

# Student Conduct Rule

## Section 1 - Preliminary

### Name of Rule

(1) This Rule may be cited as the [Student Conduct Rule](#).

### Commencement

(2) This Rule commenced on 21 April 2023, as approved by Council under Resolution CNL 23/19.

### Purpose

(3) This Rule is enacted to provide for the establishment and management of misconduct procedures and related matters affecting Students.

### Authority

(4) The Council of Macquarie University makes the this Rule under section 29 of the [Macquarie University Act 1989](#) and Part 10 of the [Macquarie University By-law 2005](#).

### Definitions

(5) In this Rule:

- a. Appeal Committee means a committee referred to in clauses 21-27.
- b. Code of Conduct means a code of conduct that Students must comply with.
- c. Misconduct means:
  - i. conduct prohibited by any University Regulation; and
  - ii. any corrupt conduct in connection with the University.
- d. Serious Misconduct means any Misconduct which in the Registrar's opinion:
  - i. involves substantial harm or threat of substantial harm to the health or safety of any person;
  - ii. involves substantial damage or threat of substantial damage to the material property of any person; or
  - iii. has or may have a substantial adverse effect upon the reputation of the University.
- e. Student includes:
  - i. a person who has been admitted as a student of the University but who has not yet enrolled in any course/program or unit of study or research;
  - ii. a person who is enrolled in or auditing a course/program or unit of study or research provided by the University;
  - iii. a person who is enrolled in a course/program or unit of study or research at or offered by an educational institution affiliated with the University which is approved as an award course/program or a unit of study or research by the University;

- iv. a person who has completed a course/program or unit of study or research at the University but has not yet been awarded the applicable academic award;
  - v. a person who became admitted or enrolled as a student of the University because of misleading or dishonest conduct by any person;
  - vi. a person who is awarded an academic or non-academic award by the University because of misleading or dishonest conduct by any person;
  - vii. any person who has been suspended from a course/program or unit of study or research at the University;
  - viii. a person who is on leave of absence from or who has deferred enrolment in a course/program or unit of study or research offered by the University or by an affiliated educational institution which is approved as an award course/program or unit of study or research by the University;
  - ix. any person who undertakes any examination or other academic assessment task which is part of a course/program or unit of study or research provided, supervised or assessed by the University; and
  - x. a former Student.
- f. Student Conduct Committee means a committee referred to in clauses 18 - 20.
- g. University means Macquarie University and where the context permits includes any one or more of the following:
- i. its controlled entities;
  - ii. any institution affiliated with the University or any of its controlled entities;
  - iii. any college affiliated with the University or other student residential facility used predominately by Students; and
  - iv. any educational institution located on premises of the University.
- h. University Regulations means the by-laws, rules, codes of conduct, policies and directions from time to time of the University and include this Rule.

## Interpretation

(6) In this Rule a reference to:

- a. the Vice-Chancellor includes any person deriving any function or power directly or indirectly by delegation or authorisation from the Vice-Chancellor;
- b. a person includes an individual, a corporation, an unincorporated association and the trustee of a trust;
- c. evidence includes any information, document or other thing which a person is required or requested to provide in connection with Misconduct by any person;
- d. corrupt conduct includes any conduct which is taken to be corrupt under any applicable legislation of any Australian jurisdiction dealing with misbehaviour by public officials or public sector organisations;
- e. procedures includes policies, guidelines, directions, requirements and arrangements; and
- f. staff members of the University includes officers, employees, contractors of the University, including any person working for a contractor, and the appointees to conjoint, adjunct, emeritus, honorary, clinical and visiting academic positions at the University and volunteers.

(7) In this Rule:

- a. the mention of anything after the word "include" or any derivative of it does not limit the nature or class of things included;
- b. a reference to anything includes a part of it; and
- c. a Note is explanatory only and is not part of this Rule.

Note: The [Interpretation Act 1987](#) of New South Wales applies to this Rule.

## Section 2 - Rules

(8) Students are responsible for conducting themselves in accordance with the requirements set out in the University's policies relating to the conduct of students.

(9) Any reported alleged breaches of the requirements of the University's policies relating to the conduct of students may result in the commencement of a misconduct investigation and a misconduct outcome.

(10) Students have the right to appeal a misconduct outcome in accordance with the [Student Conduct Procedure](#).

