### GENERAL CONDUCT

**HANDLING AND RESOLVING ALLEGED BREACHES OF THE STUDENT CODE OF CONDUCT**

<table>
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### APPENDIX 2: STUDENT DISCIPLINE PROCEDURE

#### GENERAL CONDUCT

**Make a General Misconduct Allegation**

1. An alleged student misconduct is identified (e.g., by a student or other University community member).
2. An investigation is initiated by the Registrar and conducted by a designated investigator as necessary.
3. The investigator submits a recommended disposition to the Registrar.
4. The student has the option to request permission from the Registrar to appeal a decision of the Registrar.
5. The Registrar (or designee) reviews the recommendation of the investigator, and if necessary, makes an additional recommendation.
6. The recommendation of the investigator and any additional recommendation are submitted to the Standing Committee on Appeals (SCA).
7. The SCA makes a recommendation to either uphold or overturn the recommendation of the investigator (as stated above).
8. The SCA recommendation is submitted to the Governance Services (on authorisation from the Registrar).

**Responsible Officer / Participant**

- **Notifier**
  - MQ-staff, student or broader community member
- **Governance Services**
  - (on authorisation from the Registrar)
- **Student Respondent**
  - (on authorisation from the Registrar)

### INVESTIGATION AND ESCALATION

#### NOTIFICATION

1. **Reasons for Notification**
   - When a student or any other University community member observes an alleged misconduct.
   - When a student or any other University community member is the notifier.

2. **Who to Notify**
   - The Registrar.
   - Governance Services (disciplinecommittee@mq.edu.au).

3. **What to Notify**
   - A written notification including details of the alleged misconduct and all available supporting material.

4. **When to Notify**
   - Within 10 working days of receiving the notification.

5. **Who Receives the Notification**
   - The Registrar (or designated investigator).
   - Governance Services (disciplinecommittee@mq.edu.au).

#### PROCEDURE

1. **Assess the Alleged Misconduct**
   - Determine if the alleged misconduct warrants an investigation.
   - If yes, proceed to Escalate for resolution.
   - If no, refer to Responsible Officer / Participant.

2. **Escalate for Resolution**
   - If the alleged misconduct is serious, refer to Responsible Officer / Participant.
   - If the alleged misconduct is not serious, refer to Responsible Officer / Participant.

3. **Refer to UHC for Resolution**
   - If the alleged misconduct is serious and requires a hearing, refer to Responsible Officer / Participant.

#### RESOLUTION

1. **Hearing Committee Meeting and Resolution**
   - The Hearing Committee meets and resolves the case.
   - The hearing is conducted by two members of the University Hearing Committee.
   - The Hearing Committee makes a recommendation to either uphold or overturn the recommendation of the investigator (as stated above).

2. **Assess grounds of appeal**
   - The student has the option to appeal the decision of the Hearing Committee.
   - The appeal is heard by the Appeal Committee.

3. **Refer to Appeal**
   - If the appeal is upheld, the decision of the Hearing Committee is set aside and referred back to a new Hearing Committee.
   - If the appeal is overturned, the decision of the Hearing Committee is upheld.

### TOOLS

- **Student Code of Conduct**
- **Student Discipline Rules & SDR**
- **MQ Website**
- **Student Conduct FAQs**
- **SDP Correspondence**
- **Student Code of Conduct**
- **Student Discipline Rules & SDR**
- **MQ Website**
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- **SDP Correspondence**

### HANDLING AND RESOLVING ALLEGED BREACHES OF THE STUDENT CODE OF CONDUCT

- **Further Investigation**
  - Further investigation may be required before a final decision is made.
  - The investigator may conduct further investigation as necessary.
  - The investigator may recommend an alternate process or disposition.

- **Examine Alleged Breach**
  - Examine the evidence provided by the investigator.
  - Determine if the alleged breach is serious.
  - If yes, refer to Responsible Officer / Participant.
  - If no, refer to Responsible Officer / Participant.

- **Refer to UHC for resolution**
  - If the alleged breach is serious and requires a hearing, refer to Responsible Officer / Participant.

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1. **Hearing Committee meeting and resolution**
   - The Hearing Committee meets and resolves the case.
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### TOOLS

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### HANDLING AND RESOLVING ALLEGED BREACHES OF THE STUDENT CODE OF CONDUCT

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- **Examine Alleged Breach**
  - Examine the evidence provided by the investigator.
  - Determine if the alleged breach is serious.
  - If yes, refer to Responsible Officer / Participant.
  - If no, refer to Responsible Officer / Participant.

- **Refer to UHC for resolution**
  - If the alleged breach is serious and requires a hearing, refer to Responsible Officer / Participant.
<Date>

Private & Confidential

<Name>            Student ID: <student number>
<Address>

Dear <Name>

I am writing in response to your notification to Macquarie University (MQ) on <date> which contained an allegation of inappropriate conduct by an MQ student.

MQ would like to take this opportunity to provide you with information on how the allegation raised in your notification may be handled and resolved by the MQ and your role in this process.

Specifically, this correspondence is to inform you of:

1. how this matter will be handled and resolved;
2. what further role do you (being the notifier) undertake;
3. what will happen next;
4. other relevant considerations; and
5. further support and assistance.

1. **HOW WILL THIS MATTER BE HANDLED AND RESOLVED?**

Consistent with MQ’s jurisdiction, the allegation of inappropriate conduct by an MQ student raised in your notification will initially be considered for referral to a Hearing Committee (‘the Committee’) for determination under the Student Discipline Procedure.

1.1 When considering a referral to the Committee, the University assesses:

(a) the nature of the alleged conduct by the MQ student and the available supporting material; and

(b) whether the alleged conduct, if shown, would breach an expected standard of student conduct as outlined in a University Regulation (i.e. the Student Code of Conduct and /or Academic Honesty Policy).
1.2 Following an assessment of the alleged conduct, the University may:

(a) make a meeting of the Committee available to allow the student respondent (being the MQ student against whom the allegation is directed) to respond to the allegation; with the Committee applying a sanction should the student respondent be found responsible for conduct in breach of a University Regulation; or

(b) decide not to refer the matter to the Committee and:

(i) take no further action in relation to the allegation;

(ii) informally resolve the allegation with the student respondent; or

(iii) request further supporting material from you (being the ‘notifier’) or other relevant parties and undertake further investigation in order to better inform an assessment of the matter.

2. WHAT FURTHER ROLE DO YOU (being the notifier) UNDERTAKE?

Having notified the University of the alleged inappropriate conduct by an MQ student, your ongoing involvement in the handling and resolution of the allegation may be limited to:

- providing additional supporting material requested by the University (if needed); and

- undertaking a role in any informal resolution (if required).

Your notification has alerted the University to alleged student conduct that may require action by the University, as the alleged conduct may breach the University’s expected standard of student conduct as outlined in a University Regulation.

Please note that the University itself progresses any allegation of inappropriate conduct against a student respondent on behalf of the University community.

Consistent with the student respondent’s right to privacy, any action taken by the University against the student respondent for a breach of a University Regulation is confidential, subject to any relevant provisions of the Student Discipline Procedure.

3. WHAT WILL HAPPEN NEXT?

The University will make an assessment of the allegation raised in your notification and make a determination as to how the University will progress the matter against the student respondent (as outlined in section 1 of this letter).

You may be contacted in order to provide additional supporting material to better inform this assessment by the University or to undertake a role in any informal resolution of the allegation by the University (as outlined in section 2 of this letter).

4. OTHER RELEVANT CONSIDERATIONS

- You are reminded of obligations under the Student Discipline Procedure including that the University can request any information provided by an MQ student or MQ staff notifier be verified by statutory declaration [Note: a statutory declaration is a type of written statement that allows a person to declare something to be true. If a person intentionally makes a false statement in a statutory declaration, that person can be charged with a criminal offence].
To ensure procedural fairness for the student respondent, your identity (as the ‘notifier’) may be available to the student respondent should the allegation proceed to the Committee for determination or be the subject of an informal resolution by the University (unless the University determines that it is not appropriate in the circumstances).

However, even in cases when the University determines it appropriate to proceed with the allegation anonymously, the University is unable to guarantee your anonymity due to your identity often being deduced by the student respondent due to the nature of the allegations and supporting information; and external avenues through which the student respondent may ultimately gain access to your identity.

Please note that the University may progress the matter raised against the student respondent despite the allegation raised in your notification being later withdrawn by you; as the University may have a statutory or other requirement to act on particular allegations of student conduct.

Also note that any determination by the University on this matter does not interfere in any way with your right to take your concerns against the MQ student to relevant external agencies. Should you pursue the matter with an external agency, notification of this referral should be made in a timely manner to the University; as the University may decide to cease any internal processes relating to the same or associated matter pending the completion of the external process.

5. FURTHER SUPPORT AND ASSISTANCE

The University provides a range of support services to current MQ students. Further information on support services including Counselling & Student Advocacy and Support can be obtained from Campus Wellbeing.

Phone: +61 (02) 9850 7497
Email: campuswellbeing@mq.edu.au
Web: students.mq.edu.au/support/health_and_wellbeing/student_advocacy_and_support/

All current MQ students also have access to support and assistance 24 hours a day, 7 days a week, by dialling 1800 CARE MQ (1800 2273 67).

Further information on how allegations of inappropriate conduct by an MQ student are handled and resolved (i.e. the student disciplinary process) including Frequently Asked Questions and the relevant University codes, rules and policies are available at:

Web: students.mq.edu.au/support/student_conduct

The University is committed to continuous improvement and maintaining a safe, ethical, harmonious and tolerant University environment. The University welcomes your contribution to this process as the actions taken by the University resulting from your notification may ensure more positive campus experiences in future.

Should you have further questions on how allegations of inappropriate conduct by an MQ student are handled and resolved, contact the Student Grievance and Discipline area (Governance Services) on +61 2 9850 4261 or via email disciplinecommittee@mq.edu.au.

