

**ORDINANCE NO 9**  
**STUDENT DISCIPLINE**

**The Council of the University of Tasmania makes the following Ordinance under the University of Tasmania Act 1992.**

**PART 1 - INTRODUCTION**

**Commencement and revocation**

- 1.1** This ordinance takes effect on 1 March 2003.
- 1.2** Ordinance 58 (Student Discipline) is revoked, together with Ordinances 66, 78 and 87, which amended Ordinance 58.

**Definitions**

**“academic misconduct”** includes cheating, plagiarism and any other conduct by which a student -

- (a) seeks to gain, for themselves or for any other person, any academic advantage or advancement to which they or that other person are not entitled; or
- (b) improperly disadvantages any other student.

**“act”** includes omission.

**“Decision maker”** means a person or body making a decision under this Ordinance.

**“Director, Governance & Legal”** includes a person authorised by the Director, Governance & Legal for the relevant purpose.

**“Discipline Appeals Committee”** means the committee set up under clause **4.1**.

**“Discipline Panel”** means the panel set up under clause **1.6**.

**“general misconduct”** means misconduct of a type specified in clause **2.1.1**.

**“harassment or discrimination”** has the meaning defined under Part 4 of the [University Harassment and Discrimination Policy](#)

**“lawyer”** means:

- (a) a person whose name is currently on the roll of practitioners of the Supreme Court of Tasmania or the Supreme Court of any other State or Territory; or
- (b) a member of the academic staff of the Law School; and, for the purposes of clauses **1.6.2** and **1.6.3** only, includes a person who holds a degree in law from a recognised tertiary institution whether or not that person is also included in paragraph **(a)** or **(b)**.

**“Legal Officer”** includes the Assistant Legal Officer and any person acting in the capacity of the Legal officer.

**“reprimand”** means a formal notation on the student’s faculty record on the University Student Record System.

**“residential college”** means -

- (a) Christ College; or
- (b) Jane Franklin Hall; or
- (c) St John Fisher College; or
- (d) Kerslake Hall; or
- (e) Leprena; or
- (f) Investigator Hall; or
- (g) Endeavour Hall; or
- (h) Norfolk Hall; or
- (i) any other student accommodation approved by the Council for the purposes of this ordinance.

**“School”** means a School set up under Ordinance 99, Academic Structure, or a centre of the Australian Maritime College.

**“senior officer”** means –

- (a) Deputy Vice-Chancellor
  - (b) Pro Vice-Chancellor
  - (c) Executive Director Finance and Administration
  - (d) Principal of the Australian Maritime College
  - (e) Dean including the Dean of Graduate Studies by Research
  - (f) Head of School
  - (g) Head of Section
  - (h) Director of a centre of the Australian Maritime College
  - (i) head of a residential college
  - (j) manager of student accommodation
  - (k) general manager of a student association
- and includes a person to whom a senior officer delegates functions under this ordinance in accordance with clause 1.4.

**“section”** means a unit of an Administrative Division approved by Council including but not limited to Academic Administration, the Library, Information Technology Services, International Services, Asset Management Services.

**“student”** means a person currently enrolled in any course, unit or other program of study and includes:

- (a) a person who was a student at the time of any alleged misconduct; and
- (b) a person who becomes a student after allegedly committing an act of academic misconduct; and
- (c) a student of another university or higher education institution who is granted reciprocal rights of access to the University of Tasmania’s premises or library or information technology facilities.

**“university premises”** includes -

- (a) the premises of the university, whether within Tasmania, interstate or overseas;
- (b) all premises leased to or occupied by the Tasmania University Union Inc;
- (c) any other premises owned or occupied by the university;
- (d) the premises of a residential college or off campus accommodation owned or operated by the University;
- (e) the location of clinical or professional placements that form part of a course offered by the university;
- (f) the location of camps, field placements, workshops and any other study activities controlled or supervised by the university;
- (g) any other place in the temporary possession, whether actual or constructive, of the university;
- (h) including the University’s rights of access and egress.

**“university service work”** means work that is approved by the Executive Director, Finance and Administration for the purposes of this definition.

1.2.2 A person who is an enrolled student in any year is, for the purposes of this ordinance, an enrolled student until the end of the enrolment period for semester 1 of the next year.

### **1.3 Delegation by the Executive Director, Finance and Administration**

1.3.1 The Executive Director, Finance and Administration may delegate any functions under this ordinance, other than this power of delegation, to:

- (a) the Director, Governance & Legal; or
- (b) a member of academic staff of the rank of associate professor or above; or
- (c) a member of general staff appointed at or above HEO Level 10.

- 1.3.2 A delegation must be in writing and dated.
- 1.3.3 The Executive Director, Finance and Administration may delegate under this clause to more than one person.
- 1.3.4 “**Executive Director, Finance and Administration**” in this ordinance, other than in clauses **1.3.1** and **1.3.3**, includes a person to whom the Executive Director, Finance and Administration has delegated the relevant function in accordance with this clause.

