

CODE OF CONDUCT AND DISCIPLINARY PROCEDURES**Table of Contents**

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1. Purpose

Being a student at MHE means being a member of an extended community. Each individual member of the MHE community has a responsibility to behave in ways that do not adversely affect MHE or the MHE community. MHE is committed to providing students, staff, titleholders, and visitors with a safe and inclusive learning environment and affirms that students have the right to feel safe and free from threats to their wellbeing. Students should enjoy their study experience and the environment in which this occurs. At all times members of the MHE community should be treated with dignity and respect.

However, MHE recognises that misconduct does occur that can put students and others at risk, and that the College needs to have clear policies and procedures for dealing with incidents of student misconduct.

This Code of Conduct intends to establish the expectations and guidelines for the management of student behaviour that are designed to maintain a positive environment and foster a sense of camaraderie and collaboration for the entire MHE community. It sets out the processes for dealing with student misconduct in a manner that is clear, consistent, and fair, and in accordance with the principles of natural justice.

2. Scope

This Code of Conduct relates to general misconduct and it applies to all students. It does not apply to incidences of academic integrity which are dealt with under the Academic Integrity Policy.

3. Principles

MHE expects all its students to act ethically, maturely, decently and professionally. Every student has a responsibility to behave in an orderly and seemly manner at all times and not breach any reasonable standard of the general community expectations of acceptable behaviour. The following principles underpin the Code of Conduct:

1. **Natural Justice:** The principles of procedural fairness apply to any proceedings or determination under the Code of Conduct.
2. **Confidentiality:** All parties involved in a case or a proceeding are to maintain confidentiality. Information and records about a misconduct matter are divulged only to those with direct involvement in the case with the following possible exceptions:
 - a) Where there is the risk of harm to a person or persons
 - b) Where the matter is subject to legal proceedings or other actions which require that MHE presents records
 - c) Where a student lodges a complaint or appeal regarding a decision under the Code of Conduct
 - d) Where there is a clear public interest or obligation to share information (such as a duty to disclose information to a professional accreditation board, or a duty to report under legislation)
 - e) Where the institute is obligated or able to do so under the MHE Privacy Policy
3. **Minimising Disadvantage:**
 - a) All due consideration will be given to ensuring the student is not unfairly disadvantaged as a result of the application of procedures under the Code of Conduct.
 - b) Students have the right to nominate a support person
 - c) MHE will endeavour to make the proceedings as accessible as possible for all parties, and this may include the provision of interpreters or translators as appropriate.

4. Timely response to reports: MHE is committed to resolution of any student misconduct matter in a timely fashion.

4. Roles and Responsibilities

The Registrar is the policy owner and is responsible for ensuring that all cases of misconduct are included in the Misconduct Register and reporting to the Academic Board every 6 months.

4.1 Behavioural Expectations

All MHE students have rights, and therefore also have the responsibility and an obligation to preserve other students' rights. These rights include:

- To access all resources, services and facilities on campus to which they are eligible
- To air a grievance and for that grievance to be heard respectfully
- To have their personal information kept private and confidential
- To be treated fairly, ethically and respectfully
- To receive respect, dignity and support.

Students may not:

- Expose other students in general, or a particular student or group of students, to enmity, threat, mockery, disdain, undue stress or malice
- Engage in harassment, discrimination, bullying, hate speech or intimidation, including using email or online facilities
- Use inappropriate or offensive language
- Smoke, vape, drink alcohol or use illegal drugs on the campus or enter the campus while under the influence of alcohol or illegal drugs
- Breach any of MHE's policies or procedures
- Cause injury or the threat of injury to any other student or member of MHE staff
- Destroy, damage or deface property belonging to another student or MHE or use or take such property without the owner's permission.

