

Non-Academic Misconduct Policy

Policy Statement

All students at Insearch are expected to respect other students, staff and property, so that teaching and learning at Insearch can take place freely, safely and without experiencing problems due to the misconduct of others. While students who commit non-academic misconduct should be appropriately dealt with, the process of discovery, investigation and punishment should always be procedurally fair.

SCOPE

This policy applies to all students of Insearch and in respect of misconduct by a person who was a student at the time of the misconduct, whether or not the person is currently enrolled.

Nothing in this policy precludes Insearch from initiating civil or criminal proceedings against a student or former student in respect of misconduct.

DEFINITIONS

Non-academic misconduct

Includes but is not limited to:

- (1) contravening any provision of Insearch rules, policies and procedures
- (2) acting in contravention of any official statement that defines acceptable standards of conduct and behaviour as approved by the Insearch Board or Insearch Academic Board from time to time
- (3) prejudicing the good name or academic standing of Insearch
- (4) prejudicing the good order and government of Insearch
- (5) a breach of confidentiality or privacy requirements or obligations in respect of Insearch or its staff, students or other relevant parties
- (6) interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of Insearch
- (7) harassing or engaging in any other form of improper or discriminatory behaviour towards another student, an officer of Insearch, a visitor to Insearch, or any other person whilst pursuing any activity related to his or her Insearch purposes; such misconduct may relate, but is not limited, to race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction or religious belief

- (8) intimidating or assaulting another student, officer of Insearch, a visitor to Insearch or any other person whilst pursuing any activity related to his or her Insearch purposes
- (9) Failing to comply with any order or direction lawfully made or given under Insearch rules, policies and/or procedures
- (10) refusing to identify himself or herself when asked lawfully to do so by an officer of Insearch
- (11) failing to comply with any conditions set by Insearch under the rules, policies and procedures
- (12) failing to comply with exam rules
- (13) breaching the terms or conditions of a penalty imposed for student misconduct
- (14) obstructing any officer of Insearch in the performance of the officer's duties including preventing or attempting to prevent an officer of Insearch from occupying or using his or her assigned work area and/or refusing to leave such an area when instructed to do so
- (15) behaving improperly or inappropriately:
 - (a) in a class, meeting or other activity in or under the control or supervision of Insearch, or
 - (b) on Insearch premises, or
 - (c) on any other premises to which the student has access for his or her Insearch purposes
- (16) failing to comply with the prescribed provisions relating to the student's placement at another institution, place of learning or place of business
- (17) acting dishonestly in relation to an application for admission to Insearch
- (18) knowingly making any false or misleading representation about things that concern the student as a student of Insearch
- (19) altering or attempting to alter any document or record of Insearch, or causing or attempting to cause any unauthorised alteration of such a document or record
- (20) accessing or using another student's academic work by theft or other unauthorised means
- (21) misusing any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others
- (22) misusing any computing or communications equipment or capacity to which the student has access at or away from Insearch premises for his or her Insearch purposes in a manner which is illegal or which is or will be detrimental to the rights or property of others
- (23) stealing, destroying, damaging or causing loss or cost in respect of a facility or property of Insearch or for which Insearch is responsible.

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 or psychological harm or to extensive damage to property.

SSCR Student Sponsorship, Compliance and Reporting

Student misconduct Includes both academic misconduct and non-academic misconduct.

POLICY PRINCIPLES

Principles	Responsible
<p>1. ALLEGATIONS OF NON-ACADEMIC MISCONDUCT</p>	
<p>1.1 Clear Understanding of the Allegation Before any conclusion is reached in an inquiry into alleged misconduct by a student, the student must be:</p> <ul style="list-style-type: none"> a) given the precise terms of and any reasons for the allegation b) given an outline or summary of all details intended to be given to the inquiry body c) given access to or a copy of documentation intended to be given to the inquiry body consisting of the Registrar or delegate and any other staff member deemed appropriate to enable the matter to be fully investigated, and d) given an opportunity to address all the information supplied. <p>The student must be given adequate time to prepare for the inquiry and to deal with the information provided; what is adequate depends upon the nature of the matter and the volume and complexity of the information.</p>	Registrar
<p>1.2 Admission of Non-Academic Misconduct A student may admit an act of misconduct at any time. When a student admits both the occurrence and the substance of an act of misconduct:</p> <ul style="list-style-type: none"> a) any enquiry being undertaken by a relevant officer of Insearch in relation to that act of misconduct will cease b) the relevant officer of Insearch will make recommendations only as to the penalty or penalties in accordance with this policy. 	Registrar
<p>1.3 Investigations of Allegations of Non-Academic Misconduct Allegations of non-academic misconduct are the responsibility of the Registrar. The nature of the investigation regarding non-academic misconduct is determined as described in the Non-Academic Misconduct Procedure.</p>	Registrar