Yours sincerely

<Name>
<Title>
cc: XXXXXX
<Date>

Private & Confidential

<Name>            Student ID: <student number>  
<Address>  

Dear <Name>

I am writing to you as it has been alleged that you may have breached the <Student Code of Conduct and/or Academic Honesty Policy>.

Specifically, this notification is to inform you of:

1. the details of the alleged breach;
2. what happens next; and
3. the available support to assist you during this process.

1. **WHAT IS THE ALLEGED BREACH?**

<table>
<thead>
<tr>
<th>STUDENT NAME</th>
<th>XXXX</th>
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</thead>
<tbody>
<tr>
<td>STUDENT NUMBER</td>
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</tr>
<tr>
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<td>XXXX</td>
</tr>
<tr>
<td>FACULTY / CAMPUS</td>
<td>XXXX</td>
</tr>
</tbody>
</table>
| ALLEGED BREACH(ES) | <It is alleged Mr XX was drunk on University premises and admitted consuming alcohol whilst in MUSE to an MQ Security Officer.>

   *It is alleged such actions breach the following sections of the Student Code of Conduct:*

   **Alcohol and drugs**

   A student must not intentionally or recklessly:
   
   (q) be drunk on any public part of University premises.
   (r) consume or distribute alcohol on any public part of the University premises except those parts:
   
   (i) which are licensed for the sale and consumption of alcohol; or
   (ii) on which the University otherwise authorises the consumption of alcohol.*
ATTACHED DOCUMENTS

1. Statement from Security Officer dated XXXX
2. Any prior student / staff correspondence as applicable
3. Student Transcript

2. WHAT HAPPENS NEXT?

What happens next depends upon whether you choose to accept responsibility and the prescribed sanction.

2.1 ACCEPT RESPONSIBILITY AND THE PRESCRIBED SANCTION

You have the option to accept responsibility and the prescribed sanction detailed below:

- <apply one or more of the sanctions listed in Schedule 1 of the Student Discipline Procedure; note that Faculties offering a pre-acceptance option (for an academic breach) may only offer and apply sanctions from Schedule 1 cl. 1(a) and (2) of the Student Discipline Procedure>

This prescribed sanction is available under Schedule 1 of the Student Discipline Procedure and has been determined based on the precedent of sanctions given to students in similar situations.

Should you accept responsibility and the prescribed sanction, a Hearing Committee (‘the Committee’) may approve the application of this prescribed sanction at its next meeting and you will be sent a letter confirming this outcome.

Please note that this sanction will not appear as a sanction on your external academic transcript.

To accept responsibility and the prescribed sanction you need to reply to <email> stating that you ‘accept responsibility and the prescribed sanction’ by 5pm on XXX 2015.

2.2 ELECT TO HAVE THE MATTER HEARD BY A HEARING COMMITTEE

If you do not reply accepting responsibility and the prescribed sanction, the alleged breach will be referred to the appropriate Hearing Committee (‘the Committee’) for determination.

You will be invited to attend a meeting where the Committee will determine what happened and apply a sanction in accordance with the Student Discipline Procedure, if you are found responsible for the alleged breach.

Subject to the nature of the alleged misconduct and the level of Hearing Committee involved, sanctions can include those specified in the Student Discipline Procedure which may be one or more of the following: applying a fail grade for an examination, assessment task or unit of study; suspension or exclusion from studies; a payment as compensation for any damage to, or removal of, property; and issuing a reprimand and/or applying a period of disciplinary probation. [International students should be aware that such sanctions may impact their student visa].

You have the opportunity to respond to the allegation at the Committee hearing and you will receive further information on the Committee process, meeting date and support options once confirmed.
3. FURTHER SUPPORT AND ASSISTANCE

The University provides a range of services to support you during this process.

- If you would like free, independent information regarding any part of the misconduct process including preparation or guidance on the potential outcomes (such as information on how potential sanctions may impact you should you be a student visa holder), you may make an appointment with Student Advocacy and Support, part of Campus Wellbeing.

If you are feeling distressed or have other personal concerns you may wish to contact the Counselling Service, also part of Campus Wellbeing. The Counselling Service provides confidential psychological and counselling services to students.

You can contact Campus Wellbeing on the details below. To ensure you obtain the support you need in time, please remember to book an appointment as quickly as possible.

Phone: +61 (02) 9850 7497  
Email: campuswellbeing@mq.edu.au  
Web: students.mq.edu.au/support/health_and_wellbeing/

- General information on the misconduct process including the answers to Frequently Asked Questions is available at:

  Web: students.mq.edu.au/support/student_conduct

- The MQ Learning Skills office offer a range of services that can help you with academic skills development:

  Email: learningskills@mq.edu.au  
  Web: students.mq.edu.au/support/learning_skills/

- As a Macquarie University student, you also have access to immediate support and assistance 24 hours a day, 7 days a week, by dialling 1800 CARE MQ (1800 2273 67).

For any general questions about the disciplinary process, please do not hesitate to contact <name> on <phone number> or via email <email>.

Yours sincerely

{Name}  
{Title}

cc: XXXXXX
Private & Confidential

Dear <Name>

I am writing to you as it has been alleged that you may have breached the <Student Code of Conduct and/or Academic Honesty Policy>.

MQ is currently undertaking initial fact finding in relation to this matter and this notification is to request your attendance at an interview to clarify the circumstances of the possible breach.

Specifically, this notification is to inform you of:

1. the details of the alleged breach;
2. what will happen at the interview;
3. what may happen after the interview; and
4. the available support to assist you during this process.

1. **WHAT IS THE ALLEGED BREACH?**

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<td>XXXX</td>
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<tr>
<td>ALLEGED BREACH(ES)</td>
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</tr>
</tbody>
</table>

<It is alleged Mr XX made an announcement using the lecture podium (with another unidentified person) before a lecture in unit XXXX on XXXX against the lecturer's direction.>

**Disruption and harm**
A student must not intentionally or recklessly:
(a) disrupt or hinder any University activities.

**Co-operation**
A student must not intentionally or recklessly:
(g) disobey a reasonable direction given within their authority by a University representative.>
2. **WHAT WILL HAPPEN AT THE INTERVIEW?**

The University has made an interview available, as a stakeholder, to clarify the circumstances surrounding the allegation.

The interview will be held at <time> on <date> at <location>.

At this interview MQ staff members <XXXX> <XXXX> will:

- review any relevant documentation;
- allow you the opportunity to respond to the allegation; and
- ask questions to clarify the circumstances of the allegation.

You are strongly encouraged to attend the interview as it gives you the opportunity to provide the University with additional information.

You may also be permitted to respond by teleconference or written submission should you be unable to attend the clarifying interview in-person.

Please confirm to <email> within 5 working days from your receipt of this letter, your attendance at the clarifying interview; or your intention to teleconference; or provide provide any written submission.

Please note that should you not attend this clarifying interview or otherwise respond, the University may review the documentation, clarify the circumstances of the allegation and may further escalate the allegation for determination.

3. **WHAT MAY HAPPEN AFTER THE SCHEDULED INTERVIEW?**

Depending on the circumstances, the interview may result in one of the following outcomes:

- the University determining that the allegation resulted from a misunderstanding or administrative error and no further action being taken; or
- the University determining that the alleged breach is actioned under the ‘pre-acceptance’ option whereby you are provided the option to accept responsibility and a prescribed sanction (if so, you will receive information on this option following the interview); or
- the University determining the alleged breach be referred to a Hearing Committee meeting for determination. You would be provided the opportunity to respond to the allegation at the Committee hearing and you will receive further information on the Committee process, meeting date and support options once confirmed.

The Committee would subsequently make a determination on what happened and apply a sanction in accordance with the Student Discipline Procedure, if you are found responsible for the alleged breach.
4. **FURTHER SUPPORT AND ASSISTANCE**

- The University provides a range of services to support you during this process. Further information on support services including Counselling & Student Advocacy and Support can be obtained from Campus Wellbeing.
  
  Phone: +61 (02) 9850 7497  
  Email: campuswellbeing@mq.edu.au  
  Web: students.mq.edu.au/support/health_and_wellbeing/student_advocacy_and_support/

In particular, the Student Advocacy and Support Service is available (via Campus Wellbeing) to provide you with independent support and assistance when attending any clarifying interview; when considering a pre-acceptance option or preparing for a Hearing Committee (should your matter be escalated); and providing information on how any potential sanction may impact you should you be a student visa holder.

- General information on the misconduct process including the answers to Frequently Asked Questions is available at:
  
  Web: students.mq.edu.au/support/student_conduct/

- The MQ Learning Skills office offer a range of services that can help you with academic skills development:
  
  Email: learningskills@mq.edu.au  
  Web: students.mq.edu.au/support/learning_skills/

- As a Macquarie University student, you also have access to immediate support and assistance 24 hours a day, 7 days a week, by dialling 1800 CARE MQ (1800 2273 67).

For any general questions about the disciplinary process, please do not hesitate to contact <name> on <phone number> or via email <email>.

Yours sincerely

<Name>  
>Title

cc: Xxxxxx
NOTE:
Prior to sending this correspondence to the student:

- contact the medical practitioner to verify the authenticity of any suspicious medical documentation submitted (i.e. identify yourself, your organisation and position and the context for your contact; and ask for confirmation as to whether student X, saw Doctor Y on <date>; for privacy reasons do not engage in communication about a student's condition.
- Also, you will likely need to send the actual medical documentation provided by the student to the medical practice to assist in verifying its authenticity.

Should the medical documentation be confirmed as fraudulent:

1. request confirmation in writing from the medical practice;
2. cease processing the student request (i.e. Disruption to Studies) that is reliant upon the fraudulent medical documentation;
3. make an initial response to the student via the sample correspondence provided below (in practice, the correspondence below could simply be placed in the body of an email to the student).
4. as outlined in Appendix 1 of the Student Discipline Procedure this alleged breach involves ‘serious student misconduct’ and requires referral to the University Hearing Committee for resolution; to action referral, send a copy of the fraudulent medical documentation and confirmation from the medical practice and the completed ‘alleged academic breach form’ to Governance Services at disciplinecommittee@mq.edu.au.