Furthermore, it is a condition of students' enrolment to:

- Familiarise themselves with the Student Handbook during or before the Orientation process
- Be respectful and courteous to staff and fellow students during any teaching session (including online sessions) and in the library
- Ensure that MHE's records of their contact details are current
- Comply with all relevant MHE policies and procedures
- Comply with any lawful request from MHE staff
- Take due care for their own and other people's safety, including reporting any potential hazards
- Report any breaches of MHE policies to appropriate administrators
- Report any discrimination, harassment, intimidation, hate speech or bullying which takes part on the campus to appropriate administrators

Students may not impact adversely on the learning and teaching environment. This includes but is not limited to:

- In a physical classroom:
 - Eating or drinking

- Using a mobile phone, tablet or other device (phones must be switched off or on silent during classes and may be used only in dire emergencies. A student must immediately leave the classroom when taking or making a call and may not return until the call is finished.)
- Talking out of turn.
- In an online classroom:
 - Sharing screens other than to make presentations for assessments.
 - Having movement or other distracting or inappropriate images in the background.
 - Highlighting himself or herself or another student unless the lecturer/facilitator has given specific permission.
- In the library:
 - Having a loud or distracting conversation (if collaborating for group study, voices must be kept low).
 - Eating or drinking.
 - Defacing or damaging books or other library items.
 - Using a mobile phone or other device for communication or entertainment (in the case of a tablet or other device used to take notes and research, the screen must not unnecessarily distract other students and all sound must be muted or headphones must be used).
 - Using MHE computers for purposes unrelated to study, personal needs or MHE business (e.g., accessing the Learning Management System).

4.2 Appropriate use of IT infrastructure

Students may only record classes for their own reference and personal study with prior consent of the Course or Unit Coordinator. Generally, this will only be granted where there are reasonable grounds related to a student's language barrier, learning difficulty or physical impairment. Where such consent is granted, students must agree that they may not:

- post any part of the class on social media, broadcast it in any form or in any other way make it publicly available. (This includes a prohibition on recording on behalf of students who are absent for any reason.)
- record other students, but only the lecturer or tutor
- retain or maintain recordings once the unit is finished – every part of every recording must be wiped, deleted or otherwise destroyed no later than the date of the final exam.

MHE provides computer facilities, wi-fi, email addresses and software for students, as per the IT Infrastructure Policy and Procedures. Under no circumstances may students use any of this equipment to:

- Access any contract cheating service
- Engage in or access, create or share any material which may be considered bullying, stalking, harassment, hate speech, intimidation, defamation or discrimination (see MHE's Anti-Harassment Policy and Procedures for more information)
- Engage in or access, create or share any material which may be considered objectionable, obscene, inflammatory or offensive or upload such content to MHE's website, social media or Learning Management System (see MHE's Online Content Policy and Procedures for more information)

- Engage in or access, create or share any material which breaches copyright or intellectual property law, including pirated or inappropriately licenced software or illegally distributed media (see MHE’s Intellectual Property Policy and Procedures for more information)
- log in using any other person’s password or look at or use any information in any other person’s email account or browser history, attempt to access another person’s personal details, circumvent user authentication or in any other way breach security or invade privacy without that person’s express permission
- share their password with any other person or allow any other person to use their password to access their email account or the Learning Management System
- conduct or take part in personal commercial business (including but not limited to generating or distributing spam or any other kind of online advertising), or any kind of political activity or online gambling
- commit any kind of cyber-crime
- copy, distribute, share or broadcast any part of any audio or video recording or other data or information on the Learning Management System other than that required for personal study or completing assessments
- connect a computer or device to the MHE Wi-Fi which they know, or suspect, contains malware, viruses, Trojans or any other kind of malicious software
- modify, maliciously damage or disassemble MHE’s computers or equipment or otherwise use them contrary to the manufacturer’s norms or in a way that voids the manufacturer’s warranty
- remove MHE’s computers or equipment from the MHE campus or move them from place to place within the campus for any reason without written authorisation from MHE’s staff or management
- save or install any software, apps or files on the hard drive of library computers other than what is saved or installed on those computers by the library staff as described in the Library Policy without prior approval as part of their ongoing need for reasonable adjustment
- use the computers or equipment in the staff room or in academic staff members’ offices for any reason
- in any other way expose themselves, MHE, any staff member, any student or any contractor engaged by MHE to any kind of legal or financial liability or disrepute.

4.3 Types of misconduct and associated penalties and/or outcomes

The following table defines and categorises different levels of general misconduct. It also outlines the penalties or outcomes that may be applied to any student that has had an allegation of misconduct proven against them. This information is provided as a guide only and the type and level of misconduct will be determined at the discretion of MHE in accordance with past precedents where applicable.

