

# STUDENT CONDUCT POLICY AND PROCEDURE



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## 1 PURPOSE

- 1.1 This policy and procedure outlines CQUniversity's expectations for student conduct and how the University will manage [misconduct](#) by students that is not academic misconduct or research misconduct.

## 2 SCOPE

- 2.1 This policy and procedure applies to any unacceptable behaviours, actions and activities (including inaction or inactivity) by prospective and current CQUniversity students. This includes on-campus activities, and any University or student-related activities at other sites (for example during placements, field trips, exchange programs, or online).
- 2.2 This policy and procedure also applies to [former, graduated and not actively enrolled students](#).
- 2.3 If a matter being dealt with under this policy and procedure becomes the subject of a police investigation, the Director Governance/University Secretary (or nominee) may suspend the proceedings under this policy and procedure until that criminal investigation and/or proceedings have been completed.

2.4 This policy and procedure does not apply to:

- student misconduct within a Student Residence (Capricornia College or Canefield College), or during a Student Residences activity/event – refer to the Student Accommodation Handbook and Student Residences Conduct Policy and Procedure (*in development*)
- general conduct and attendance requirements for Start TAFE Now (STN) students – refer to the Start TAFE Now (STN) Student Conduct Policy and Procedure (*in development*). The Student Conduct Policy and Procedure (this policy and procedure) will apply to allegations of [serious misconduct](#) by STN students
- applicants who submit fraudulent information as part of an admission application – refer to the [Admission \(Coursework\) Policy and Procedure](#)
- academic misconduct – refer to the [Student Academic Integrity Policy and Procedure](#)
- research misconduct – refer to the [Research Higher Degree Integrity Policy and Procedure](#), or
- employee misconduct – refer to the [Central Queensland University Enterprise Agreement, Code of Conduct, Workplace Harassment, Bullying and Unlawful Discrimination Policy and Procedure](#) or [Sexual Harassment Policy and Procedure](#).

### 3 POLICY STATEMENT

3.1 The University does not tolerate behaviour which diminishes the reputation of the University, impairs [University members'](#) ability to participate in university activities, or disrupts the peace or good order of the University. It is committed to creating and maintaining an environment in which students, employees, and clients work together free of violence, [harassment](#), and intimidation.

3.2 The University aims to provide an environment where:

- [academic freedom](#) and freedom of speech is protected and encouraged – refer to the [Freedom of Speech and Academic Freedom Policy](#) for further information
- academic and research integrity are promoted, and
- students and employees are respected and treated fairly.

#### Student conduct expectations

3.3 The University expects students to behave in a way that:

- (a) allows reasonable freedom for others to pursue their studies, research, duties, and other lawful activities in the University, and to participate in the life of the University
- (b) recognises that the pursuit of academic excellence is a key aim of the University and that student assessment and research procedures, and academic honesty are essential in achieving that aim
- (c) promotes a safe and inclusive learning environment, by treating all [University members](#) with respect and courtesy and refrains from any actions which disrupts others in the performance of their studies or duties
- (d) refrains from any actions which might reasonably be perceived as unsafe, intimidating, discriminating, [harassing](#), [bullying](#) or [sexual violence](#) in face-to-face and online situations
- (e) complies with directions given by University employees to promote the good order and management of the University
- (f) ensures the proper use of University facilities, information and property and the property of other persons on its campuses and sites
- (g) demonstrates a professional manner while undertaking placements, practicums, field trips, study tours, or other forms of work-integrated learning or student mobility programs, and maintains the highest standards of professional ethics relevant to the profession or industry for which they are being trained
- (h) complies with health and safety requirements and instructions given by the University, and attend any relevant training required by the University
- (i) does not divulge confidential or personal information relating to any University matter, employee, student, or student placement/practicum in circumstances where there is no reasonable or lawful excuse for doing so

- (j) provides only truthful statements regarding their student status, representation as a student, and entitlement as a student, and
  - (k) complies with the policy documents of the University.
- 3.4 Actions or behaviours may be deemed inappropriate by a recipient even if that is not the intention of the perpetrator.
- 3.5 The University may find that actions or behaviours are inappropriate, regardless of the intention of the perpetrator.