<Date>

Private & Confidential

<Name>            Student ID: <student number>
<Address>

Dear <Name>

Your application for <i.e. Disruption to Studies> in unit <XXXX> and submitted on <date> cannot be processed further on the basis that the University has grounds to believe that the medical documentation provided in support of this application may be fraudulent.

The matter will be referred to the University Hearing Committee for resolution and you will be provided with further information on this process shortly (including the Committee process, meeting date and support options) from Governance Services.

FURTHER SUPPORT AND ASSISTANCE

- The University provides a range of support services to current MQ students. Further information on support services including Student Advocacy and Support can be obtained from Campus Wellbeing.
  
  Phone: +61 (02) 9850 7497
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- Further information on how allegations of inappropriate conduct by an MQ student are handled and resolved (i.e. the student disciplinary process) including Frequently Asked Questions and the relevant University codes, rules and policies are available at:
  
  Web: students.mq.edu.au/support/student_conduct
All current MQ students also have access to support and assistance 24 hours a day, 7 days a week, by dialling 1800 CARE MQ (1800 2273 67).

Should you have further questions on how allegations of inappropriate student conduct are handled and resolved (i.e. the student disciplinary process), contact the Student Grievance and Discipline area (Governance Services) on +61 2 9850 4261 or via email disciplinecommittee@mq.edu.au.

Yours sincerely

<Name>
<Title>
cc: XXXXXX
**STUDENT DISCIPLINE PROCEDURE**

**CORRESPONDENCE**

**HEARING COMMITTEE**

**NOTIFICATION TO STUDENT RESPONDENT**

<Date>

Private & Confidential

<Name>            Student ID: <student number>
<Address>

Dear <Name>

I am writing to inform you that a <University or Faculty> Hearing Committee (‘the Committee’) will take place at <time> on <date> in <location>.

The Committee will consider the following allegation of misconduct:

<table>
<thead>
<tr>
<th>STUDENT NAME</th>
<th>XXXX</th>
</tr>
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<tr>
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</tr>
<tr>
<td>LOCAL / INTERNATIONAL</td>
<td>XXXX</td>
</tr>
<tr>
<td>FACULTY / CAMPUS</td>
<td>XXXX</td>
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</tbody>
</table>

**ALLEGED BREACH(ES)**

<It is alleged that Miss XXX may have breached the Academic Honesty Policy by submitting assessment task XXX for unit XXX, which was not her own work.>

The assessment task was worth 15% and the turn-it-in report indicates a similarity score of 70%.

[Or]

<It is alleged that Miss XXX lodged an inauthentic medical certificate in support of her Disruption to Studies application for the ACCF308 Final Examination.>

It is alleged such actions breach the following sections of the Student Code of Conduct:

- Dishonesty
  - (f) engage in any dishonest behaviour including by:
    - i. being dishonest in dealings with the University;
    - iii. using or providing false or misleading documentation or information for the purpose of obtaining a benefit or advantage for any person;

**ATTACHED DOCUMENTS**

(to be considered by the Committee)

1. Student assignment and turn-it-in report or Copy of inauthentic medical certificate with confirmation from the Medical Practitioner
2. Any prior student / staff correspondence if applicable
1. **WHAT WILL HAPPEN AT THE COMMITTEE HEARING?**

The University has made this hearing available, as a stakeholder, to determine what happened and to apply a sanction if you are found responsible for breaching the [Academic Honesty Policy or Student Code of Conduct](#).

At this hearing the Committee members will:

- review the documentation provided;
- allow you the opportunity to respond to the alleged misconduct;
- allow you the opportunity to admit or deny responsibility for the alleged misconduct; and
- ask you questions to clarify the circumstances of the alleged misconduct.

You will then be asked to briefly leave the hearing so that the Committee members may discuss if you are responsible for any alleged misconduct and, if so, what sanction is appropriate.

You will then return to the meeting and the Committee will announce whether you are responsible (with the associated sanction) or not responsible for the alleged misconduct.

Subject to the nature of the alleged misconduct and the level of Hearing Committee involved, sanctions can include those specified in the Student Discipline Procedure which may be one or more of the following: applying a fail grade for an examination, assessment task or unit of study; suspension or exclusion from studies; a payment as compensation for any damage to, or removal of, property; and issuing a reprimand and/or applying a period of disciplinary probation. *[International students should be aware that such sanctions may impact their student visa]*.

The Committee hearing may take approximately 30 minutes. You are reminded of your obligations under the Student Discipline Procedure including that the Committee can request any information and evidence provided by you be verified by statutory declaration *[Note: a statutory declaration is a type of written statement that allows a person to declare something to be true. If a person intentionally makes a false statement in a statutory declaration, that person can be charged with a criminal offence]*.

Following the hearing, you will also receive confirmation of the Committee’s decision and reasons and be notified of your appeal options via your official MQ student email account.

2. **WHAT SHOULD YOU DO BEFORE THE COMMITTEE HEARING?**

2.1 **CONFIRM YOUR ATTENDANCE AT THE HEARING**

You are strongly encouraged to attend as it gives you the opportunity to respond to the alleged misconduct and provide the Committee with additional information. Should you not attend the hearing the Committee may consider the alleged misconduct and make its decision in your absence.

You may attend the hearing in person or, if residing outside of Sydney, via teleconference.

Please confirm by email should you want to attend the Committee hearing in person or by teleconference by `<date>` to `<XXXX@mq.edu.au>`.
2.2 CONFIRM IF A SUPPORT PERSON WILL ATTEND THE HEARING

Should you attend the Committee hearing, you are entitled to be accompanied by a support person.

A support person may quietly reassure you during the hearing, provide you with personal support and request clarification or further information from the Committee if required.

A support person may include a friend, someone to translate, an Officer from Campus Wellbeing and may include a Student Advocacy and Support Advisor from Campus Wellbeing.

Please note that the role of a support person is not that of a legal representative and the person cannot be a legal practitioner.

Please inform <XXXX@mq.edu.au> (when confirming your attendance) of the name and relationship of any such person accompanying you to the Committee hearing.

2.3 CONSIDER PROVIDING A WRITTEN SUBMISSION PRIOR TO THE HEARING

You are also encouraged to prepare a written submission prior to the hearing for consideration by the Committee members.

A written submission can give context to what happened, can provide your version of the incident including relevant supporting material and allows you to cover points you may forget on the day of the hearing or may not have the time to go into.

Please forward any written submission by <date> to <XXXX@mq.edu.au> and your submission will be given to the Committee members for consideration before the hearing.

2.4 SEEK CONSENT TO HAVE WITNESSES PROVIDE EVIDENCE ON YOUR BEHALF

With the consent of the Committee, you are entitled to have any witness to the alleged misconduct provide evidence on your behalf during the Committee hearing.

Please note that you should inform and remind any of your potential witnesses of their obligations under the Student Discipline Procedure including that the Committee can request any evidence and information provided by an MQ student or MQ staff witness be verified by statutory declaration [Note: a statutory declaration is a type of written statement that allows a person to declare something to be true. If a person intentionally makes a false statement in a statutory declaration, that person can be charged with a criminal offence].

Please inform <XXXX@mq.edu.au> (when confirming your attendance) of the name and relationship of any such person for whom you seek the Committee’s consent and how that person may relate to the alleged misconduct (i.e. they were present, arrived shortly after).
2.5 SEEK FURTHER SUPPORT AND ASSISTANCE

The University provides a range of services to support you during this process.

- If you would like free, independent information regarding any part of the misconduct process including preparation or guidance on the potential outcomes (such as information on how potential sanctions may impact you should you be a student visa holder), you may make an appointment with Student Advocacy and Support, part of Campus Wellbeing.

If you are feeling distressed or have other personal concerns you may wish to contact the Counselling Service, also part of Campus Wellbeing. The Counselling Service provides confidential psychological and counselling services to students.

You can contact Campus Wellbeing on the details below. To ensure you obtain the support you need in time, please remember to book an appointment as quickly as possible.

Phone: +61 (02) 9850 7497
Email: campuswellbeing@mq.edu.au
Web: students.mq.edu.au/support/health_and_wellbeing/

- General information on the misconduct process including the answers to Frequently Asked Questions is available at:

   Web: students.mq.edu.au/support/student_conduct

- The MQ Learning Skills office offer a range of services that can help you with academic skills development:

   Email: learningskills@mq.edu.au
   Web: students.mq.edu.au/support/learning_skills/

- As a Macquarie University student, you also have access to immediate support and assistance 24 hours a day, 7 days a week, by dialling 1800 CARE MQ (1800 2273 67).

For any general questions about the disciplinary process, please do not hesitate to contact <name> on <phone number> or via email <email>.

Yours sincerely

<Name>

<Title>

cc: XXXXXX
Private & Confidential

Dear <Name>

I am writing to formally notify you of the recent decision by the <University or Faculty> Hearing Committee (‘the Committee’).

As you are aware, the Committee met on <date> to consider the following allegation of misconduct:

| STUDENT NAME | XXXX |
| STUDENT NUMBER | XXXX |
| PROGRAM | XXXX |
| LOCAL / INTERNATIONAL | XXXX |
| FACULTY / CAMPUS | XXXX |
| ALLEGED BREACH(ES) |<It is alleged that Miss XXX may have breached the Academic Honesty Policy by submitting assessment task XXX for unit XXX, which was not her own work. The assessment task was worth 15% and the turn-it-in report indicates a similarity score of 70%.</p>|

1. THE COMMITTEE DECISION

Page 1 of 3
The Committee considered the alleged misconduct and has evaluated all of the information shared with it and has determined which information was more credible, when the information was in conflict.

