



John Paul II Institute

for Marriage and Family, Melbourne

Student Conduct Policy¹

1. Preamble

The Mission Statement of the Institute states the Institute provides the opportunity for lay people, religious and priests, who are graduates or have worked extensively in a professional discipline that is important to the health of marriage and family life, to achieve a scholarly formation within the Catholic tradition in the study of marriage and the family philosophically, theologically and through the evaluation of the human sciences.

It is also a goal of the Institute to enable individuals to achieve personal growth and fulfillment by deepening their understanding of marriage and family, so that they can provide effective leadership and pastoral support within their professional and personal lives and in that way contribute to strengthening the family as the basic unit of society

2. Reciprocal Relationship

In achieving the Institute's purposes it is necessary that there is recognition of a reciprocal relationship between individual and community rights and responsibilities.

Students at the Institute must behave in a way that –

- (a) allows reasonable freedom to others to pursue their studies, research, duties, community engagement and other lawful activities in the Institute or on a campus or site and to participate in the life of the Institute;
- (b) recognises the Institute's pursuit of academic excellence and that academic standards and proper procedures are essential in achieving that objective;
- (c) promotes the proper use of Institute's facilities and information and the property of the Institute and the Catholic Archdiocese of Melbourne and of other persons and/or organisations who share the site with the Institute and the activities of the Institute or legitimate activities organised by the John Paul II Institute Students' Association.

The aims of this policy are to –

¹ Note that substantial parts of this policy have been adapted from the Australian Catholic University statutes

- (a) promote the principle of mutual respect by informing students of behaviour which the Institute community considers appropriate;
- (b) discourage behaviour which the Institute community considers inappropriate;
- (c) facilitate the implementation of procedurally fair practices for dealing with possible cases of misconduct;
- (d) provide for the imposition and enforcement of penalties for proven misconduct.

3. Misconduct

For the purposes of this policy "misconduct" includes, but is not limited to, conduct or behaviour by a student that –

- (a) impairs the reasonable freedom of others to pursue their studies, research, duties, community engagement or other lawful activities in the Institute or to participate in the life of the Institute;
- (b) hinders the pursuit of academic excellence by circumvention of academic standards and proper procedures in relation to teaching and learning, assessment or research;
- (c) interferes with, causes damage to or loss of, or obstructs the use of, any facilities, information or property owned or controlled by the Institute or owned or controlled by any person or organisation while such property or facilities is or are lawfully on any campus or site;
- (d) amounts to, causes or contributes to a breach of the policies, regulations, rules or procedures of the Institute or of a body where the student is undertaking research, field, clinical, practical or professional experience, education, assessment or community engagement;
- (e) constitutes a failure to comply with a lawful direction given by a person authorised by the Institute to ensure the safety of any person, the preservation of any property or the maintenance of good order within the Institute or under this Policy or any other Institute policy, regulation, rule or procedure;
- (f) encourages, persuades or incites any other person to engage in conduct or behaviour constituting misconduct;
- (g) is disorderly or detrimental to the interests or good repute of the Institute;
- (h) impairs the orderly functioning of the Institute and/or its activities; or
- (i) hinders actions initiated under this Policy or adversely affects persons in any way associated with the conduct of investigations, determination of cases or imposition or implementation of penalties under this Policy.

The term "misconduct" includes conduct of an individual student or of a group of persons which includes a student.

4. Application

This Policy applies to all students of the Institute, including:

- (a) a person who is enrolled in any course, unit or non-award study offered by or at the Institute;
- (b) a student of another institute or other education provider who is granted temporary or on-going rights of access to a campus or site of the Institute;
- (c) a person who was a student at the time of any alleged misconduct;
- (d) a person who has deferred enrolment in a course or unit.

The Institute may deal with misconduct under this Policy if the person was a student at the time of the alleged misconduct and may proceed as if the person had continued to be a student, even if the person ceases to be a student before proceedings are instituted or finalised.

