

## Non-Academic Misconduct Procedure

### PROCEDURE PURPOSE

This document applies to the handling of non-academic misconduct at UTS College and should be read in conjunction with the Non-Academic Misconduct Policy.

It is designed for use by anyone involved in the handling of non-academic misconduct cases and is available to Staff and Affiliates on IntraSearch and to students on the Current Student pages of our website.

This procedure aims to provide a clear, concise and consistent description of how non-academic misconduct cases are to be handled.

### SCOPE

This procedure applies to students enrolled in ELT, UTS Foundation Studies, Diploma and Graduate Certificate courses offered at UTS College's Sydney campus and to Operations and Education Staff and Affiliates dealing with non-academic misconduct cases.

**DEFINITIONS** are set out at the end of this procedure.

### PROCEDURE STEPS

Activity	Description	Responsible
<b>ALLEGATIONS OF NON-ACADEMIC MISCONDUCT</b>		
Non-Academic Misconduct report	1. Completes a Non-Academic Misconduct report and attaches evidence of misconduct and forwards to the relevant Team Leader/ Program Manager.	Staff and Affiliates who become aware of alleged non-academic misconduct
Review	2. Reviews and attaches any additional relevant documentation and evidence to be considered.	Team Leader /Program Manager Responsible
Advise Student Compliance Team	3. Team Leader responsible provides Non-Academic Misconduct report to Student Compliance Team within 7 calendar days.	Team Leader/ Program Manager Responsible

Interview	<p>4. Arranges interview with student and relevant SCC members. Students are given 7 days to prepare unless a longer time frame is approved by the Student Compliance Team.</p> <p><b>Note:</b> for all interviews involving accommodation and welfare matters, interviews are arranged by the Student Success Team Leader.</p>	Compliance and Reporting Officer/Student Success Coordinator/Student Accommodation Coordinator
	<p>5. Interviews student and allows the student to represent their case.</p>	Student Compliance Team/SCC/Student Success Team Leader (where applicable)
Post Interview	<p>6. Based on the evidence and interview, decides if other parties need to be involved and/or interviewed. e.g. –the P&amp;G Operations Support Specialist may need to be advised of misconduct and may need to contact RPM and Partner.</p> <p>7. Conducts further review (if applicable) and reaches decision.</p>	SCC/Student Success Team Leader (where applicable)
Advice to student	<p>8. Emails student with:</p> <ul style="list-style-type: none"> <li>• outcome of the review giving details of penalty</li> <li>• contact details for internal appeal</li> <li>• deadline for lodging appeal</li> </ul>	Compliance and Reporting Officer
Compliance and Reporting	<p>9. Student Success Team Leader advises Compliance and Reporting Officer of any cases they managed.</p> <p>10. Compliance and Reporting Officer records the student on the Student Compliance Team’s Office Non-academic misconduct register, enters the “NONACM” comment code with the misconduct on S1 and saves related emails and documents in i-Records.</p> <p>11. If a Partner was involved, informs the P&amp;G Operations Support Specialist (so that the relevant RPM can be informed), and Global Sales Manager and UTSI.</p>	Compliance and Reporting Officer/ Student Success Team Leader

	<p>12. Advises the UTSI Manager International Student Services if the student concerned is enrolled in UTS Foundation Studies. Advises the Student Success Team Leader if a Student Misconduct is considered to be “serious or dangerous” where it has led or is likely to lead to physical harm, psychological distress or to extensive damage to property.</p> <p>13. If an international student is to be excluded, liaise with UTSI (<a href="mailto:reps@uts.edu.au">reps@uts.edu.au</a>) and (<a href="mailto:compliance@uts.edu.au">compliance@uts.edu.au</a>) regarding intention to report to the Department of Home Affairs/ Police and/or other Government agencies as appropriate.</p>	<p>Student Compliance Team/Student Success Team Leader</p>
	<p>NOTES:</p> <p>1.Ensure that no action is taken until the student has had an opportunity to lodge an appeal and the outcome of the appeal is known, as per the Complaints and Appeals Procedure.</p> <p>2. UTS College remains responsible for a student’s welfare (if we have provided a CAAW to that student) either:</p> <ul style="list-style-type: none"> <li>○ They move under of a parent, legal guardian or eligible nominated relative is approved by the Department of Home Affairs.</li> <li>○ They leave Australia.</li> <li>○ They reach 18 years of age.</li> <li>○ UTS College has notified the Department of Home Affairs that it is no longer able to approve the student’s welfare arrangements or that it has taken the required action after not being able to contact the student.</li> </ul> <ul style="list-style-type: none"> <li>● If excluded, the normal withdrawal procedure is applied.</li> <li>● If no appeal is lodged go to step 25.</li> </ul>	
<p><b>APPEALS</b></p>		

