



<b>Approving Authority</b>	Academic Board	<b>Approval Date of Last Revision</b>	25 June 2026
<b>Approval Date</b>	23 Feb 2018	<b>Effective Date of Last Revision</b>	25 June 2026
<b>Effective Date</b>	23 Feb 2018	<b>Review Date*</b>	25 June 2031
<b>Document No</b>	PRG8.1	<b>Version</b>	2.0a
<b>Policy Category</b>	Governance		
<b>Governing Authority</b>	Council		
<b>Responsible Officer</b>	CEO		

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## Purpose

1. The Student Misconduct Procedure sets out the processes for responding to and managing allegations of student misconduct at Adelaide Institute of Higher Education (AIHE).
2. This Procedure should be read together with the Student Code of Conduct and related policies and procedures.

## Scope

3. This Procedure applies to:
  - all currently enrolled students of AIHE
  - former students where the alleged conduct occurred while enrolled at AIHE
  - students on leave of absence, and
  - allegations of significant academic misconduct referred under the AIHE Academic Integrity Policy.

4. Academic misconduct is addressed in the first instance under the AIHE Academic Integrity Policy and associated procedures. Repeated or serious breaches of academic integrity may be managed under this Procedure.

### **Principles**

5. Allegations of student misconduct will be managed:
  - fairly and impartially
  - in accordance with principles of procedural fairness
  - as promptly as practicable
  - proportionately to the seriousness of the alleged conduct, and
  - with consideration of student wellbeing and safety where relevant.
6. Students who are the subject of allegations of misconduct will:
  - be informed of the allegation
  - be provided with a reasonable opportunity to respond
  - be permitted to access support or advocacy services, and
  - be informed of relevant appeal rights.
7. AIHE may take reasonable interim action where necessary to maintain safety, wellbeing or good order pending completion of a misconduct process.

### **Initial Response to Potential Misconduct**

8. Where an AIHE staff member reasonably believes that a student may be engaging in misconduct, the staff member should seek to manage the situation appropriately and safely.
9. Staff may give reasonable directions where necessary to:
  - maintain safety
  - maintain good order
  - prevent disruption to AIHE activities, or
  - protect people, property or AIHE operations.
10. In less serious situations, an educative response will normally be appropriate.
11. An educative response may include:
  - explaining expected standards of conduct
  - directing the student to cease inappropriate behaviour
  - providing guidance or support, and
  - advising the student of possible consequences if the behaviour continues.
12. Staff should escalate matters where:
  - the conduct appears serious
  - an educative response is insufficient
  - there are safety concerns
  - there is repeated misconduct, or
  - they are uncertain how the matter should be managed.
13. Where there are immediate concerns regarding safety, wellbeing or significant disruption, a staff member or Designated Officer may temporarily withdraw a student's permission to participate in AIHE activities or access AIHE premises or facilities for a limited period.

14. Temporary removal should only occur where reasonably necessary to maintain safety or good order.
15. Any temporary removal must be reported promptly to the Chief Executive Officer so that a central record can be maintained.
16. Where conduct may involve criminal behaviour, AIHE may refer the matter to relevant external authorities.
17. Where concerns arise regarding a student's wellbeing or safety, the matter may also be managed in accordance with the AIHE Critical Incident Policy and related procedures.

### **Reporting and Preliminary Assessment**

18. Allegations of student misconduct should be reported promptly to the Chief Executive Officer or nominee.
19. The Chief Executive Officer may:
  - dismiss the allegation where it lacks substance or has already been appropriately resolved
  - refer the matter for an educative response
  - investigate the matter directly or appoint an Investigating Officer, or
  - refer serious matters to the Student Misconduct Board (see para 25 below).
20. Preliminary assessment and any preliminary fact-finding should occur as promptly as practicable and normally within ten (10) business days.
21. Allegations may be dismissed where:
  - the allegation is frivolous, vexatious or lacking in substance
  - the alleged conduct would not constitute misconduct if proven, or
  - the person concerned is not subject to this Procedure.

### **Minor Misconduct**

22. Minor misconduct matters will normally be addressed through educative or corrective responses.
23. Where minor misconduct is substantiated, the Chief Executive Officer or nominee may impose one or more of the following actions:
  - a warning or reprimand
  - a restorative or educative action
  - restrictions on access to facilities, services or activities for a limited period
  - directions regarding future conduct, or
  - restitution for damage caused.

### **Referral to the Student Misconduct Board**

24. Matters may be referred to the Student Misconduct Board where:
  - the alleged conduct is serious
  - exclusion, suspension or significant sanctions may be appropriate
  - there are significant safety concerns, or
  - the matter involves significant academic misconduct.
25. Referrals to the Student Misconduct Board should include:
  - details of the allegation

- relevant supporting information or evidence
  - details of witnesses where relevant, and
  - any relevant background information.
26. The Student Misconduct Board is a formal decision-making body established under the Student Code of Conduct to consider serious allegations of misconduct and significant academic misconduct. The Board will comprise a Chairperson and appropriately qualified staff members appointed by AIHE.
27. The Chairperson of the Student Misconduct Board may:
- dismiss the matter where it lacks merit, or
  - convene the Student Misconduct Board to investigate the allegation.
28. Student Misconduct Board members must not participate where they have an actual or perceived conflict of interest.
29. Where academic misconduct is involved, the Student Misconduct Board should include appropriate academic expertise.