In any case where a student is in a gathering or group of students and/or other persons and the group engages in conduct that would constitute misconduct if engaged in by a student (called 'group conduct'), the student is taken to have engaged in each act of misconduct constituting the group conduct, if he/she did not take all reasonable steps to dissociate from the gathering or group as soon as practicable after he/she became aware of the group conduct.

This Policy applies to conduct occurring or allegedly occurring after 11th June 2008.

5. Procedures

5.1 Situation of serious risk requiring urgent redress

5.1.1 The Director or nominee may suspend a student on considering it necessary to avert a substantial risk of –

- (a) injury to a person; or
- (b) serious damage to property; or
- (c) serious detriment to the interests or good repute of the Institute; or
- (d) serious disruption of a Institute activity.

5.1.2 Before imposing the suspension, the Director or nominee must make a reasonable effort (having regard to the seriousness and urgency of the risk) to provide the student with an opportunity to explain why the suspension is not warranted.

5.5.3 A suspension takes effect immediately and the student must comply with such a decision.

5.1.4 The Director or nominee must, within twenty-four hours, provide a written allegation notice to the student –

- (a) setting out the terms of the decision;
 - (b) setting out in summary form the reason for the decision; and
 - (c) advising the student of the provisions of this Policy.
- 5.1.5 Where the Director or nominee has taken action to suspend a student under this Section, he/she must refer the matter to the Complaints Committee (established under the Academic Regulations as a sub-committee of the Academic Board) immediately. The Director may, after investigation, institute other measures he/she considers necessary having regard to the circumstances of the student and the Institute.
- 5.1.6 A suspension ends if, ten working days after the allegation notice is given, the Complaints Committee has not held its first meeting.
- 5.1.7 If the Complaints Committee has held its first meeting as required, the suspension continues until the proceedings are finalised or it is lifted by the Director or nominee, or the Complaints Committee.
- 5.1.8 The Director or nominee will normally lift the suspension if satisfied that the risk that necessitated it has passed.
- 5.1.9 The Director must provide a written report to the next meeting of the Council of the Institute, setting out in summary form the terms of and reason for any action under this Section.

5.2 Breach of academic honesty

Any alleged breach of academic honesty falling within the Academic Honesty Policy must be dealt with in accordance with that Policy.

5.3 Reporting alleged misconduct

- 5.3.1 A person may report possible student misconduct (other than that covered by Sections 5.2) to an authorised officer (refer to Section 5.3.2).

Any such report should be made as soon as possible after the person reporting becomes aware of the misconduct in question and should be confirmed in writing.

- 5.3.2 The officers to whom any alleged act of misconduct may be reported are the Director, the Dean, the Associate Dean, the Registrar or a member of the academic staff.

5.4 Action by officer on receipt of report of alleged misconduct

On receipt of any such report, the officer concerned will take action as follows:

- (a) In the case of any conduct which requires immediate action (eg to avoid disruption of any lawful activity), the officer may take summary action to ensure that the conduct ceases.

Such summary action may include (but is not limited to) excluding the student, requiring them to leave the class, examination, facility, premises, campus or site forthwith, provided that the period of such exclusion must not exceed -

- (i) the duration of the class, examination or other activity during which any disruption occurred; or
 - (ii) in any other case, a period of 24 hours.
- (b) The exercise of any such authority must be reported to the Associate Dean within two working days of its exercise.
- (c) In any other case, the officer will refer the matter to the Associate Dean or in his/her absence the Dean.

5.5 Action by Associate Dean or in his/her absence the Dean

5.5.1 The Associate Dean or in his/her absence the Dean (on his/her own initiative or in response to a report) may –

- (a) make preliminary investigations to decide whether action should be taken against a student for alleged misconduct; in such preliminary investigations it may be appropriate for the Associate Dean or in his/her absence the Dean to make contact with the student and/or others, in particular to ascertain whether there are any mitigating circumstances or factors or whether remedial or supportive actions rather than procedures related to dealing with misconduct should be initiated;
- (b) undertake investigations and determine the matter himself/herself or may refer the matter to the Complaints Committee.