## 4 PROCEDURE

### Misconduct

- 4.1 The following conduct, if it occurs while a student is in their role as a student, will be treated as [misconduct](#):
- a) impeding a [University member's](#) ability to study or participate in a University activity
  - b) acting in a manner which is threatening, intimidating, disrespectful, disorderly, inappropriate, or unprofessional
  - c) breaching or failing to follow a University policy document, including the [student conduct expectations](#) listed in this policy and procedure
  - d) breaching the University's expectations and requirements for the use of its information and communications technology (ICT) resources, including network, devices, and services, including externally hosted or cloud-provided services as per the [Information and Communications Technology Acceptable Use Policy and Procedure](#)
  - e) failure to follow placement rules or breaching professional practice requirements, while on placement
  - f) any act or omission which disrupts the peace and good order of the University or negatively impacts on the University's reputation
  - g) being complicit in or aiding another in misconduct.

### Serious misconduct

- 4.2 The following conduct, if it occurs while the student is in their role as a student, will be treated as [serious misconduct](#):
- a) committing an act or omission which causes a [University member](#) to hold reasonable fear for their safety or physical or psychological wellbeing
  - b) committing an act or omission which has the capacity to endanger the health and safety of a University member
  - c) assaulting or causing physical harm or endangering the health and safety of a University member
  - d) wrongfully dealing with, interfering with, wilfully damaging, or stealing University property
  - e) [sexual violence](#) – [sexual harassment](#) or [sexual assault](#) (also refer to the [Student Critical Incident Policy and Procedure](#))
  - f) any form of [unlawful discrimination](#), [victimisation](#) or [vilification](#)
  - g) any form of [bullying](#) or [harassment](#)
  - h) breaching the confidentiality of any information gained during a placement
  - i) knowingly claiming scholarship payments when ineligible to receive such payments
  - j) an attempted act or omission which would, if completed, amount to serious misconduct
  - k) being complicit in or aiding another in serious misconduct
  - l) fraudulent representation of grades, awards or other forms of fraudulent documentation provided to the University. This also includes the unauthorised use of any institution's name, seal or trademark

- m) tampering with and/or making a fraudulent representation involving any medical certificate or similar documentation
- n) any other type of fraud or deception not covered above in l) and m)
- o) bringing a knife or other weapon to the University or placement premises, except where the knife is authorised for use for laboratory dissections, butchery or cookery training and is not used in any threatening manner
- p) breaching State or Commonwealth laws
- q) failing to comply with any direction, order or penalty made or imposed under this policy and procedure, or
- r) repeating behaviour of the same or similar nature where the first incidence of that behaviour has been dealt with under this policy and procedure.

## Communications

- 4.3 All communications will be provided in writing and be considered properly served if sent to the student's University student email address or the prospective student's email address recorded with the University. This includes any warnings, directions, allegations, and outcomes.

## First and informal response

- 4.4 Early intervention allows students to be aware of their actions directly and immediately. Employees may need to deal with many types of undesirable behaviour/[misconduct](#). For example:
- a student disrupting a class should be told to stop by the academic employee/vocational education and training (VET) educator
  - a student being rude or aggressive to an employee, should be told that their attitude/actions are unacceptable and that service will cease if the behaviour continues, or
  - a student making noise in the library should be told to stop or leave.
- 4.5 University employees should make it clear to the offending student that the behaviour is unacceptable and will not be tolerated, and take reasonable steps to manage the situation.
- 4.6 Behaviour of students may be based on feelings of exasperation or injustice, and employees can often play a role in defusing such situations. Employees should be sensitive to the possible effects of cultural and language differences in interactions with students and should be aware that some behaviours which concern or frighten others may be the result of mental health issues, substance abuse, or severe distress. While the behaviours are undesirable, employees need to exercise judgement regarding an appropriate response and consider the student's safety and wellbeing and the safety and wellbeing of [University members](#).
- 4.7 Using discretion and good judgement, employees should, as far as possible, control a situation. To do so, employees may:
- advise the student that their behaviour is unacceptable, as per the [student conduct expectations](#) outlined in this policy and procedure, ask them to stop, and enquire about what support they may need to assist them/support them to behave in line with student conduct expectations
  - require a student to leave the class or the location where the unacceptable behaviour is occurring
  - refuse to deal with the student (leave the counter, terminate the phone call, terminate the meeting) until the student has changed their behaviour
  - advise the student that they may be referred to the Director Governance/University Secretary for a misconduct investigation if the behaviour continues after being told to stop
  - call a supervisor, another employee or Security for assistance in managing a situation, or
  - if the situation requires, immediately notify the police, and then inform Security and the Director Governance/University Secretary, who will consult with Safer Communities, if necessary.