### Part A - Misconduct Processes and Outcomes

(11) The Vice-Chancellor must establish procedures for dealing with misconduct by students and related matters, including procedures:

- a. for the investigation and assessment of allegations of misconduct by students;
- b. for determining whether a student has been found to have breached the requirements set out in the University's policies relating to the conduct of students;
- c. for the various misconduct outcomes (including penalties, if any);
- d. for determining the misconduct outcome/s to be imposed on the student; and
- e. for appeals of decisions relating to Misconduct.

(12) The procedures may be different for a student who has an allegation of misconduct that is unlawful or gives rise to a criminal liability.

(13) The Vice-Chancellor must ensure that the procedures are published on the website of the University.

(14) The Vice-Chancellor may from time to time vary, terminate and replace the procedures.

(15) Any person authorised by the Vice-Chancellor may make a decision on a misconduct outcome.

### Compliance and co-operation required

(16) All students must comply with this Rule and any related procedures.

(17) Each student and staff member of the University must:

- a. co-operate with the University and any person authorised by the University to conduct any investigation, assessment, meeting, hearing or other proceeding relating to a misconduct allegation including by:
  - i. providing access to information or evidence as requested;
  - ii. acting honestly and in good faith;
  - iii. verifying information and evidence and/or responding to enquiries as requested;
  - iv. attending or otherwise participating in investigations, assessments, meetings, hearings and other proceedings as requested; and
- b. not prevent, interfere with or hinder:
  - i. any investigation, assessment, meeting, hearing or other proceeding relating to a misconduct allegation;
  - ii. or any person's participation in any such thing;
  - iii. or any person's compliance with any misconduct outcome ; and
- c. not improperly influence any person in connection with a misconduct allegation; and

- d. not at any hearing make insulting or offensive statements to or about a person participating in the hearing; and
- e. not be party to any cover-up of misconduct or the destruction, concealment, alteration or withholding of any evidence of misconduct or otherwise conceal or fail to disclose the identity or whereabouts of any person who is alleged to have engaged in misconduct; and
- f. comply with any misconduct outcome issued.

## **Part B - Student Conduct and Appeal Committees**

### **Student Conduct Committee**

(18) The Registrar may from time to time establish a committee to deal with an allegation of misconduct against a student.

(19) The Registrar may appoint any person they think appropriate to be a member of a Student Conduct Committee, including the appointment of the Chair.

(20) A Student Conduct Committee's functions are to decide whether there has been a breach of the student's responsibilities under requirements set out in the University's policies relating to the conduct of students, based on the information provided to the Committee and either:

- a. determine the misconduct outcome/s where a breach has occurred; or
- b. dismiss the allegation if a breach has not occurred.

### **Student Conduct Appeal Committee**

(21) The Registrar will establish a committee to deal with any appeal by a student from a decision of a Student Conduct Committee where the grounds of the appeal have been established (refer to [Student Conduct Procedure](#) for grounds of appeal).

(22) Where the Registrar considers that the student making the appeal has not provided sufficient grounds for appeal, they may dismiss the appeal and notify the student.

(23) The Registrar may appoint any person they think appropriate to be a member of an Appeal Committee.

(24) Where the Registrar considers that the appeal relates to a serious misconduct outcome, one of the following will chair the Appeal Committee:

- a. the Chancellor;
- b. the Deputy Chancellor;
- c. the Vice-Chancellor; or
- d. other persons approved by the Nominations and Remuneration Committee of the University Council taking into account:
  - i. relevant experience and expertise; and
  - ii. the values of diversity and inclusion.

(25) An Appeal Committee will consider the appeal and:

- a. dismiss the appeal; or
- b. uphold the appeal in whole or in part, and where in part, refer those upheld parts for reassessment by another decision-maker under the [Student Conduct Procedure](#); or
- c. vary the misconduct outcome.

(26) The decision of an Appeal Committee in respect of a Misconduct allegation is final and there is no further right of appeal or review within the University.

(27) As there is no further internal avenue for appeal or review after the appeals process is complete, a student in respect of whom a decision has been made may make a complaint about the appeals process to an external agency, including but not limited to the NSW Ombudsman. In general, students should exhaust all internal appeal and complaint processes before pursuing external review.

## **Section 3 - Schedules and Associated Information**

(28) Refer to the [Student Conduct Procedure](#) and the [Student Code of Conduct](#).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	21st April 2023
<b>Review Date</b>	21st April 2026
<b>Approval Authority</b>	University Council
<b>Approval Date</b>	12th April 2023
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Martin Parkinson Chancellor
<b>Responsible Officer</b>	S. Bruce Downton Vice-Chancellor
<b>Enquiries Contact</b>	Sophie Buck Director, Governance Services