5.5.2 If the Associate Dean or in his/her absence the Dean considers it necessary or appropriate to progress the matter, he/she will, within ten working days of the allegation being brought to his/her attention –

- (a) provide a written allegation notice to the student, setting out the alleged misconduct;
- (b) advise the student whether it is intended that the Associate Dean or in his/her absence the Dean investigate the alleged misconduct or refer the matter to the Complaints Committee (established under the Academic Regulations as a sub-committee of the Academic Board);
- (c) give the student the opportunity to respond to the allegation of misconduct, providing the date by which any such response must be submitted; such date must be no less than five working days after receipt or deemed receipt

of the allegation notice by the student; and

(d) provide the student with a copy of this Policy.

5.6 Response by student

5.6.1 The student must respond within the prescribed time and must indicate whether he/she admits or denies the alleged misconduct.

5.6.2 If the student does not respond within the prescribed time, the Associate Dean or in his/her absence the Dean must proceed to consider and determine the matter or refer it to a Complaints Committee for consideration and determination.

5.6.3 If the student responds within the prescribed time and the Associate Dean or in his/her absence the Dean considers that the response provides grounds for discontinuing action against the student, he/she will advise the student in writing accordingly and no further action will be taken and no record of the matter will be recorded on the student's file.

5.6.4 If the student responds within the prescribed time and the Associate Dean or in his/her absence the Dean considers that further investigation is required, he/she must proceed to consider and determine the matter or refer it to the Complaints Committee for consideration and determination.

5.7 Advice to person who made original allegation

If the Associate Dean or in his/her absence the Dean decides that no action be taken, he/she will communicate the decision in writing to the person making the original allegation, with a copy to the Director.

5.8 Procedural fairness and conduct of proceedings

5.8.1 When dealing with any case of alleged misconduct, the decision-maker must ensure procedural fairness subject to the provisions of Section 5.1

5.8.2 The decision-maker will –

(a) conduct any hearings as expeditiously as possible, consistent with the need to act fairly;

(b) determine the matter on the basis of evidence adduced by the parties or in their presence, act fairly, and proceed in the way that is appropriate, without being bound by legal technicalities or the laws of evidence;

(c) give the student a copy of, or an opportunity to inspect, all relevant evidence in relation to the alleged misconduct;

(d) give the student a reasonable opportunity to respond to the allegation in writing and to appear before the decision-maker to answer the allegation;

- (e) give the student at least five working days' written notice of the date, time and place of any hearing;
 - (f) permit the student to be accompanied by a support person;
 - (g) permit the student and any support person whom the student appoints to be present throughout the hearing;
 - (h) conduct any hearing in closed session;
 - (i) decide, to the decision-maker's reasonable satisfaction, whether the student has committed misconduct and if so, given all the circumstances of the case, whether one or more of the penalties allowed should be imposed.
- 5.8.3 Failure of the student to appear at the notified time will not prevent the decision-maker from proceeding to investigate and determine the allegation or appeal.
- 5.8.4 The decision-maker has complete authority to keep order in any proceedings, including the authority to order the removal of any person, including a student and/or his/her support person.
- 5.8.5 When two or more students are alleged to have committed misconduct arising out of the same occurrence or series of occurrences, the decision-maker will decide whether their cases or appeals are to be heard separately or together.
- 5.8.6 A written record of all proceedings will be maintained. Such record will contain a summary of the matters considered or obtained by the decision-maker and other minutes of its proceedings necessary to show the way in which it conducted the inquiry.
- 5.9 Penalties which may be imposed by Associate Dean or in his/her absence the Dean , or Complaints Committee – refer Section 5.13 Appeal to Complaints Committee**
- 5.9.1 If the student admits the alleged misconduct or is found to have committed the alleged misconduct, one or more of the penalties listed below may be imposed.
- 5.9.2 One or more of the following penalties may be imposed by the Associate Dean or in his/her absence the Dean -
- (a) require the student to apologise formally to another party;
 - (b) reprimand the student, including the ability to direct that any reprimand be recorded on the student's file and/or student record;
- 5.9.3 One or more of the following penalties may be imposed by a Complaints Committee (see section 5.13 Appeal to Complaints Committee)-