- 4.8 Where an employee has taken any first response action towards undesirable behaviour/misconduct, they must keep detailed records of the behaviour/misconduct and the action taken, and advise either the relevant Deputy Dean Learning and Teaching, Deputy Dean VET, [Head of Business Area](#), Head of College/Course. Where the employee has identified that the student of concern or other student's safety and wellbeing is impacted it is recommended that they consult with Counselling and/or Safer Communities to determine next steps. The detailed records must be forwarded to the Director Governance/University Secretary if the matter progresses to a formal investigation.
- 4.9 Once notified, the relevant Deputy Dean Learning and Teaching, Deputy Dean VET, Head of Business Area, Head of College/Course will:
- determine that the verbal warning given by the employee is sufficient
  - issue a written informal warning notice as per section 4.10 below, or
  - if determined appropriate, refer the matter to the Director Governance/University Secretary for consideration, and possible formal investigation.
- 4.10 Where the Deputy Dean Learning and Teaching, Deputy Dean VET, Head of Business Area, Head of College/Course issues a written informal warning notice to the student/s, the notice will:
- explain why the behaviour or action was seen as a breach of the [student conduct expectations](#)
  - remind the student about the University's expectations and requirements outlined in this policy and procedure
  - advise the student that any further breaches will be referred to the Director Governance/University Secretary for consideration and possible formal investigation
  - advise the student of the support services available to support them in adhering to student conduct expectations in future
  - allow the student the opportunity to provide explanation or discuss the matter, and
  - advise the student if the matter has been referred to the Director Governance/University Secretary.
- 4.11 Unacceptable student conduct which requires a formal investigation, including any instances of [serious misconduct](#), must be actioned under the formal investigation section below.

### **Formal investigation**

- 4.12 Any instances of [serious misconduct](#) or instances of [misconduct](#) which cannot be addressed through first and informal response, must be forwarded to the Director Governance/University Secretary by emailing the completed [Student Misconduct Allegation Form](#) providing full details of the matter to [conduct@cqu.edu.au](mailto:conduct@cqu.edu.au) and attaching any evidence or supporting documentation.
- 4.13 Students and non-employees can report suspected student misconduct through the [Official Complaints Form](#) or email to [conduct@cqu.edu.au](mailto:conduct@cqu.edu.au).
- 4.14 Alleged misconduct matters will be investigated and determined by the Director Governance/University Secretary (or nominee), in a manner affording [procedural fairness](#) and applying penalties which are appropriate, fair and just. During the investigation, the Director Governance/University Secretary (or nominee) may consult as necessary to ensure all relevant information is received.
- 4.15 If the misconduct information provided demonstrates a safety concern or serious impacts on a [University member](#) or process, the Director Governance/University Secretary (or nominee) may impose a condition or restriction on the student. This condition or restriction will remain in place until it is withdrawn or the misconduct investigation is concluded. This may involve imposing conditions or restrictions on the student's enrolment or access to physical campuses, digital learning environments, specific workplaces and/or areas of the University, and/or directions regarding communication with the University and/or University members. A decision to impose conditions or restrictions on a student will take effect upon written notification to the student.

- 4.16 If the Director Governance/University Secretary (or nominee) determines that misconduct or serious misconduct may have occurred, they will email the student of the details of the allegations and provide the student with an opportunity to answer these allegations in writing and to present their case.
- 4.17 The email will include:
- sufficient detail of the allegation/s to allow the student to understand the nature of the alleged misconduct
  - a list of the range of possible penalties
  - an opportunity to answer the allegations and the support options available to assist with this
  - confirmation of the ability to obtain independent advice and support
  - the required timeframe for the student's response, normally 10 business days, and
  - a link to this policy and procedure.
- 4.18 The referring [business area](#) or employee will be notified when the allegation notice has been issued and when the investigation is completed.
- 4.19 Where allegations are provided by a student or non-employee, the complainant will be advised when the matter has been resolved. Information privacy rules prevent the details and outcomes of misconduct investigations being released to third parties.