### **Investigation Process**

30. Investigations may be conducted by:
- the Chief Executive Officer or nominee, or
  - the Student Misconduct Board.
31. Students will be provided with written notice of:
- the allegation
  - relevant supporting information
  - the investigation meeting details where applicable
  - their opportunity to respond, and
  - their right to access support or advocacy services.
32. Wherever practicable, students should normally receive at least ten (10) business days' notice of an investigation meeting.
33. Investigations may include:
- meetings with the student
  - discussions with witnesses
  - consideration of written statements or documentary evidence
  - review of relevant records or communications, and
  - any other reasonable enquiries considered relevant.
34. Students may respond orally, in writing, or through other reasonable means determined appropriate by AIHE.
35. Students located overseas or unable to attend in person may participate through video or other communication technologies where appropriate.
36. In making decisions under this Procedure, the Chief Executive Officer, nominee or Student Misconduct Board:
- will act fairly and impartially
  - may inform themselves as they consider appropriate, and
  - are not bound by formal rules of evidence.

37. At the conclusion of the investigation, the Chief Executive Officer, nominee or Student Misconduct Board will determine whether the allegation is substantiated.
38. Where misconduct is substantiated, sanctions or other actions may be imposed in accordance with this Procedure.
39. In determining an appropriate outcome, AIHE will consider:
  - the seriousness of the conduct
  - prior conduct history
  - the impact of the conduct
  - any acknowledgement of wrongdoing or remorse
  - student wellbeing considerations, and
  - any other relevant circumstances.
40. AIHE will endeavour to impose outcomes that are proportionate and appropriate in the circumstances.

### **Temporary Restrictions Pending Outcome**

41. The Chief Executive Officer or Chairperson of the Student Misconduct Board may impose temporary restrictions pending completion of the misconduct process where reasonably necessary to:
  - maintain safety
  - maintain good order
  - prevent disruption, or
  - protect members of the AIHE community.
42. Temporary restrictions are precautionary measures and do not constitute a finding of misconduct. They should be the least restrictive measures reasonably available in the circumstances.

### **Outcomes and Sanctions**

43. Where misconduct is substantiated, one or more outcomes or sanctions may be imposed.
44. Possible outcomes for non-academic misconduct include:
  - warnings or reprimands
  - restorative or educative actions
  - directions regarding future conduct
  - restrictions on access to facilities, services or activities
  - restitution for damage caused
  - conditions on enrolment
  - suspension, or
  - exclusion from AIHE.
45. Possible outcomes for significant academic misconduct include:
  - academic penalties under the Academic Integrity framework
  - reassessment or resubmission requirements
  - restrictions relating to assessment activities
  - suspension
  - termination of enrolment, or

- recommendations relating to conferral or revocation of awards in accordance with relevant policies.

46. Suspension or exclusion from AIHE may only be imposed by the Student Misconduct Board.

47. Sanctions will normally not take effect until the expiry of the appeal period or completion of any appeal process unless immediate action is necessary to maintain safety or good order.

### Notification and Appeals

48. Students will be advised in writing of:

- the outcome of the investigation
- any sanctions or actions imposed
- the reasons for the decision, and
- their appeal rights.

49. Students may appeal misconduct decisions in accordance with the Student Grievances, Complaints and Appeals Policy and associated procedures.

50. In the case of international students, AIHE will ensure compliance with relevant ESOS requirements.

### Records and Reporting

51. Records relating to student misconduct matters will be maintained in accordance with the Records Management Policy and associated procedures.

52. AIHE may use aggregated and de-identified misconduct data to support institutional monitoring, reporting and continuous improvement activities.

### Related Documents

53. Related documents include:

- Student Code of Conduct
- Academic Integrity Policy (and associated procedures)
- Student Grievances, Complaints and Appeals Policy (and associated procedures)
- Critical Incident Policy
- Records Management Policy
- Academic Progress, Enrolment and Graduation Policy

### Definitions

54. Definitions for terms used in this Procedure are contained in the AIHE Glossary of Terms.

Document Control		
Version #	Date	Key changes
1.0	23 February 2018	Original procedure approved by General Manager
1.1	15 April 2019	Reviewed; minor update to position title
2.0	21 May 2026	Significant reformatting and editing to better align Procedure and Student Code of Conduct
2.0a	9 June 2026	Approved by Academic Board

*\* Unless otherwise indicated, this Procedure will apply beyond the review date until a formal review is completed*