

**ACADEMIC MISCONDUCT RULES 2021**

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## **SCHEDULES**

- A. Reporting possible Academic Misconduct**
- B. Discipline Panels and Appeals Board**
- C. Temporary exclusion or denial of access**

# CURTIN UNIVERSITY ACT 1966

## ACADEMIC MISCONDUCT RULES 2021

These Rules are made by the Council of the University under the powers conferred on it by section 8 of *Statute No.10 – Student Discipline* and in accordance with section 34 of the *Curtin University Act 1966*.

### PART 1 -- PRELIMINARY

#### 1.1 Short title

These Rules, made under *Statute No. 10 – Student Discipline*, are the *Academic Misconduct Rules 2021*.

#### 1.2 Commencement

These Rules take effect when they are promulgated in accordance with *Statute No. 3 – Rules*.

*Note: section 6(1)(c) and (d) of Statute No. 3 – Rules and By-laws relevantly states that a rule -*

“(c) must be promulgated by–

(i) being published on the University’s website; and

(ii) whatever other means (if any) the Council determines to be appropriate, either generally or in the case of a particular rule; and

(d) takes effect on the later of–

(i) the day after being published on the University’s website; or

(ii) if a later day is specified for that purpose in the rule, that day”.

#### 1.3 Interpretation

(1) In these Rules, unless the contrary intention appears -

***Academic Integrity Warning*** means a warning to a Student about a breach, or possible breach, of academic integrity;

***Academic Misconduct*** has the meaning in *Statute No. 10 – Student Discipline*;

*Note: Academic Misconduct is defined in section 4 of Statute No. 10 – Student Discipline to mean -*

“... 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 Registrar** means the Academic Registrar ordinarily based at the Perth campus;

**Act** means the *Curtin University Act 1966*;

**Authorised Officer** means a person who is appointed by the Academic Registrar to be an Authorised Officer to exercise one or more of the functions of an Authorised Officer under these Rules;

**Award** means a degree, diploma, certificate or honorary award of the University under section 18 of the Act;

**Award Rescission Penalty** means the rescission of a Respondent Student's Award;

**Category 1 Penalty** means one or more of the following -

- (a) a formal warning or admonishment, or both;
- (b) a requirement for the Respondent Student to attend counselling or a lecture, seminar, workshop or similar activity;
- (c) a requirement for the Respondent Student to undertake an academic integrity or research integrity program;
- (d) a requirement for the Respondent Student to submit or vary an ethics application;
- (e) a requirement for the Respondent Student to address the issue identified and resubmit the work (but with a reduced maximum mark for the assessment);
- (f) a requirement for the Respondent Student to repeat the assessment (but with a reduced maximum mark for the relevant component);
- (g) a requirement for the Respondent Student to revise and re-submit a thesis prior to submission or under examination;
- (h) a reduced grade, or a nil grade, for the assessable item in respect of which the Academic Misconduct occurred;
- (i) an ANN grade for the unit in respect of which Academic Misconduct occurred;
- (j) a fine up to \$250; and
- (k) suspension of all or any of the Respondent Student's rights and privileges within the University for a period of up to 1 month, including -
  - (i) exclusion from attendance at any specified scheduled class activity, such as a lecture, seminar, or tutorial workshop;
  - (ii) exclusion from all or a specified part of a campus or education centre;
  - (iii) exclusion from participating in any activity organised or managed by the University;

- (iv) denial of access to any or all facilities or services of the University;  
and
- (v) exclusion from enrolment in any unit or admission to any course;

**Category 2 Penalty** means one or more of the following -

- (a) suspension of all or any of the Respondent Student's rights and privileges within the University for a specified period, including -
  - (i) exclusion from attendance at any specified scheduled class activity, such as a lecture, seminar, or tutorial workshop;
  - (ii) exclusion from all or a specified part of a campus or education centre;
  - (iii) exclusion from participating in any activity organised or managed by the University;
  - (iv) denial of access to any or all facilities or services of the University;  
and
  - (v) exclusion from enrolment in any unit or admission to any course;
- (b) a FAIL classification for a thesis;
- (c) termination from the course in which the Respondent Student is admitted;
- (d) expulsion from the University;
- (e) prohibition from being admitted or re-admitted to any course and from enrolling in any unit;
- (f) the withholding of any Award or the withdrawal of credit for any completed unit, or both; and
- (g) an Award Rescission Penalty;

**Inquiry Officer** means the person who undertakes an inquiry initiated under rule 2.2(5);

*Note: an Inquiry Officer may or may not be an Authorised Officer – see rule 2.5(1).*

**Inquiry Officer's Report** means the report referred to in rule 2.7;

**Poor Academic Practice** means Academic Misconduct that is not dishonest and where the degree of unfair advantage resulting or that may result from the Academic Misconduct is no more than moderate;

**Poor Academic Practice Penalty** means one or more of the following -

- (a) a formal warning;
- (b) a requirement for the Respondent Student to attend counselling or a lecture, seminar, workshop or similar activity;

- (c) a requirement for the Respondent Student to address the issue identified and resubmit the work (but with a reduced maximum mark for the assessment or with a reduced maximum mark for the relevant component);
- (d) a reduced grade up to a maximum of 20% in respect of the assessable item in respect of which the Academic Misconduct occurred; and
- (e) a fine up to \$250;

**Relevant Student Discipline Panel** means the relevant Student Discipline Panel determined in accordance with Part 2 of Schedule B;

**Respondent Student** means a Student who is the subject of an inquiry or related procedures into possible Academic Misconduct under these Rules;

**Staff Member** means a person who is employed or engaged –

- (a) by the University to work at an Australian campus of the University; or
- (b) by the University, or by any other person –
  - (i) to work at any other campus of the University; or
  - (ii) in the support of academic work related to the operation of the University;

**Student** has the meaning in *Statute No. 10 – Student Discipline*;

*Note: Student is defined in section 4 of Statute No. 10 – Student Discipline to mean -*

*... a person who is or was –*

- (a) *an enrolled student as defined in section 4(1) of the Act;*
- (b) *admitted, or applying to be admitted, to a course or unit conducted by the University; or*
- (c) *engaged, or applying to be engaged, in a structured program of learning provided by or for the University ....*

**Student Discipline Appeals Board** means the board constituted in accordance with Part 3 of Schedule B;

*Note: the Student Discipline Appeals Board is responsible for deciding an appeal against a determination of Academic Misconduct, or the penalty that is imposed following that determination, or both.*

**Student Discipline Panel** means each of the panels constituted in accordance with Part 2 of Schedule B; and

*Note: a Student Discipline Panel is responsible for determining whether, in a particular case, Academic Misconduct has occurred and, if so, the penalty to be applied.*

**Subject Matter Expert** means a Staff Member with the discipline, technical knowledge or skills relevant to an inquiry under these Rules into a particular allegation of Academic Misconduct.