### **Student's response**

- 4.20 Students may seek advice from [Student Advocacy](#) on how to present their response.
- 4.21 Students must provide any response in writing by email to [conduct@cqu.edu.au](mailto:conduct@cqu.edu.au). Students may also request an opportunity to address the Director Governance/University Secretary (or nominee) within the response timeframe. In these situations, students may have one of the following in attendance to provide support and to assist the student to state their case:
- Student Advocacy Officer
  - enrolled student of the University
  - University employee, or
  - any other person who is satisfactory to the Director Governance/University Secretary (or nominee). Permission must be obtained from the Director Governance/University Secretary (or nominee) prior to the meeting.
- 4.22 Students who fail to respond to the written advice of an allegation of [misconduct](#) within the time permitted to respond, may be deemed to have accepted the allegations (i.e. that what is alleged did in fact occur) and the investigation may proceed without their response.
- 4.23 Where an investigation proceeds without a student's response, the student may request to have the proceedings reopened if they can demonstrate that they did not receive or respond to the notice because of [compassionate and compelling circumstances](#) beyond their control. Such an application should be made directly to the Director Governance/University Secretary (or nominee) by emailing [conduct@cqu.edu.au](mailto:conduct@cqu.edu.au).

### **Timeframes**

- 4.24 Investigations will be scheduled as soon as possible after the alleged [misconduct](#) is identified, but no earlier than 10 business days and no later than 30 business days from the date of the allegation notification to the student.
- 4.25 Students will have 10 business days to provide their written response to the allegation notification. If the student requires more than 10 business days to prepare their response, they may apply to the Director Governance/University Secretary (or nominee) for an extension of time by emailing [conduct@cqu.edu.au](mailto:conduct@cqu.edu.au).
- 4.26 The Director Governance/University Secretary (or nominee) will issue the outcome notification to the student or prospective student within 20 business days from the student response due date.

- 4.27 If the investigation cannot be completed within the above timeframes, the Office of the Director Governance/University Secretary will advise the student by email that additional time is required and provide a new estimated timeframe. This will be done prior to the timeframes outlined above being exceeded.

## Penalties and outcomes

- 4.28 Penalties and outcomes will be applied in accordance with the following principles:
- to penalise the behaviour in a manner which is fair and just
  - to allow the student an opportunity to correct offending behaviour
  - to protect and maintain standards of conduct and behaviour in the workplace and the learning environment, and
  - to ensure the health, safety and wellbeing of [University members](#).
- 4.29 If [misconduct](#) or [serious misconduct](#) is substantiated, the following penalties may be applied:
- written official warning
  - completion of a probation agreement, which may be required to be signed and returned prior to being able to continue with studies or return to campus
  - requirement to complete a written reflection on the potential impact or impact of the behaviour, and have this accepted by the Director Governance/University Secretary (or nominee), prior to being able to continue with studies or return to campus
  - order for compensation or restitution on such terms as are deemed fit and proper
  - conditions on enrolment, such as a requirement that studies must be completed online rather than on-campus
  - ban from attending any University campus or location in person
  - temporary exclusion from the University
  - permanent exclusion from the University, or
  - any combination of these penalties.
- 4.30 The following outcomes may also be applied in conjunction with the above penalties for instances of misconduct or serious misconduct:
- recommendation to the Vice-Chancellor and President (or nominee) proposing revocation of award, certification document and/or statement of attainment due to fraud, as per the [Awards Policy and Procedure](#)
  - referral to a counsellor, psychologist or Safer Communities to assist in addressing, and where possible resolving, any identified misconduct by either the University's Student Counsellors or an external professional service (which may be at the cost of the student)
  - recommendation for required leave of absence as per the [Required Leave of Absence Policy and Procedure](#), or
  - referral of matter to police (in instances of potential breaches of State or Commonwealth laws).
- 4.31 Other than temporary or permanent exclusion from the University, any disciplinary penalties and outcomes will not form a part of the student academic transcript but will form part of the student's electronic record with the University.
- 4.32 The Office of the Director Governance/University Secretary will advise the International Directorate of any penalties related to a temporary or permanent exclusion which will cause the cancellation of an international student's enrolment, to ensure these penalties are implemented and reported in accordance with legislation. Penalties that impact the enrolment of international students studying in Australia may result in a review of the student's visa status by the Australian Government.

