



Legal entity: INSTITUTE OF HEALTH & MANAGEMENT PTY LTD.

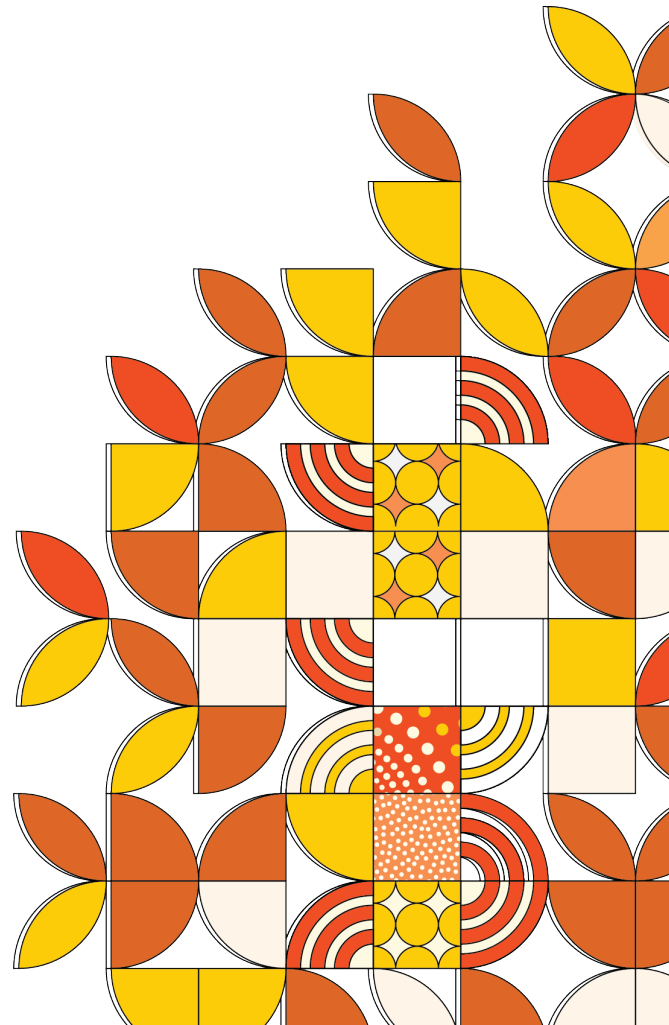
Category: Institute of Higher Education

CRICOS Provider: 03407G | Provider ID: PRV14040

ABN: 19 155 760 437 | ACN: 155 760 437

Student Misconduct Policy

www.ihm.edu.au
enquiry@ihm.edu.au



SECTION 1

Purpose

1. This policy describes the Institute of Health & Management's (IHM's) principles to ensure that incidents of misconduct on the part of students are responded to and addressed in a manner that is fair, equitable and appropriate and in accordance with other Institute of Health and Management (IHM policies) and the law.

Scope

2. This Policy applies to:
 - a) All current and prospective student enrolled at IHM
 - b) All staff who will be in contact with students
 - c) Members of IHM governing committees who are involved in the reporting and hearing of matters of misconduct

Suite documents

3. This Policy is linked to the following Procedure:
 - a) Student Misconduct Procedure
 - b) See also the Associated Information listed in the 'Related Internal Documents' in Section 3 below.

SECTION 2

Policy Principles

4. **Onus of proof**

The onus of proof, in the event of an accusation of student misconduct, rests with the accuser and those investigating on their behalf. For the accusation to be upheld, the evidence must be sufficient to demonstrate beyond reasonable doubt that the accusation is substantiated.

5. **Maintaining enrolment during investigation**

A student's enrolment status is maintained, and they may continue to undertake all of their study activities during the process of investigating an accusation of misconduct.

6. **Classification of misconduct**

- a) IHM has classified misconduct into two categories as general misconduct and serious misconduct.
- b) General misconduct by a student may include but is not limited to the following examples:
 - a. Minor disturbances during academic activities (face to face or online) that interfere with the freedom of a student or limit the capacity of an academic staff member to fulfil their duties.
 - b. Minor disturbances in any IHM venue or activity that represents immature or childish behaviour that is disruptive or offensive.

