University of Canberra Student Conduct Rules 2012

Part 1 – Application and Interpretation

1. Citation
These Rules are the University of Canberra Student Conduct Rules 2012.

2. Commencement
These Rules commence on the date of approval by the Council.

3. Revocation
The Student Conduct Rules 2009 are revoked.

4. Application of Rules
Students who take up a place at the University are subject to the Statutes and Rules of the University and to the lawful directions of its officers. The University of Canberra Student Conduct Rules 2012 set out procedures for dealing with cases of alleged breach of conduct, whether academic or non-academic. The Rules apply to conduct on University grounds or in relation to any event or activities related to the student’s enrolment at the University and conducted under the name of the University, including placements, internships, exchange programs, excursions, fieldtrips and conferences.

5. Procedural fairness
The Rules are designed to be fair to the student and to avoid both undue formality and delay in reaching a resolution. The Rules will be implemented at all times with regard to the principles of procedural fairness established by Australian common law. Relevant principles include:
- The student is entitled to sufficient information about any allegation made against them and the possible penalties that may be imposed;
- The student is entitled to sufficient notice of hearing, subject to complexity and urgency of the matter;
- The student is entitled to be provided with sufficient opportunity to reply to any allegations against them, and for their reply to be received and considered before a decision is made;
- The decision maker must be impartial and not have an interest in the matter being decided;
- The decision should be based on relevant evidence and not mere speculation or suspicion;
- A decision should be communicated to all persons affected by it;
- The student should be informed of any appeal options.

6. Student Conduct Officer and Secretary

6.1. The Student Conduct Officer has general oversight of the processes specified in the Rules and responsibility for evaluation and monitoring of the Rules and processes.

6.2. The Secretary will provide administrative support in accordance with these Rules and the directions of the Student Conduct Officer and Chair of the Committee.

6.3. The Student Conduct Officer can be contacted at Student.Conduct.Officer@canberra.edu.au or by writing to The Student Conduct Officer, University of Canberra, ACT 2601.

6.4. The Secretary can be contacted at sccsecretary@canberra.edu.au or by writing to The Secretary, Student Conduct Committee, University of Canberra, ACT 2601.

7. Address for notice

All correspondence and notifications to a student will be sent by email to the student’s University email account with a receipt request. If the student is not currently enrolled, it will be sent by registered mail to the student’s last known mailing address or private email address.

8. Interpretation

In these Rules:

“academic misconduct” means those forms of prohibited conduct described in rule 9.2;
“assessment” means any task required to be undertaken by a student for the assessment of the student’s performance in a unit of study provided by the University and includes:

- any thesis, sub-thesis, dissertation, research project, written report, assignment, essay or other requirement relating to the unit that is undertaken for the assessment of the student's performance in that unit; and

- bridging requirements, if any, relating to the course in which the student is enrolled; and

- any requirement to be performed by the student for assessment;

“breach of conduct” in relation to a student means

- a contravention of rule 9; or

- an offence or prohibited conduct as defined by the University Facilities Statute 1992 or rules made in accordance with the University Facilities Statute 1992 where it is stated that these rules will apply, in whole or in part, to such offences or prohibited conduct;

“business days” means Monday to Friday inclusive but excluding public holidays and the period between Christmas and New Year when the University is closed;

“Committee” means the Student Conduct Committee established under Part 6;

“Committee Inquiry” means an inquiry conducted by the Committee under Part 4;

“enrolled” means when a student becomes enrolled in a course or unit in accordance with the procedures for enrolment determined from time to time by the Academic Board and the student remains enrolled for so long as results in one or more units undertaken by the student are not finalised or, where the student has met the academic requirements of a course, the award to which the course leads has not been granted to the student;

“Faculty” means an academic Faculty of the University as determined by the Council under section 8 of the University of Canberra Act 1989;

“grounds for appeal” include:

- a lack of procedural fairness in the Summary Inquiry;

- a finding of the Summary Inquiry based on a material mistake as to the facts;

- penalties imposed on the student that are manifestly excessive;