## Appeals

- 4.33 Students who have received a determination of [misconduct](#) or [serious misconduct](#) and can demonstrate that the process in the policy and procedure was not followed or that new evidence is available, may lodge an appeal to the Chief Operating Officer (by emailing [conduct@cqu.edu.au](mailto:conduct@cqu.edu.au)).
- 4.34 Appeals must be submitted within 20 business days of receipt of the official written outcome notification from the Director Governance/University Secretary (or nominee).
- 4.35 The University will ensure that students are advised of their option for internal appeal in the written outcome notification, including information about the support services (i.e. student advocacy) available to assist in the process.
- 4.36 Appeal submissions must include:
- the student's name, student number and contact details
  - the nature of the decision or matter being appealed
  - the basis or grounds for the appeal:
    - why the student believes the investigation and/or decision was incorrect, unreasonable or wrong, or
    - that there is new information or evidence now available and how it is relevant to the appeal
  - any new information or evidence that should be considered
  - the outcome sought by the student, and
  - copies of all relevant documentation and evidence.
- 4.37 An appeal may not proceed if:
- no reasonable grounds are stated for the appeal
  - the student has not set out why they believe the investigation and/or decision was incorrect, unreasonable or wrong, or the student has not provided any new information or evidence that was not already considered by the Director Governance/University Secretary (or nominee)
  - the student has not ensured they can receive notifications from the University, or
  - the appeal is lodged outside the timeframe.
- 4.38 Appeals will be reviewed by the Appeal Panel, consisting of:
- Chief Operating Officer (or nominee)
  - Director Student Engagement (or nominee)
  - Chief Wellbeing Officer (or nominee) and
  - Student Ombudsman (or nominee).
- 4.39 The student will receive notice of the outcome of their appeal within 20 business days from the date of the appeal application.
- 4.40 The University will ensure that students are advised of their options for external appeal at the time they are advised of the internal appeal outcome.

## Further options

- 4.41 If all internal procedures have been followed, and the student is not satisfied with the outcome of their internal appeal or does not feel they have been dealt with fairly, they may lodge a complaint to an external body. Time limits for the lodging an external complaint may apply.
- 4.42 Students have a right to access an external complaints process at minimal or no cost. A list of external bodies who provide these processes is provided on the University's [website](#).



## Former, graduated and not actively enrolled students

- 4.43 In cases where allegations, with sufficient supporting evidence, are raised against a former, graduated or not actively enrolled student, a sanction will be placed on the student's record preventing any admission or enrolment. The allegations will be investigated as per this policy and procedure upon an admission or enrolment request from the student.
- 4.44 As penalties cannot be applied until an investigation is completed, the allegations will be documented and remain on hold until the student wishes to commence further studies with the University.
- 4.45 Where the conduct could negatively impact the University's reputation and it is deemed appropriate to address the concerns raised, the University may write to the student and raise the concerns with them.

## Re-consideration after exclusion

- 4.46 When a student has a permanent exclusion from the University due to substantiated [misconduct](#) or [serious misconduct](#), they may apply for permission to be readmitted after five years from the date of the exclusion.
- 4.47 Excluded students can apply for permission to be readmitted to the Director Governance/University Secretary (or nominee) who will consider if the permanent exclusion can be removed (by emailing [conduct@cqu.edu.au](mailto:conduct@cqu.edu.au)). Applications must include:
- details of the course the student intends to apply for
  - reasons why the student should be accepted to return to study with the University, and
  - a written reflection outlining any learnings resulting from their previous misconduct.
- 4.48 Excluded students will be advised of the outcome in writing within 20 business days of the application being made.
- 4.49 Any permission granted to apply for readmission will include a requirement for a probation agreement to be signed and returned prior to applying for readmission. The probation agreement will remain in effect for the duration of the student's studies with the University.
- 4.50 If permission is granted, students will need to apply to the University in accordance with the [Admission \(Coursework\) Policy and Procedure](#), the [Graduate Certificate in Research Course Rules](#), the [Research Higher Degree Course Rules](#), or the [Research Higher Degree \(Offshore\) Course Rules](#).