Principles	Responsible
<p>1.4 Failure to Respond</p> <p>If the student fails to respond within 7 days to reasonable attempts to communicate by the Registrar or does not provide the Registrar with acceptable reasons for not attending a hearing, the Registrar will make a determination as to whether to adjourn or proceed in the absence of the student.</p>	Registrar
<p>1.5 Appeal Against Findings</p> <p>The student is free to appeal against the process with respect to the original inquiry and/or against the severity of the penalty imposed by the Registrar. The nature of these arrangements regarding appeal is determined as described in the Non-Academic Misconduct Procedure on the student extranet.</p>	Student
<p>1.6 Report Matters Related to Non-Academic Misconduct</p> <p>The Registrar will provide an annual written report to the Senior Leadership Team (SLT) on the recommendations and actions taken during the year in relation to student non-academic misconduct.</p>	Registrar
<p>1.7 Further Notification of Serious and/or Dangerous Non-Academic Misconduct</p> <p>The Registrar is responsible for determining who, in addition to the student against whom the allegation was made, should receive formal notification of the decision and/or recommendation and the reasons for it. In making this determination, the Registrar will take into account potentially conflicting needs of the student for privacy and of others who participated in the process and who may have ongoing responsibility for Insearch courses or facilities. In circumstances where an alleged victim of a crime of violence or a non-forcible sex offence makes a written request, Insearch will disclose to the alleged victim any decision and/or recommendation and the reasons for it with respect to any disciplinary proceeding conducted by Insearch against a student who is the alleged perpetrator of such crime or offence with respect to such crime or offence. The Registrar may impose conditions of confidentiality on any person who is so notified.</p> <p>Where necessary matters will be reported to the police and relevant authorities</p>	Registrar
<p>1.8 Privacy and Confidentiality</p> <p>Insearch regards student misconduct as a confidential matter. Staff involved in the student misconduct process must not divulge to any unauthorised person any information related to any allegations against an individual student.</p>	All Insearch Staff

Principles	Responsible
<p>1.9 Fairness of Process</p> <p>All students who are the subject of recommendations or decisions in respect of allegations of misconduct are entitled to be treated fairly and with dignity.</p> <p>All students are entitled to be regarded as not having behaved in an alleged manner until and unless they admit that behaviour or a fair and proper inquiry leads to a reasonable conclusion that they have so behaved.</p> <p>Knowledge that a student has behaved in a particular way in the past is not evidence that the student has behaved in the same manner again. Such knowledge may be evidence that the person is aware that the behaviour is an act of misconduct (or it may be relevant to the level of penalty).</p> <p>Each case must be dealt with on its own terms and merits and in accordance with its own circumstances.</p>	Registrar
<p>1.10 Access to Advice</p> <p>All students must have an opportunity to seek advice; in some circumstances it may be appropriate for Insearch to make arrangements for advice to be given. There may be a need for translating and/or interpreting services to be provided.</p>	Registrar
<p>2. PENALTIES</p>	
<p>2.1 Imposing Penalties</p> <p>Matters taken into account when imposing a penalty are the nature and seriousness of the misconduct, a student's previous record of misconduct, previous penalties imposed for misconduct, the fact that a student has admitted an alleged act of misconduct, and/or the fact that a student came forward on the student's own initiative and admitted an act of misconduct. Each case is dealt with on its own merits and according to its own circumstances with the proviso that the second instance of misconduct will be penalised more severely than previous instances of misconduct and a student's third offence will normally result in exclusion.</p> <p>The penalty will be imposed by the Registrar.</p>	Registrar