Table 1. General misconduct and associated penalties

Type and level of misconduct	Potential penalties and/or outcomes
Minor (including but not limited to): <ol style="list-style-type: none"> behaves in a manner that prejudices the good name or academic standing of MHE; damages, defaces or destroys property (if not deemed to be a serious matter by MHE); 	Where an allegation of minor misconduct is found proven any one or more of the following actions may apply: <ol style="list-style-type: none"> an informal warning given and no further action to be taken against the student; or

<ol style="list-style-type: none"> 3. unreasonably disrupts staff or students or other members from undertaking their normal activities; 4. fails to follow reasonable and lawful directions of a staff member; 5. divulges confidential or personal information relating to another student or staff member in circumstances where there is no reasonable or lawful reason for doing so; 6. behaves inappropriately in an activity or facility related to MHE; 7. refuses or is unable to identify themselves when asked to do so by an officer of MHE; 8. knowingly provide false or misleading information to a staff member. 	<ol style="list-style-type: none"> 2. a formal warning be given and recorded. In cases of repeat offences, the incidence may be dealt with as serious misconduct.
<p>Serious (including but not limited to):</p> <ol style="list-style-type: none"> 1. alters or falsifies any document or record of MHE; 2. alters or falsifies any document that MHE has requested from the student or others to determine a decision or service; 3. fails to comply with a penalty imposed or an outcome agreed to under this Code of Conduct; 4. engages in unlawful or criminal activity; 5. misuses MHE’s facilities, systems and equipment; 6. steals, removes, interferes with or misappropriates MHE’s property 7. harasses, vilifies, bullies, abuses, threatens, assaults or endangers staff, students or other members of the MHE community directly or by other means of communication or action; 8. a repeat of behaviour of the same or similar nature where the first or second incidence has been recorded. 9. behaviour which may impact on the reputation or viability of MHE, including content placed online and accessible in the public domain; 10. behaviour where the penalty may include suspension, exclusion or probation; 11. any other misconduct not covered elsewhere. 	<p>Where an allegation of serious misconduct is found proven any one or more of the following actions may apply:</p> <p>Penalties that may be imposed by the Registrar:</p> <ol style="list-style-type: none"> 1. the student provides full restitution of the cost of any damage done to property; 2. the student be required to apologise formally to any aggrieved party, where appropriate; 3. the student undertakes some form of remediation, such as counselling. <p>Penalties that may be imposed by the Misconduct Investigation Committee:</p> <ol style="list-style-type: none"> 4. the student be suspended from MHE, including any of its facilities, for a period no greater than 12 months; 5. a ‘community service order’ be undertaken by the student that will be of benefit to the student and MHE; 6. the student be expelled (permanent exclusion) from MHE; and/or 7. such other penalty or action considered appropriate.

4.4 Misconduct procedures

This section outlines the details on how incidences of general misconduct should be managed and with regard to the following:

- a. the student may admit to an allegation of misconduct that has been made at any time in the proceedings undertaken in accordance with this Code of Conduct;
- b. a student will not be permitted to graduate until after a misconduct matter has been dealt with including associated appeals;
- c. specified timelines may be varied at the discretion of the Registrar where a variation is necessary or desirable in the interests of procedural fairness.
- d. a failure to meet a timeline stipulated in this Code of Conduct is not of itself grounds to dismiss or not proceed with a matter. The reasonable discretion and judgement of the Registrar may determine whether or not the matter can proceed. In making such determination, the Registrar must consider what detriment, if any, a party can demonstrate they will suffer as a result of the failure to meet the specified timeline.

Allegation of misconduct

When an incident of misconduct is alleged, the Registrar should be notified. Allegations of misconduct must be based on firm evidence.

The Registrar will investigate the alleged incident and determine how it will be handled. The allegation may be:

- a. categorised as either a 'minor' or 'serious' incident of misconduct and managed in accordance with this Code of Conduct (refer to Table 1);
- b. determine whether the matter be dealt with under another policy or procedure; or
- c. dismiss the matter if the allegation is unfounded or does not constitute misconduct.

Minor misconduct

Upon notification of an allegation of misconduct, the Registrar must determine whether the allegation is minor or serious. In the event of a conflict of interest, the allegation will be referred to another Registrar. The Registrar will assess an allegation and make a determination normally within 10 working days.