- (2) Other definitions that are relevant to these Rules are contained in section 4 of *Statute No. 10 – Student Discipline*.
- (3) Where there is a reference in these Rules to a number of days, that number does not include -
  - (a) the 5-day period each year that commences on Good Friday and ends on (but does not include) the Wednesday after its commencement; or
  - (b) the period over Christmas each year when the University is officially closed.

#### **1.4 Delegations and authorisations**

- (1) The Vice-Chancellor may -
  - (a) delegate to a Staff Member any of the Vice-Chancellor's functions under these Rules; and
  - (b) authorise a person to carry out, on behalf of the Vice-Chancellor, any of the Vice-Chancellor's functions under these Rules.
- (2) The Academic Registrar may -
  - (a) delegate to a Staff Member any of the Academic Registrar's functions under these Rules;
  - (b) authorise a person to carry out, on behalf of the Academic Registrar, any of the Academic Registrar's functions under these Rules; and
  - (c) appoint a person to be the Authorised Officer (replacing the Authorised Officer in accordance with Schedule A), either for a specified period or in respect of a particular instance of possible Academic Misconduct.

### **PART 2 -- REPORTING AND INQUIRY**

#### **2.1 Reporting possible Academic Misconduct**

- (1) A Staff Member who suspects on reasonable grounds that a Student may be guilty of Academic Misconduct must report the matter to an Authorised Officer as soon as reasonably practicable.
- (2) A Student or other person who suspects on reasonable grounds that a Student may be guilty of Academic Misconduct may report the matter to an Authorised Officer.

#### **2.2 Initial action by Authorised Officer**

- (1) As soon as practicable after receiving a report of possible Academic Misconduct, or after becoming aware in any other way of possible Academic Misconduct, the Authorised Officer, subject to rule 2.3, must determine that -
  - (a) there are insufficient grounds to believe that Academic Misconduct occurred or may have occurred;
  - (b) there are insufficient grounds to warrant further investigation;

- (c) there are sufficient grounds to believe that the Respondent Student may have engaged in Poor Academic Practice; or
  - (d) there are sufficient grounds to warrant further investigation.
- (2) Where the Authorised Officer determines (under rule 2.2(1)(a)) that there are insufficient grounds to believe that Academic Misconduct occurred or may have occurred, the Authorised Officer must determine that no further action is to be taken.
- (3) Where the Authorised Officer determines (under rule 2.2(1)(b)) that there are insufficient grounds to warrant further investigation, the Authorised Officer must either –
- (a) determine that no further action is to be taken; or
  - (b) determine that an Academic Integrity Warning is to be given to the Respondent Student and/or invite the Respondent Student to attend counselling or a lecture, seminar, workshop or similar activity in relation to appropriate behaviour.
- (4) Where the Authorised Officer determines (under rule 2.2(1)(c)) that the Respondent Student may have engaged in Poor Academic Practice, the Authorised Officer must take the actions described in rule 2.4.
- (5) Where the Authorised Officer determines (under rule 2.2(1)(d)) that there are sufficient grounds to warrant further investigation, the Authorised Officer must initiate an inquiry to be conducted under rules 2.5 and 2.6.
- (6) Where the Authorised Officer -
- (a) is not the Academic Registrar; and
  - (b) determines under rule 2.2(5) that there are sufficient grounds to warrant further investigation,
- the Authorised Officer must consider whether the instance of possible Academic Misconduct, if established, would be serious enough for an Award Rescission Penalty to be considered by the Relevant Student Discipline Panel.
- (7) If the Authorised Officer considers, under rule 2.2(6), that an Award Rescission Penalty could be considered by the Relevant Student Discipline Panel, the Authorised Officer must inform the Academic Registrar (to enable the Academic Registrar to exercise their functions under clause 2.1(3) and (4) of Schedule B).

### **2.3 Referral to Police or Investigative Agency**

- (1) In this rule –
- Investigative Agency*** means a State or Commonwealth agency that has the power to investigate the conduct that is suspected to be possible Academic Misconduct;
- referral*** includes report; and
- Police*** includes any State or Commonwealth enforcement agency.
- (2) Despite rule 2.2 –



- (a) the Authorised Officer may determine that, because of the serious nature of the possible Academic Misconduct, the matter should be referred to the Police or an Investigative Agency; and
- (b) if the matter has been referred, or (in the opinion of the Authorised Officer) may be referred, to the Police or an Investigative Agency, the Authorised Officer may determine one or more of the following –
  - (i) that it is inappropriate for the University to investigate the matter;
  - (ii) that a determination under rule 2.2 should be delayed until the University is informed whether a referral has been made or, if it has been made, the University is informed of the outcome of the referral; and
  - (iii) that, having regard to the decisions made or actions taken by the Police or the Investigative Agency in respect of the referral, other action specified by the Authorised Officer should be taken by the University in response to the report of possible Academic Misconduct.

## 2.4 Poor Academic Practice

- (1) In this rule –

***Allegation*** means a report of suspected Academic Misconduct in respect of which the Authorised Officer has determined (under rule 2.2(1)(c)) that the Respondent Student may have engaged in Poor Academic Practice.

- (2) As soon as practicable after making a determination under rule 2.2(1)(c) that a Respondent Student may have engaged in Poor Academic Practice, the Authorised Officer must give to the Respondent Student (subject to confidentiality and privacy considerations) –
  - (a) written notice of –
    - (i) the substance of the Allegation;
    - (ii) the proposed determination of the Authorised Officer that the Respondent Student has engaged in Poor Academic Practice;
    - (iii) the Poor Academic Practice Penalty proposed to be imposed by the Authorised Officer;
  - (b) copies of, or access to, any relevant documents; and
 

*Note: section 5 of the Interpretation Act 1984 defines a ‘document’ (and a ‘publication’ which is also a document).*
  - (c) written notice that the Respondent Student has 7 days to respond, by written submission, to the proposed determination and proposed penalty.
- (3) No later than 5 days after the time for making a written submission under this rule has expired, the Authorised Officer must –

- (a) determine whether the Respondent Student has engaged in Poor Academic Practice;
  - (b) where a determination is made that the Respondent Student has engaged in Poor Academic Practice, impose a Poor Academic Practice Penalty; and
  - (c) give written notice to the Respondent Student of the determination made and any Poor Academic Practice Penalty imposed under this subrule.
- (4) A copy of the written notice given to the Respondent Student must also be given to the Academic Registrar and the Vice-Chancellor.
- (5) A Respondent Student must comply with a Poor Academic Practice Penalty imposed under this rule.
- (6) In exercising the function under this rule, the Authorised Officer –
- (a) must act speedily and with as little formality and technicality as practicable;
  - (b) is not bound by the rules of evidence but may inform themselves on any matter in the manner that they consider to be appropriate;
  - (c) must comply with the principles of procedural fairness and, in particular, must act and make decisions fairly and according to the substantial merits of the case;
  - (d) must give due consideration to any written submission received from the Respondent Student under this rule; and
  - (e) must determine factual matters on the balance of probabilities.