In relation to the alleged misconduct(s), the Committee determined that:

- You were responsible for the alleged misconduct.

As a result, the Committee applied the following sanctions:

1. a reduction of 50% in the mark received for the assessment <XXX> in unit <XXX>. This decision will not appear on your external academic transcript.

This sanction(s) is available under the Schedules to the Student Discipline Procedure and reflects the seriousness with which the University views your conduct and has been informed by the precedent of sanctions given to other students in similar situations and by your early admission.

[Or providing a brief statement of reasons for the Committee’s decision]

- You were not responsible for the alleged misconduct and no further action will be taken.

2. **REQUESTING PERMISSION TO APPEAL**

You have the option to request permission to appeal the decision of the Committee.

The grounds for appeal are outlined in Part 6 of the Student Discipline Procedure. In effect, the grounds for appeal are limited to an irregularity of procedure in making the Committee decision or the imposition of an inappropriate sanction.

The Committee decision cannot be appealed on the basis that you believe it was not the correct decision or not your preferred decision.

The request for permission to appeal the Committee decision (including detailed outline of the grounds for appeal) are made to ‘The Registrar’ and must be lodged by you in writing to Governance Services within 20 working days of your receipt of this letter to disciplinecommittee@mq.edu.au.

Upon the receipt of the request for permission to appeal, you will be notified within 10 working days whether or not permission to appeal is given.

3. **FRESH EVIDENCE**

You may also apply for a re-hearing by the Hearing Committee in respect of this decision, should fresh evidence become available to you within 20 working days of being notified of this decision.

Please note that fresh evidence is evidence that relates to the Hearing Committee decision; was not available or not known to you at the time the Hearing Committee decision was made; was not considered by the Hearing Committee; and is compelling evidence which is likely to have substantially affected the Hearing Committee decision to your advantage.

You are reminded of your obligations under the Student Discipline Procedure including that the University can request any information and evidence (including ‘fresh evidence’) provided by you be verified by statutory declaration [Note: a statutory declaration is a type of written statement]
that allows a person to declare something to be true. If a person intentionally makes a false statement in a statutory declaration, that person can be charged with a criminal offence.

The application for a re-hearing by the original Hearing Committee based upon fresh evidence (including a detailed outline of the fresh evidence) and must be lodged by you in writing within 20 working days of your receipt of this letter via email <email>.

Upon the receipt of the application for a re-hearing by the original Hearing Committee based upon fresh evidence, you will be notified whether or not the application is granted or whether further details of the fresh evidence is required.

4. **FURTHER SUPPORT AND ASSISTANCE**

The University provides a range of services to support you during this process.

- If you would like free, independent information regarding any part of the misconduct process including support, assistance and information on how sanctions may impact you (especially if you are a student visa holder), you may make an appointment with Student Advocacy and Support, part of Campus Wellbeing.

If you are feeling distressed or have other personal concerns you may wish to contact the Counselling Service, also part of Campus Wellbeing. The Counselling Service provides confidential psychological and counselling services to students.

You can contact Campus Wellbeing on the details below. To ensure you obtain the support you need in time, please remember to book an appointment as quickly as possible.

Phone: +61 (02) 9850 7497

Email: campuswellbeing@mq.edu.au

Web: students.mq.edu.au/support/health_and_wellbeing/

- General information on the misconduct process including the answers to Frequently Asked Questions is available at:

  Web: students.mq.edu.au/support/student_conduct

- The MQ Learning Skills office offer a range of services that can help you with academic skills development:

  Email: learningskills@mq.edu.au
  Web: students.mq.edu.au/support/learning_skills/

- English as a Foreign Language is a program offered by the Department of International Studies: Languages and Cultures for students from non-English speaking backgrounds. It aims to improve your English language skills for social, academic and professional settings. Please contact unit convenor for more information – Dr Florence Ma (Florence.lai.ma@mq.edu.au).

  As a Macquarie University student, you also have access to immediate support and assistance 24 hours a day, 7 days a week, by dialling 1800 CARE MQ (1800 2273 67).

For any general questions about the disciplinary process, please do not hesitate to contact <name> on <phone number> or via email <email>.

Yours sincerely
<Name>
<Title>
cc: XXXXXX
Private & Confidential

Dear <Name>

The University received your request for permission to appeal the following decision made on <meeting date> by the <University or Faculty> Hearing Committee:

- Miss XXX breached the Academic Honesty Policy by submitting assessment task XXX for unit XXX, which was not her own work.
- The following sanction(s) were applied:
  
  A reduction of 50% in the mark received for the assessment XXX, in unit XXX.

Following consideration under Part 6 of the Student Discipline Procedure your request for permission to appeal has <been approved or not been approved>.

[if request is approved include all the following information; if not approved include only a brief statement of reasons and the 'Seek Further Support and Assistance' section below]

The <University Hearing Committee or Standing Committee on Appeals> is scheduled to meet at <time> on <date> in <location> to consider your appeal and may affirm, dismiss or vary the decision previously made or set it aside and refer the matter back to the original Hearing Committee for reconsideration of the decision.

1. WHAT SHOULD YOU DO NOW?

1.1 CONFIRM YOUR ATTENDANCE AT THE HEARING

You must appear or be otherwise represented at the <University Hearing Committee or Standing Committee on Appeals> meeting as it gives you the opportunity to best present your appeal and provide the Committee with additional information.

Should you reside outside of Sydney, you may appear before the <University Hearing Committee or Standing Committee on Appeals> by teleconference.

Should you not appear or be otherwise represented at the appeal hearing without reasonable excuse, your appeal may lapse and the original decision made by the Hearing Committee will stand.

Please confirm by email whether you want to attend the meeting in person or by teleconference by <date> to disciplinecommittee@mq.edu.au.
1.2 CONFIRM IF A SUPPORT PERSON WILL ATTEND THE HEARING

Should you attend the hearing, you are entitled to be accompanied by a support person.

A support person may quietly reassure you during the hearing, provide you with personal support and request clarification or further information from the Committee if required.

A support person may include a friend, someone to translate, an Officer from Campus Wellbeing and may include a Student Advocacy and Support Advisor from Campus Wellbeing.

Please note that the role of a support person is not that of a legal representative and the person cannot be a legal practitioner.

Please inform disciplinecommittee@mq.edu.au (when confirming your attendance) of the name and relationship of any such person accompanying you to the hearing.

1.3 SUBMIT ANY ADDITIONAL DOCUMENTS IN SUPPORT OF YOUR APPEAL

The <University Hearing Committee or Standing Committee of Appeals> will be provided with the previous documentation that was made available to yourself and the original Hearing Committee.

In addition, you are entitled to lodge any additional documents in support of your appeal at least five working days prior to the hearing date to email disciplinecommittee@mq.edu.au; this may include further information on the grounds for your appeal and any further supporting material.

Please note that any additional documents submitted will be given to the <University Hearing Committee or Standing Committee of Appeals> members for consideration prior to the meeting.

1.4 SEEK CONSENT TO HAVE WITNESSES PROVIDE EVIDENCE ON YOUR BEHALF

With the consent of the Committee, you are entitled to have any witness to the alleged misconduct provide evidence on your behalf during the hearing.

Please note that you should inform and remind any of your potential witnesses of their obligations under the Student Discipline Procedure including that the Committee can request any evidence and information provided by an MQ student or MQ staff witness be verified by statutory declaration [Note: a statutory declaration is a type of written statement that allows a person to declare something to be true. If a person intentionally makes a false statement in a statutory declaration, that person can be charged with a criminal offence].

Please inform disciplinecommittee@mq.edu.au (when confirming your attendance) of the name and relationship of any such person for whom you seek the Committee’s consent and how that person may relate to the alleged misconduct (i.e. they were present, arrived shortly after).

1.5 SEEK FURTHER SUPPORT AND ASSISTANCE
The University provides a range of services to support you during this process.

- If you would like free, independent information regarding any part of the misconduct process including preparation or guidance on the potential outcomes (such as information on how potential sanctions may impact you should you be a student visa holder), you may make an appointment with Student Advocacy and Support, part of Campus Wellbeing.

  If you are feeling distressed or have other personal concerns you may wish to contact the Counselling Service, also part of Campus Wellbeing. The Counselling Service provides confidential psychological and counselling services to students.

  You can contact Campus Wellbeing on the details below. To ensure you obtain the support you need in time, please remember to book an appointment as quickly as possible.

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  Email: campuswellbeing@mq.edu.au  
  Web: students.mq.edu.au/support/health_and_wellbeing/

- General information on the misconduct process including the answers to Frequently Asked Questions is available at:

  Web: students.mq.edu.au/support/student_conduct

- The MQ Learning Skills office offer a range of services that can help you with academic skills development:

  Email: learningskills@mq.edu.au  
  Web: students.mq.edu.au/support/learning_skills/

- As a Macquarie University student, you also have access to immediate support and assistance 24 hours a day, 7 days a week, by dialling 1800 CARE MQ (1800 2273 67).

For any general questions about the disciplinary appeals process, contact the Student Grievance and Discipline area (Governance Services) on +61 2 98504261 or via email disciplinecommittee@mq.edu.au.

Yours sincerely

[Signature]

Deidre Anderson  
Deputy Vice-Chancellor (Students & Registrar)

cc: XXXXXXX
<Date>

Private & Confidential

<Name>            Student ID: <student number>
<Address>

Dear <Name>

I am writing to formally advise you of the outcome of your appeal against the decision of the <Faculty or University> Hearing Committee made on <XXXX>.

1. **THE APPEAL OUTCOME**

I confirm that the <University Hearing Committee or Standing Committee on Appeals> meeting held on <date> to consider your appeal made the following decision:

- To dismiss your appeal, with the original decision of the <Faculty or University> Hearing Committee made on <date> remaining.