Lodging an Appeal	<p>16. Internal Appeals must be in writing and should be lodged with the Student Centre or emailed to student <a href="mailto:student.compliance@insearch.edu.au">student.compliance@insearch.edu.au</a> within 20 business days of receiving the notification of a decision or penalty.</p>	Student
Hearing the Appeal	<p>Appeals for non-academic misconduct cases are forwarded to the Chief Operations Officer (COO) for a decision to be made. The COO is briefed by the Student Compliance Team.</p> <p>17. The COO may decide to re-hear the matter in full or to limit his/her hearing to a consideration of the penalty. Where the COO finds he/she cannot discharge his/her responsibilities unless he/she re-hears the matter (i.e. treats it as a fresh investigation) in full, he/she shall do so. There may be circumstances that make it acceptable for the COO to confine the hearing to dealing afresh with points raised by the student in any stated grounds for the appeal.</p> <p>18. When rehearing a case, the COO may decide on the staff to be involved in that review. The Student Compliance Team and staff involved in the original SCC decision are not involved in rehearing the case.</p>	Student Compliance Team/ COO

Outcome of the Appeal	<p>19. The COO has the following options:</p> <ul style="list-style-type: none"> <li>• for any reason, refer the matter back to the SCC for further inquiry and decision; or</li> <li>• may uphold the appeal against a finding that the student has committed an act of misconduct, in which case any penalty imposed shall be nullified; or</li> <li>• may uphold the appeal against the severity of a penalty and reduce it to a lesser penalty from among those provided in the Student Non-Academic Misconduct Policy; or</li> <li>• may dismiss the appeal against a finding that the student has committed an act of misconduct but determine that the penalty should be reduced to a lesser one from among those provided in the Student Non-Academic Misconduct Policy; or</li> <li>• may dismiss the appeal and leave the penalty unchanged; or</li> <li>• may dismiss the appeal and increase the penalty from among those noted in the Student Non-Academic Misconduct Policy.</li> </ul> <p>20. Advise outcome of any appeal to the appropriate SCC membership (refer to Definitions at the end of this procedure).</p>	/COO
Notification of the Outcome of the Appeal	21. The COO will inform the student of the outcome in writing in accordance with the Non-Academic Misconduct Policy and provide contact details to the student to allow them to send their appeal to the relevant external body.	COO
Final Appeal	<p>22. If the student wishes to appeal the decision externally, they direct their appeal to the Overseas Students Ombudsman (for international students undertaking ELT, Diploma or Graduate Certificate courses), the NSW State Ombudsman (for students undertaking UTS Foundation Studies programs) and to the Administrative Appeals Tribunal (AAT) (for domestic students).</p> <p>23. Either the student, or UTS College, can take the matter to relevant authorities, such as the Department of Fair Trading.</p>	Student
<b>REPORT AND FILE DOCUMENTS</b>		

Report to Student Compliance Team	24. Sends report to Student Compliance Team regarding finalised non-academic misconduct cases at the end of each year (January for the previous year).	Compliance and Reporting Officer
Report to COO	25. Sends report to the UTS College Executive regarding all finalised non-academic misconduct cases once a year (February).	Student Compliance Team
File documents	26. All documents pertaining to each misconduct case are filed on student file (in i-Records).	Student Success Team Leader/ Compliance and Reporting Officer

## DEFINITIONS

Affiliates	UTS College Limited Board members, honorary appointees, contractors, labour hire personnel, volunteers, agency staff and any other person appointed or engaged by UTS College to perform work or functions for UTS College.
Domestic student	A student who is an Australian citizen, an Australian Permanent Resident (PR) visa holder or a New Zealand citizen
ELT	English Language Teaching (English programs). In the context of this procedure this means full time CRICOS accredited English courses.
Executive	Formerly known as the Executive Team (Executive) comprises the Managing Director, Dean of Studies, Chief Operating Officer, Chief Financial Officer/Company Secretary, Chief Officer, Partnerships and Growth and the Director, People.
International student	A student who is not a domestic student.
i-Records	UTS College's electronic student filing system (otherwise known as RM8)
Manager	Student Compliance Team, Program Managers, Associate Dean of Studies, Director of Studies ELT, Facilities Manager, Associate Director of Studies ELT, Admissions Manager, Head of I.T. and Digital Services.