- c. First instances of breaking, ignoring or being unaware of IHM rules or Code of Conduct (dependent on the nature of the rule being broken or ignored).
 - d. Behaving in an unsafe manner in any IHM venue or activity.
 - e. Behaviour that causes offence, whether intentional or not.
 - f. Smoking on IHM property.
 - g. Drinking alcohol on IHM property, unless at an authorised event.
- c) Serious Misconduct by a student may include but is not limited to the following examples:
- a. Repeated disruption during academic activities (face-to-face or online) that interferes with the learning of other students.
 - b. Showing disrespect to IHM staff or other students.
 - c. Bullying or harassing behaviour including but is not limited to, cyber-bullying, assault, intimidation or displaying aggression towards others at any time during academic activities, when representing the IHM to public or when on campus.
 - d. Causes a risk, in any of the categories considered a high magnitude risk to IHM or to any student, staff member or other person when evaluated in accordance with the IHM risk management framework, as set out in the Quality Assurance and Risk Management Policy and Procedure (academic, financial, health and safety, legal, reputational, security and regulatory).
 - e. Theft of IHM property or any personal property from other individuals.
 - f. Attending IHM activities (including academic and non-academic activities) under the influence or being in possession of alcohol, drugs, or any other prohibited substance.
 - g. Attending IHM activities (including academic and non-academic activities) with weapons or items likely to cause harm or intimidation to others at any time.
 - h. Discrimination against anyone on the grounds of gender identity, sexual orientation, marital, parental or carer status, pregnancy, breastfeeding, age, physical features, impairment, race, ethnicity, potential, or religious belief.
 - i. Engaging in fraudulent or intentionally deceptive activity.

7. Informal resolution

Wherever possible, accusations of misconduct will be resolved informally. Informal resolution will not be possible if:

- a) Initial investigation reveals evidence of serious misconduct.
- b) The accused student wishes to have the matter dealt with through a formal procedure.
- c) The accused student appeals a decision that has been made informally.

8. Confidentiality

- a) Any person making an accusation has a right to confidentiality.

- b) Their identity will not be disclosed to the student against whom the accusation is made, or to any other party, without their informed consent.
- c) Where a formal resolution procedure involves other parties, the person making the accusation will be informed of the procedure and may choose to have their identity withheld from any or all of the other parties involved.
- d) They may choose to give an anonymous written statement, rather than giving evidence in person.

9. Minimising Disadvantage

All due consideration will be given to ensuring the student is not unfairly disadvantaged as a result of application of procedures under this policy.

10. Evidence

- a) Evidence used to substantiate an allegation of student misconduct will be accurately and thoroughly documented.
- b) Evidence from sources that have a potential conflict of interest, hearsay evidence and evidence given under duress, will not be considered.

11. Reporting

- a) Any accusation of misconduct in which a serious violation of criminal law is identified during initial investigation will immediately be referred to the police.
- b) IHM will also meet any applicable reporting obligations under the Education Services for Overseas Students Act 2000 where accusations of misconduct relate to overseas students.

SECTION 3

Associated information

Related Internal Documents	<ul style="list-style-type: none"> ● Access and Equity Policy ● Access and Equity Procedure ● Accessibility Policy ● Accessibility Procedure ● Student Complaints and Appeal Policy ● Student Complaints and Appeal Procedure ● Student Misconduct Procedure ● Student Support and Advocacy Services Procedure
-----------------------------------	--

Related Legislation, Standards, and Codes	<ul style="list-style-type: none"> • ESOS legislative framework • ESOS Act (2000) • National Code of Practice for Providers of Education and Training to Overseas Students 2018 • National Code of Practice (2018): Standard 6: Student Support Services • National Code of Practice (2018): Standard 8: Overseas student visa requirements • National Code of Practice (2018): Standard 9: Deferring, suspending, or cancelling the overseas student’s enrolment. • HESF (2021). Higher Education Standard Framework Domain 1: Student participation and attainment • Privacy Act (1988). Privacy Act 1988. Federal Register of Legislation. • Information Privacy Act 200 (2001 – 2014) • Criminal Procedure Act (2009)
Date Approved	02/06/2021
Date Endorsed	16/06/2021
Date of Effect	03/06/2021
Date of Next Review	30/06/2024
Approval Authority	Academic Board endorsed by Board of Directors
Responsibility for implementation	Academic Dean, Heads of School, Academic Registrar
Document Custodian	Academic Dean or Chair, Learning and Teaching Committee
IHM Doc ID	IHM – SMPP1 – 3.1

Change History

Version Control	Version 3	
Change Summary	Date	Short description of change, incl version number, changes, who considered, approved etc
	14/05/2021 Version 3	<ul style="list-style-type: none"> • Policy and Procedure are now in two separate documents • Feedback from Wells Advisory was accepted and incorporated • Definitions have been added • Minor editorial changes have been made • Version 2 approved by Academic Board on 2nd June 2021

	23/11/2023 Version 3.1	<ul style="list-style-type: none">• The definitions have been relocated to the IHM glossary and the template has been updated.
--	---------------------------	--