For minor misconduct matters, the Registrar will notify the student of the allegation and proposed penalty in writing and provide them with the opportunity to formally respond to the allegation within 10 working days. Students may opt to respond either in writing or by means of a formal interview. The student will be informed of the outcome in writing.

Minor misconduct includes, but is not limited to, the types of misconduct outlined in Table 1 of this Code of Conduct. Minor misconduct is normally resolved by way of mediation, conciliation, consultation, warning, apology or recompense. In usual circumstances, all parties agree that this action conclusively and adequately deals with the matter.

As far as possible, penalties for minor misconduct should not affect a student's ability to continue to pursue their studies or involvement in scholarly activities.

All allegations and incidences of misconduct and the respective outcome will be recorded in the Misconduct Register where they will be monitored for trends.

Serious misconduct

Upon notification of an allegation of serious misconduct, the Registrar must determine the following course of action within five working days:

- a. refer the matter to the internally formed Misconduct Investigation Committee (MIC);
- b. determine whether the matter be dealt with under another policy or procedure;
- c. dismiss the matter if the allegation is unfounded or does not constitute misconduct;
- d. determine if the matter requires further investigation, which will normally be conducted within five working days of receipt; or
- e. determine if the matter should be managed by the Registrar as minor misconduct.

The Registrar will notify the student of the allegation in writing including:

- a. the precise terms of the allegation;
- b. a copy of this Code of Conduct and relevant guidelines or procedures;
- c. options available for advisory and support services;
- d. any action taken, or statutory obligation on MHE to report the matter to an external agency;
- e. the option to admit the allegation and have the matter dealt with summarily in which case there is no right of appeal;
- f. any immediate and temporary suspension or restrictions that have been imposed; and
- g. if the student wishes to admit the allegation to make a submission with regard to any penalty that might be imposed or any mitigating circumstances that the respondent student feels should be taken into consideration in determining a penalty;
- h. that the matter may be referred to the MIC.

The student will have 10 working days from receipt of the allegation to respond. Where the student admits the allegation, the Registrar will determine within three working days to:

- a. impose a penalty in accordance with Table 1 of this Code of Conduct; or
- b. refer the matter to the MIC to determine the penalty.

The Registrar will notify the student in writing of the outcome and penalty (if the matter is not referred to the MIC). Where the Registrar refers an allegation of misconduct to the MIC, they will:

- a. ensure that the allegation is clearly stated and includes a submission outlining the chronology of events and references relevant supporting material;
- b. advise any persons providing supporting material that the material will be made available to the MIC and the student;
- c. advise all parties of any interim arrangements in place pending the outcome of the MIC;
- d. consider the health and safety of all concerned.

Misconduct Investigation Committee (MIC)

A serious misconduct allegation may be referred to the MIC for determination. The MIC's role is to examine the allegation, the supporting documentation and evidence.

The MIC is administrative in nature and its actions are not formal legal proceedings. The MIC will consider evidence on the basis of the balance of probability, which is the civil standard of proof.

The purpose of the MIC investigation is to:

- a. establish the facts;
- b. assess whether or not, on the balance of probabilities, the allegations are true;
- c. determine penalties (and have regard to any mitigating circumstances);
- d. prepare a report and make recommendations on these matters.

The MIC will comprise the following members:

- a. a chair who may be a senior member of the academic or administrative staff appointed by the CEO;
- b. a senior member of the academic or administrative staff appointed by the Chair;
- c. a senior member of staff who has relevance to the incident.

The Chair may appoint additional members. Membership may be changed if a member discloses a real or perceived conflict of interest.

Misconduct Review Meeting

The meeting conducted by the MIC will normally be held within ten working days of the student's deadline to respond to the allegation.

The Chair will notify the student of the date, time and location of the Misconduct Review Meeting and provide any relevant documentation. Additional documents, which are not available in advance of the meeting, may be tabled on the day and the student will be given sufficient time to review the material. The student must notify the Chair of the MIC, no less than three working days before the meeting, of their intention to:

- a. attend the meeting or not;
- b. bring any witnesses, the identity of the witness and their relevance to the matter; and
- c. bring a support person who cannot be a practicing lawyer.

A student who does not attend the meeting will have the allegation heard in his or her absence. The support person may provide the student with advice, but may not act as an advocate or directly address the MIC.