## 2.5 Inquiry Officer, inquiry form and processes

- (1) An inquiry initiated by an Authorised Officer under rule 2.2(5) may be undertaken -
- (a) by the Authorised Officer;
  - (b) by a Staff Member or Associate appointed by the Authorised Officer to conduct the inquiry on their behalf; or
  - (c) by any other person appointed by the Authorised Officer to conduct the inquiry on their behalf.

*Note: the person who undertakes the inquiry is referred to in these Rules as the **Inquiry Officer**.*

- (2) The form of an inquiry, and the processes used to conduct it, must be determined, on a case by case basis, having regard to the principles set out in rule 2.6(2) -
- (a) by an Inquiry Officer who has been appointed under rule 2.5(1)(b) or (c) – where they have been authorised to do so by the Authorised Officer; or
  - (b) in any other case - by the Authorised Officer.
- (3) For example, the Authorised Officer or the Inquiry Officer under subrule (2) may determine –

- (a) that, having regard to the seriousness of the matter, the inquiry should include a formal hearing;
  - (b) that, for a less serious matter, the proper conduct of the inquiry does not require a hearing of any type - provided that the principles under rule 2.6 are complied with; and/or
  - (c) that a Subject Matter Expert may attend the hearing to support the Inquiry Officer in conducting the inquiry.
- (4) If, at any stage of an inquiry initiated by an Authorised Officer under rule 2.2(5), the Academic Registrar is satisfied that there has been, or may be, a miscarriage of justice as a result of a defect in the inquiry process –
- (a) the Academic Registrar may direct the person conducting the inquiry to take whatever steps that, in the opinion of the Academic Registrar, are necessary to correct or ameliorate the effects of the defect;
  - (b) the person conducting the inquiry must comply with the direction; and
  - (c) the Academic Registrar is to ensure that a copy of the direction is sent to the Vice-Chancellor within 3 days of being given to the person conducting the inquiry.

## 2.6 Conducting an inquiry

- (1) In this rule -
- Allegation*** means the allegation of Academic Misconduct, or the suspected Academic Misconduct, that is the subject of the inquiry; and
- recommendation*** means a recommendation by the Inquiry Officer to the Relevant Student Discipline Panel.
- (2) An Inquiry Officer must observe the following principles in conducting an inquiry -
- (a) subject to confidentiality and privacy considerations, the Respondent Student must be given -
    - (i) written notice of the substance of the Allegation; and
    - (ii) copies of, or access to, any relevant documents;

*Note: section 5 of the Interpretation Act 1984 defines a 'document' (and a 'publication' which is also a document).*
  - (b) the Respondent Student must be given an appropriate opportunity to respond to the Allegation before the Inquiry Officer makes a recommendation relating to the occurrence of Academic Misconduct;
  - (c) the Inquiry Officer -
    - (i) must act speedily and with as little formality and technicality as practicable;

- (ii) is not bound by the rules of evidence but may inform themselves on any matter in the manner that they considers to be appropriate; and
- (iii) must comply with the principles of procedural fairness and, in particular, must act and make recommendations fairly and according to the substantial merits of the case; and
- (d) any recommendation relating to the occurrence of Academic Misconduct, including a finding on which that recommendation is based, must be made on the balance of probabilities standard of proof.

*Note: under the 'Briginshaw principle', the strength of the evidence necessary to reach a finding on the balance of probabilities may vary according to the circumstances, including the seriousness of the suspected misconduct (Briginshaw v Briginshaw (1938) 60 CLR 336, 362).*

(3) In respect of the Respondent Student's opportunity to respond -

- (a) the Respondent Student must be given an opportunity to respond to the Allegation in writing;
- (b) when permitted by the Inquiry Officer, the Respondent Student may be given an opportunity to respond orally;
- (c) the Inquiry Officer must specify a date (and may extend the date) for the Respondent Student's response that is at least 7 days after the Respondent Student has been given the information referred to in subrule (2)(a);
- (d) if the Respondent Student does not take up the opportunity to respond the Inquiry Officer, in the absence of that response, may make a recommendation as to whether Academic Misconduct has occurred;
- (e) a written response from the Respondent Student may comprise or include written statements from themselves, or any other person; and
- (f) the Inquiry Officer must give due consideration to any response by the Respondent Student made under this subrule (3).

(4) Where the Inquiry Officer decides to hold a hearing -

- (a) the Respondent Student must be given at least 7 days notice of the date and time of the hearing;
- (b) the Inquiry Officer may direct the Respondent Student to attend the hearing; and
- (c) if the Respondent Student fails to attend all or part of a hearing, it may proceed in their absence.

(5) In attending a hearing, or making an oral response, the Respondent Student may be accompanied by another person, but the other person may not act as an advocate unless invited to do so by the Inquiry Officer.

## **2.7 Inquiry Officer's Report**

- (1) As soon as practicable after conducting the inquiry under rule 2.6, the Inquiry Officer must -
  - (a) prepare an Inquiry Officer's Report;
  - (b) give a copy of the Inquiry Officer's Report to the Relevant Student Discipline Panel; and
  - (c) take whatever further action the Relevant Student Discipline Panel considers may be necessary or appropriate to ensure compliance with rule 2.6, or to enable the Relevant Student Discipline Panel to make a determination under rule 3.1.
- (2) Examples of the action that may be taken under subrule (1)(c) are -
  - (a) making further investigations into, or analysis of, relevant factual issues, including additional documentation; and
  - (b) amending or replacing the Inquiry Officer's Report.
- (3) The Inquiry Officer's Report must contain -
  - (a) the reasons for each recommendation relating to the occurrence or otherwise of Academic Misconduct;
  - (b) the findings on material questions of fact that led to each recommendation, referring to the evidence or other material on which those findings were based; and
  - (c) the Inquiry Officer's view, and the reasons for their view, about the seriousness of the incidence of Academic Misconduct.
- (4) The factors to be taken into account in assessing the seriousness of Academic Misconduct in a particular case include -
  - (a) the extent to which the behaviour was planned or deliberate;
  - (b) the degree of advantage gained or potentially gained;
  - (c) the potential disadvantage to other Students;
  - (d) the potential negative impact on the University; and
  - (e) the importance of taking clear and decisive action in relation to the matter.

