accepts the penalty likely to be imposed, the Director, CET or their nominee will, after consultation with the CET Education Manager:
  - (i) impose a penalty in relation to that conduct; or
  - (ii) decide that no further action will be taken.
- (c) If the CET student or former student does not admit engaging in conduct that constitutes misconduct or accept the likely range of penalties, the CET Education Manager will require that an investigation be conducted.
- (d) A CET student or former student may admit in writing at any time after the preliminary meeting that they have engaged in conduct that constitutes misconduct. If so:
  - (i) any investigation or hearing being undertaken by or on behalf of CET in relation to that conduct will cease; and
  - (ii) the Director, CET or their nominee will impose a penalty in relation to that conduct; or
  - (iii) the Director, CET or their nominee will decide that no further action will be taken.

**(13) Misconduct investigation**

- (a) Misconduct investigations will be conducted by a CET Education Manager (HEO 8 or above) or an investigator external to CET but internal to the University or external to the University.
- (b) Misconduct investigations should, where possible, be concluded within 15 working days of the decision to investigate.
- (c) When conducting an investigation, an investigator will:
  - (i) give the CET student or former student copies of sufficient information relating to the allegations;
  - (ii) give the CET student or former student an opportunity to respond in writing and in person to the allegations and any documents provided;
  - (iii) invite the CET student or former student to bring a support person or representative to any meeting; and
  - (iv) allow the CET student or former student to provide any documentary information, or names of any witnesses who can provide information, relevant to the allegations.
- (d) A decision by an investigator not to interview a witness, or a refusal by a witness to be interviewed, for the purposes of the investigation will not invalidate the outcome of the investigation.
- (e) At the conclusion of the investigation, the investigator will provide a report to the Director, CET or their nominee setting out:
  - (i) findings of fact relevant to the alleged conduct; and
  - (ii) any findings of misconduct.



**(14) Investigation outcome**

- (a) The Director, CET or their nominee may accept or reject the findings set out in the investigation report and decide to:
  - (i) take no further action;
  - (ii) issue a warning; or
  - (iii) impose a penalty for misconduct, if misconduct is found.
- (b) The Director, CET or their nominee will inform the CET student or former student in writing of the outcome.
- (c) If the Director, CET or their nominee decides to impose a penalty, they must give the student:
  - (i) written notice of the finding;
  - (ii) written notice of the penalty;
  - (iii) written notice of the right to appeal; and
  - (iv) a copy of the investigation report.
- (d) If the CET student or former student does not lodge an appeal in accordance with these provisions, the CET Director or their nominee will impose the penalty.

**10 Appeals**

- (1) Within 20 working days of the date of notice of outcome of the investigation, a CET student or former student may lodge a written appeal against either or both of:
  - (a) a finding by the investigator that they are guilty of misconduct; or
  - (b) a decision to impose a penalty.
- (2) An appeal may only be made on one of the following grounds:
  - (a) The finding of misconduct is unreasonable, and 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 these provisions;
    - (iii) based on a material misunderstanding of the meaning or effect of all or any part of these provisions; or
    - (iv) based on a material mistake as to the facts.
  - (c) New evidence has become available to the CET student or former student, which:
    - (i) is relevant;
    - (ii) was not available or known to the CET student or former student at the time of responding to the allegations; and
    - (iii) could reasonably be expected to affect the finding of misconduct or the penalty imposed.
  - (d) The penalty to be imposed is excessive or inappropriate.



- (3) Within 10 working days of receiving the notice of appeal, the Director, CET or their nominee must:
  - (a) acknowledge receipt of the notice of appeal in writing; and
  - (b) commence assessment of the appeal.
- (4) An appeal and the response to the notice of appeal may be delivered electronically.
- (5) Unless there are extenuating circumstances of the kind referred to in section 8(5)(c), a CET student may continue their studies until the appeal is decided.
- (6) On receipt of an appeal, the Director, CET will convene a CET Student Misconduct Appeal Panel.
- (7) A Student Misconduct Appeal Panel:
  - (a) must consist of at least three and not more than five people;
  - (b) must exclude any person who has been involved in investigating or managing the allegations; and
  - (c) may include:
    - (i) one or more CET Managers (HEO8 or above);
    - (ii) the Deputy Director; or
    - (iii) a University staff member external to CET; and
    - (iv) at least one male and one female member.
- (8) The Chair of the Student Misconduct Panel must be either the Director CET or a CET Manager (HEO9 or above).
- (9) The Chair must send written notification to the appellant at least 10 working days prior to the date of the hearing, providing the following information:
  - (a) the members of the Panel;
  - (b) the date, time and location of the hearing;
  - (c) the requirement for the appellant to attend (by teleconference if physical attendance is not possible);
  - (d) the appellant's right to bring a support person or representative;
  - (e) the appellant's right to make oral and written submissions (as relevant) about:
    - (i) the grounds for appeal;
    - (ii) the alleged misconduct;
    - (iii) the evidence on which the allegation of misconduct is based; and
    - (iv) the penalty.