- new, relevant evidence that was not available to the student at the time of the Summary Inquiry that is likely to have affected the outcome of the proceedings; or

- other grounds, with special leave of the Chair of the Committee.
“non-academic misconduct” means prohibited conduct that is behavioural misconduct and described in rule 9.3;

“officer of the University” includes all staff members of the University, and any officer employed by a company contracted to provide services to the University while such officer is providing such services;

“prescribed authority” means:

- a Deputy Vice-Chancellor; or
- a Pro Vice-Chancellor; or
- a Faculty Dean, Deputy Dean or Associate Dean; or
- the Director of a University research centre;
- a head of an administrative or business unit of the University appointed by the Vice-Chancellor for such purposes; or
- a Director of a program offered by the University in conjunction with a partner institution who is employed by the partner institution and identified in an agreement with that institution including, without limitation, the University of Canberra College;

“serious violation” means a breach of conduct which may lead to the suspension or exclusion of the student or other serious consequences;

“Vice-President Operations” means the Vice-President Operations of the University or his or her delegate;

“relevant Faculty assessment board”, in relation to a unit in which a student is enrolled, means the Board of the Faculty that is responsible for deciding the student’s result in relation to the unit;

“Secretary” means the secretary appointed by the Student Conduct Officer from time to time, or, where no such person is appointed, means the Student Conduct Officer or his or her delegate;

“Statute” means statute of the University and includes any rule, order or direction made under any such statute;

“student” means a person who, at the time the prohibited conduct occurred, was enrolled as a student of the University;

“student conduct officer” is an officer of the University appointed by the Vice-Chancellor pursuant to section 5 of the Student Conduct Statute 1992;

“student’s personal record” means the personal record of the student held by or on behalf of the Student Conduct Officer;
“University grounds” means land owned and/or occupied by the University and includes buildings on that land;

“Vice-Chancellor” means the Vice-Chancellor of the University or his or her delegate.

Part 2 – Breach of conduct

9. Prohibited conduct

9.1. A student must not engage in any form of academic misconduct or non-academic misconduct.

9.2. Academic misconduct means the following conduct:

9.2.1. cheating; or

9.2.2. plagiarism; or

9.2.3. reproducing in any assessment, or submitting for assessment, the work of another person, whether in whole or in part and whether with or without the knowledge of the other person; or

9.2.4. failing to comply with the University’s instructions to students in relation to an assessment; or

9.2.5. acting, or assisting another person to act, dishonestly in, or in connection with, an assessment; or

9.2.6. any other form of academic dishonesty.

9.3. Non-academic misconduct means the following conduct:

9.3.1. wilfully or negligently damaging, destroying, losing, removing without permission or otherwise interfering with:

9.3.1.1. any property of, or under the control of, the University; or

9.3.1.2. any property of an officer or employee of the University, or of another student, while that property is on University grounds; or

9.3.2. entering a part of the University grounds in contravention of a direction by the Vice-Chancellor or Vice-President Operations with respect to that part; or

9.3.3. in connection with the provision to the University of information or documentation by the student, making a false or misleading statement or engaging in, or being a party to, conduct intended to deceive; or
9.3.4. obstructing, or attempting to obstruct, an officer or employee of the University in the performance of his or her functions; or

9.3.5. obstructing, or attempting to obstruct, the Council, the Committee or any other authority, committee, board or other body of the University established under a Statute in the performance of its functions; or

9.3.6. engaging in conduct that hinders or prevents the use by other students of any of the University’s facilities or the attendance of other students at a class conducted by or for the University; or

9.3.7. contravening:

9.3.7.1. a provision of any Statute;

9.3.7.2. an order or a direction of an authority, committee, board or other body of the University established under a Statute; or

9.3.7.3. a lawful order or direction of an officer or employee of the University, or of a person acting with the authority of the University; or

9.3.8. engaging in behaviour offensive to:

9.3.8.1. a member of the Council, the Committee or any other authority, committee, board or other body of the University established under a Statute; or

9.3.8.2. an officer or employee of the University; or

9.3.8.3. a student or group of students; or

9.3.9. engaging in, or being a party to, conduct, either within the University grounds or elsewhere, that is likely to bring the University into disrepute or prejudice the management, good governance and discipline of the University; or

9.3.10. engaging in, or being a party to, conduct or behaviour, either within the University grounds or elsewhere, that threatens, harms or causes distress, as adjudged by a reasonable person, to an officer, employee or student of the University or visitor to the University.

