



**BARTON  
BUSINESS  
SCHOOL**

# **Student Non- academic Misconduct Policy and Procedures**

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## 1. PURPOSE

The *Student Non-Academic Misconduct Policy and Procedures* outline the behaviours that constitute non-academic student misconduct, BBS's procedures for investigating allegations of misconduct, and the penalties that will be applied in the event an allegation is proven.

Breaches of academic integrity or academic misconduct are addressed in the *Student Academic Integrity Policy and Procedures*.

## 2. SCOPE

This policy and these procedures apply to all student non-academic activities within BBS, including any events organised under the name and authority of BBS.

They also apply to all students enrolled at BBS and all staff involved in implementing this policy and these procedures.

## 3. DEFINITIONS

Refer to BBS's *Glossary of Terms*.

## 4. POLICY

Non-academic misconduct by a student refers to behaviours that are deemed inappropriate or unacceptable. Instances can manifest as singular events, multiple occurrences, or recurring patterns of conduct. Their scope is not confined to classroom settings, but encompasses both physical and virtual domains, including private and public spaces such as offices and social media.

Non-academic misconduct includes matters related to:

- a. resources and facilities;
- b. fees, fines, refunds and other financial matters;
- c. breaches of the *Student Code of Conduct*;
- d. discrimination, harassment, bullying;
- e. critical incidents, health, and wellbeing.

Any breach of the following BBS policies is considered to be Non-Academic Misconduct:

- a. *Discrimination, Bullying, Harassment, and Sexual Misconduct Policy*
- b. *Diversity, Equity, and Inclusion Policy*
- c. *Privacy Policy*
- d. *Student Code of Conduct*

- e. *Student Handbook*
- f. *Student Welfare and Support Policy and Procedures*

The primary principles that underpin this policy are:

- a. BBS acknowledges and upholds the rights of students in higher education to pursue their academic endeavours in a setting that is conducive to the acquisition of knowledge and skills.
- b. BBS expects all students to assume accountability for their conduct and guarantee that all their face-to-face, written, and virtual engagements with fellow students, staff, or any other individuals affiliated with the BBS community, including visitors or representatives, are equitable and courteous.
- c. BBS requires all students to exhibit respect toward BBS's property and equipment.
- d. BBS expects students to uphold a diversity of opinions and foster academic freedom. Nonetheless, students must accept the responsibilities that come with free expression and avoid from engaging in any form of offensive behaviour.
- e. BBS upholds the fundamental principles of confidentiality and privacy for students.
- f. BBS adheres to the principles of procedural fairness as follows:
  - i. The presumption of innocence is afforded to students unless they confess to engaging in misconduct or tangible evidence of such behaviour exists.
  - ii. Students will be granted the chance to address any accusations of misconduct.
  - iii. Students are permitted to have individuals in a supportive role present during formal meetings.
  - iv. If a student has previously received a formal warning or penalty, subsequent allegations of misconduct will be evaluated in light of this prior occurrence.
- g. Upon establishing that a student has engaged in misconduct, information regarding the nature of the misconduct and the corresponding penalty must be documented in the student's record.

## 5. PROCEDURES

### 5.1. ADDRESSING INSTANCES OF NON-ACADEMIC MISCONDUCT

- a. In the event that a BBS staff member observes or receives a report about a student's involvement in or potential for engaging in non-academic misconduct, they must first provide the student with appropriate directives to try to:
  - i. prioritise the safety of the student and other individuals affected by the student's actions;
  - ii. assist the student to conduct themselves in an acceptable manner;
  - iii. mitigate any unwanted outcomes arising from the student's actions (e.g., interference to classes or destruction of BBS's assets).

- b. Depending on the situation, a staff member must exercise discretion and decide the best course of action. For instance, the staff member may choose to caution the disruptive student and remind the student of BBS's *Student Code of Conduct* as well as the possible repercussions of continuing to act inappropriately.
- c. Where the student's conduct requires a more substantial intervention, a staff member may ask the student to vacate BBS's premises. Instances where this action might be appropriate include:
  - i. the student persistently causes disruptions during class;
  - ii. the manifestation of the student's emotional state potentially leads to harm.
  - iii. the behaviour exhibited by the student suggests a potential for violence, physical engagement, or altercations with other individuals.
- d. In the event of a notable and significant risk to the security or welfare of the student or other individuals, the staff member must promptly notify the relevant authorities to obtain support.
- e. Where a student is asked to leave BBS's premises or a notable and significant risk exists to the security or welfare of the student or other individuals, the staff member must notify the Chief Executive Officer (CEO) promptly.

## 5.2. INVESTIGATING INSTANCES OF NON-ACADEMIC MISCONDUCT

- a. Staff must notify the Administration and HR Manager of actual or suspected student misconduct.
- b. Upon receipt of a report of actual or suspected misconduct, the Administration and HR Manager must conduct a preliminary investigation within a period of three (3) business days.
- c. All instances of actual or suspected misconduct must be reviewed and managed by the Administration and HR Manager, with regular reporting to the CEO. The CEO would then include these reports as part of the regular report to the BoD during meetings.
- d. The Administration and HR Manager must record all non-academic misconduct in the *Non-Academic Misconduct Register*.
- e. The Administration and HR Manager must prepare a summary report on each student misconduct matter and present it to the CEO.
- f. The Administration and HR Manager must promptly provide written advice to the concerned student/s regarding the nature of the actual or alleged misconduct.
- g. The student must be afforded a chance to formally address any accusation of actual misconduct or alleged misconduct through a written statement.
- h. The decision regarding any penalty to be imposed on a student must be made by the Administration and HR Manager and conveyed to the student(s) within 15 working days.
- i. In rare instances, and solely with the agreement of the CEO, an enquiry into student misconduct may be prolonged for an additional limited duration.