## **11 Conduct of appeal hearings**

- (1) Appeal hearings must be conducted in private and may be held face-to-face or online.
- (2) A support person or representative has no right to be heard, except with the consent of the Chair of the Student Misconduct Panel.

- (3) The Director, CET will designate a person to attend an appeal hearing on behalf of CET 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.
- (4) The Student Misconduct Panel:
  - (a) will determine its own procedures;
  - (b) is not bound by the rules of evidence;
  - (c) may inform itself on any matter relevant to the grounds of appeal, in any manner that it thinks fit; and
  - (d) will act consistently with the requirements of procedural fairness.
- (5) All members of the Panel must be present in person at the hearing, but an appellant may attend by telephone or electronically if they are unable to attend in person.
- (6) The Chair has power to require any CET staff member or any CET student to participate in an appeal hearing, but no person is obliged to answer any question.
- (7) The Chair must determine any question relating to the admissibility of evidence, procedural fairness or any other question of law.

## **12 Failure to attend an appeal hearing**

- (1) If a CET student or former student fails to attend an appeal hearing the Student Misconduct Panel may:
  - (a) adjourn the hearing; or
  - (b) decide the matter in their absence.
- (2) If an appeal hearing is adjourned, the Chair must provide the CET student or former student with written notice that:
  - (a) the hearing is adjourned;
  - (b) 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 CET student or former student.

## **13 Appeal outcome and notice**

- (1) A decision of the Student Misconduct Panel requires a simple majority.
- (2) The Panel may uphold or dismiss an appeal.
- (3) If the Panel upholds an appeal, it may, in its absolute discretion and as relevant:
  - (a) quash the finding that the CET student or former student is guilty of misconduct, and substitute a new finding;
  - (b) quash the decision to impose a penalty, and decide to:



- (i) take no further action;
  - (ii) issue a warning; or
  - (iii) substitute a new penalty.
- (4) If the Panel dismisses an appeal:
  - (a) the finding that the CET student or former student is guilty of misconduct will stand;
  - (b) the decision to impose a penalty will stand; and
  - (c) CET will take such corrective action as is appropriate and practicable.
- (5) As soon as possible, and not later than 10 working days following the hearing, the Panel will give the CET student or former student and the Director, CET written notice of:
  - (a) the outcome of the appeal;
  - (b) any penalty to be imposed;
  - (c) reasons for the Panel's decision; and
  - (d) the CET student or former student's right to appeal to the NSW Ombudsman, with the requirement that evidence of such an appeal must be provided to CET within 10 working days; and
  - (e) the penalty commencement date, where applicable.

#### **14 External appeals to the NSW Ombudsman**

If the CET student or former student appeals to the NSW Ombudsman:

- (a) If the NSW Ombudsman upholds the appeal, the Director, CET (or nominee as appropriate) shall follow the advice of the Ombudsman in the matter;
- (b) If the NSW Ombudsman does not uphold the appeal, the Director, CET will impose the penalty or penalties decided by the CET Student Misconduct Panel.

#### **15 Notices**

- (1) Any notice given to a CET student or former student for the purposes of these provisions is sufficient if it is:
  - (a) given to the CET student or former student in person;
  - (b) posted by registered or express post to the CET student or former student at the address last shown on their CET enrolment record as their postal address;
  - (c) delivered by courier to the CET student or former student at the address last shown on their CET enrolment record as their postal address; or
  - (d) sent to a CET student by email at the email address last shown on their CET enrolment record.
- (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; or
- (d) if delivered by courier, on the date recorded in the courier's records as the date of delivery.

## 16 Recordkeeping

- (1) The Director CET, or nominee, will keep a record of:
  - (a) all findings of misconduct; and
  - (b) all penalties imposed on a CET student or former student.
- (2) The Director CET, or nominee, will keep information about allegations of misconduct, including details of investigations, appeals and outcomes, on a confidential file.

**Note:** See the [Recordkeeping Policy](#).

## 17 Extension of time limits

- (1) The Director CET, or nominee, in their absolute discretion, may extend a time limit under these provisions.
- (2) When deciding whether to extend a time limit, the Director, CET or their nominee 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 Director CET or their nominee may extend a time limit retrospectively.
- (4) The Director CET or their nominee will not extend a time limit for any longer than is reasonably necessary.

