

## Non-Academic Misconduct Procedure

### PROCEDURE PURPOSE

This document applies to the handling of non-academic misconduct at UTS Insearch 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 Insearch and to students on the student extranet.

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

### SCOPE

This procedure applies to students enrolled in ELT, UTS Foundation Studies and Diploma courses offered at UTS Insearch'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 (INVOLVING EXAMS)</b>		
Confirm exam misconduct	<ol style="list-style-type: none"> <li>1. Identifies and reports suspected misconduct to Exam Presiding Supervisor.</li> <li>2. Confiscates any unauthorised material brought into the exam room or accompanies student to remove any writing present on their body. In the case of writing on the body, calls a second Exam Supervisor to witness. Where possible photograph evidence.</li> <li>3. Allows the student to continue the exam.</li> <li>4. Advises student to report to the Exam Presiding Supervisor at the end of the exam.</li> </ol>	Exam Supervisor

Prepare exam misconduct report	<p>5. Fills in a Non-Academic Misconduct (Exams) Report form and, if applicable, attaches any unauthorised material brought into the examination room with the report.</p> <p>6. If the exam misconduct relates to writing on the student's body, the Exam Supervisors who witnessed the writing must also sign the form, indicating the type of writing e.g. "four rows of formulae written in ink" and provide photographic evidence if available.</p>	Exam Presiding Supervisor
Read and understand the Exam Misconduct Report	7. At the end of the exam the Exam Presiding Supervisor will show the Misconduct report form to the student who reads it and who may wish to write a personal statement on the form.	Student and Exam Presiding Supervisor
Forwards Exam Misconduct Report to Exams and Progression Coordinator	8. Immediately forwards documents to the Student Administration Coordinator – Exams and Progression (on the same day as the alleged misconduct.)	Exam Presiding Supervisor
Add Student comment to Ci	<p>9. Adds a general exam misconduct comment using the code "<b>EXAM</b>", and the text "Exam Type/ Sem/Year – subject". Use the following convention:</p> <p><b>Example:</b> FE/S2/18 - BMGT001.</p> <p>10. Logs student details on misconduct register (in the Final Exam Log.xls). e.g. V:\Operations\Internal-Operations\Student Administration\Exams\2018 Sem 3\S3 2018 FINAL EXAM LOG.xls</p> <p>11. Retains Exam Misconduct Report and any evidence.</p>	Exams and Progression Coordinator
Advise student	<p>12. Contacts the student via their student email to advise receipt of Exam Misconduct Report and advising the student of next steps in the process</p> <p>13. Student is requested to forward any questions regarding the report by email within seven calendar days. Copy of all emails to be attached to Exam Misconduct Report.</p>	Exams and Progression Coordinator
Advise Subject Coordinator of Misconduct	14. Emails Subject Coordinator (cc Program Manager) a copy of the Exam Misconduct Report.	Exams and Progression Coordinator

Review of Exam Misconduct Reports and Student Responses	<p>15. SCC meets each morning of the Exam period if necessary to discuss any Exam Misconduct Reports and student responses.</p> <p>16. SCC considers actions to be taken and penalty imposed based on the evidence, Exam Misconduct Report and student response (if any - copy of email to be attached to Exam Misconduct Report).</p> <p>17. The SSC decides on the outcome including what penalty should be imposed</p>	SCC
Inform student of the final decision	<p>18. Email advice sent to student advising of penalty of either</p> <ul style="list-style-type: none"> <li>• an F0 grade for the student's exam or</li> <li>• advice that the student has been given a warning.</li> </ul> <p>(Copy of email to be attached to Exam Misconduct Report.)</p> <p>19. Email is also to be sent to Subject Coordinator &amp; cc Program Manager advising of final decision.</p>	Exams and Progression Coordinator
Close misconduct	<p>20. Replaces the text in the <b>EXAM</b> comment code as appropriate e.g." Exam misconduct proven – F0 grade for exam."</p> <p>21. Files the Exam Misconduct Report in the relevant file on the v drive e.g. V:\Operations\Internal-Operations\Student Administration\Exams\2018 Sem 3\S3 2018 FINAL EXAM LOG.xls</p> <p>22. The individual non-academic misconduct report with supporting documentation is stored in iRecords.</p> <p>23. If no appeal is lodged go to step 50 otherwise go to Step number 38.</p>	Student Administration Coordinator
<b>ALLEGATIONS OF NON-ACADEMIC MISCONDUCT (NOT INVOLVING EXAMS)</b>		
Non-Academic Misconduct report	24. Completes the Non-Academic Misconduct report and attaches evidence of misconduct and forwards to the relevant Team Leader.	Staff and Affiliates who become aware of alleged non-academic misconduct
Investigation	25. Investigates and gathers all relevant documentation and evidence to be considered.	Team Leader Responsible
Advise Registrar	26. Team Leader responsible provides Non-Academic Misconduct report to Registrar within 7 calendar days.	Team Leader Responsible