## **PART 3 -- DETERMINATIONS BY RELEVANT STUDENT DISCIPLINE PANEL**

### **3.1 Determination of Misconduct**

- (1) After reviewing the Inquiry Officer's Report, the Relevant Student Discipline Panel may, at any time before making a determination under subrule (2), request the Inquiry Officer to take whatever action the Relevant Student Discipline Panel considers is necessary or appropriate –

- (a) to ensure compliance with rule 2.6; or
  - (b) to enable the Relevant Student Discipline Panel to make a determination under subrule (2).
- (2) As soon as practicable after being given an Inquiry Officer's Report, the Relevant Student Discipline Panel must determine that -
- (a) Academic Misconduct has occurred and, if so, whether it constitutes Poor Academic Practice;
  - (b) Academic Misconduct has not occurred; or
  - (c) the available information is insufficient to enable a finding whether or not Academic Misconduct has occurred.
- (3) If the Relevant Student Discipline Panel determines that Academic Misconduct has not occurred, it may –
- (a) determine that an Academic Integrity Warning is to be given to the Respondent Student; and/or
  - (b) invite the Respondent Student to attend counselling or a lecture, seminar, workshop or similar activity in relation to appropriate behaviour.
- (4) If the Relevant Student Discipline Panel determines that Academic Misconduct has occurred, it must –
- (a) in the case of Poor Academic Practice – impose a Poor Academic Practice Penalty; or
  - (b) in any other case, subject to subrule (6), impose one or more Category 1 Penalties or Category 2 Penalties.
- (5) To avoid doubt, the Relevant Student Discipline Panel may determine that one or more Category 1 Penalties or Category 2 Penalties it imposes are to be suspended for a specified period of time or are to be imposed subject to any condition it considers to be appropriate.
- (6) A Relevant Student Discipline Panel cannot determine that an Award Rescission Penalty is to be imposed unless the Relevant Student Discipline Panel is constituted in accordance with clause 2.2(2) of Schedule B.
- (7) If the Relevant Student Discipline Panel determines that the available information is insufficient to enable a finding whether or not Academic Misconduct has occurred, it may invite the Respondent Student to attend counselling or a lecture, seminar, workshop or similar activity in relation to appropriate behaviour.

### **3.2 Report**

- (1) As soon as practicable after making determinations under rule 3.1(2)(a) and 3.1(4), the Relevant Student Discipline Panel must -
- (a) prepare a report containing –

- (i) the reasons for its determination that Academic Misconduct has occurred;
  - (ii) the findings on material questions of fact that led to the determination that Academic Misconduct has occurred, referring to the evidence or other material on which those findings were based; and
  - (iii) the reasons for its determination that one or more Category 1 Penalties or Category 2 Penalties are to apply;
- (b) give a copy of the report to the Respondent Student and the Vice-Chancellor; and
  - (c) notify the Respondent Student of the right to appeal under Part 4 of these Rules.
- (2) As soon as practicable after making a determination under rule 3.1(2)(b) or (c), the Relevant Student Discipline Panel must give to the Respondent Student and the Vice-Chancellor written notice of –
- (a) the determination; and
  - (b) the Vice-Chancellor’s right of appeal under Part 4 of these Rules.

## **PART 4 -- APPEALS**

### **4.1 Interpretation**

- (1) In this Part, unless the contrary intention appears -

**Area** means an area, other than a Faculty, that supports academic programs of the University and includes –

- (a) the Centre for Aboriginal Studies; and
- (b) the College of Enabling Pathways;

**Faculty** means any of the following -

- (a) Faculty of Business and Law;
- (b) Faculty of Science and Engineering;
- (c) Faculty of Humanities; and
- (d) Faculty of Health Sciences,

however each might be described from time to time;

**Faculty Pro Vice-Chancellor** means, in relation to a Faculty, the senior academic position in charge of the Faculty;

**Global Campus** means a campus of the University that is not in Australia;

**parties to an appeal** means –

- (a) the Respondent Student; and
- (b) the Vice-Chancellor;

**Provost**, in relation to an Area, means the senior academic position in charge of the Area;

**Relevant Faculty Pro Vice-Chancellor** means, when the Relevant Teaching Area is a Faculty, the Faculty Pro Vice-Chancellor of that Faculty;

**Relevant Provost** means, where the Relevant Teaching Area is an Area, the Provost of the Area;

**Relevant Teaching Area**, in relation to a Respondent Student (whether or not from a Global Campus), means the Faculty or Area with which the Respondent Student who appeals under this Part is most closely associated by way of -

- (a) the course to which they are admitted; or
- (b) the unit or units in which they are enrolled; and

**Relevant Teaching Area Head** means –

- (a) where the Relevant Teaching Area is a Faculty – the Faculty Pro Vice-Chancellor of the Faculty; and
  - (a) where the Relevant Teaching Area is an Area – the Provost of the Area.
- (2) If, in a particular case, there is a doubt about –
- (a) which is the Relevant Teaching Area; or
  - (b) who is the Relevant Teaching Area Head,

the Academic Registrar is to determine the matter and the Academic Registrar's determination is final.

## **4.2 Delegations and authorisations**

- (1) A Faculty Pro Vice-Chancellor may -
  - (a) delegate to a Staff Member any of the Faculty Pro Vice-Chancellor's functions under Part 4 of these Rules; and
  - (b) authorise a person to carry out, on behalf of the Faculty Pro Vice-Chancellor, any of the Faculty Pro Vice-Chancellor's functions under Part 4 of these Rules.
- (2) A Provost may –
  - (a) delegate to a Staff Member any of the Provost's functions under Part 4 of these Rules; and
  - (b) authorise a person to carry out, on behalf of the Provost, any of the Provost's functions under Part 4 of these Rules.



### **4.3 Rights of appeal**

- (1) A Respondent Student may appeal against a determination of Academic Misconduct, or the penalty that has been imposed, or both.
- (2) The Vice-Chancellor may appeal against a determination relating to Academic Misconduct, or a determination relating to penalty, or both.
- (3) The only permitted ground for an appeal is on a question of law.
- (4) Examples of a question of law are that –
  - (a) there was a failure to comply with the principles of procedural fairness;
  - (b) an irrelevant consideration was taken into account in making the decision;
  - (c) there was a failure to take into account a relevant consideration in making the decision; and
  - (d) there was no evidence or other material to justify the making of the decision.
- (5) A person who has a right of appeal under this rule may, at any time during the applicable period specified in rule 4.5(1)(d) or (e), give notice to the other party to the appeal and to the Academic Registrar, that they waive their right of appeal in respect of a specific determination of Academic Misconduct, or the penalty that has been imposed, or both.
- (6) A waiver under subrule (5) is irrevocable.
- (7) To avoid doubt, an appeal under this Part -
  - (a) is to be confined to, and is to be determined by reference to, the question of law as identified in the notice of appeal under rule 4.5; and
  - (b) is not to be conducted as a hearing de novo.

### **4.4 Who hears appeals?**

- (1) An appeal by a Respondent Student that relates only to -
  - (a) a determination of Academic Misconduct other than a determination for which a Category 2 Penalty was imposed;
  - (b) a Category 1 Penalty or a Poor Academic Practice Penalty; or
  - (c) both (a) and (b),is to be heard and determined by the Relevant Teaching Area Head unless the Academic Registrar, after consulting with the Relevant Teaching Area Head, refers the appeal to the Student Discipline Appeals Board.
- (2) Any other appeal by a Respondent Student is to be heard and determined by the Student Discipline Appeals Board.
- (3) An appeal by the Vice-Chancellor is to be heard and determined by the Student Discipline Appeals Board.