10. **Initiation of action relating to breach of conduct**

10.1. Any person who considers that a student may have contravened rule 9 may draw the matter to the attention of the Vice-President Operations or a prescribed authority.

10.2. Where a matter is drawn to the attention of a prescribed authority under rule 10.1 or a prescribed authority independently forms the view that a student may
have contravened rule 9, the prescribed authority may, after notifying the Secretary of the matter and making such preliminary informal inquiry as the prescribed authority thinks fit:

10.2.1. decide to take no further action in relation to the matter; or

10.2.2. prior to any deliberative decision or action, refer the matter instead to a more appropriate prescribed authority for investigation and deliberation; or

10.2.3. conduct a Summary Inquiry into the matter; or

10.2.4. if the prescribed authority considers the breach of conduct is a serious violation, refer the matter to the Vice-President Operations.

10.3. After taking such action as the prescribed authority thinks fit pursuant to rule 10.2, the prescribed authority must:

10.3.1. notify the Secretary in writing of the matter and the decision; and

10.3.2. if the matter was drawn to the attention of the prescribed authority by another person, inform that person of what action the prescribed authority has taken.

10.4. Where a matter is referred to, or drawn to the attention of, the Vice-President Operations under rule 10.1 or 10.2 or the Vice-President Operations independently forms the view that a student may have contravened rule 9, then the Vice-President Operations may, after notifying the Secretary of the matter and making such preliminary informal inquiry as the Vice-President Operations thinks fit:

10.4.1. decide that no further action be taken in relation to the matter; or

10.4.2. decide that a specified prescribed authority conduct a Summary Inquiry into the matter. If the Vice-President Operations forms the view that the misconduct is a “serious violation” the prescribed authority to whom the matter is referred will usually be a Deputy Vice-Chancellor.

10.5. After taking such action as the Vice-President Operations thinks fit pursuant to rule 10.4, the Vice-President Operations must:

10.5.1. notify the Secretary in writing of the matter and the decision; and

10.5.2. if the matter was drawn to the attention of the Vice-President Operations by another person, inform that person of what action the Vice-President Operations has taken.

11. Powers of Vice-President Operations to suspend a student
11.1. At any time pending the decision of the Summary Inquiry, the Vice-President Operations may by written notice to the student:

11.1.1. order the suspension of the student in respect of whose alleged conduct the Summary Inquiry is to be conducted, pending determination of the matter by the Summary Inquiry;

11.1.2. at any time, pending that determination, vary, lift or reimpose that suspension.

11.2. In this rule, suspension may include any or all of the following:

11.2.1. suspension from attending classes at the University;

11.2.2. prohibition from entering such parts of the University grounds as are specified in the order;

11.2.3. prohibition from using such of the University facilities as are specified in the order;

11.2.4. prohibition from initiating contact or communication with specified students or members of staff; and

11.3. The Vice-President Operations must specify in the notice the terms of the suspension.

11.4. After taking such action as the Vice-President Operations thinks fit pursuant to rule 11.1, the Vice-President Operations must:

11.4.1. notify the Secretary in writing of the action taken by the Vice-President Operations; and

11.4.2. if the matter was drawn to the attention of the Vice-President Operations by another person, inform that person of what action the Vice-President Operations has taken.

11.5. On receipt by the student of a written decision from the Summary Inquiry conducted in accordance with these rules, the terms of the decision will be binding on the student and the orders of the Vice-President Operations pursuant to this clause will cease to apply.

