

**CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966**

**STATUTE NO. 10 – STUDENT DISCIPLINE**

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# CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966

## STATUTE NO. 10 – STUDENT DISCIPLINE

This Statute is made by the Council of the University under the powers conferred on it by section 34 of the *Curtin University of Technology Act 1966*.

### 1. Citation

This Statute may be cited as *Statute No. 10 – Student Discipline*.

### 2. Commencement

This Statute takes effect from the date that it is published in the *Government Gazette*.

### 3. Purpose

The purpose of this Statute is to establish the framework for dealing with Student Misconduct.

### 4. Interpretation

(1) In this Statute, unless the contrary intention appears:

“**Academic Misconduct**” means conduct by a Student, other than conduct constituting Academic Record Fraud or General Misconduct, that is dishonest or unfair in connection with any academic work, such as:

- (a) during any exam, test or other supervised assessment activity;
- (b) in relation to the preparation or presentation of any assessed item of work; or
- (c) in relation to the conduct of research or any other similar academic activity;

“**Academic Record**” means any document or other record containing information relating to a person’s academic results, awards or achievements.

“**Academic Record Fraud**” means conduct by a Student, other than conduct constituting Academic Misconduct or General Misconduct, that is dishonest in connection with an Academic Record, such as:

- (a) falsifying, or arranging the falsification of, an Academic Record;

- (b) giving false or misleading information in relation to an Academic Record; or
- (c) allowing a false or misleading Academic Record to be presented on behalf of the Student or another person;

**“Act”** means the *Curtin University of Technology Act 1966*;

**“General Misconduct”** means conduct by a Student, other than conduct constituting Academic Record Fraud or Academic Misconduct:

- (a) which contravenes any written law of the Commonwealth of Australia, a State or Territory of Australia or any other country, and where the written law relates to an activity associated with the Student being a Student of the University;

*Note: a breach of a University Statute, by-law or rule would be a contravention of a written law for these purposes.*

- (b) which contravenes the provisions of the Act or any Statute, rule or by-law, or University policy or procedure;
- (c) which contravenes any lawful direction by a member of the staff of the University;
- (d) which infringes the reasonable freedom of other persons to:
  - (i) pursue their study, research, duties or other lawful activities on premises owned or controlled by the University, or elsewhere while engaged in an activity under the auspices of the University; or
  - (ii) participate in the life of the University; or
- (e) which is otherwise detrimental to the proper conduct of the University or the University’s reputation;

**“Previous Statute No. 10”** means *Statute No. 10 Student Disciplinary Statute*, published in the Government Gazette on 4 April 1975;

**“Student”** means:

- (a) an enrolled student as defined in section 4(1) of the Act;
- (b) a person who is admitted to a course conducted by the University (including a person who is on leave, or absent without leave, from that course) – until that person has withdrawn from, or is no longer admitted to, that course or until that person:

- (i) has been conferred his or her award for that course; or
- (ii) completes any activity relating to graduation from the course,

whichever is the later; or

- (c) a person who is enrolled in a unit – until that person is given the final results for that unit; and

**“Student Misconduct”** means conduct by a Student that is:

- (a) Academic Record Fraud;
- (b) Academic Misconduct; or
- (c) General Misconduct.

- (2) In particular, without limiting the effect of the definition of General Misconduct in section 4(1), each of the following is General Misconduct:

- (a) obstructing or disrupting any teaching, study, research or examination;
- (b) obstructing or deterring, or attempting to obstruct or deter, any member of staff in his or her performance of University functions;
- (c) obstructing or disrupting any official meeting, proceeding, ceremony or activity, conducted under the auspices of the University;
- (d) interfering with the freedom of movement or the freedom of expression of any member of the University staff, any other Student or any person lawfully on the University’s premises or in any place where an activity is being conducted under the auspices of the University;
- (e) unlawfully discriminating against any person lawfully on the University’s premises or elsewhere while engaged in any University activity;
- (f) assaulting or attempting to assault any person in or upon the premises of the University or elsewhere while engaged in any University activity;
- (g) being in any building or other location, to which access by the Student has been prohibited under any Statute, rule, by-law, policy or procedure, or by a duly authorised member of staff of the University;

- (h) damaging or wrongfully dealing with:
  - (i) any University property;
  - (ii) any property for which the University has responsibility; or
  - (iii) any property of any other person, within the University premises; and
- (i) inappropriate or prohibited use of University computing equipment, computer programs or computer networks.
- (3) An instance of Student Misconduct is a “disciplinary offence” within the meaning of that term in section 34(1c) of the Act.

## **5. General principles**

- (1) A Student must be given the opportunity to respond to any allegation of Student Misconduct before a decision is made whether Student Misconduct has occurred.
- (2) A Student must have a right of appeal against any finding that Student Misconduct has occurred and any penalty that is imposed.
- (3) An appeal must be determined by a person or persons not involved in the original decision.

## **6. Penalties for Student Misconduct**

- (1) Penalties for Student Misconduct are to be as prescribed in rules made under this Statute and are to range from a formal warning to expulsion from the University.
- (2) In addition to any penalties imposed, a Student found guilty of Student Misconduct may be required to make restitution for any loss, damage or additional expenditure incurred by the University through his or her actions.

## **7. Application**

This Statute applies:

- (a) to any instance of Student Misconduct which occurs on or after the commencement date of this Statute; or
- (b) to any instance of “misconduct” under Previous Statute No. 10 which occurred prior to the commencement date of this Statute and in respect of which disciplinary action has not commenced under Previous Statute No. 10.

**8. Rules**

The Council may make rules, not inconsistent with the Act or any Statute:

- (a) to regulate, or provide for the regulation of, Student Misconduct; or
- (b) to carry out or give effect to this Statute.

**9. Revocation**

Previous Statute No. 10 is revoked.

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**REVISION HISTORY**

| <b>Revision/<br/>Ref No</b> | <b>Approved/<br/>Amended</b> | <b>Date</b>     | <b>Committee/<br/>Board</b> | <b>Resolution</b> | <b>Document Reference</b>   |
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