- (a) require the student to apologise formally to another party;
- (b) reprimand the student, and have the power to direct that any reprimand be recorded on the student's file and/or student record;
- (e) require the student to pay compensation for damage to any person, or to property or facilities of the Institute.(f) fine the student an amount equal to the amount determined by the Associate Dean or Dean to be the reimbursement of costs arising from unauthorised use by the student of any service or facility provided by the Institute;
- (g) require the student to refrain from having any or any specified contact with any particular student(s) or member(s) of staff for such period of time as deemed necessary or appropriate;
- (h) in any case relating to examination or assessment, award a fail grade for or annul all or part of the student's result for the study period concerned;
- (i) impose a maximum grade which the student may gain for the subject in relation to which the misconduct occurred and/or downgrade the final grade overall in the unit;
- (j) require the student to do further work or repeat work in any subject;
- (k) refuse or cancel credit for any unit;
- (l) suspend the student from the Institute for any nominated period of time;
- (m) suspend the student's right to use a vehicle (motorised or non-motorised) on any campus or site for any nominated period of time;
- (n) exclude the student either permanently or for such period and on such terms and conditions as are deemed appropriate from one or more of –
 - (i) the Institute;
 - (ii) specified areas of the campus or site;
 - (iii) a course, subject or non-award study; or
 - (iv) use of any or nominated Institute facilities;
- (o) where the student has intentionally submitted forged, false or falsified evidence of academic standing for the purpose of admission or re-enrolment, terminate the student's enrolment.

Without limiting the range of penalties available, penalties which are academic in nature (namely penalties (h) to (k)) should normally be imposed only for misconduct under the Academic Honesty Policy.

In addition to or in lieu of the penalties above, the Associate Dean or Dean may recommend that the student consult a counsellor or medical practitioner.

5.12 Notification of decision and, where relevant, of any penalty imposed

5.12.1 The Associate Dean or in his/her absence the Dean (or his/her substitute where applicable) must, within five working days of the decision being made, advise the student in writing of –

- (a) the process undertaken;
- (b) the decision reached;
- (c) the reasons for the decision;
- (d) any penalty imposed, the time within which any payment is to be made and/or remedial action taken by the student, and any conditions thereon;
- (e) the right to appeal under Part 5.13 of this Policy.

5.12.2. A copy of the notification to the student will be provided to the Director.

5.13 Procedure for lodging appeal

5.13.1. The student may appeal a decision of the Associate Dean or in his/her absence the Dean to the Complaints Committee under this policy.

5.13.2. The only grounds on which a student may appeal are that –

- (a) there was failure to comply with procedural fairness by reason of which the student has not received a fair hearing;
- (b) there is new evidence relating to mitigating circumstances affecting the student's misconduct;
- (c) the decision was manifestly wrong; or
- (d) the penalty imposed was manifestly excessive, inappropriate or not available in the circumstances.

5.13.3 To lodge an appeal the student must -

- (a) give written notice of appeal to the Director within twenty working days of the date on which the student received or is deemed to have received written notice of the decision;
- (b) specify whether the appeal relates to the finding of misconduct or to the penalty imposed or to both the finding and the penalty;

- (c) set out the grounds of appeal and the substance of the matters forming the basis of the appeal;
- (d) provide an address to which notices or documents connected with the appeal may be posted or left for the student; and
- (e) indicate whether the student intends to be accompanied, at any appeals hearing, by a support person who is a former or current legal practitioner or who holds a law degree.

5.14 Deferral of penalty during appeal

- 5.14.1 Unless the Director, in his/her absolute discretion, determines otherwise, the lodgement of a notice of appeal operates as a deferral of any penalty imposed.
- 5.14.2 The Director will review the student's appeal and may:-
 - (a) following appropriate investigation, uphold the appeal in toto;
 - (b) if Sections 5.13.2 and/or 5.13.3 are not satisfied, decline to progress the appeal;
 - (c) if he/she considers that the appeal is frivolous or vexatious, decline to progress the appeal; or
 - (d) give notice of the appeal to the chairperson of the Complaints Committee.
- 5.14.3 The Director must notify the student of his/her decision under this Section.
- 5.14.4 Any deferral of penalty concludes when the appeal has been determined or on written notice from the student that the student's appeal is withdrawn, whichever is the earlier.