Part 3 – Summary Inquiry

12. Notice of Summary Inquiry

12.1. Where a Summary Inquiry is to be held, the prescribed authority must issue a notice to the student setting out the following:

12.1.1. that the Inquiry is conducted pursuant to these rules and information about where a copy of the Rules can be obtained;
12.1.2. each alleged breach of conduct;

12.1.3. that a Summary Inquiry into the matter is to be held by the prescribed authority;

12.1.4. the day, time and place of the Summary Inquiry;

12.1.5. who will be present at the Summary Inquiry on behalf of the University, and this may include one or more prescribed authorities, the Secretary, the Student Conduct Officer and any other persons deemed appropriate by the prescribed authority but will not include a lawyer acting in that capacity;

12.1.6. the student's options, as set out in rule 13, in relation to the Inquiry; and

12.1.7. the University's contact in respect of the Summary Inquiry (for notices, queries and information) and their contact details.

12.2. The notice must be communicated to the student not less than 15 business days before the date of the Summary Inquiry.

13. Student's options to engage with Summary Inquiry

13.1. A student receiving a notice under rule 12 may (but is not obliged to):

   **Attend**

   13.1.1. attend the Summary Inquiry in person; and/or

   13.1.2. be accompanied by another person (not being a qualified lawyer acting in that capacity) who is a student or member of the academic or general staff of the University; or

   13.1.3. if the student gives the Secretary at least 5 business days written notice and subject to availability of resources, attend the Summary Inquiry by video or teleconference; and

   **Submit statements and evidence**

   13.1.4. if attending in person, make statements or submit evidence to the Summary Inquiry; and/or

   13.1.5. deliver a written statement or other evidence to the Secretary at least 5 business days before the date of the Summary Inquiry.

14. Procedure for Summary Inquiry

14.1. The procedure for a Summary Inquiry is to be determined by the prescribed authority.
14.2. At a Summary Inquiry held under this rule, the prescribed authority must consider any statements made, and any other evidence submitted, by the student in accordance with rule 13 with respect to the alleged breach of conduct and may consider such other matters, if any, as the prescribed authority considers relevant and appropriate.

14.3. After considering any evidence and representations advanced by or on behalf of the student, the University and persons directly affected by the prohibited conduct (if any) and such other matters as the prescribed authority considers appropriate, the prescribed authority must:

14.3.1. where the prescribed authority is not satisfied that the student has committed the alleged breach of conduct, declare that no further action is to be taken in relation to the matter; or

14.3.2. where the prescribed authority finds that the student has committed the alleged breach of conduct in respect of academic misconduct do one or more of the following:

14.3.2.1. fail or reduce the student’s mark for the assessment item;

14.3.2.2. require the student to resubmit an assessment item or to undertake additional assessment towards the unit;

14.3.2.3. recommend to the relevant Faculty assessment board that the student be failed in the unit to which the student’s alleged misconduct relates;

14.3.2.4. reprimand the student;

14.3.2.5. order the suspension of the student’s enrolment from the unit for a specified period or the termination of the student’s enrolment in the unit;

14.3.2.6. require that the student complete the academic integrity module or similar activity in the timeframe specified; or

14.3.2.7. declare that no further action is to be taken in relation to the matter,

14.3.3. where the prescribed authority finds that the student has committed the alleged breach of conduct in respect of non-academic misconduct do one or more of the following:

14.3.3.1. reprimand the student;

14.3.3.2. subject to rule 14.7, order the student to pay compensation to the University, in respect of any damage, destruction or loss to the University or a third
party resulting from the student’s breach of conduct, or both;

14.3.3.3. declare that no further action is to be taken in relation to the matter, or

14.3.4. where the breach is a serious violation, in addition to the orders made pursuant to rules 14.3.2 or 14.3.3, where the prescribed authority finds that the student has committed the alleged breach of conduct it may make the following orders:

14.3.4.1. order the exclusion of the student from the University; or

14.3.4.2. order the suspension of, or continue or vary the suspension of, the student for such period as the prescribed authority determines (where in this rule, ‘suspension’ has the same meaning as in rule 11.2); and/or

14.3.4.3. in the case of a breach of conduct that is misconduct within the meaning of rules made under the University Facilities Statute 1992, take any additional action provided for in those rules.