- (4) A person must not exercise a power or other function of the Relevant Teaching Area Head, the Academic Registrar or a member of the Student Discipline Appeals Board in relation to an appeal in respect of a matter under this Part if the person -
- (a) has been involved in any material way in the consideration of that matter under these Rules; or
  - (b) has any other actual or perceived conflict of interest in that matter.

#### **4.5 Notice of appeal**

- (1) A notice of appeal must -
- (a) be in writing;
  - (b) identify the question of law (or, if more than one, each question of law) to be relied on in the appeal;
  - (c) provide appropriate documentation;
  - (d) in the case of an appeal by a Respondent Student, and subject to subrule (2), be made -
    - (i) where a Poor Academic Practice Penalty is imposed on a Respondent Student - within 7 days after the Respondent Student is given notice, under rule 2.4(3), of the determination and the Poor Academic Practice Penalty imposed by the Authorised Officer; or
    - (ii) where determinations in respect of the Respondent Student have been made by the Relevant Student Discipline Panel - within 14 days after the Respondent Student is given a copy of the Relevant Student Discipline Panel's report under rule 3.2(1)(b);
  - (e) in the case of an appeal by the Vice-Chancellor, and subject to subrule (2), be made –
    - (i) where an Authorised Officer has determined that a Respondent Student has engaged in Poor Academic Practice – within 7 days after the Vice-Chancellor is given notice of the Authorised Officer's determination and the Poor Academic Practice Penalty imposed on the Respondent Student under rule 2.4(4); and
    - (ii) where a determination is made by the relevant Student Discipline Panel – within 14 days after the Vice-Chancellor is given –
      - (A) a copy of the Relevant Student Discipline Panel's report under rule 3.2(1)(b); or
      - (B) written notice of a determination under rule 3.2(2),
- as the case may be; and
- (f) be given, within the time specified in paragraph (d) or (e), as the case may be, to the Academic Registrar.
- (2) In exceptional circumstances -

- (a) the Relevant Teaching Area Head– where the appeal is to the Relevant Teaching Area Head; or
- (b) the Chair of the Student Discipline Appeals Board – where the appeal is to the Student Discipline Appeals Board,

may extend the time within which a notice of appeal must be made.

- (3) As soon as practicable after being given a notice of appeal that is to be heard by the Relevant Teaching Area Head, the Academic Registrar is to -
  - (a) give the Relevant Teaching Area Head a copy of the notice of appeal;
  - (b) notify each of the parties to the appeal that the appeal is to be heard by the Relevant Teaching Area Head; and
  - (c) notify each of the parties to the appeal of the name and contact details of the person through whom any communications with the Relevant Teaching Area Head should be directed.
- (4) As soon as practicable after being given a notice of appeal that is to be heard by the Student Discipline Appeals Board, or after referring an appeal under rule 4.4(1), the Academic Registrar is to -
  - (a) convene the Student Discipline Appeals Board in accordance with Part 3 of Schedule B;
  - (b) give each member of the Student Discipline Appeals Board a copy of the notice of appeal;
  - (c) give a copy of the notice of appeal to the Respondent Student if the appeal is by the Vice Chancellor;
  - (d) give a copy of the notice of appeal to the Vice-Chancellor if the appeal is by the Respondent Student; and
  - (e) notify each of the parties to the appeal of the name and contact details of the person through whom any communications with the Student Discipline Appeals Board should be directed.

#### **4.6 Hearing of appeals by the Relevant Teaching Area Head**

- (1) An appeal that is to be heard by the Relevant Teaching Area Head is to be heard within 21 days of the receipt of the notice of appeal or within such further time as is approved by the Relevant Teaching Area Head.
- (2) Each of the parties to an appeal -
  - (a) must be given at least 7 days’ notice in writing by the Relevant Teaching Area Head of the date and time of the hearing;
  - (b) may make written submissions – provided those submissions are given to the Relevant Teaching Area Head at least 3 clear days before the hearing;
  - (c) is to have the right of appearance before the Relevant Teaching Area Head; and

- (d) may be accompanied by any other person, but the other person may not act as an advocate unless invited to do so by the Relevant Teaching Area Head.
- (3) If a party to the appeal fails to attend all or part of an appeal hearing -
  - (a) the hearing may proceed; and
  - (b) the Relevant Teaching Area Head may make a decision,
 in the absence of the party.
- (4) The Relevant Teaching Area Head is to consider the appeal and either –
  - (a) where they consider that the conduct which is the subject of the determination may warrant a Category 2 Penalty – refer the appeal to the Student Discipline Appeals Board; or
  - (b) uphold, vary or set aside the determination relating to Academic Misconduct or the determination relating to the penalty, or both determinations.
- (5) For the avoidance of doubt, the Relevant Teaching Area Head may impose, or substitute, one or more Category 1 Penalties even where the appeal concerned only the determination relating to Academic Misconduct.
- (6) The Relevant Teaching Area Head is to give written notice of their decision to each of the parties.
- (7) The decision of the Relevant Teaching Area Head is final.

#### **4.7 Hearing of appeals by the Student Discipline Appeals Board**

- (1) An appeal that is to be heard by the Student Discipline Appeals Board is to be heard within 28 days of the receipt of the notice of appeal or within such further time as is approved by the Chair of the Student Discipline Appeals Board.
- (2) Each of the parties to an appeal -
  - (a) must be given at least 7 days’ notice in writing by the Student Discipline Appeals Board of the date and time of the hearing;
  - (b) may make written submissions – provided that the written submissions are given to the Chair of the Student Discipline Appeals Board at least 3 clear days before the hearing;
  - (c) is to have the right of appearance before the Student Discipline Appeals Board; and
  - (d) may be accompanied by another person, but the other person may not act as an advocate unless invited to do so by the Chair of the Student Discipline Appeals Board.
- (3) If a party to the appeal fails to attend all or part of an appeal hearing -
  - (a) the hearing may proceed; and
  - (b) the Student Discipline Appeals Board may make a decision,

in the absence of the party.

- (4) The Student Discipline Appeals Board is to consider the appeal and may uphold, vary or set aside the determination relating to Academic Misconduct or the determination relating to penalty, or both.
- (5) To avoid doubt, the Student Discipline Appeals Board may impose or substitute, one or more Category 1 Penalties or Category 2 Penalties, or both, even where the appeal concerned only the determination relating to Academic Misconduct.
- (6) The Student Discipline Appeals Board is to give written notice of its decision to each of the parties and to the Academic Registrar.
- (7) The decision of the Student Discipline Appeals Board is final.

## **PART 5 -- GENERAL**

### **5.1 Schedules**

Schedules A, B and C have effect.