5.14 Conduct of Complaints Committee

- 5.14.1 Subject to this Section, the provisions of Section 5.8, will apply to all hearings conducted by the Complaints Committee.
- 5.14.2 The Complaints Committee must convene to determine the appeal within twenty working days after receipt by the Director of the notice of appeal.
- 5.14.3 If the appeal is against a finding of misconduct, it is the responsibility of the student to demonstrate that that finding is incorrect.

If the appeal is against the severity of a penalty imposed, the Complaints Committee will confine its deliberations to the question of penalty.

- 5.14.4 The support person appointed by the student in relation to an appeal may be a former or current legal practitioner or a person who holds a law degree or another person, being willing to act, whom the student appoints.

The support person may, subject to the agreement of the chairperson and the student, act as an advocate on the student's behalf and address the Committee.

- 5.14.5 A hearing conducted by the Complaints Committee is not a re-hearing.

The student or support person may only present submissions, and only to the extent that they are relevant to the ground or grounds in Section 5.13.2 relied upon by the student.

However, if the student relies upon the ground in Section 5.13.2(b), the student or support person may also call and examine witnesses and present new material to the Committee.

- 5.14.6 The Director or nominee may appoint a former or current legal practitioner or a person who holds a law degree or a member of the staff of the Institute to represent the Institute at the hearing.

A person so appointed may call and examine witnesses, if the student relies upon the ground in Section 5.13.2(b), present submissions and address the Committee at the conclusion of the evidence.

5.15 Powers of the Complaints Committee

- 5.15.1 The Complaints Committee may:-

- (a) confirm or vary the decision appealed;
- (b) confirm or vary the penalty appealed; or
- (c) uphold the appeal.

- 5.15.2 If the Complaints Committee dismisses the whole or any part of the decision appealed, it must confirm or vary any penalty imposed or substitute another penalty.

In imposing a penalty, it may exercise the same powers as those available to the Complaints Committee under Section 5.9.3 above.

5.16 Notification of decision of the Complaints Committee

- 5.16.1 The Complaints Committee must provide a written report to the Director who, within five working days of finalisation of the appeal by the Complaints Committee, must notify the student of –

- (a) the process undertaken;

- (b) the decision reached on the appeal;
- (c) the reasons for the decision; and
- (d) any penalty imposed and any conditions thereon.

5.16.2 The decision of the Complaints Committee is final and there is no avenue of appeal against that decision to any other body within the Institute.

5.16.3 A copy of the notification to the student will be provided to the Registrar and the Associate Dean.

6. IMPLEMENTATION AND ENFORCEMENT OF PENALTIES

6.1 Fines

- 6.1.1 A fine imposed under this Policy must be paid within ten working days of receipt or deemed receipt by the student of notification of its imposition.
- 6.1.2 Any such fine will be paid into the general funds of the Institute.
- 6.1.3 An extension of time for payment may, in their absolute discretion, be granted by the decision-maker or by the Associate Dean or in his/her absence the Dean.

6.4 Consequences of exclusion or suspension

Where a student has been excluded or his/her enrolment has been suspended under this Policy, the following provisions apply where the:

- (a) exclusion or suspension does not exceed two weeks, the student may resume studies after the expiry of the nominated period of exclusion or suspension;
- (b) exclusion or suspension exceeds two weeks, the student may not resume studies, after the expiry of the nominated period of exclusion or suspension, without first obtaining the approval of the Course Co-ordinator;
- (c) period of exclusion or suspension is greater than one standard study period, in order to be considered for re-enrolment, the person must first submit an application for readmission which will be determined by the Associate Dean or in his/her absence the Dean.