14.4. Within 10 business days of the date of the Summary Inquiry, the prescribed authority will:

14.4.1. give notice to the student of:

14.4.1.1. the prescribed authority’s action or declaration, as the case may be, including the prescribed authority’s reasons for taking that action or making that declaration;

14.4.1.2. the student’s right to appeal the decision in accordance with rule 15 and the contact details of the Secretary for the purposes of lodging notice of an appeal, and

14.4.2. give a copy of the notice in rule 14.4.1 to the Secretary.

14.5. For the purposes of this rule, loss includes any loss suffered as a consequence of the removal without permission of, or other interference with, any property referred to in rule 9.3.

14.6. Where compensation is ordered to be paid, it is to be paid to the University for distribution in accordance with rule 22.

14.7. Where the prescribed authority finds that financial compensation is payable by:

14.7.1. the University to the student; or
14.7.2. the student to the University or any other party, the prescribed authority will make a recommendation to the Vice-President Operations who will determine the amount of compensation and timeframe for payment.

14.8. Where a student does not appear before the prescribed authority at the time specified in the notice given under rule 12, the prescribed authority may exercise his or her powers under this rule 14 in the absence of the student, as if the student had so appeared.

14.9. Subject to rule 15, a decision of a prescribed authority at a Summary Inquiry is final.

15. Appeal against outcome of Summary Inquiry

15.1. Subject to rule 15.2, where a Summary Inquiry finds that a student has committed a breach of conduct, the student may appeal that decision to the Committee.

15.2. A student will only be entitled to lodge an appeal pursuant to rule 15.1 if:

15.2.1. the request for an appeal is in writing and delivered to the Secretary;
15.2.2. the request for appeal states grounds for appeal and provide sufficient evidence of such grounds; and
15.2.3. the appeal is instituted by the student not later than 20 business days after the day on which the prescribed authority causes notice to be given to the student under rule 14.4.

15.3. Where a student lodges a valid appeal under this rule, the Secretary must cause notice of the appeal to be given to the Chair of the Committee and the Chair will proceed with a Committee Inquiry in accordance with Part 4.

15.4. Where the student lodges an invalid appeal, including where sufficient grounds for appeal are not stated or evidence of such grounds are not provided, the Secretary must cause a copy of the notice to be sent to the Chair of the Committee who will consider the material and give notice to the student:

15.4.1. that the appeal is invalid and set out the reasons why the appeal is invalid; or
15.4.2. that the Chair will grant the student special leave to appeal.

The Chair must cause a copy of the notice to be provided to the Secretary.

15.5. If a notice is issued pursuant to rule 15.4.1 the student may lodge a new appeal in accordance with rule 15.1 so long as the appeal is lodged within 5 business days of the date of the notice.
15.6. If the student appeals the decision of the Summary Inquiry, the orders of the Summary Inquiry will continue to apply until the student receives the written decision from the Committee Inquiry.

Part 4 – Committee Inquiry

16. Notice of Committee Inquiry

16.1. Where a Committee Inquiry is to be held, the Chair must issue a notice to the student setting out the following:

16.1.1. that the Inquiry is conducted pursuant to these rules and information about where a copy of the Rules can be obtained;

16.1.2. each alleged breach of conduct;

16.1.3. that a Committee Inquiry into the matter is to be held by the Committee;

16.1.4. the day, time and place of the Committee Inquiry;

16.1.5. who will be present at the Committee Inquiry on behalf of the University, and this may include the Secretary, the Student Conduct Officer and any other persons deemed appropriate by the Chair but, subject to rule 18.4, will not include a lawyer acting in that capacity;

16.1.6. the student's options, as set out in rule 17, in relation to the Inquiry; and

16.1.7. the University's contact in respect of the Committee Inquiry (for notices, queries and information) and their contact details.

16.2. The notice must be communicated to the student not less than 15 business days before the date of the Committee Inquiry.