## Student conduct register

- 4.51 When a [misconduct](#) or [serious misconduct](#) allegation is raised, the case, including details of the allegations, a brief outline of any facts, the outcome and any penalty/ies imposed, will be entered into the Student Conduct Register by the Office of the Director Governance/University Secretary.
- 4.52 The Student Conduct Register will be confidentially kept and maintained by the Office of the Director Governance/University Secretary.
- 4.53 The Student Conduct Register will not form part of the student's permanent record nor will it be referred to on the student's academic transcript. Temporary and permanent exclusion decisions will be recorded on the student's academic transcript as per section 4.31.
- 4.54 Registration of a student's name on the Student Conduct Register will be evidence that the student has been investigated and/or dealt with for alleged misconduct under this policy and procedure.
- 4.55 Access to the Student Conduct Register is restricted to the Office of the Director Governance/University Secretary.

## 5 RESPONSIBILITIES

### Compliance, monitoring and review

- 5.1 Students are responsible for conducting themselves in accordance with this policy and procedure.
- 5.2 All employees are responsible for:
- working with students to address and rectify any unacceptable behaviour or [misconduct](#) where possible, i.e. advising an offending student that the behaviour is unacceptable and will not be tolerated
  - keeping records of any unacceptable behaviour and any actions taken
  - reporting incidents or actions that are considered misconduct, and
  - implementing and ensuring compliance with this policy and procedure.
- 5.3 The relevant Deputy Dean Learning and Teaching, Deputy Dean VET, [Head of Business Area](#), Head of College/Course are responsible for:
- determining that the verbal warning given to the student by the employee is sufficient
  - issuing a written informal warning notice
  - if determined appropriate, referring the matter to the Director Governance/University Secretary for consideration, and possible formal investigation, and
  - keeping records of any warnings issued and any actions taken.
- 5.4 The Director Governance/University Secretary (or nominee) is responsible for:
- formal investigation including, determining if misconduct or [serious misconduct](#) has occurred and applying penalties/outcomes, and
  - monitoring and reviewing this policy and procedure.
- 5.5 The [Appeal Panel](#) is responsible for:
- determining appeals submitted relating to a determination of misconduct or serious misconduct made by the Director Governance/University Secretary.

### Reporting

- 5.6 No additional reporting is required.

### Records management

- 5.7 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 5.8 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email [records@cqu.edu.au](mailto:records@cqu.edu.au)).

## 6 DEFINITIONS

- 6.1 Terms not defined in this document may be in the University [glossary](#).

### Terms and definitions

**Misconduct:** conduct by a student while in their role as a student, or by a prospective student, that is contrary to the [student conduct expectations](#) outlined in this policy and procedure or any conduct set out in section [4.1](#) as misconduct.

**Bullying:** repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, that a reasonable person would regard as undermining the individual's right to dignity through victimising, harming, humiliating, intimidating or threatening a person or persons which therefore creates a risk to health and safety. A single incident of unreasonable behaviour is not considered to be bullying. Examples of behaviour that may be considered bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding a student from group work assessment activities
- withholding information that is vital for participation in group work assessment, or
- spreading misinformation or malicious rumours.

**Harassment:** any form of unwelcome and unreciprocated behaviour of a non-sexual nature, which can be expected to cause distress due to intimidation or humiliation. Harassment can be written, verbal or physical, and can happen in-person or online. Examples of harassment include:

- name-calling or jokes that are distressing and cause offence
- asking intrusive questions about someone's personal life
- suggestive body language that causes distress and offence
- displaying or making offensive posts on social media that cause distress and offense, or
- threats of violence, or actual violent acts.

**Procedural fairness:** also referred to as 'natural justice', procedural fairness requires:

- an impartial decision-maker free from actual or apparent bias
- the opportunity to respond to any adverse material that could influence the decision, before a decision is made, and
- findings are based on evidence that is relevant and logically capable of supporting the findings made.

**Serious misconduct:** conduct by a student while in their role as a student, or by a prospective student, that is contrary to the [student conduct expectations](#) outlined in this policy and procedure or any conduct set out in section [4.2](#) as serious misconduct.