Interview	27. Arranges interview with student and relevant SCC members. <b>Notes:</b> for all accommodation and welfare matters interviews to be arranged by UTS Insearch Student Accommodation team.	SSCR Coordinator
Interview	28. Interviews student and allows the student to represent their case.	SCC/Student Welfare Team Leader (where applicable)
Post Interview	29. Based on the evidence and interview, decides if other parties need to be involved and/or interviewed. E.g. – Post interview the Sales Operations Manager may need to be advised of misconduct and may need to contact Partner.  30. Conducts further investigation and reaches decision.	SCC/Student Welfare Team Leader (where applicable)
Advice to student	31. Emails student with: <ul style="list-style-type: none"> <li>• outcome of the investigation giving details of penalty</li> <li>• contact details for internal appeal</li> <li>• deadline for lodging appeal</li> </ul>	SSCR Coordinator
Compliance and Reporting	32. Records the student on the SSCR Non-academic Misconduct register (Enter the “NONACM” comment code on Ci).  33. Informs the relevant RPM, Student Recruitment Team, Global Sales Manager and UTSI if Partner was involved.	SSCR Coordinator
	34. Advises the UTSI Manager International Student Services if the student concerned is enrolled in UTS Foundation Studies. Advise the Student Welfare 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.  35. 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. NB: Ensure that no action is taken until the student has had an opportunity to lodge an appeal as per the Complaints and Appeals Procedure.	Registrar/Student Welfare Team Leader

	<p>36. If excluded the normal withdrawal procedure is applied.</p> <p>37. If no appeal is lodged go to step 48.</p>	
<b>APPEALS</b>		
Lodging an Appeal	<p>38. Appeals should be in writing and should be lodged with the Student Centre or emailed to <a href="mailto:Compliance@insearch.edu.au">Compliance@insearch.edu.au</a> within 20 business days of receipt of notification of a decision or penalty.</p>	Student
Forward the appeal	<p>39. The Student Centre will forward any appeals received, together with the student's history, to the SSCR Team for processing. <a href="mailto:Compliance@insearch.edu.au">Compliance@insearch.edu.au</a></p>	Student Centre Staff and Affiliates
Hearing the Appeal	<p>40. All non-academic misconduct (exam) appeals against the decision or against the severity of the penalty imposed will be considered by the Registrar.</p> <p>Appeals for non-academic misconduct cases (not involving examination misconduct) are forwarded to the Chief Operations Officer (COO) for a decision to be made. The COO is briefed by the Registrar.</p> <p>41. The Registrar/ COO may decide to re-hear the matter in full or to limit his/her hearing to a consideration of the penalty. Where the Registrar/ 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 Registrar/COO to confine the hearing to dealing afresh with points raised by the student in any stated grounds for the appeal.</p>	Registrar/ COO
Outcome of the Appeal	<p>42. The Registrar/COO has the following options:</p> <ul style="list-style-type: none"> <li>• for any reason, refer a matter back to the SCC for further inquiry and decision; or</li> <li>• may uphold an 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 an appeal against the severity of a penalty and reduce it to a lesser penalty from</li> </ul>	Registrar/COO

	<p>among those provided in the Student Non-Academic Misconduct Policy; or</p> <ul style="list-style-type: none"> <li>• may dismiss an 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 provided in the Student Non-Academic Misconduct Policy.</li> </ul> <p>43. Advise outcome of any appeal to the appropriate SCC membership (refer to Definitions at the end of this procedure).</p>	
Notification of the Outcome of the Appeal	44. The Registrar/ COO will inform the student of the outcome in writing in accordance with the Non-Academic Misconduct Policy.	Registrar/ COO
Final Appeal	<p>45. If the student wishes to appeal the decision externally, the appeal is referred to the Overseas Students Ombudsman (for international students undertaking ELT or Diploma courses), the NSW State Ombudsman (for students undertaking UTS Foundation Studies programs) and to the Administrative Appeals Tribunal (AAT) (for domestic students).</p> <p>46. Either the student or UTS Insearch can take the matter to relevant authorities, such as the Department of Fair Trading.</p>	Student
<b>REPORT AND FILE DOCUMENTS</b>		
Report to RRC	47. Presents report detailing exam misconduct case to Results Ratification Committee (RRC) once a semester.	Exams and Progression Coordinator
Report to Registrar	48. Sends report to Registrar regarding finalised non-academic misconduct cases at the end of each year (January for the previous year).	Exams and Progression Coordinator/ SSCR Coordinator
Report to COO	49. Sends report to the UTS Insearch Senior Leadership Team (SLT) regarding all finalised non-academic misconduct cases (exams and others) once a year (February).	Registrar