- To uphold your appeal based on procedural grounds outlined in section 23(1)(a) of the Student Discipline Procedure, with the original decision of the <Faculty or University> Hearing Committee made on <date> to be set aside. The matter is to be referred back to a <Faculty or University> Hearing Committee for reconsideration [in accordance with the following direction or recommendation - include if specified]. You will receive further information on the Committee meeting time, date and location once confirmed.

- To suspend the sanction or direction to pay compensation appealed against [subject to the following conditions – include as specified].

- To set aside the sanction or direction to pay compensation appealed against and impose the following sanction or new direction to replace the sanction or direction set aside:

- To refer the sanction or direction to pay compensation for reconsideration by a Hearing Committee [in accordance with the following direction or recommendation – include as specified]. You will receive further information on the Committee meeting time, date and location once confirmed.

[provide a brief statement of reasons under the appropriate outcome]

2. **FURTHER SUPPORT AND ASSISTANCE**

Page 1 of 2
• Should you remain dissatisfied with the process at the conclusion of your appeal options in relation to this disciplinary matter, you may make a Request for Assistance to the MQ Student Ombudsman. The MQ Student Ombudsman provides independent, confidential and impartial review and may consider whether:
  - the correct process was followed by the University;
  - the process was appropriately transparent; and
  - the principles of natural justice were adhered to.

Further information on the services provided by the MQ Student Ombudsman and making a Request for Assistance is available by contacting the MQ Student Ombudsman.

Phone: +61 (02) 9850 9799
Email: student.ombudsman@mq.edu.au
Web: students.mq.edu.au/support/complaints_appeals/student_ombudsman_service/

• The University provides a range of support services. If you would like free, independent information regarding the appeal outcome including support, assistance and information on how sanctions may impact you (especially if you are a student visa holder), and preparation for, and support during, any meetings with the MQ Student Ombudsman, you may make an appointment with Student Advocacy and Support, part of Campus Wellbeing.

If you are feeling distressed or have other personal concerns you may wish to contact the Counselling Service, also part of Campus Wellbeing. The Counselling Service provides confidential psychological and counselling services to students.

You can contact Campus Wellbeing on the details below. To ensure you obtain the support you need in time, please remember to book an appointment as quickly as possible.

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• As a Macquarie University student, you also have access to immediate support and assistance 24 hours a day, 7 days a week, by dialling 1800 CARE MQ (1800 2273 67).

For any general questions about the disciplinary appeals process, contact the Student Grievance and Discipline area (Governance Services) on +61 2 98504261 or via email disciplinecommittee@mq.edu.au.
Yours sincerely

Deidre Anderson
Deputy Vice-Chancellor (Students & Registrar)

cc:  XXXXXX
This guideline has been developed to support the administrative requirements of Hearing Committee meetings.

This guideline is divided into the three following sections:

1. Pre-meeting administration checklist  (particularly for Faculty Student Administration Manager or other nominated Faculty contact);
2. Meeting Basics and Model Script ¹ (particularly for Hearing Committee members);
3. Post-meeting administration checklist (particularly for Faculty Student Administration Manager or other nominated Faculty contact).

The focus of the pre and post meeting administration checklists (sections 1 & 3) are to assist the person responsible for the scheduling of meetings of their Faculty Hearing Committee.

The Meeting Basics and Model Script (section 2) aims to support a meeting atmosphere consistent with the educational setting in which it is occurring; being calm rather than confrontational and educational rather than adversarial.

Importantly, the University does not act ‘against’ the student as prosecutor in Hearing Committee meetings. Rather, the University makes a forum available, as a stakeholder, to determine what happened and apply a sanction if the student breached University Regulations.

The organising, questioning and ultimate determinations are done by the Hearing Committee whilst providing dignity and educational value to the student involved.

This educational and hearing based approach aims to dispense with the idea that it is ‘unfair’ to pit a student against University ‘prosecutors’ and experienced University staff.

This approach is also reflected in the terminology during the meeting and correspondence during the discipline process as follows:

- The student or student respondent (cf. accused student);
- The student is found responsible or not responsible for behaviour in breach of University rules (cf. guilty or not guilty);
- The Committee members (cf. judges);
- A fellow student (cf. co-accused or victim).

In the undertaking of the disciplinary process, terminology used in courtroom proceedings should be avoided.

The specific procedural requirements of Hearing Committees are available in the Student Discipline Procedure and the Terms of Reference for the Faculty Hearing Committee; the University Hearing Committee; and the Standing Committee on Appeals.

Should you require clarification on any issues raised in this guideline or require further information on related matters, contact the Student Grievance and Discipline area (Governance Services) on +61 2 9850 4261 or via email disciplinecommittee@mq.edu.au.

¹ being adapted from Stoner, EN and Lowery, JW ‘Navigating Past the Spirit of Insubordination: A Twenty-First Century Model Student Conduct Code With a Model Hearing Script’, Journal of College and University Law [Vol.31, No. 1].
1. **PRE-MEETING ADMINISTRATION CHECKLIST**

   (particularly for Faculty Student Administration Manager or other nominated Faculty contact)

Upon receipt of the ‘alleged academic breach form’ assess if alleged breach is ‘serious misconduct’ by considering if allegation involves:

1. dishonestly giving or obtaining assistance from another person in an academic exercise incl. purchase of submitted assessment material; or
2. the submission of any forged documentation; or
3. not just academic conduct but also includes a related general conduct breach (threatening behaviour or other general misconduct); or
4. a student with previous conduct breaches (i.e. repeat offenders) (consult Governance Services as required via disciplinecommittee@edu.au); or
5. any other matter substantially affecting University reputation (i.e. of external focus incl. externally focussed participation units & academic exercises).

If ‘serious misconduct’, refer the alleged breach to the University Hearing Committee (UHC) for resolution; action UHC referral by forwarding ‘alleged academic breach form’ and supporting material to Governance Services at disciplinecommittee@mq.edu.au.

If not ‘serious misconduct’ consider the appropriateness of giving the student the option to accept responsibility and a prescribed sanction (with subsequent referral to the Faculty Hearing Committee (FHC) for resolution should the student not accept). Seek approval from the Faculty Hearing Committee Chair as to the appropriateness of a pre-acceptance offer and the prescribed sanction; also consult Governance Services as required via disciplinecommittee@mq.edu.au.

If a pre-FHC acceptance offer to the student is appropriate, the student is notified via the ‘student acceptance’ offer letter.

A meeting of the Faculty Hearing Committee (FHC) will resolve allegations that are either not appropriate for a pre-FHC acceptance offer to the student or when a pre-acceptance offer was made but not accepted by the student. The remainder of this checklist relates to a FHC meeting.

Co-ordinate the availability of Committee members (a quorum is 3 members incl. the Chair) and schedule a meeting of the Faculty Hearing Committee including room booking.

Once a meeting date is scheduled with the Committee members, send the ‘notification to student respondent’ letter (amending as appropriate) which advises each student respondent of the allegation, supporting material, meeting date and support options. The student should receive the same supporting material as will be considered by the Committee members.

Ensure at least 5 working days between the notification letter being received by the student respondent and the scheduled meeting date, as this provides the student the opportunity to prepare for the Committee meeting and seek appropriate support.

Review any written student submissions; ensure any person nominated by the student to accompany them to the meeting is an approved support person (not a legal practitioner); and seek the consent of the Committee Chair (prior to the meeting) should the student request to have a witness attend the meeting.

If applicable, prepare documentation of any students who were offered and recently accepted responsibility, so that the up-coming Committee meeting can formally approve the application of the prescribed sanction(s).

Prepare and forward the agenda & attachments to each Hearing Committee member prior to meeting date, allowing sufficient time for review prior to the meeting.

Follow up if a student has not responded with their intention to attend the meeting.

Check previous minutes to ensure all actions completed.

Take copy of previous meeting minutes for approval at the upcoming meeting.
2. MEETING BASICS AND MODEL SCRIPT

a. JUST PRIOR TO THE MEETING

i. Committee members should further review any written materials provided just prior to the meeting and ask whether the student is to be accompanied by a support person or will have a witness attend.

ii. The student will also have been provided with the same written materials being considered by the Committee.

iii. Shortly before the student appears, the Committee members may want to clarify issues between each other; review the procedures to be followed during the meeting; and discuss any potential bias on the part of any Committee member.

iv. Should the student not appear at the Committee meeting, the Committee may proceed if satisfied the student has had reasonable notice of the Committee meeting.

v. Ensure the quorum for a Hearing of the Committee; being 3 members including its presiding member (Chair).

vi. Review and formally approve the application of prescribed sanctions accepted by any students previously offered the option to accept responsibility.

b. AT THE MEETING WITH THE STUDENT PRESENT

i. INTRODUCTION (to be read by the CHAIR)

   • Good afternoon/morning, my name is [________], and I will be serving as the Chair of the Hearing Committee. My role is to oversee this Hearing Committee meeting that will be conducted today.

   • Please note that today’s meeting will be minuted as the official recording. This record represents the sole record of this Hearing Committee and remains the property of this University, accessible by you upon request.

   • At this time, I would ask you to introduce yourself to the Committee - your name, program of study and current year level.

   • I would ask the support person introduce themselves [if present].

   • I would also like to remind the support person that their role is to quietly advise the student, seeking clarification from the Committee in a manner which does not disturb the proceedings.

   • I will now ask the members of the Committee to introduce themselves.