Principles	Responsible
<p>2.2 Levels of Penalty:</p> <p>2.2.1 Rescission of an academic award conferred by Insearch where the award is as a result of fraud or serious non-academic misconduct committed by the student before the award was conferred.</p> <p>2.2.2 Revocation of a recommendation to the Insearch Academic Board that a student has satisfied the requirements for an award, effective for a period of up to twelve (12) months.</p> <p>2.2.3 Permanent exclusion from Insearch, in which case:</p> <ul style="list-style-type: none"> a) the student's enrolment will be terminated b) the student will be recorded as excluded from Insearch c) the student will not be entitled to any benefits, advantages or privileges of Insearch d) the student will not be permitted to enrol in any course of study whether for award or otherwise at Insearch e) any further applications from the student for admission to any course of study at Insearch will not be considered. <p>2.2.4 Exclusion from Insearch for a period of up to five (5) years in which case:</p> <ul style="list-style-type: none"> a) the student's enrolment will be terminated b) the student will be recorded as excluded from Insearch for the specified period of exclusion c) the student will not be entitled to any benefits, advantages or privileges of Insearch for the specified period of exclusion d) the student will not be permitted to enrol in any course of study at Insearch whether for award or otherwise during the period of any exclusion e) the student may re-apply for readmission to the course at Insearch at the end of the period of exclusion. Readmission is not automatic and conditions relating to the student's future conduct at Insearch may be set by Chief Operating Officer. 	<p>Registrar</p>

Principles	Responsible
<p>2.2.5 Suspension from Insearch for a specified period not exceeding twelve (12) months in which case:</p> <ul style="list-style-type: none"> a) the student will not be entitled to any benefits, advantages or privileges of Insearch during the period of suspension b) the student will not be permitted to enrol in any course of study whether for award or otherwise at Insearch during the period of suspension c) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension. 	
<p>2.2.6 Suspension from a course of Insearch for a period not exceeding twelve (12) months in which case:</p> <ul style="list-style-type: none"> a) the student will not be entitled to any course-related benefits, advantages or privileges of Insearch during the period of suspension b) the student will not be permitted to enrol in the course from which the student has been suspended during the period of suspension c) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension. 	
<p>2.2.7 Withholding of academic results for the relevant teaching period, and/or of an academic transcript, including deferral or withdrawal of permission to graduate, for a specified period not exceeding twelve (12) months.</p>	
<p>2.2.8 Imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding twelve (12) months, in which case if there is a further act of misconduct during the specified period the Registrar shall refer the matter to the Chief Operating Officer for a recommendation on the imposition of a more severe penalty.</p>	
<p>2.2.9 Exclusion from attendance at specified classes or subjects for a specified period not exceeding twelve (12) months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled.</p>	
<p>2.2.10 For temporary exclusion of less than a term or semester, the student will be registered as absent.</p>	
<p>2.2.11 A grade reduction or zero mark/grade for an exam. This is only done after consultation with the Dean of Studies.</p>	
<p>2.2.12 Exclusion from and prohibition from use of specified facilities of Insearch for a specified period not exceeding twelve (12) months.</p>	

Principles	Responsible
<p>2.2.13 Payment to Insearch or a third party by a specified date of a specified amount not exceeding the amount of any loss or damage where an act of misconduct involves loss of or damage to property or facilities of Insearch or a third party, in which case failure to pay the specified amount to Insearch by the specified date will be treated as a debt to Insearch and incur any or all such sanctions for non-payment of charges.</p> <p>2.2.14 Payment to Insearch by a specified date of a specified amount for its costs, not exceeding the amount of any costs incurred where an act of misconduct involves lengthy inquiries and proceedings, in which case failure to pay the specified amount to Insearch by the specified date will be treated as a debt to Insearch and incur any or all such sanctions for non-payment of charges.</p> <p>2.2.15 Payment to Insearch by a specified date of a fine up to \$2,000, in which case failure to pay the specified amount to Insearch by the specified date will be treated as a debt to Insearch and incur any or all such sanctions for non-payment of charges.</p> <p>2.2.16 Imposition of specified conditions on attendance at specified classes or use of specified facilities of Insearch.</p> <p>2.2.17 A reprimand or caution.</p> <p>2.2.18 The Chief Operating Officer has the power to waive all penalties.</p>	
<p>2.3 Notification of Penalty</p> <p>The penalty determined (in accordance with the Non-Academic Misconduct Procedures) will be recorded on the student's file and the student will be notified by email of the imposition of the penalty.</p> <p>The student is entitled to be given the reasons for the decision and/or recommendation at the time it is made known to the student.</p>	SSCR Co-ordinator

SUPPORTING DOCUMENTS

- Non-Academic Misconduct Procedure

PUBLICATION

This policy is published on the staff intranet, student extranet and in the students' handbooks.

ADMIN USE ONLY

APPROVAL	
Signature:	
Name:	Alex Murphy, Managing Director
	Date:
Procedure Title	Non-Academic Misconduct Policy
Procedure Owner	Chief Operating Officer
Procedure ID	PO/OPS/01/17
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