### **5.2 Temporary exclusion or denial of access**

- (1) This rule applies where a Respondent Student -
  - (a) is the subject of an inquiry into possible Academic Misconduct; or
  - (b) has had an adverse determination of Academic Misconduct against them.
- (2) Where this rule applies, the Vice-Chancellor or a Staff Member specified in Schedule C may direct that the Respondent Student -
  - (a) be excluded, on a temporary basis, from all or a specified part of a campus or an education centre;
  - (b) be excluded, on a temporary basis, from participating in any activity organised or managed by the University (such as a field or work experience placement); or
  - (c) be denied access, on a temporary basis, to any or all facilities or services of the University.
- (3) A direction under subrule (2) may be given where the person giving the direction is satisfied that it -
  - (a) is necessary or appropriate to protect the University (including the health and welfare of Students and Staff Members);
  - (b) is necessary or appropriate to minimise the risk of further misconduct;
  - (c) is necessary or appropriate to minimise any opportunity for the Respondent Student to cover up possible Academic Misconduct; or
  - (d) is otherwise in the interests of the University.
- (4) A direction given under subrule (2) must -

- (a) specify the nature and period of the exclusion or the denial of access;
  - (b) be in writing, a copy of which is to be given to the Respondent Student; and
  - (c) be reported in accordance with Schedule C.
- (5) The period of the exclusion or the denial of access, to be specified under subrule (4)(a) -
- (a) is to commence on the date that the direction is given or on the commencement date specified in the direction, whichever is the later; and
  - (b) is to end on the end date specified in the direction or, if no end date is specified, when -
    - (i) any penalty imposed by the Relevant Student Discipline Panel takes effect; or
    - (ii) any appeal against a determination has been finalised by the Pro Vice-Chancellor, the Provost or the Student Discipline Appeals Board,

whichever is the later.
- (6) A direction under this rule may be amended or withdrawn at any time by the Vice-Chancellor or a Staff Member specified in Schedule C.
- (7) A direction under this rule is not, and is not to be taken to be, a penalty.

### **5.3 Guidelines or procedures**

- (1) Guidelines or procedures, not inconsistent with *Statute No. 10 – Student Discipline* or these Rules, may be approved and issued by the Academic Board or Academic Registrar, to assist in the handling of cases of possible Academic Misconduct.
- (2) An Authorised Officer, an Inquiry Officer, the Academic Registrar, the Relevant Faculty Pro Vice-Chancellor, the Relevant Provost, the Relevant Teaching Area Head, a Student Discipline Panel and the Student Discipline Appeals Board are to have regard to the guidelines, and are to act in accordance with the procedures, issued under this rule.

### **5.4 Repeal**

The *Academic Misconduct Rules 2017*, promulgated on 15 December 2017, is repealed.

## SCHEDULE A – REPORTING POSSIBLE ACADEMIC MISCONDUCT

### 1. Interpretation

(1) In this Schedule -

**Area** means an area, other than a Faculty, that supports academic programs of the University and includes –

- (a) the Centre for Aboriginal Studies; and
- (b) the College of Enabling Pathways;

**Faculty** means any of the following -

- (a) Faculty of Business and Law;
- (b) Faculty of Science and Engineering;
- (c) Faculty of Humanities; and
- (d) Faculty of Health Sciences,

however each might be described from time to time;

**Global Campus** means a campus of the University that is not in Australia;

**Head** –

- (a) in relation to a School, means the Head of the School; and
- (b) in relation to an Area, means the Head of the Area;

**Head of Area** means -

- (a) in relation to the Centre for Aboriginal Studies – the most senior person of that Centre;
- (b) in relation to the College of Enabling Pathways – the Manager Enabling Pathways; and
- (c) in relation to any other Area– the most senior person of that Area;

**Head of School**, in relation to a School, means the senior academic position in charge of the School; and

**Head of School or Head of Area**, in relation to a Student (whether or not from a Global Campus), means the Head of either the School or the Area with which the Student is most closely associated by way of –

- (a) the course to which they are admitted; or
- (b) the unit or units in which they are enrolled.

(2) If, in a particular case, there is a doubt about who is the relevant Head of School or Head of Area, the Academic Registrar is to determine the matter and the Academic Registrar's determination is final.

**2. Authorised Officer**

<b>Possible Academic Misconduct</b>	<b>Authorised Officer</b>
Suspected cheating by a Student in an exam, test or supervised assessment activity	Head of School or Head of Area
Suspected plagiarism by a Student in assignments or other assessable work	Head of School or Head of Area
Suspected collusion or cheating by a Student in assignments or other assessable work	Head of School or Head of Area
Suspected falsification of data or other content by a Student in assignments or other assessable work	Head of School or Head of Area
Suspected Academic Misconduct by a Student who has graduated	Academic Registrar
Other Academic Misconduct by a Student	Academic Registrar

*Note: under rule 1.4, the Academic Registrar may appoint a particular person to be the Authorised Officer either for a specified period or in respect of a particular instance of possible Academic Misconduct.*



## SCHEDULE B – DISCIPLINE PANELS AND APPEALS BOARD

### Part 1 - Interpretation

#### 1.1 Interpretation

(1) In this Schedule, unless the contrary intention appears -

**Area** means area, other than a Faculty, that supports academic programs of the University and includes –

- (a) the Centre for Aboriginal Studies; and
- (b) the College of Enabling Pathways;

**Eligible Panel Member** means a person employed or engaged by Curtin University, whether on a campus in Australia or a Global Campus;

**Eligible Student** means a person who is -

- (a) admitted to a course conducted by the University and is currently enrolled in units that comprise part of that course; or
- (b) on Special Leave of Absence under the *Admission and Enrolment Manual (Coursework Students) Policy and Procedures*, as amended or replaced from time to time;

**Faculty** means any of the following -

- (c) Faculty of Business and Law;
- (d) Faculty of Science and Engineering;
- (e) Faculty of Humanities; and
- (f) Faculty of Health Sciences,

however each might be described from time to time;

**Faculty Pro Vice-Chancellor** means, in relation to a Faculty, the senior academic position in charge of the Faculty;

**Global Campus** means a campus of the University that is not in Australia;

**Head of Area** means -

- (a) in relation to the Centre for Aboriginal Studies – the most senior person of that Centre
- (b) in relation to the College of Enabling Pathways – the Manager Enabling Pathways;
- (c) in relation to any other Area– the most senior person of that Area;

**Head of School**, in relation to a School, means the senior academic position in charge of the School;

**Provost**, relation to an Area, means the senior academic position in charge of the Area;

**Relevant Head of School or Head of Area**, in relation to a Respondent Student (whether or not from a Global Campus), means the Head of either the School or the Area with which the Respondent Student is most clearly associated by way of –

- (a) the course to which they are admitted; or
- (b) the unit or units in which they are enrolled; and

**Relevant Teaching Area**, in relation to a Respondent Student (whether or not from a Global Campus), means the Faculty or Area with which the Respondent Student is most closely associated by way of -

- (a) the course to which they are admitted; or
- (b) the unit or units in which they are enrolled.

(2) If, in a particular case, there is a doubt about –

- (a) which is the Relevant Teaching Area; or
- (b) who is the Relevant Head of School or Head of Area,

the Academic Registrar is to determine the matter and the Academic Registrar's determination is final.