   • Before we proceed, are there any questions?
ii. FACT FINDING

- The Committee will today consider <<matter at hand>>.
- At this time, the Committee will hear further from the student. Would the student like to comment on why they are before the Hearing Committee?
- Do the members of the Committee have any questions for the student?
- After completion of questioning by the Committee, does the student wish to provide any additional information or make any concluding remarks to the Committee?
- Are there any final questions before the student is excused? Thank you very much for participating in and cooperating with the meeting today.
- At this time, we would ask that the student, and support person (if any) leave the meeting room so that the members of the Committee may make a determination.
- After the determination is made, you will be asked to return to this room and the Committee will announce its decision.

iii. COMMITTEE DELIBERATIONS

*The Committee deliberations are not minuted.*

*The decision of a majority of the members of the Committee is a decision of the Committee and, in the event of an equality of votes, the presiding member (Chair) has a second or casting vote.*

*Once the Committee has concluded its deliberations, the student and their support person (if any) are called back into the meeting.*

*Note that a Faculty Hearing Committee may apply sanctions from Schedule 1 cl. (1)(a) and (2) of the Student Discipline Procedure.*

iv. PROVIDING THE COMMITTEE DETERMINATION & SANCTION *(to be read by CHAIR)*

- This Committee is now back in session. The Committee has considered your matter and has evaluated all of the information shared with it.
- The Committee <<read decision>>.
- Do you have any questions at this time?
v. **CONCLUSION OF MEETING** *(to be read by CHAIR)*

- Any further questions regarding the disciplinary process or this decision of the Committee should be directed to <XXXX>.

- Questions regarding this matter should not be directed to any member of Committee. The members of Committee are also cautioned not to discuss this matter with anyone to respect the privacy of all persons involved.

- You will receive written notification of the outcome of the Committee meeting. This notification will also include details on your appeal options.

- The student is also reminded of the support and assistance available via Campus Wellbeing. The written notification you receive will also include details on this support and assistance. Alternatively, you may engage these services immediately at Level 2, Building C8A.

- Are there any final questions at this time?

- This Committee meeting is now concluded. Thank you very much for your participation.

3. **POST-MEETING ADMINISTRATION CHECKLIST**

   *(particularly for Faculty Student Administration Manager or other nominated Faculty contact)*

- Finalise meeting minutes and forward to the Committee Chair for approval.

- Send the *outcome to student respondent* letter to student (bcc relevant Unit Convener, Head of Department) advising of the hearing outcome and their appeal options, within 10 working days of the Committee decision.

- Also note that the *outcome to student respondent* letter informs the student that they may make an application for a re-hearing by the original Hearing Committee based upon fresh evidence. Should such an application be made, notify whether or not the application is granted or whether further details of the fresh evidence is required.

- Update Student System: grade adjustment as appropriate.

- Include a brief note on the student’s internal academic transcript should they be found responsible for misconduct as below (comment code = STUDENTF):

  *This student was proven responsible for a student misconduct matter in ACCG330 (session 1, 20XX) before the <University or Faculty> Hearing Committee on XX/XX/20XX. Please contact the Student Grievance and Discipline Officer on disciplinecommittee@mq.edu.au for further information.*

- Provide a record of all Faculty Hearing Committee decisions incl. all related documentation to Governance Services via disciplinecommittee@mq.edu.au for recording in the Central Discipline Registrar.

- Provide a record of all Faculty Hearing Committee decisions to the Faculty Board.
This guideline provides direction in relation to the disciplinary sanctions available under the Student Discipline Procedure (SDP).

1. **APPROVED SANCTIONS**

The sanctions that may be imposed upon a student for misconduct (i.e. breaching an expected standard of behaviour) are listed in Schedule 1 and Schedule 2 of the SDP.

The sanctions that may be imposed upon a student organisation for misconduct (i.e. breaching an expected standard of behaviour) are listed in Schedule 3 of the SDP.

2. **AUTHORITY TO IMPOSE SANCTIONS**

The authority to impose particular sanctions under the SDP reflects the nature of the misconduct allegations considered by the different decision-making bodies and is delineated as below:

- **FACULTY HEARING COMMITTEE (FHC):** impose any one or more of the sanctions consistent with Schedule 1 [clauses (1)(a) and (2)] of the Student Discipline Procedure if a student is found responsible for a breach of an expected standard of academic conduct.

  [note: FHCs review and determine alleged academic misconduct involving most alleged breaches of the Academic Honesty Policy i.e. alleged academic misconduct not considered ‘serious student misconduct’. An alleged academic breach is ‘serious student misconduct’ and is referred to the UHC for determination if the allegation involves: dishonestly giving or obtaining assistance from another person in an academic exercise incl. purchase of submitted assessment material; the submission of any forged documentation; not just academic conduct but also includes a related general conduct breach (threatening behaviour or other general misconduct); a student with previous conduct breaches (i.e. repeat offenders); and others matter substantially affecting University reputation (i.e. of external focus incl. externally focussed participation units & academic exercises)].

  Schedule 1, clauses 1(a) and (2) of the Student Discipline Procedure are referenced below:

  1 (a) reprimanding the Accused Student in writing;
  2 (a) excluding from assessment any part of the work submitted that the assessor, examiner or marker is satisfied is not the Accused Student’s own work;
  (b) reducing a mark awarded to any part of that Academic Exercise;
  (c) awarding no mark to or disregarding any part of that Academic Exercise;
  (d) substituting an alternative mark for any part of that Academic Exercise;
  (e) permitting the Accused Student to redo an Academic Exercise;
  (f) failing the Accused Student in the Academic Exercise.

- **UNIVERSITY HEARING COMMITTEE (UHC):** impose any one or more of the sanctions specified in Schedules 1, 2 and 3 of the Student Discipline Procedure if a student or student organisation is found responsible for a breach of an expected standard general or academic conduct.

  [note: the University Hearing Committee reviews and determines allegations involving general misconduct breaching the Student Code of Conduct, and the most serious alleged breaches of the Academic Honesty Policy i.e. alleged academic misconduct considered ‘serious student misconduct’. All cases whereby the student has previously breached an expected standard of student behaviour is also heard by the University Hearing Committee].

- **STANDING COMMITTEE ON APPEALS (SCA):** impose any one or more sanctions specified in Schedules 1, 2 and 3 of the Student Discipline Procedure if a student or student organisation is held responsible for a breach of an expected standard of general or academic conduct and any sanctions previously applied are varied on appeal.

  [note: the Standing Committee on Appeals is the peak student disciplinary appeals body and reviews and determines disciplinary appeals made to it].

- **NON-HEARING COMMITTEE IMPOSED SANCTIONS:** the SDP introduces the option for a student to ‘pre-accept’ responsibility and a sanction prior to a Committee Hearing, provided the conduct being alleged is not considered ‘serious student misconduct’. In these circumstances, the range of sanction(s) that can be offered to a student **are limited to those specified in Schedule 1 of the Student Discipline Procedure [note: for allegations involving academic misconduct, the range of sanctions that can be offered to the student are further limited to those specified in clauses (1)(a) and (2) of Schedule 1].

  * See SDP Part 9 and see the supporting resources (including the workflows) for further definition & interpretation of ‘serious student misconduct’.
  ** See the supporting resources, particularly the workflows, for the nominated positions that can (on authorisation from the Registrar) offer a student the ‘pre-acceptance’ option.
3. CONSIDERATIONS WHEN IMPOSING SANCTIONS***

The decision-making bodies should seek to reduce incidences of unnecessary and inappropriate inconsistency and aim for reasonable consistency in the application of sanctions.

Essentially, like cases should be treated in like manner.

Precedents can provide indications of the kind of sanction that might be expected in a certain kind of case (other than in exceptional circumstances). **** In this regard, decision-making bodies can consult Governance Services via disciplinecommittee@mq.edu.au.

It should also be recognised that effective decision-making also carries with it the probability that it may not be neatly uniform; as particular factors to be taken into account when determining an appropriate sanction(s) will not be equally present and given particular weight in the unique circumstances often presented within individual cases.

Examples of such factors taken into account when determining a sanction include:
- the severity and extent of the breach;
- whether the misconduct was an isolated incident, or part of an ongoing pattern of behaviour;
- any history of previously penalised misconduct by the student;
- recent precedent as established by relevant University decision making authorities;
- the student's general health and personal circumstances at the time of the breach that might have impacted the student's otherwise sound judgement;
- whether the student had (or was) coerced or misled (by) a third party into taking part in misconduct;
- whether the student promptly reported the misconduct and readily co-operated with any investigation;
- whether the student acknowledged responsibility and there is clear evidence of contrition;
- whether the student has taken steps to prevent such breaches in future; and
- whether the student has taken actions to remedy or reduce the impact of the breach.

The factors listed above are a guide only and may (depending upon the circumstances of the individual case) provide an initial framework to decision makers to aid reasonable consistency when determining an appropriate sanction(s).

In addition, the SDP reinforces the University's obligations to provide reasons for decisions [see Section 30(b) of the SDP] and the enunciation by the decision-making bodies of any relevant factors taken into account when determining an appropriate sanction(s) assists the student to better understand the ultimate decision and sanction applied and better prepare an appeal if actioned.

*** informed and adapted from Gleeson CJ explaining the concept and purpose of guidelines in Wong v The Queen (2001) 207 CLR 584 at [5]–[6].

**** note that current precedent (other than in exceptional circumstances) indicates the Faculty Discipline Committees, when reducing a mark in an academic exercise for plagiarism, are reducing the mark by the percentage equivalent of the plagiarism detected; and, in cases of examination misconduct (other than in exceptional circumstances), are applying a fail for the assessment exercise (i.e. examination) with a mark of zero (0).
PART 1 PRELIMINARY

1. Name of Terms of Reference

These Terms of Reference may be cited as the ‘UHC Terms of Reference’.

2. Application

The UHC Terms of Reference apply to the University Hearing Committee which determines allegations of serious student misconduct at Macquarie University.

3. Purpose

The purposes of these Terms of Reference are to outline the composition, and connected matters of the University Hearing Committee at Macquarie University.

PART 2 INTERPRETATION

4. Interpretation

In these Terms of Reference:

- **Academic Senate** means the Academic Senate of the University.
- **Council** means the Council of the University.
- **Executive Dean** means the Executive Dean of Faculty.
- **Faculty** means an administrative grouping of research, academic and professional staff and students based on the area they teach, support and study.
- **the Committee** means the University Hearing Committee.
- **University** means the Macquarie University established by the Macquarie University Act 1989.
- **Serious Student Misconduct** means:
  
  (a) any Misconduct which involves substantial harm or threat of substantial harm to the health of or safety of any person;
  
  (b) any Misconduct which involves substantial damage or threat of substantial damage to the property of any person; or
  
  (c) any Misconduct which has or may have a substantial adverse effect upon the reputation of the University; or
  
  (d) repeated Misconduct of any kind, which indicates an unwillingness to comply with University Regulations generally or with a particular University Regulation.

