



Student Misconduct Committee

Terms of Reference

1. Introduction

- 1.1 The Western Sydney University International College's (WSUIC) Student Misconduct Committee is an independent committee that is responsible for hearing and deciding allegations of student misconduct.
- 1.2 The Student Misconduct Committee (Committee) is authorised to impose Category 1 and 2 Sanctions and may also recommend that Category 3 Sanctions be imposed by the Board of Directors. These sanctions are detailed in Appendix A of these Terms of Reference.
- 1.3 This document should be read in conjunction with the WSUIC Student Misconduct Rule.

2. Committee Purpose

Clause 12 of the WSUIC Student Misconduct Rule indicates that the Committee:

- 2.1 Has the power to hear and decide allegations of academic or general misconduct, where:
 - 2.1.1 Academic misconduct is defined as conduct by a student that in any way undermines or otherwise puts at risk the academic integrity of any course, unit of study or assessment (including examinations) or WSUIC's reputation; and
 - 2.1.2 General misconduct is defined as conduct by a student that is contrary to accepted standards of behaviour at WSUIC including conduct that:
 - 2.1.2.1 Places at risk the health, safety, or welfare of any person,
 - 2.1.2.2 Places at risk the business or other operations, systems, or activities of WSUIC,
 - 2.1.2.3 Disrupts or interferes with another person's ability to access or enjoy WSUIC's facilities or services.
- 2.2 Has the power to hear and decide:
 - 2.2.1 Multiple allegations against the same respondent student, including if the allegations traverse more than one category of misconduct or
 - 2.2.2 Allegations involving more than one respondent student in relation to one incident or the same set of circumstances.

3. Membership and Accountability

- 3.1 The Committee consists of:
 - 3.1.1 the WSUIC Academic Director (Chair - ex officio)
 - 3.1.2 the WSUIC Course or Program Convenor (ex officio)



- 3.1.3 the WSUIC Manager of Quality and Student Administration (ex officio)
- 3.2 An external member may be appointed by the College Director and Principal or Academic Director:
 - 3.2.1 If the alleged misconduct involves a criminal offence punishable by 12 months' imprisonment or more and would, if proven, warrant expulsion. A person with the following qualifications may be appointed in this case:
 - 3.2.1.1 A person admitted as a legal practitioner in Australia for a minimum of seven years, or
 - 3.2.1.2 A person who holds or has previously held office as a judicial tribunal member, magistrate, or judge anywhere in Australia.
 - 3.2.2 Where the College Director and Principal or Academic Director hold the view that additional discipline expertise is required to make a determination on a specific case. In these circumstances, a senior academic from another university, who is from the same or similar discipline as the respondent student, and who is not involved in supervising or examining the respondent student would be invited to join the Committee.
- 3.3 A person may cease to be a member or be disqualified from membership as described in 3.3.1 and 3.3.2 below.
 - 3.3.1 A person is disqualified from appointment to the Committee if that person:
 - 3.3.1.1 Is a witness in any proceedings or appeal before the Committee, or
 - 3.3.1.2 Has been involved in reporting, investigating, deciding, or giving advice or recommendations about the allegation or appeal before the Committee.
 - 3.3.2 If a vacancy occurs after the Committee begins to hear or consider a matter, but before it makes a decision, the Academic Director in consultation with the remaining Committee members shall make a determination in accordance with clause 37 of the WSUIC Student Misconduct Rule
- 3.4 The Academic Director will be the Chair of the Committee. The Chair:
 - 3.4.1 Has power to make any decision or give direction in relation to procedural matters, including to adjourn a hearing or extend a deadline;
 - 3.4.2 Does not have a casting vote if there is an equality of votes; and
 - 3.4.3 Will nominate the Committee member who will perform the secretariat duties
- 3.5 The secretariat duties include:
 - 3.5.1 Assisting the Chair with the preparation and dissemination of the meeting agenda and minutes;
 - 3.5.2 Assisting the Chair with the preparation and dissemination of reports and correspondences/notifications; and
 - 3.5.3 Assisting the Chair in ensuring that records are stored and maintained in accordance



with the WSUIC Records Management Policy

3.6 The Committee will be accountable to the Academic Board.

4. Frequency of Meetings

The Committee will meet as required.

5. Quorum

A quorum for the meeting of the Committee shall be three members that includes the Chair.

6. Procedures

When hearing, investigating and deciding on allegations, the Committee will adhere to procedures in accordance with the WSUIC Student Misconduct Rule.

7. Appeals

If a student wishes to appeal against a finding of misconduct or the imposition of a Category 1 or 2 sanction, the Committee will refer to the Appeals section of the WSUIC Student Misconduct Rule.