## **Part 2 - Student Discipline Panels**

### **2.1 The Panels**

(1) The Student Discipline Panels are -

- (a) the Faculty of Business and Law Discipline Panel;
- (b) the Faculty of Science and Engineering Student Discipline Panel;
- (c) the Faculty of Humanities Student Discipline Panel;
- (d) the Faculty of Health Sciences Student Discipline Panel; and
- (e) the Central Student Discipline Panel.

(2) Subject to subclauses (3) and (4), the Relevant Student Discipline Panel, in respect of a Respondent Student –

- (a) is the Central Student Discipline Panel where –
  - (i) the Respondent Student is admitted to a Curtin English Course;
  - (ii) the Respondent Student is enrolled in a UniReady program;
  - (iii) the Respondent Student is enrolled in the Centre for Aboriginal Studies;  
or
  - (iv) the Relevant Head of School or Head of Area considers, and notifies the Academic Registrar, that the suspected Academic Misconduct by the Respondent Student should be determined by the Central Student

Discipline Panel, rather than by the Student Discipline Panel for the Relevant Teaching Area; or

- (b) in any other case, is the Student Discipline Panel for the Relevant Teaching Area.
- (3) If the Academic Registrar considers that an instance of possible Academic Misconduct by a Respondent Student, if established, would be serious enough for an Award Rescission Penalty to be considered, the Academic Registrar is to determine that the Relevant Student Discipline Panel is the Central Student Discipline Panel, constituted in accordance with clause 2.2(2).
- (4) If, in a particular case, there is a doubt about which is the Relevant Student Discipline Panel, the Academic Registrar is to determine the matter and the Academic Registrar's determination is final.

## **2.2 Membership**

- (1) Except where clause 2.1(3) applies, the members of the Central Student Discipline Panel are to be -
  - (a) the Chair – who is to be a Staff Member appointed by the Academic Registrar;
  - (b) one other Staff Member appointed by the Academic Registrar; and
  - (c) an Eligible Student appointed by the Academic Registrar –
    - (i) from the list of nominations under clause 2.3 – if subparagraph (ii) does not apply; or
    - (ii) from all Eligible Students - if the Academic Registrar considers that, having regard to the skills, experience or other attributes necessary to deal with a particular matter, none of the Eligible Students from the list of nominations under clause 2.3 is suitable.
- (2) Where clause 2.1(3) applies, the members of the Central Student Discipline Panel are to be -
  - (a) the Chair – who is to be a Staff Member appointed by the Academic Registrar;
  - (b) 2 other Staff Members appointed by the Academic Registrar; and
  - (c) 2 Eligible Students appointed by the Academic Registrar –
    - (i) from the list of nominations under clause 2.3 – if subparagraph (ii) does not apply; or
    - (ii) from all Eligible Students – if the Academic Registrar considers that, having regard to the skills, experience or other attributes necessary to deal with a particular matter, none of the Eligible Students (or none of the remaining Eligible Students) from the list of nominations under clause 2.3 is suitable.
- (3) The members of each other Student Discipline Panel are to be -
  - (a) the Chair – who is to be a Staff Member appointed by the Academic Registrar;
  - (b) one other Staff Member, who is to be a Staff Member of the Relevant Teaching Area appointed –

- (i) in the case of a Faculty - by the Faculty Pro Vice-Chancellor; or
  - (ii) in the case of an Area – by the Provost of the Area; and
- (c) an Eligible Student appointed by the Academic Registrar –
- (i) from the list of nominations under clause 2.3 – if subparagraph (ii) does not apply; or
  - (ii) from all Eligible Students – if the Academic Registrar considers that, having regard to the skills, experience or other attributes necessary to deal with a particular matter, none of the Eligible Students from the list of nominations under clause 2.3 is suitable.
- (4) If, during a particular period, or for a particular matter, the Chair is temporarily unavailable, the Academic Registrar may appoint any other qualified person to be Acting Chair for all or part of that period, or for the particular matter.
- (5) The Academic Registrar may, at any time –
- (a) revoke an appointment made by the Academic Registrar under this clause; or
  - (b) revoke or amend a term or condition of an appointment made by the Academic Registrar under this clause.
- (6) In relation to an appointment made under this clause by a Faculty Pro Vice-Chancellor or the Provost of an Area, the Faculty Pro Vice-Chancellor or the Provost (as the case may be) may, at any time -
- (a) revoke the appointment; or
  - (b) revoke or amend a term or condition of the appointment.
- (7) A person cannot be a member of a Student Discipline Panel in respect of a particular matter if that person –
- (a) has been involved in any material way in the consideration of that matter under these Rules; or
  - (b) has any other actual or perceived conflict of interest in that matter.

### **2.3 Student member**

- (1) The Curtin Student Guild President is -
- (a) to call for nominations, at least annually, of at least 6 Eligible Students (each of whom must attend the Perth campus) for each Student Discipline Panel, to be included in a list of nominations for appointment as a member of a Student Discipline Panel; and
  - (b) to give the Academic Registrar the list of nominations
- (2) If -
- (a) there is no person holding, acting in or performing the functions of the position of Curtin Student Guild President; or
  - (b) the Curtin Student Guild President is unable or unwilling to call for nominations under subclause(1)(a),

the nominations are to be called by the Academic Registrar.

## **2.4 Chair**

The Chair of a Student Discipline Panel -

- (a) is to be appointed for a term of no more than 2 years;
- (b) may be reappointed;
- (c) may be appointed ex officio; and
- (d) is disqualified from continuing to hold the office of Chair if they cease to have the qualifications referred to in clause 2.2.

## **2.5 Quorum**

- (1) The quorum is the Chair (or Acting Chair) and one other member.
- (2) Decisions are to be made by majority and, in the case of a tied vote, the Chair is to have a casting vote.

## **Part 3 - Student Discipline Appeals Board**

### **3.1 Jurisdiction**

The Student Discipline Appeals Board is responsible for deciding appeals under Part 4 of these Rules.

### **3.2 Membership**

- (1) The members of the Student Discipline Appeals Board are to be -
  - (a) the Chair – who is to be a legal practitioner (whether or not employed by the University) appointed by the Vice-Chancellor for a term of no more than 2 years and who –
    - (i) may be reappointed; and
    - (ii) may be appointed ex officio;
  - (b) 2 full-time Staff Members appointed (subject to subclause (2)) by the Academic Registrar; and
  - (c) 2 Eligible Students appointed (subject to subclause (2)) by the Academic Registrar –
    - (i) from the list of nominations under clause 3.3 – if subparagraph (ii) does not apply; or
    - (ii) from all Eligible Students – if the Academic Registrar considers that, having regard to the skills, experience or other attributes necessary to deal with a particular matter, none of the Eligible Students (or none of the remaining Eligible Students) from the list of nominations under clause 3.3 is suitable.
- (2) In making appointments under this clause –
  - (a) priority is to be given to relevant experience; and

- (b) due regard is to be given to gender diversity with at least one male member and one female member.
- (3) In relation to an appointment made under this clause, the Vice-Chancellor or the Academic Registrar (as the case may be) may, at any time –
  - (a) revoke the appointment; or
  - (b) revoke or amend a term or condition of the appointment.
- (4) A person cannot be a member of the Student Discipline Appeals Board in respect of a particular matter if that person –
  - (a) has been involved in any material way in the consideration of that matter under these Rules; or
  - (b) has any other actual or perceived conflict of interest in that matter.