17. Student’s options to engage with Committee Inquiry

17.1. A student receiving a notice under rule 16.1 may (but is not obliged to):

Attend

17.1.1. attend the Committee Inquiry in person; and

17.1.2. be accompanied by another person (who must not be a qualified lawyer acting in that capacity without leave of the Committee and such leave must be requested in writing to the Secretary at least 5 business days before the date of the Committee Inquiry) who is a student or member of the academic or general staff of the University; or

17.1.3. be represented, whether or not the student is present, by another person; or
17.1.4. if the student gives the Secretary at least 5 business days written notice and subject to availability of resources, attend the Committee Inquiry by video or teleconference; and

Submit statements and evidence

17.1.5. if attending in person, make statements or submit evidence to the Committee Inquiry; and/or

17.1.6. deliver a written statement or other evidence to the Secretary at least 5 business days before the date of the Committee Inquiry.

18. Procedure for a Committee Inquiry

18.1. The Committee Inquiry is to be in the nature of a rehearing.

18.2. The procedure of a Committee Inquiry is to be determined by the members of the Committee present at the Inquiry.

18.3. The Chair of the Committee may adjourn matters at his or her discretion.

18.4. If the person assisting or representing the student at the Committee Inquiry is a qualified lawyer, the University may also be assisted or represented at the Inquiry by a qualified lawyer.

18.5. After considering any evidence and representations advanced by or on behalf of the student, the University, persons directly affected by the prohibited conduct (if any) and such other matters as the Committee considers appropriate, the Committee must confirm, vary or set aside:

18.5.1. the finding of the prescribed authority at the Summary Inquiry;

18.5.2. any reprimand given to the student at the Summary Inquiry;

18.5.3. any order made at the Summary Inquiry, including an order for payment of compensation;

18.5.4. any other orders of the Summary Inquiry.

18.6. In varying any findings, reprimand or other orders of the Summary Inquiry in relation to a breach of conduct that is academic misconduct, the Committee can make any of the orders set out in rules 14.3.2 or 14.3.4 and rules 14.5 to 14.7 inclusive will apply as though all references to a prescribed authority were references to the Committee.

18.7. In varying any findings, reprimand or other orders of the Summary Inquiry in relation to a breach of conduct that is non-academic misconduct, the Committee can make any of the orders set out in rules 14.3.3 or 14.3.4 and rules 14.5 to 14.7 inclusive will apply as though all references to a prescribed authority were references to the Committee.
18.8. Within 10 business days of the date of the Committee Inquiry, the Committee will:

18.8.1. give notice to the student of:

18.8.1.1. the Committee’s action or declaration, as the case may be, including the Committee’s reasons for taking that action or making that declaration;

18.8.1.2. the student’s right to appeal the decision to the ACT Ombudsman, and

18.8.2. give a copy of the notice in rule 18.6.1 to the Secretary.

18.9. If the Committee confirms the finding of the prescribed authority at the Summary Inquiry, the effective date of the decision is the date that the notice of the decision of the Summary Inquiry was provided to the student by the prescribed authority.

18.10. Where a student does not appear, either in person or by his or her representative, at a Committee Inquiry on the day and at the time and place fixed under rule 16, the Committee may exercise its powers under this rule in the absence of the student, as if the student had so appeared.

18.11. A decision of the Committee is final.

Part 5 – Effect of findings

19. Effect of a direction to exclude a student from the University

19.1. Where the finding is that a student is to be excluded from the University, the student:

19.1.1. ceases to be a student; and

19.1.2. must not again be admitted to a course of study or enrolled in a unit of study of the University, except with the leave of the Council and such leave may not be sought until at least one year after the day on which the exclusion took effect.

20. Effect of a direction to suspend or terminate a student’s enrolment in a unit

20.1. Where, under these Rules, a student is ordered to be suspended from enrolment in a unit, the student must not, for the period specified in the order, attend such classes or enter such parts of the University grounds or use such of the University facilities as the person or body ordering or varying the suspension determines.

20.2. Where a prescribed authority or the Committee orders the termination of a student’s enrolment in a unit of study, the student:
20.2.1. ceases to be enrolled in that unit; and

20.2.2. must not again be enrolled in that unit, except with the leave of the relevant Dean of Faculty and such leave may not be sought until at least one year after the day on which the termination took effect.