### 5.3. PRINCIPLE OF PROCEDURAL FAIRNESS

- a. The principle of procedural fairness mandates that a student must be accorded due process in the resolution of an accusation of actual or alleged misconduct, which encompasses any subsequent appeals process.
- b. Any accusation of actual or alleged misconduct must be accompanied by a written specification of each discrete instance of the misconduct.
- c. In the event of alleged misconduct, a student must be given a fair and reasonable opportunity to prepare a defence, including the ability to call upon witnesses or present other forms of evidence in support of their case.
- d. An independent individual free of any potential bias or vested interests must evaluate the accusation following a thorough review of the evidence and examination of any relevant exhibits. They must advise the Administration and HR Manager of their views about the allegation.

### 5.4. PENALTIES

In the case of misconduct, penalties may be imposed as a means of correcting the behaviour and ensuring a safe and respectful learning environment. These penalties may include:

- a. a warning or reprimand;
- b. suspension from a unit for a set amount of time;
- c. the payment of a fine or full restitution when facilities or property are damaged;
- d. placing restrictions on attendance at BBS activities or the BBS campus;
- e. suspension from a course;
- f. making a formal apology to individuals affected by the misconduct.

## 6. ROLES AND RESPONSIBILITIES

- a. Students are responsible for familiarising themselves with this *Student Non-Academic Misconduct Policy and Procedures* and the *Student Code of Conduct*.
- b. The Administration and HR Manager will be responsible for recording all non-academic misconducts in the *Non-Academic Misconduct Register*, preparing a summary report on student misconduct, and presenting this report to the CEO.
- c. The CEO must oversee the non-academic misconduct resolution procedures, including monitoring potential risks.
- d. The Board of Directors (BoD) must ensure that allegations of non-academic misconduct are monitored and, where possible, action is taken to address underlying causes.

## 7. NON-ACADEMIC MISCONDUCT REGISTER

- a. All findings of student non-academic misconduct must be recorded in a *Non-Academic Misconduct Register*.
- b. The Administration and HR Manager must maintain this register.
- c. Access to the *Non-Academic Misconduct Register* must be limited to authorised individuals, and records must be stored securely and confidentially.

## 8. RECORD-KEEPING AND REPORTING

- a. Records must be maintained in the *Non-Academic Misconduct Register* for all student non-academic misconduct cases.
- b. These records must be destroyed three (3) years after a student has graduated or five (5) years after the student was last enrolled at BBS, whichever is earlier.
- c. The Dean must provide a summary report annually on student non-academic misconduct to the AB. If material or egregious cases of student non-academic misconduct arise, however, the Dean should report these cases to the Chair of AB immediately.

## 9. COMPLAINTS AND APPEALS

- a. Under the *Student Complaints and Appeals Policy and Procedures*, students may appeal against an outcome of a non-academic misconduct investigation.
- b. Students must appeal in writing within twenty (20) working days of notification of the outcome of a misconduct case.
- c. Students must include all supporting documentation to justify their appeal.

## 10. VERSION CONTROL

Document title	Student Non-academic Misconduct Policy and Procedures	
Approved By	Board of Directors and Academic Board	
Date of Review	This document is to be reviewed every two years at a minimum from the date of final approval	
Related Documents	<ul style="list-style-type: none"> <li>• Conflict of Interest Policy</li> <li>• Discrimination, Bullying, Harassment, and Sexual Misconduct Policy</li> <li>• Diversity, Equity, and Inclusion Policy</li> <li>• Privacy Policy</li> <li>• Risk Management Policy and Framework with Risk Register</li> <li>• Student Code of Conduct</li> <li>• Student Complaints and Appeals Policy and Procedures</li> <li>• Student Handbook</li> <li>• Student Wellbeing and Support Policy and Procedures</li> <li>• Terms of Reference - Board of Directors</li> </ul>	
Related Legislation and References	<ul style="list-style-type: none"> <li>• <a href="#">Higher Education Standards Framework (Threshold Standards) 2021</a></li> <li>• <a href="#">Tertiary Education Quality and Standards Agency (TEQSA) Act 2011</a></li> <li>• <a href="#">Higher Education Support Act 2003</a></li> <li>• <a href="#">Higher Education Provider Guidelines 2023</a></li> </ul>	
Version	Notes	Date Approved
1.0	<ul style="list-style-type: none"> <li>• Minor changes were made by the AB in section 8 of the policy.</li> </ul>	
2.0	<ul style="list-style-type: none"> <li>• Document approved subject to minor changes in sections 5.2.</li> </ul>	13/06/2023
2.1	<ul style="list-style-type: none"> <li>• Document approved subject to minor changes in sections 5.1.a.i and 5.1.c.ii and 1.</li> </ul>	14/07/2023