### **3.3 Student members**

- (1) The Curtin Student Guild President is -
  - (a) to call for nominations, at least annually, for a list of at least 6 Eligible Students to be included in a list of nominations for appointment as a member of the Student Discipline Appeals Board; and
  - (b) to give to the Academic Registrar the list of nominations.
- (2) If -
  - (a) there is no person holding, acting in or performing the functions of the position of Curtin Student Guild President; or
  - (b) the Curtin Student Guild President is unable or unwilling to call for nominations under subclause (3)(a),

the nominations are to be called by the Academic Registrar.

*Note: under clause 3.2(4), an Eligible Student cannot be a member of the Student Discipline Appeals Board in respect of an appeal if, for example, the Eligible Student was a member of the Student Discipline Panel from which the appeal is to be heard.*

### **3.4 Quorum**

- (1) The quorum is the Chair and 2 other members, one of whom must be a Staff Member and the other an Eligible Student member.
- (2) Decisions are to be made by majority and, in the case of a tied vote, the Chair is to have a casting vote.

## SCHEDULE C – TEMPORARY EXCLUSION OR DENIAL OF ACCESS

### 1.1 Interpretation

(1) In this Schedule -

**Area** means area, other than a Faculty, that supports academic programs of the University and includes –

- (a) the Centre for Aboriginal Studies; and
- (b) the College of Enabling Pathways;

**denial** means denial of access by a Respondent Student, on a temporary basis, to any or all facilities or services of the University (within the terms of rule 5.2(2)(c));

**exclusion** means exclusion of a Respondent Student, on a temporary basis, from –

- (a) all or a specified part of a campus or an education centre; or
- (b) participating in any activity organised or managed by the University, such as field or work experience placement (within the terms of rule 5.2(2)(a) and (b));

**Faculty** means any of the following -

- (a) Faculty of Business and Law;
- (b) Faculty of Science and Engineering;
- (c) Faculty of Humanities; and
- (d) Faculty of Health Sciences,

however each might be described from time to time;

**Faculty Pro Vice-Chancellor** means, in relation to a Faculty, the senior academic position in charge of the Faculty;

**Global Campus** means a campus of the University that is not in Australia;

**Head of Area** means -

- (a) in relation to the Centre for Aboriginal Studies – the most senior person of that Centre; and
- (b) in relation to the College of Enabling Pathways – the Manager Enabling Pathways; and
- (c) in relation to any other Area – the most senior person of that Area;

**Head of School**, in relation to a School, means the senior academic position in charge of the School;

**Provost**, in relation to an Area, means the senior academic position in charge of the Area;

**Relevant Faculty Pro Vice-Chancellor**, in relation to a Respondent Student, means the Faculty Pro Vice-Chancellor of the Faculty with which the Respondent Student is most closely associated by way of -

- (a) the course to which they are admitted; or
- (b) the unit or units in which they are enrolled;

**Relevant Head of School or Head of Area**, in relation to a Respondent Student (whether or not from a Global Campus), means the Head of either the School or the Area with which the Respondent Student is most clearly associated by way of -

- (a) the course to which they are admitted; or
- (b) the unit or units in which they are enrolled; and

**Relevant Provost** means, where the Relevant Teaching Area is an Area, the Provost of the Area;

**Relevant Teaching Area**, in relation to a Respondent Student (whether or not from a Global Campus), means the Faculty or Area with which the Respondent Student is most closely associated by way of -

- (a) the course to which they are admitted; or
- (b) the unit or units in which they are enrolled; and

**Relevant Teaching Head** means -

- (a) where the Relevant Teaching Area is a Faculty - the Faculty Pro Vice-Chancellor of the Faculty; and
- (b) where the Relevant Teaching Area is an Area - the Provost of the Area.

(2) If, in a particular case, there is a doubt about who is-

- (a) the Relevant Head of School or Head of Area;
- (b) the Relevant Faculty Pro Vice-Chancellor; or
- (c) the Relevant Teaching Head,

the Academic Registrar is to determine the matter and the Academic Registrar's determination is final.

## **1.2 Table - periods for exclusion or denial (rule 5.2)**

(1) In relation to the following table, which applies in respect of rule 5.2 of these Rules -

- (a) items 1 and 2 apply unless there is a determination (and, if so, subject to the determination) by the Academic Registrar under subclause (2); and



- (b) the period of exclusion or denial specified in the first column of each item is the maximum period and includes any extension to the exclusion or denial that may apply under an amended direction under rule 5.2(6).
- (2) The Academic Registrar may determine that, in place of the Staff Members specified in items 1 and 2 –
- (a) the power to take action is exercisable by the Academic Registrar, instead of the Staff Members specified in those items; and
- (b) in that case, action taken by the Academic Registrar is to be reported to the Relevant Head of School or Head of Area (where item 1 applies) or to the Relevant Teaching Head (where item 2 applies).

Item	Period of exclusion or denial	Power to take action	Reporting
1.	Up to 1 week	Relevant Head of School or Head of Area	Action taken by – (a) the Head of School must be reported to the Relevant Faculty Pro Vice-Chancellor and the Academic Registrar; (b) the Head of Area must be reported to the Relevant Provost and the Academic Registrar.
2.	Up to 2 weeks	Relevant Teaching Head	Action taken by the Relevant Teaching Head must be reported to the Academic Registrar
3.	Up to 8 weeks	Academic Registrar	Action taken by the Academic Registrar must be reported to the Vice-Chancellor
4.	Over 8 weeks	Vice-Chancellor	N/A

### 1.3 Power to amend or withdraw a direction

The power (under rule 5.2(6)) to amend or withdraw a direction may be exercised -

- (a) if the direction had been given by a Head of School – by the Academic Registrar or the Relevant Faculty Pro Vice-Chancellor;
- (b) if the direction had been given by a Head of Area – by the Academic Registrar or the Relevant Provost;

- (c) if the direction had been given by a Faculty Pro-Vice Chancellor or a Provost – by the Academic Registrar; and
- (d) in respect of any direction – by the Vice-Chancellor.

The Common Seal of CURTIN UNIVERSITY )  
 was hereto affixed on 17 March 2022 )  
 by the authority of the Vice-Chancellor )



*Maureen Hayes*  
 Vice-Chancellor

*[Signature]*  
 Administrative Secretary

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	Amended	08/12/2010	Council	C178/10	Attachment A to Document No. 01505/10
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