The Chair will collate the documentation for the MIC and may request additional information as required. The Chair has the discretion to make a determination of the relevance of any evidence placed before the MIC. In addition, the Chair has authority to request any member of the MHE community to appear before the MIC to assist with the MIC's deliberations.

The order of the meeting is determined by the Chair but would normally proceed in the following way:

- a. identify those in attendance and their capacity for attending;
- b. Discuss the details of the allegations;
- c. confirm any intention to admit the allegations in part or in whole;
- d. invite the student to respond to the allegations;
- e. invite parties present to recount relevant facts and information;
- f. ask questions and clarify matters by the student; and
- g. invite the student to make a final statement prior to the end of the meeting.

MIC participants are expected to conduct themselves in a proper manner at all times. In the event that the student is removed from the MIC due to improper conduct then the MIC will proceed in their absence.

The Chair will prepare a written report of the MIC's findings within five working days of the meeting.

Immediate and temporary removal

In exceptional circumstances, the immediate, temporary removal of a student from activities and facilities may be actioned. This provision may be utilised in circumstances of urgency or serious misconduct where the student's behaviour impedes the normal functioning of the activity/facility or

where the student's actions or demeanour are perceived to be a threat to the safety of people or the wellbeing of property.

The temporary removal period may normally be up to 14 days but it may remain in force until the completion of the disciplinary proceedings including any appeal period unless revoked by the MIC at an earlier time. The student will be advised in writing should a temporary suspension be considered necessary.

The Registrar temporarily removes a student should immediately deal with the incident under the guidelines of this Code of Conduct. All penalties to be applied to a student excluded under the temporary removal provisions will be determined by the MIC.

Penalties

Table 1 of this document outlines the penalties that may be applied to any student that has had an allegation of misconduct proven against them.

In making a recommendation, the Registrar or MIC, as appropriate, will consider any mitigating circumstances and admissions of guilt. Previous precedents will be taken into account when determining a penalty to ensure that they are applied fairly and consistently.

The student's previous record of misconduct (if any) will be considered as part of any penalty decision. A penalty, suspension or exclusion involving an international student must be reported to the relevant government agency which may affect the student's confirmation of enrolment.

Penalties (including warnings) will be notified in writing and will be kept on the student's file and recorded on the Misconduct Register. The student may not be permitted to graduate where a penalty is outstanding.

Withdrawal of an allegation

At any stage, MHE or the person making the allegation may withdraw an allegation or decline to proceed with an investigation. In some cases, MHE may deem the matter serious enough for an internal investigation to proceed as normal.

4.5 Appeals

If a student is dissatisfied with the outcome, they may utilise the grievance policy and procedure for further reference.

4.6 Records

All proven cases of misconduct are entered onto a central Misconduct Register. This register is maintained by the Registrar and reported to the Academic Board every six months.

5. Definitions

Code of Conduct – A set of guidelines and general principles to guide behaviour.

Reasonable Person Test – an objective test used in common law in which a person considered to be of average skill, intelligence or judgement would avoid a certain action as overly risky, offensive or otherwise unacceptable behaviour.

6. Relevant Legislation

MHE acknowledges its legal and regulatory obligations under the following frameworks:

- Higher Education Standards Framework (HESF) 2021
- Education Services for Overseas Students (ESOS) Framework 2013

7. Policy Administration

Policy category	Governance
Policy owner	Registrar
Responsible officer	Registrar
Approving authority	Academic Board
Contact officer	Registrar
Approval date	13 th April 2022
Commencement date	13 th April 2022
Review date	Three years
Version	1.4
Related documents	

8. Version control and change history

Version	Approval date	Approved by	Summary of changes
1.3	11 th March 2022	Academic Board	
1.4	13 th April 2022	Academic Board	Change term “hearing” to “meeting of the MIC/Misconduct Review Meeting,” other minor wording changes

9. Benchmark / References

- Polytechnic Institute of Australia
[Student Code of Conduct and Disciplinary Procedure \(pia.edu.au\)](http://pia.edu.au)
- Sydney Institute of Commerce and Science
[Students Code of Conduct.docx \(sharepoint.com\)](http://sharepoint.com)
- Crown Institute of Higher Education
[Microsoft Word - QA21 Student Code of Conduct 1.1.doc \(filesusr.com\)](http://filesusr.com)
- ICMS Misconduct Policy