## NOTES

### Centre for English Teaching – Student Discipline Provisions 2022

|                 |  |
|-----------------|--|
| Date adopted:   | 14 <sup>th</sup> August 2017                   |
| Date commenced: | 28 <sup>th</sup> August 2017                   |
| Date amended:   | 24 March 2019 (administrative amendments only) |
|                 | 26 May 2022 (commencing 1 June 2022)           |
|                 | 9 February 2023 (commencing 10 February 2023)  |

3 July 2024 (administrative amendments)

Approved by: Katherine Olston, Director CET

Signature:

Review date: 1 June 2027

Rescinded documents: None

Related documents:

*Charter of Freedom of Speech and Academic Freedom*

*Education Services for Overseas Students Act 2000 (Cth)*

*Ombudsman Act 1974 (NSW)*

*Education Services for Overseas Students Act 2001 (Cth)*  
*National Code*

*International Student Change of Provider Policy*

*University of Sydney Act 1989*

*University of Sydney By-Law 1999*

*University of Sydney (Student Discipline) Rule*

*Academic Integrity Policy*

*Bullying, Harassment and Discrimination Prevention Policy*

*Student Charter*

*Acceptable Use of ICT Resources Policy*

*Privacy Policy*

*Recordkeeping Policy*

*Research Code of Conduct*

## AMENDMENT HISTORY

| Provision | Amendment  | Commencing    |
|-----------|--|---------------|
| 5(3)(a)   | Remove reference to Deputy Vice-Chancellor (Registrar) and replace with reference to Registrar | 24 March 2019 |
| 3         | A Statement of Intent  | 1 June 2022   |
| 4         | Add term 'expulsion' and 'HEO'.  | 1 June 2022   |



| Provision | Amendment  | Commencing  |
|-----------|--|-------------|
| 5         | Add General Principles   | 1 June 2022 |
| 6         | Add Confidentiality  | 1 June 2022 |
| 7(1)(b)   | Add <i>Student Charter 2020, Student Sexual Misconduct Response Procedures 2018</i> . Remove <i>Students Code of Conduct</i> .                   | 1 June 2022 |
| 7(1)(d)   | Add Note and reference to <a href="#">Research Code of Conduct 2019</a> ; <a href="#">Charter of Freedom of Speech and Academic Freedom</a>      | 1 June 2022 |
| 8(2)      | Add requirements that may be imposed in a penalty period.  | 1 June 2022 |
| 8(3)-(9)  | Add requirements to suspend or remove a CET student. Add requirements for expulsion. Add requirements to impose other measures on students.      | 1 June 2022 |
| 9(4)      | Add the Director or their nominee may refer a matter to a University or external investigator.   | 1 June 2022 |
| 9(8)-(10) | Add circumstances where Director or nominee will determine whether the alleged conduct warrants a misconduct investigation                       | 1 June 2022 |
| 10(7)     | Add members of a Student Misconduct Appeal Panel   | 1 June 2022 |
| 11(1)     | Add 'may be held face-to-face or online'.  | 1 June 2022 |
| 16        | Add reference to the <a href="#">Recordkeeping Policy 2017</a> .   | 1 June 2022 |
| 8(2)      | Add when the penalty is imposed, the student must seek advice from the Department of Home Affairs on the potential impact on their student visa. | 10 Feb 2023 |
| 10(1)     | Add within 20 working days of the date of notice of outcome of the investigation, a CET student or former student may lodge a written appeal     | 10 Feb 2023 |
| 10(2)     | Add within 10 working days of receiving the notice of appeal, the Director, CET or their nominee must respond and commence assessment of appeal. | 10 Feb 2023 |
| 10(3)     | Delete 10(3) and add to 10(1).<br>Add the response to the notice of appeal may be delivered electronically.                                      | 10 Feb 2023 |
| 13(5)     | Amend 15 working days to 10 working days.  | 10 Feb 2023 |
| 4         | 'University of Sydney (Campus Access) Rule' replaced with 'Campus Access Policy'   | 3 July 2024 |
| 4         | Definition of University lands amended to align with Campus Access Policy  | 3 July 2024 |

| <b>Provision</b>                 | <b>Amendment</b>   | <b>Commencing</b> |
|----------------------------------|--|-------------------|
| 7(1)(e);<br>related<br>documents | 'Academic Honesty in Coursework Policy' replaced<br>with 'Academic Integrity Policy'   | 3 July 2024       |
| Related<br>documents             | 'Policy on use of University Information and<br>Communications Technology' replaced with<br>'Acceptable use of ICT Resources Policy' | 3 July 2024       |
| Throughout                       | Administrative amendments to remove the year in<br>policy references   | 3 July 2024       |