PART 3 SUBSTANTIVE PROVISIONS
5. **Composition**

(1) The University Hearing Committee comprises:

(a) a member of Council (Presiding Member);

(b) the Executive Deans of Faculties or their delegates;

(c) the Chair of Academic Senate;

(d) a student member of Academic Senate; and

(e) other persons appointed from time to time.

(2) Any member under section 5(1) is appointed by the Registrar.

(3) Committee members are expected to:

(a) contribute the time to review and understand alleged breaches and supporting materials;

(b) apply good analytical skills, objectivity and sound judgement;

(c) express opinions frankly and ask questions that go to fundamental issues;

(d) treat all students with equal care, concern, fairness and dignity;

(e) work collaboratively with other members of the Committee;

(f) declare any real or perceived conflicts of interest; and

(g) treat all information with confidentiality.

6. **General functions of the University Hearing Committee**

(1) The Committee is established under the Student Discipline Rules as approved by Council and has powers as detailed within:

(a) the Student Discipline Rules;

(b) the Student Discipline Procedure; and

(c) this Terms of Reference.

(2) The Committee is to:

(a) review and determine alleged breaches of:

   (i) the Student Code of Conduct;

   (ii) the Academic Honesty Policy; and

   (iii) any University Regulation published by the University which may specify student or student organisation behaviour which will be misconduct;

   on the balance of probabilities.
(b) consider and evaluate all of the information shared with it and determine which information is more credible, when this information is in conflict;

(c) impose any one or more of the sanctions specified in Schedules 1, 2 and 3 and clause 18(1) of the Student Discipline Procedure if a student or student organisation is found responsible for a breach of an expected standard of conduct;

(d) formally review and approve the application of any prescribed sanction pre-accepted by a student respondent under the Student Discipline Procedure;

(e) on appeal made to it, make any of the following decisions which it thinks appropriate in the circumstances:

   (i) affirming a Faculty Hearing Committee decision; or

   (ii) setting aside a Faculty Hearing Committee decision (based upon procedural grounds outlined in clause 23(1)(a) of the Student Discipline Procedure) and referring the matter back to a Faculty Hearing Committee for reconsideration in accordance with any direction or recommendation; or

   (iii) suspend the sanction or direction to pay compensation appealed against, subject to any conditions it thinks appropriate; or

   (iv) set aside the sanction or direction to pay compensation appealed against and impose a new sanction or give a new direction to replace the sanction or direction set aside; or

   (v) suspend any new sanction or direction to pay compensation imposed or given by it, subject to any conditions it thinks appropriate; or

   (vi) refer the sanction or direction to pay compensation for reconsideration by a Faculty Hearing Committee in accordance with any direction or recommendation.

(f) provide a record of a Committee decision in any matter to:

   (i) the Council;

   (ii) the Academic Senate; and

   (iii) the Registrar.

   as soon as possible after the Committee Hearing at which the decision was given.

(g) undertake review as required of any relevant policy, rule, code or procedure and recommend revision to reflect a consistent, equitable and transparent approach to student discipline; and

(h) undertake such other functions as specified from time to time by the Registrar.

7. **Procedures of the University Hearing Committee**

   (1) The Committee Procedures are governed by the Student Discipline Rules, Student Discipline Procedure and, where relevant, this Terms of Reference.

   (2) The quorum for a Hearing of the Committee is 3 members, including its presiding member.

   (3) The decision of a majority of the members of the Committee is a decision of the Committee and, in the event of an equality of votes, the presiding member has a second or casting vote.
8. Appeals

(1) A request by a student to appeal a decision of the University Hearing Committee is governed by Part 6 of the Student Discipline Procedure.

(2) The Standing Committee on Appeals may, on appeal made to it, make any of the following decisions which it thinks appropriate in the circumstances:

(a) affirming the University Hearing Committee decision; or

(b) setting aside the University Hearing Committee decision (based upon procedural grounds outlined in clause 23(1)(a) of the Student Discipline Procedure) and referring the matter back to the University Hearing Committee for reconsideration in accordance with any direction or recommendation; or

(c) suspend the sanction or direction to pay compensation appealed against, subject to any conditions it thinks appropriate; or

(d) set aside the sanction or direction to pay compensation appealed against and impose a new sanction or give a new direction to replace the sanction or direction set aside; or

(e) suspend any new sanction or direction to pay compensation imposed or given by it, subject to any conditions it thinks appropriate; or

(f) refer the sanction or direction to pay compensation for reconsideration by the University Hearing Committee in accordance with any direction or recommendation.
PART 1 PRELIMINARY

1. Name of Terms of Reference

These Terms of Reference may be cited as the ‘SCA Terms of Reference’.

2. Application

The SCA Terms of Reference apply to the Standing Committee on Appeals which is the peak student disciplinary appeals body at Macquarie University.

3. Purpose

The purposes of these Terms of Reference are to outline the composition, and connected matters of the Standing Committee on Appeals at Macquarie University.

PART 2 INTERPRETATION

4. Interpretation

In these Terms of Reference:

Academic Senate means the Academic Senate of the University.

Council means the Council of the University.

the Committee means the Standing Committee on Appeals.

University means the Macquarie University established by the Macquarie University Act 1989.

Serious Student Misconduct means:

(a) any Misconduct which involves substantial harm or threat of substantial harm to the health of or safety of any person;
(b) any Misconduct which involves substantial damage or threat of substantial damage to the property of any person; or
(c) any Misconduct which has or may have a substantial adverse effect upon the reputation of the University; or
(d) repeated Misconduct of any kind, which indicates an unwillingness to comply with University Regulations generally or with a particular University Regulation.
PART 3 SUBSTANTIVE PROVISIONS

5. Composition

(1) The Standing Committee on Appeals comprises:

(a) the Chancellor of the University (Presiding Member) (ex officio);
(b) the Deputy Chancellor of the University (ex officio);
(c) two academic staff representative members of Council;
(d) one graduate representative member of Council;
(e) one professional staff representative member of Council; and
(f) other persons appointed from time to time.

(2) Any member under section 5(1) is appointed by the Registrar.

(3) Committee members are expected to:

(a) contribute the time to review and understand alleged breaches and supporting materials;
(b) apply good analytical skills, objectivity and sound judgement;
(c) express opinions frankly and ask questions that go to fundamental issues;
(d) treat all students with equal care, concern, fairness and dignity;
(e) work collaboratively with other members of the Committee;
(f) declare any real or perceived conflicts of interest; and
(g) treat all information with confidentiality.

6. General functions of the Standing Committee on Appeals

(1) The Committee is established under the Student Discipline Rules as approved by Council and has powers as detailed within:

(a) the Student Discipline Rules;
(b) the Student Discipline Procedure; and
(c) this Terms of Reference.

(2) The Committee is to:

(a) review and determine appeals made following a decision of the University Hearing Committee relating to breaches of:
   (i) the Student Code of Conduct;
   (ii) the Academic Honesty Policy; and
(iii) any University Regulation published by the University which may specify student behaviour which will be misconduct.

(b) on appeal made to it, make any of the following decisions which it thinks appropriate in the circumstances:

(i) affirming the Hearing Committee decision; or

(ii) setting aside the Hearing Committee decision (based upon procedural grounds outlined in clause 23(1)(a) of the Student Discipline Procedure) and referring the matter back to a Hearing Committee for reconsideration in accordance with any direction or recommendation; or

(iii) suspend the sanction or direction to pay compensation appealed against, subject to any conditions it thinks appropriate; or

(iv) set aside the sanction or direction to pay compensation appealed against and impose a new sanction or give a new direction to replace the sanction or direction set aside; or

(v) suspend any new sanction or direction to pay compensation imposed or given by it, subject to any conditions it thinks appropriate; or

(vi) refer the sanction or direction to pay compensation for reconsideration by a Hearing Committee in accordance with any direction or recommendation.

(c) consider and evaluate all of the information shared with it and determine which information is more credible, when this information is in conflict;

(d) impose any one or more sanctions specified in Schedules 1, 2 and 3 and clause 18(1) of the Student Discipline Procedure if a student or student organisation is held responsible for a breach of an expected standard of conduct and any sanctions previously applied are varied;

(e) provide a record of a Committee decision in any matter to:

(i) the Council;

(ii) the Academic Senate; and

(iii) the Registrar.

as soon as possible after the Committee Hearing at which the decision was given.

(f) undertake review as required of any relevant policy, rule, code or procedure and recommend revision to reflect a consistent, equitable and transparent approach to student discipline; and

(g) undertake such other functions as specified from time to time by the Registrar.

7. Procedures of the Standing Committee on Appeals

(1) The Committee Procedures are governed by the Student Discipline Rules, Student Discipline Procedure and, where relevant, this Terms of Reference.

(2) The quorum for a Hearing of the Committee is 3 members, including its presiding member.

(3) The decision of a majority of the members of the Committee is a decision of the Committee and, in the event of an equality of votes, the presiding member has a second or casting vote.
PART 1 - PRELIMINARY

1. Title
   These rules may be cited as the Student Discipline Rules 2014.

2. Purpose of these rules
   The purpose of these rules is to provide for the establishment and management of disciplinary procedures and related matters affecting Students and Student Organisations.

3. Commencement
   These rules will commence and the Repealed Disciplinary Rules will be repealed, on a day to be fixed by the Vice-Chancellor.

4. Authority
   These rules are made by the council of the University pursuant to section 29 of the Macquarie University Act 1989.