7. GENERAL

7.1 Confidentiality

Any person or committee who exercises any power or carries out any function under this Policy must treat the subject matter in strict confidence, except as

necessary for the discharge of that person's responsibilities or as otherwise required by law.

7.2 Extension of time limits

7.2.1 The Director, Dean or Associate Dean may in his/her discretion extend any of the time limits prescribed for the taking of any actions or steps referred to in this Policy for such period and on such terms, if any, as he/she considers appropriate.

7.2.2 The Associate Dean or in his/her absence the Dean, or the chairperson of the Complaints Committee, as appropriate, may agree in writing with the student at any time to extend the time limits referred to in this Policy or to reschedule the date, time and place for a hearing, with consequential adjustment to the associated timelines.

7.3 Consequences of issue of allegation notice

If a student has been given an allegation notice, the Institute may withhold –

- (a) any assessment results or final grades;
- (b) the outcome of any application for credit;
- (c) approval for the student to graduate or receive any statement indicating eligibility to graduate or to receive a diploma or certificate of the Institute

until the proceedings (including any appeal) are finalised.

7.4 Notice

7.4.1 A notice to a student is sufficient if it is in writing and is –

- (a) given to the student in person;
- (b) posted by registered post or delivered by courier to the student –
 - (i) at the semester address shown on the student's most recent enrolment, if posted during a semester;
 - (ii) at the home address shown on the student's most recent enrolment, if posted during a vacation; or
 - (iii) at the student's residential or business address last known to the person or body giving the notice; or

7.4.2 Any notice is deemed to have been received –

- (a) if sent by registered post to an address within Australia, on the third working day after it was sent;
 - (b) if sent by registered post to an address outside Australia, on the seventh working day after it was sent;
 - (c) if delivered by courier, on the date recorded in the courier's records as the date of delivery;
- 7.4.3 By agreement with the student, the Institute may use email as a means of communication.

In such circumstances any notice sent by email, is deemed to have been received no later than 48 hours from the date and time at which it was sent.

7.5 Undischarged penalties

- 7.5.1 While any penalty imposed under this Policy remains outstanding, unfulfilled or unpaid, or while a student is suspended or excluded from any campus or site, the student is not entitled, without the written consent of the Director or nominee, to –
- (a) enrol;
 - (b) receive any results of assessment;
 - (c) receive or be granted credit for any course or unit; or
 - (d) graduate or receive any statement indicating eligibility to graduate or receive a diploma or certificate of the Institute.
- 7.5.2 While a student is suspended he/she must not, without the prior written consent of the Director, the Dean or the Associate Dean –
- (a) attend any class;
 - (b) sit any examination;
 - (c) submit any work for assessment;
 - (d) gain any credit;
 - (e) access the whole or nominated parts of the campus or any of the Institute's library, computing and network or other facilities or services;
 - (f) be reimbursed any fees paid, or be relieved of responsibility to pay any fees payable, by the student in relation to any such period; or
 - (g) be re-enrolled.

7.6 Maintenance of records

7.6.1 The Registrar must keep a record of all findings of misconduct and the penalties imposed under this Policy.

These records will form part of the Institute's disciplinary records and part of the student's file which may be made available –

- (a) to persons within the Institute if, in the opinion of the Registrar, they have a legitimate need to know; and
- (b) to persons outside the Institute in response to –
 - (i) a written request by the Police if they are investigating the conduct in question or a related matter;
 - (ii) a court order or subpoena; or
 - (iii) a request by another higher education provider if, in the opinion of the Registrar, they have a legitimate need to know.

7.6.2 Where the student is found guilty of the alleged misconduct, the following documentation will be maintained on the student's file:

- (a) a copy of the allegation notice sent to the student;
- (b) a copy of the student's response (if any);
- (c) a copy of the notice of decision forwarded to the student;
- (d) a copy of any student appeal;
- (e) a copy of the notice of decision on any appeal.

If the student is found not guilty, either on the initial hearing or on appeal, no documentation regarding the matter will be placed on the individual student's file.

External Review: Professor John Ozolins 12th June 2008

**Reviewed: Academic Board
19 Feb 2014**