21. Compensation

Where, these Rules provide that compensation is to be paid to the University, being compensation in respect of damage, destruction or loss suffered by a third party, the Student Conduct Officer must upon receipt of a sum of money in respect of that compensation cause that sum to be paid to the third party.

22. Restriction on enrolment and re-enrolment where compensation unpaid

22.1. Where these Rules provide that a student must pay compensation to the University, the student must not, except with the leave of the Vice-President Operations:

22.1.1. be enrolled or re-enrolled in a course of study or unit of study at the University; or

22.1.2. have an award conferred on the student by the University; or

22.1.3. be furnished with a document that states that the student has completed the whole or a part of a course, until:

22.1.4. the compensation has been paid; or

22.1.5. the student has entered into an arrangement satisfactory to the Vice-President Operations for the payment of the compensation.

23. Separate proceedings

Nothing in these rules prevents the University:

23.1. from commencing or defending civil or criminal proceedings in relation to any matter, whether or not it is the subject of a past or current inquiry under these Rules; and/or

23.2. where a student is also an employee, officer, subcontractor or agent of the University, from taking any action under any law, University statute, rules or policy or otherwise in relation to that person in their capacity as an employee, officer, subcontractor or agent of the University.
Part 6 – Constitution and proceedings of the Student Conduct Committee

24. Student Conduct Committee

24.1. There is to be a Student Conduct Committee.

24.2. The functions of the Committee are to hear appeals against a decision of a prescribed authority at a Summary Inquiry.

24.3. The Committee may direct the Secretary to prepare papers and information to assist the Committee to fulfil its responsibilities and obligations to the student and the University.

25. Constitution of Committee

25.1. The Committee consists of the following members, to be appointed by the Council:

25.1.1. a professorial member of the academic staff;

25.1.2. a student member of the Council;

25.1.3. a member of the academic staff; and

25.1.4. a member of the general staff.

25.2. The Committee member referred to in rule 25.1.1 is to be the Chair of the Committee. The Chair cannot act as a prescribed authority whilst holding the office of Chair.

25.3. The Committee member referred to in rule 25.1.3 is to be the Deputy Chair of the Committee.

25.4. If the Chair of the Committee is, for any reason, unable to act, the Deputy Chair of the Committee is, during the period of the Chair’s inability, to act as Chair of the Committee.

25.5. If both the Chair and the Deputy Chair are for any reason unable to act another member of the Committee will be appointed by the Vice-Chancellor, who may be a member appointed under rule 25.1, to act as Chair of the Committee during the period of inability of both the Chair and Deputy Chair to act as Chair.

25.6. The Secretary, the Student Conduct Officer or any other person deemed appropriate by the Chair may, at the invitation of the Chair, attend a meeting of the Committee to act as technical adviser to the Committee and may speak at the invitation of the Chair but is not a member of the Committee and is not entitled to vote on any question before the Committee.
25.7. Subject to rules 25.8 and 25.9, a Committee member holds office:

25.7.1. in the case of a member referred to in rule 25.1.2, for one year or for the remainder of his or her term as a Council member, whichever is the shorter; and

25.7.2. in the case of a member referred to in rule 25.1.1, 25.1.3 and 25.1.4, for two years;

and are eligible for reappointment.

25.8. The Council may remove a Committee member from office for:

25.8.1. failure or incapacity to attend to his or her duties as a member; or

25.8.2. in the case of a member referred to in rule 25.1.2, if the member is found to have engaged in conduct prohibited by rule 9;

and a member so removed is not eligible for reappointment.

25.9. A Committee member may resign his or her office by writing signed by the member and delivered to the Secretary of Council.

25.10. If the Chair of the Committee ceases to hold office before the expiration of his or her term of office, the Council must appoint another qualified person to be a member of the Committee and Chair of the Committee under this rule and the appointed person is to hold the office of Chair for the balance of that term.

25.11. If a vacancy occurs in an office of the Committee (other than the office of Chair), the Council may, after such consultations, if any, as the Council considers appropriate, appoint a qualified person to the vacant office and the appointed person is to hold office for the balance of the term of the vacated office.