5. Dictionary of defined terms
   The dictionary at the end of these rules is part of these rules.

   [Note: The dictionary defines certain terms used in these rules. A definition in the dictionary applies to all of these rules unless a contrary intention appears. Terms defined in the dictionary are identified in these rules by having an upper case first letter].

PART 2 – DISCIPLINARY PROCEDURES AND SANCTIONS

6. Disciplinary procedures
   (1) The Vice-Chancellor must establish procedures for dealing with Misconduct by Students or Student Organisations and related matters, including procedures:
      (a) for the investigation and assessment of allegations of Misconduct by Students and Student Organisations; and
      (b) for determining whether a person is guilty of Misconduct; and
      (c) for determining the sanction (if any) that is to be imposed on a person who is found to be guilty of Misconduct; and
      (d) for appeals from decisions relating to Misconduct.
(2) The procedures may be different for:
   (a) Students and Student Organisations; or
   (b) different categories of Student or Student Organisation; or
   (c) Students or Student Organisations who are accused of conduct which is not only Misconduct but
       which is also unlawful or which may give rise to criminal or civil liability; or
   (d) different categories of Misconduct.

(3) The procedures must enable proceedings to be conducted with as little formality and technicality and
    as quickly as a proper consideration of the matters under consideration permits.

(4)
   (a) The Vice-Chancellor must ensure that the procedures are published:
       (i) on the website of the University; or
       (ii) in another official publication of the University.
   (b) Failure to comply with rule 6(4)(a) does not invalidate a decision, procedure or direction
       contemplated by these rules.

(5) All Students, Student Organisations and staff of the University must comply with the procedures.

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

7. **Sanctions for Misconduct**

(1) Any person authorised by the Vice-Chancellor may impose sanctions on a Student or Student
    Organisation for Misconduct.

(2) The Vice-Chancellor may impose limitations on the power of any person to impose sanctions under
    rule 7(1).

(3) The sanctions which are able to be imposed on Students for Misconduct must be approved by the Vice-
    Chancellor.

8. **Compliance and co-operation required**

(1) All Students and Student Organisations must comply with University Regulations.

(2) Each Student, Student Organisation 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) complying with the procedures contemplated by rule 6;
           (ii) providing and providing access to information or evidence as requested;
           (iii) acting honestly and in good faith in dealings with the University relating to any
                  Misconduct allegation;
           (iv) verifying information, evidence or answers as requested;
           (v) 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
           Misconduct allegation; or
       (ii) any person’s participation in any such thing; or
       (iii) any person’s compliance with any sanction imposed in respect of any Misconduct; 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) not incite or assist any other person or attempt to do anything prohibited by this rule 8(2); and
(g) comply with and otherwise be bound by any sanction imposed on it in respect of any Misconduct.

(3) Each Student, Student Organisation and staff member of the University must in connection with any matter relating to Misconduct, comply with any lawful direction given by a person with authority to give the direction on behalf of the University.

PART 3 – HEARING AND APPEAL COMMITTEES

9. Hearing Committee establishment and function

(1) The Registrar may from time to time establish a committee to deal with an allegation of Misconduct against a Student or Student Organisation.

(2) The Registrar may appoint any person he or she thinks appropriate to be a member of a Hearing Committee.

(3) If the subject matter of a Misconduct allegation is Serious Misconduct a member of the council of the University who is not a Student or staff member of the University must preside at any meeting of the Hearing Committee which deals with it.

(4) A Hearing Committee’s functions are to:
   (a) provide an opportunity for a hearing to the accused Student or Student Organisation in respect of a Misconduct allegation referred to the Hearing Committee; and
   (b) decide whether the accused Student or Student Organisation is guilty of the alleged Misconduct; and
   (c) if the Student or Student Organisation is found to be guilty of Misconduct, decide upon a sanction.

(5) A Hearing Committee has power to do everything that may be necessary or convenient to be done for or relating to the exercise of its functions.

10. Appeal Committee establishment and function

(1) The Registrar may from time to time establish a committee to deal with any appeal by an accused Student or Student Organisation from a decision of a Hearing Committee.

(2) The Registrar may appoint any person he or she thinks appropriate to be a member of an Appeal Committee.

(3) If the subject matter of a Misconduct allegation is Serious Misconduct then the Chancellor, Deputy Chancellor, Vice-Chancellor or a member of the council of the University who is not a Student or staff member of the University must preside at any meeting of the Appeal Committee which deals with it.

(4) An Appeal Committee’s functions are to:
   (a) provide an opportunity for a hearing to the accused Student or Student Organisation in respect of an appeal of a Misconduct allegation decision referred to the Appeal Committee; and
   (b) decide whether the appeal should be upheld; and
   (c) if the appeal is upheld, decide what should be done as a consequence.

(5) The grounds of appeal are limited to whether:
(a) the procedure for dealing with the Misconduct allegation was unfair in the circumstances so as to cause substantial injustice to the accused Student or Student Organisation; or
(b) the sanction imposed by a Hearing Committee is inappropriate in the circumstances.

(6) An Appeal Committee has power to do everything that may be necessary or convenient to be done for or relating to the exercise of its functions.

(7) 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.

(8) An accused Student or Student Organisation must not pursue any judicial or other review by any person outside the University until the right of appeal of the accused Student or Student Organisation under these rules is exhausted.

[Note: A person in respect of whom a disciplinary decision has been made may apply to the New South Wales State Ombudsman for a review of the decision under the Ombudsman Act 1987 of New South Wales and judicial review may also be sought from the courts.]

11. Presiding member

(1) The Chancellor, Deputy Chancellor and the Vice-Chancellor are, by virtue of their office, members of any Hearing Committee or Appeal Committee.

(2) The Chancellor may preside at any meeting of a Hearing Committee or an Appeal Committee at which he or she is present.

(3) If the Chancellor is not present, the Deputy Chancellor may preside at any meeting.

(4) If neither the Chancellor nor the Deputy Chancellor is present, the Vice-Chancellor may preside at any meeting.

(5) If none of the Chancellor, the Deputy Chancellor or the Vice-Chancellor is present the Registrar may appoint one of the other members of the Hearing Committee or the Appeal Committee, as the case requires, to preside at any meeting.

PART 4 – MISCELLANEOUS PROVISIONS

12. Savings and transitional provisions

(1) The Vice-Chancellor may approve procedures of a savings or transitional nature relating to the repeal of the Repealed Student Disciplinary Rule.

(2) Any such procedure may take effect from the repeal of the Repealed Student Disciplinary Rule or a later date determined by the Vice-Chancellor.

13. Variations

The Vice-Chancellor may vary, suspend, revoke or replace any direction by him or her or procedure, contemplated by these rules.

14. Compliance

Any person who contravenes these rules is guilty of Misconduct making that person liable to sanctions imposed by the University.
PART 5 – DICTIONARY AND INTERPRETATION

15. Dictionary

In these rules:

“Appeal Committee” means a committee contemplated by rule 10;

“Code of Conduct” means a code of conduct with which the University requires Students or Student Organisations to comply;

“Hearing Committee” means a committee contemplated by rule 9;

“Misconduct” means:
(a) conduct prohibited by any University Regulation; and
(b) any corrupt conduct in connection with the University;

“Repealed Student Disciplinary Rules” means the University’s student misconduct and discipline rules which were in force immediately before these rules commenced;

“Serious Misconduct” means any Misconduct which in the Registrar’s opinion:

(a) involves substantial harm or threat of substantial harm to the health or safety of any person; or
(b) involves substantial or threat of substantial damage to the property of any person; or
(c) has or may have a substantial adverse affect upon the reputation of the University;

“Student” includes:

(a) a person who has been admitted as a student of the University but who has not yet enrolled in any program or unit of study or research; and
(b) a person who is enrolled in or auditing a program or unit of study or research provided by the University; and
(c) a person who is enrolled in a program or unit of study or research at or offered by an educational institution affiliated with the University which is approved as an award program or a unit of study or research by the University; and
(d) a person who has completed a program or unit of study or research at the University but has not yet been awarded the applicable academic award; and
(e) a person who has been admitted or enrolled as a student of the University because of misleading or dishonest conduct by any person; and
(f) a person who is awarded an academic or non-academic award by the University because of misleading or dishonest conduct by any person; and
(g) any person who has been suspended from a program or unit of study or research at the University; and
(h) a person who is on leave of absence from or who has deferred enrolment in a program or unit of study or research offered by the University or by an affiliated educational institution which is approved as an award program or unit of study or research by the University; and
(i) any person who undertakes any examination or other academic assessment task which is part of a program or unit of study or research provided, supervised or assessed by the University; and includes a former Student;

“Student Organisation” means any incorporated or unincorporated association or group of persons the majority of whom are Students which is affiliated with or otherwise associated with the University;

“University” means Macquarie University and where the context permits includes any one or more of the following:
Macquarie University Student Discipline Rules

(a) its controlled entities; and
(b) any institution affiliated with Macquarie University or any of its controlled entities; and
(c) any college affiliated with the University or other student residential facility used predominately by Students; and
(d) any educational institution located on premises of the University;

“University Regulations” means the by-laws, rules, codes of conduct, policies and directions from time to time of the University and include these rules.

16. Interpretation

(1) In these rules 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; and
(b) a person includes an individual, a corporation, an unincorporated association and the trustee of a trust; and
(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; and
(d) a Student Organisation which is unincorporated, includes its members, its management committee and any person who holds property upon trust for any of its members or past members; and
(e) 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; and
(f) procedures includes policies, guidelines, directions, requirements and arrangements; and
(g) staff members of the University includes officers, employees and contractors of the University and the appointees to conjoint, adjunct, emeritus, honorary and visiting academic positions at the University.

(2) In these rules:

(a) the mention of anything after the word “include” or any derivative of it does not limit the nature or class of things included; and
(b) a reference to anything includes a part of it.

(3) A note included in these rules is explanatory only and is not part of these rules.

[Note: The Interpretation Act 1987 of New South Wales applies to these rules.]