File documents	50. All documents pertaining to each misconduct case are filed on student file (in iRecords)	Team Leader/ SSCR Coordinator
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## DEFINITIONS

Affiliates	Insearch Limited Board members, honorary appointees, contractors, labour hire personnel, volunteers, agency staff and any other person appointed or engaged by UTS Insearch to perform work or functions for UTS Insearch.
ELT	English Language Teaching (English programs). In the context of this procedure this means full time CRICOS accredited courses.
iRecords	UTS Insearch's electronic student filing system (otherwise known as RM8)
Non-academic misconduct	<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 Insearch</li> <li>2. Knowingly making any false or misleading representation about things that concern the student as a student of UTS Insearch</li> <li>3. Examination misconduct</li> <li>4. Contravening any provision of UTS Insearch rules, policies and procedures</li> <li>5. Acting in contravention of any official statement that defines acceptable standards of conduct and behaviour as approved by the UTS Insearch Board or UTS Insearch Academic Board from time to time</li> <li>6. Prejudicing the good name or academic standing of UTS Insearch</li> <li>7. Prejudicing the good order and governance of UTS Insearch</li> <li>8. A breach of confidentiality or privacy requirements or obligations in respect of UTS Insearch or its Staff, Affiliates, students or other relevant parties</li> <li>9. Interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of UTS Insearch</li> <li>10. Harassing or engaging in any other form of improper or discriminatory behaviour towards another student, an officer of UTS Insearch, a visitor to UTS Insearch, or any other person whilst pursuing any activity related to his or her UTS Insearch purposes; such misconduct may relate,</li> </ol>

	<p>but is not limited, to race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction or religious belief</p> <ol style="list-style-type: none"> <li>11. Sexual assault and harassment: involving UTS Insearch or non-UTS Insearch persons and occurring on or off UTS Insearch premises.</li> <li>12. Intimidating or assaulting another student, officer of UTS Insearch, a visitor to UTS Insearch or any other person whilst pursuing any activity related to his or her UTS Insearch purposes</li> <li>13. Failing to comply with any order or direction lawfully made or given under UTS Insearch 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 Insearch</li> <li>15. Failing to comply with any conditions set by UTS Insearch 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 Insearch in the performance of the officer's duties including preventing or attempting to prevent an officer of UTS Insearch 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 Insearch, or on UTS Insearch premises, or on any other premises to which the student has access for his or her UTS Insearch 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 Insearch, 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 Insearch premises for his or her UTS Insearch purposes in a manner which is illegal or which is or will be detrimental to the rights or property of others</li> </ol>
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	<p>24. Stealing, destroying, damaging or causing loss or cost in respect of a facility or property of UTS Insearch or for which UTS Insearch is responsible.</p> <p>25. Taking (and potentially distributing) a photo of another student or member of staff without their approval.</p>
Partner (Channel Partner)	An organisation involved in a contractual arrangement to recruit students to study at UTS Insearch. Previously referred to as agent.
RPM	Regional Partner Manager – member of UTS Insearch Sales team responsible for liaising with channel partners.
Ci	UTS Insearch’s student management system otherwise known as S1 (Student One)
SCC	<p>Student Conduct Committee (membership can vary according to the nature of the misconduct).</p> <p><u>For exam misconduct:</u></p> <p>SCC is composed of the Student Administration Team Leader and Student Administration Co-ordinator – Exams and Progression.</p> <p>The Registrar will only be involved in appeals where a student appeals the decision made by the Student Administration Team Leader and Student Administration Co-ordinator – Exams and Progression.</p> <p><u>For all other types of non-academic misconduct:</u></p> <p>For non-academic misconduct not involving examinations the membership of the SCC includes the Registrar and one or more members of the SSCR, Student Admissions or Student Centre team as appropriate.</p>
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 a full-time, part-time, sessional or casual basis under the terms and conditions of an employment agreement (contract) issued by UTS Insearch.
Student misconduct	Includes both academic misconduct and non-academic misconduct.
UTS Insearch	UTS Insearch 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
- Non-Academic Misconduct form
- Non-Academic Misconduct (Exams) Report form

**ADMIN USE ONLY**

APPROVAL	
Signature:	
Name: Sally Chatterjee	Chief Operations Officer
	Date: 17 April 2019
Procedure Title	Non-Academic Misconduct Procedure
Senior Leader	COO
Manager	Registrar
Procedure ID	PR/OPS/04/19
Effective Date:	17 April 2019