8. Records

8.1 Records of the Committee meetings, investigations and findings will be saved in WSUIC's share drive.

8.2 The Misconduct Register on the Western Sydney University server will be used to record all submitted misconduct allegations from the time of submission through to their resolution/close out.

8.3 The Committee will use the approved templates for all communications that will be sent to students in relation to allegations of misconduct and their outcomes. These templates will be available on the Western Sydney University server.

9. Reports

9.1 The Committee will submit regular reports on the outcomes of allegations of misconduct to the Academic Board as requested by the Academic Board. Upon receiving the Academic Board's endorsement, the College Director and Principal will send these reports to the Risk and Compliance Committee and Board of Directors on behalf of the Committee.



10. Training

- 10.1 The Committee members and other nominated WSUIC staff, will undergo annual training on managing misconduct allegations provided by the Western Sydney University Office of Governance Services.

11. Review of These Terms of Reference

- 11.1 The Committee's terms of reference are established by the Board of Directors
- 11.2 The terms of reference will be reviewed periodically by the Board of Directors.
- 11.3 Changes made to the terms of reference agreed by the Academic Board will be recommended to the Board of Directors for approval.

12. Related Documents

- TOR 03 Terms of Reference for Academic Board
- RILE 01 WSUIC Student Misconduct Rule
- WSUIC Misconduct Register

Approval and Amendment History

Approval Authority:	Western Sydney University International College
Policy Owners:	Executive
Approval Date:	31/07/2019
Date for Next Review:	8/09/2025

Amendments		
Revision Date	Version	Summary of changes
July 31 2019	1	New terms of reference developed
09/11/2021	1.2	Update to Clause 3.4.2 for consistency with Student Misconduct Rule Removal of words Part 3, 4 and 5 and replaced with Procedure
08/09/2023	2	Addition of Clauses 3.2.2 to include additional member with discipline expertise if required. Updated Committee's accountability to Academic Board



Appendix A - Sanctions for Misconduct

There are three categories of Sanctions that may be imposed for misconduct:

Category 1 Sanctions, which may be imposed by:

- a. the College Director and Principal, the Manager of Quality and Student Administration (in the case of General Misconduct) or the Academic Director (in the case of Academic Misconduct) or the Student Misconduct Committee if a finding of misconduct is made; or
- b. an Appeals Committee in relation to an appeal of a determination of misconduct with a Category 1 sanction applied.

Category 2 Sanctions, which may only be imposed by:

- a. A Student Misconduct Committee if it makes a finding of misconduct;
- b. the College Director and Principal, the Manager of Quality and Student Administration (in the case of General Misconduct) or the Academic Director (in the case of Academic Misconduct) if a student admits to misconduct that warrants a Category 2 Sanction before a notice of hearing is issued;
- c. an Appeals Committee in relation to an appeal of a determination of misconduct with a Category 2 sanction applied.

Category 3 Sanctions, which may only be imposed by the Board of Directors on the recommendation of the College Director and Principal, Academic Director, Manager of Quality and Student Administration or a Student Misconduct Committee.

Category 1 Sanctions

A Category 1 Sanction is any one or more of the following:

- a. a reprimand;
- b. reduction of a mark, including to zero, or a "fail" for an assessment task, examination or final grade;
- c. a direction to pay up to \$500.00 for repair or replacement of damaged or lost property;
- d. a direction to give an apology;
- e. a direction not to approach, contact or attempt to contact a staff member or another student, but only to the extent that this does not unreasonably interfere with the respondent student's ability to attend classes or undertake his or her studies;
- f. a direction that the respondent student gives a written undertaking to not repeat or continue the behaviour or activity that is the subject of the finding of misconduct;



- g. restricted or conditional access to or use of any University campus (including buildings), facilities or services for a period of up to one full teaching session.

Category 2 Sanctions

A Category 2 Sanction is any one or more of the following:

- a. temporary exclusion from a:
 - i. specified unit of study; or
 - ii. specified course;
- b. permanent exclusion from a specified course;
- c. a direction to pay a specified amount for repair or replacement of damaged or lost property up to a value not exceeding \$2,000;
- d. suspension from WSUIC or from undertaking a specified activity connected with the respondent student's course for a period of up to two consecutive and full teaching terms;

Category 3 Sanctions

A Category 3 Sanction is revocation of an award conferred on the respondent student and may only be imposed by the Board of Directors in accordance with its Charter. There is no internal avenue of review or appeal against a decision by, or a recommendation to, the Board of Directors to impose a Category 3 Sanction.