25.12. Where:

25.12.1. on account of illness or otherwise, a Committee member is, or is likely to be, absent from a meeting of the Committee; or

25.12.2. a Committee member is, in accordance with rule 28, disqualified from taking part in the deliberations and decision of the Committee with respect to a matter;

25.12.3. the Chair or acting Chair of the Committee may appoint a qualified person to act as a member of the Committee for the purposes of that meeting or in relation to that matter, as the case may be, and the person so appointed may attend that meeting or take part in the deliberations and decision of the Committee in relation to that matter, in the absence or during the disqualification of the Committee member and, when so
26. Quorum of Committee

At a meeting of the Committee, three Committee members, including the Chair or acting Chair, constitute a quorum.

27. Determination of questions

27.1. Subject to this rule, a question arising in an inquiry conducted by, or an appeal to, the Committee is to be determined in accordance with the opinion of a majority of the members of the Committee present and voting.

27.2. Where, in an inquiry conducted by, or an appeal to, the Committee, the Committee members voting on a question are evenly divided in opinion, the question is to be determined by the Chair of the Committee.

28. Disqualification of members of the Committee

28.1. A person, being a member of the Committee, who has a material interest in a matter before the Committee of which the person is a member, is disqualified from taking part in the deliberations and decision of that Committee or Board with respect to that matter.

28.2. Without limiting the generality of rule 28.1, a member of the Committee is deemed to have an interest in a matter before that Committee if that member is the prescribed authority from whose decision an appeal is brought.

29. Proceedings not invalidated in certain circumstances

29.1. A proceeding under these Rules is not invalid by reason only of a formal defect or irregularity.

29.2. An act done by the Committee is not invalid by reason only of a defect in the appointment of a member of the Committee or by reason only of a vacancy in the office of a member of the Committee.

29.3. An act done by the Vice-Chancellor, the Vice-President Operations or a prescribed authority under these Rules is not invalid by reason only of a formal defect or irregularity.

30. Findings to be recorded

30.1. Where:

30.1.1. a prescribed authority makes a finding that a student has committed a breach of conduct, and such finding is not overturned on appeal to the Committee; or
30.1.2. the Committee at a Committee Inquiry makes a finding that a student has committed a breach of conduct;

the finding, and any recommendation, reprimand, order, confirmation, variation or setting aside made as a consequence of the finding, must be recorded on the student’s personal record and a copy provided to the Secretary.

30.2. Subject to rule 30.4, at any future proceedings taken under these Rules in respect of any future alleged breach of conduct, the finding, recommendation, reprimand, order, confirmation, variation or setting aside recorded on the student’s personal record under rule 30.1 must be brought to the attention of a prescribed authority or the Committee, as the case may be.

30.3. Where a copy of a student’s personal record is made available to any person or body (other than under rule 30.2) at the student’s request, the matters, if any, recorded on the student’s record under rule 30.1 must not be included in that copy of the student’s record, except with the written consent of the student.

30.4. Upon the expiration of a period of 10 years, commencing on the day upon which the finding or other matter referred to in rule 30.1 was made, any record entered under rule 30.1 on the student’s personal record must be expunged from the record for the purposes of this rule.

31. Secretary to maintain conduct register

31.1. Subject to rule 31.2, the Secretary will maintain a conduct register and in respect of all matters notified to the Secretary pursuant to rules 10.3.1, 10.5.1, 11.4, 14.5.2 and 18.6.2 and the Secretary will record information about the matter, including a description of the breach of conduct and all findings of the prescribed authority and Committee.

31.2. The Secretary will not include personal or identifying information on the conduct register except for the name of the prescribed authority or Committee members who made the finding.

31.3. The Secretary will make relevant information from the register available to prescribed authority and the Committee Chairperson on request for the purposes of promoting consistency of findings.

31.4. The conduct register is intended to be a resource for prescribed authorities and the Committee to promote consistency of findings. No prescribed authority or the Committee will be in any way bound by previous findings recorded on the conduct register.