<p>Non-academic misconduct</p>	<p>Includes but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Acting dishonestly including providing fraudulent or misleading documentation in relation to an application for admission at UTS College</li> <li>2. Knowingly making any false or misleading representation about things that concern the student as a student of UTS College</li> <li>3. Contravening any provision of UTS College rules, policies and procedures</li> <li>4. Acting in contravention of any official statement that defines acceptable standards of conduct and behaviour as approved by the UTS College Board or UTS College Academic Board from time to time</li> <li>5. Prejudicing the good name or academic standing of UTS College</li> <li>6. Prejudicing the good order and governance of UTS College</li> <li>7. A breach of confidentiality or privacy requirements or obligations in respect of UTS College or its Staff, Affiliates, students or other relevant parties</li> <li>8. Interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of UTS College</li> <li>9. Harassing or engaging in any other form of improper or discriminatory behaviour towards another student, an officer of UTS College, a visitor to UTS College, or any other person. Such misconduct may relate, but is not limited, to race, ethnic or national origin, gender,</li> </ol>
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	<p>marital status, sexual preference, disability, age, political conviction or religious belief</p> <ol style="list-style-type: none"> <li>10. Sexual assault and harassment: involving UTS College or non-UTS College persons and occurring on or off UTS College premises.</li> <li>11. Using UTS College property to carry out harassing or intimidating behaviour.</li> <li>12. Intimidating or assaulting another student, officer of UTS College, a visitor to UTS College or any other person</li> <li>13. Failing to comply with any order or direction lawfully made or given under UTS College rules, policies and/or procedures</li> <li>14. Refusing to identify himself or herself when asked lawfully to do so by an officer of UTS College</li> <li>15. Failing to comply with any conditions set by UTS College under the rules, policies and procedures</li> <li>16. Breaching the terms or conditions of a penalty imposed for student misconduct</li> <li>17. Obstructing any officer of UTS College in the performance of the officer's duties including preventing or attempting to prevent an officer of UTS College from occupying or using his or her assigned work area and/or refusing to leave such an area when instructed to do so</li> <li>18. Behaving improperly or inappropriately in a class, meeting or other activity in or under the control or supervision of UTS College, or on UTS College premises, or on any other premises to which the student has access for his or her UTS College purposes</li> <li>19. Failing to comply with the prescribed provisions relating to the student's placement at another institution, place of learning or place of business</li> <li>20. Altering or attempting to alter any document or record of UTS College, or causing or attempting to cause any unauthorised alteration of such a document or record</li> <li>21. Accessing or using another student's academic work by theft or other unauthorised means</li> <li>22. Misusing any facility in a manner which is illegal, or which is or will be detrimental to the rights or property of others</li> <li>23. Misusing any computing or communications equipment or capacity to which the student has access at or away from UTS College premises for his or her UTS College purposes in a manner which is illegal, or which is or will be detrimental to the rights or property of others</li> <li>24. Stealing, destroying, damaging or causing loss or cost in respect of a facility or property of UTS College or for which UTS College is responsible.</li> <li>25. Taking (and potentially distributing) a photo of another student or member of staff without their approval.</li> <li>26. Publishing material, which is abusive, offensive, vilifying, harassing, discriminatory or inappropriate about UTS College, another student, staff or affiliates of UTS College, in any forum or media, including but not limited to print, internet, social media, email, digital, or electronic communications and broadcasting forums.</li> </ol>
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	27. Being charged with or being found guilty of a criminal act in a court of law.
Partner (Channel Partner)	An organisation involved in a contractual arrangement to recruit students to study at <b>UTS College</b> . Otherwise referred to as an Agent.
Partnerships and Growth (P&G)	Formerly known as Sales and Marketing.
RPM	Regional Partner Manager – member of UTS College Partnerships and Growth team responsible for liaising with channel partners.
S1	UTS College’s student management system otherwise known as Student One (S1) or Ci
SCC	Student Conduct Committee (membership can vary according to the nature of the misconduct).  For non-academic misconduct the membership of the SCC includes the Student Compliance Team and one or more members of the Student Compliance Team’s Office team, Admissions and Enrolments team, Student Success team or Student Centre team as appropriate.
Serious and/or dangerous non-academic misconduct	Misconduct is considered to be “serious or dangerous” where it has led or is likely to lead to physical harm, psychological distress or to extensive damage to property.
Sexual Assault	Includes sexually abusive behaviours that may not include physical contact between the offender and the victim
Staff	People employed to work on an ongoing, fixed term, sessional or casual basis under the terms and conditions of an employment agreement (contract) issued by UTS College.
Student misconduct	Includes both academic misconduct and non-academic misconduct.
UTS College	UTS College Limited, its representative offices and its controlled entities.

## SUPPORTING DOCUMENTS:

- Non-Academic Misconduct Policy
- National Code 2018
- Management of Student Incidents Procedure
- Critical Incident Policy-Student Management
- Under 18 Policy
- Non-Academic Misconduct form
- Sexual Assault and Harassment Response Policy
- Sexual Assault and Harassment Response Procedure

## ADMIN USE ONLY

APPROVAL	
Position title:	<b>Chief Operations Officer</b> <span style="float: right;">Date: 7/6/2022</span>
Procedure Title	Non-Academic Misconduct Procedure
Executive	Chief Operations Officer
Manager	Registrar
Procedure ID	PROC/OPS/04/21
Effective Date	7 June 2022

## VERSION HISTORY

No.	Author	Description of change/purpose	Date
1.0		June 2022	