**Sexual violence:** a broad term encompassing any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality, using coercion, by any person, regardless of their relationship to the targeted individual, in any setting. It includes sexual assault, attempted sexual assault, unwanted sexual touching and other non-contact forms such as sexual harassment, in settings including home, work and study environments.

- **Sexual harassment:** unwelcome comments, threats, behaviours or requests of a sexual nature that make the targeted individual feel uncomfortable, humiliated, intimidated or offended. This may include online and/or face-to-face encounters and the distribution of sexually explicit images, emails or text messages.
- **Sexual assault:** behaviours of a sexual nature directed at someone who has not given consent or is incapable of giving consent, regardless of their relationship. This may include using verbal coercion, threats, intent of contact, and/or physical force to the targeted individual in any setting.

**University member:**

- members of the University Council and its committees
- an office holder or board member of a University controlled or non-controlled entity
- adjunct or honorary appointees of the University
- University employees and students, and

- any other person/s appointed or engaged by the University to perform duties or functions on its behalf, including contractors, consultants and/or volunteer

**Unlawful discrimination:**

- direct unlawful discrimination: when a person or group of people are treated less favourably than another person or group of people because of their background or personal attribute specified by anti-discrimination legislation, or
- indirect unlawful discrimination: where an unreasonable rule or policy applies to everyone, but disadvantages some people because of a personal attribute specified by anti-discrimination legislation.

**Victimisation:** subjecting a person to negative treatment because they:

- refused to do something that would contravene equal opportunity or anti-discrimination law
- complained, or intend to complain, about something that would contravene equal opportunity or anti-discrimination law
- is or has been involved in a proceeding under equal opportunity or anti-discrimination law, including as a witness, or supplying information, or
- are believed to have done or intend to do any of the above.

**Vilification:** a public act, or threat of harm to a person or their property, that incites hatred towards, severe ridicule of, or serious contempt for a person or group because of their race, religion, gender identity or sexuality.

## 7 RELATED LEGISLATION AND DOCUMENTS

[Age Discrimination Act 2004](#) (Cwlth)

[Anti-Discrimination Act 1977](#) (NSW)

[Anti-Discrimination Act 1991](#) (Qld)

[Australian Human Rights Commission Act 1986](#) (Cwlth)

[Awards Policy and Procedure](#)

[Charter of Human Rights and Responsibilities Act 2006](#) (Vic)

[Disability Discrimination Act 1992](#) (Cwlth)

[Disability Services Act 2006](#) (Qld)

[Disability Standards for Education 2005](#) (Cwlth)

[Discrimination Act 1991](#) (ACT)

[Equal Opportunity Act 1984](#) (SA)

[Equal Opportunity Act 1984](#) (WA)

[Equal Opportunity Act 2010](#) (Vic)

[Freedom of Speech and Academic Freedom Policy](#)

[Guide, Hearing and Assistance Dogs Act 2009](#) (Qld)

[Human Rights Act 2019](#) (Qld)

[Information and Communications Technology Acceptable Use Policy and Procedure](#)

[Official Complaints Form](#)

[Racial and Religious Tolerance Act 2001](#) (Vic)

[Required Leave of Absence Policy and Procedure](#)

[Sex Discrimination Act 1984](#) (Cwlth)

[Standards for VET Accredited Courses 2021](#) (Cwlth)

Student Accommodation Handbook (*in development*)

[Student Misconduct Allegation Form](#)

[Student Critical Incident Policy and Procedure](#)

[Support for Students Policy](#)

Start Tafe Now (STN) Conduct Policy and Procedure (*in development*)

Student Residences Conduct Policy and Procedure (*in development*)

[Student Academic Integrity Policy and Procedure](#)

[Research Higher Degree Integrity Policy and Procedure](#)

## 8 FEEDBACK

8.1 Feedback about this document can be emailed to [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 9 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Delegated Approval Authority	Chief Operating Officer
Advisory Committee	N/A
Required Consultation	N/A
Administrator	Director Governance/University Secretary
Next Review Date	08/05/2027

Approval and Amendment History	Details
Original Approval Authority and Date	Chief Operating Officer 08/05/2024
Amendment Authority and Date	Editorial amendment 25/06/2024
Notes	This document replaced the Student Behavioural Misconduct Procedure (approved 08/05/2024).