#### **1.4 Delegation by a senior officer**

- 1.4.1 A senior officer may delegate any functions under this ordinance, other than this power of delegation, to:
  - (a) a member of academic staff of the rank of senior lecturer or above;  
or
  - (b) a member of general staff appointed at or above HEO Level 10; or
  - (c) a senior administrative officer of an interstate or overseas agent of the University who is duly authorised in writing by the University.
- 1.4.2 A delegation must be in writing and dated.
- 1.4.3 A senior officer may delegate under this clause to more than one person.

#### **1.5 Time limits**

A time limit set out in this ordinance must be complied with if reasonably practicable. In exceptional circumstances where it is not possible for an action to be completed within the time limit, steps must be taken to ensure that the process is completed within a reasonable time. Under such circumstances the student will be kept informed of progress. However, despite anything else in this ordinance, no action is invalidated simply because a time limit is exceeded.

A reference to days means working days, ie days on which the University is ordinarily open for business, unless otherwise stated.

#### **1.6 Discipline Panel**

- 1.6.1 Academic Senate will, before the end of each year, appoint a Discipline Panel of at least 12 people for the following year.
- 1.6.2 The panel must include:
  - (a) at least 3 lawyers, at least one of whom is not employed in the Law School;
  - (b) at least 6 members of academic staff;

- (c) 3 students nominated by the Tasmania University Union Inc, of whom at least 1 is a postgraduate student.

1.6.3 Each academic misconduct committee must be chaired by a panel member who is a lawyer.

## **1.7 Guidelines for considering evidence**

1.7.1 A decision maker may consider evidence presented on behalf of one party in the absence of any other party.

1.7.2 A decision maker considering evidence under clause **1.7.1** must make sure that each party who has presented evidence –

- (a) is informed of the substance of all evidence that the person or body intends to rely on in making the decision; and
- (b) is given the opportunity to respond to it.

1.7.3 Academic Senate may from time to time issue guidelines for the consideration of evidence, including the conduct of hearings, under this ordinance.

## **PART 2 - GENERAL MISCONDUCT**

### **2.1. Acts of general misconduct**

2.1.1 A student commits an act of general misconduct if the student:

- (a) fails to comply with a reasonable direction of a member of staff of the university, given in order to ensure the safety of any person, the preservation of any property or the maintenance of good order; or
- (b) breaches an ordinance or the university's rules; or
- (c) harasses or discriminates against any person on university premises; or
- (d) obstructs or interferes with the proper use of any of the facilities, resources or equipment of the university by any student or staff member or any other person duly authorised to use the facilities, resources or equipment; or
- (e) disrupts or causes unreasonable interruption to a lecture, tutorial, or any other form of teaching, learning or research activity;
- (f) breaches a provision of any university rules, guidelines, agreements or codes of practice relating to the protection of intellectual property, including copyright;
- (g) breaches a provision of any university rules, guidelines, agreements or codes of practice relating to the use of library or information technology facilities, resources or equipment;

- (h) engages in improper use of any university facilities, resources or equipment (including student accommodation facilities, resources or equipment), or obtains unauthorised access to them;
- (i) disrupts or causes unreasonable interruption to the normal operation of any of the university’s library or information technology services;
- (j) removes without authority, damages or defaces books or other library material.

2.1.2 A breach of a provision of any guideline, agreement or code of practice referred to in clause **2.1.1(f)** or **(g)** does not constitute an act of misconduct unless the relevant provision has been approved by the Council for the purposes of this clause.

2.1.3 Summary action

1. Subject to clause 2, a senior officer may, with any assistance from the University Security Service that the senior officer decides is necessary in the circumstances, temporarily remove from University premises a student who the senior officer believes is committing or has committed an act of general misconduct, or who the senior officer suspects on reasonable grounds is about to commit such an act.
2. The power conferred by clause 1 cannot be exercised:
  - (a) unless the senior officer has previously requested the student concerned to leave the University premises and the student has failed or refused to comply with the request; and
  - (b) the senior officer believes on reasonable grounds that the student’s conduct may endanger the safety of any person, cause damage to any property or unduly interfere with the maintenance of good order.

**2.2. Procedure for general misconduct cases**

2.2.1 An alleged act of general misconduct is to be notified as soon as possible in writing by a member of staff or a student to an appropriate senior officer.

2.2.2 The senior officer may, if satisfied that it is more appropriate for the matter to be dealt with by another senior officer, refer the matter immediately in writing to the other senior officer.

2.2.3 The senior officer to whom an alleged act of general misconduct is notified may refer the matter to the Executive Director, Finance and

Administration if in the senior officer’s opinion the allegation has not been substantiated.

- 2.2.4 The Executive Director, Finance and Administration may refuse to continue to investigate the alleged act if satisfied that –
- the alleged act of general misconduct is trivial, frivolous, vexatious or not made in good faith; or
  - in all the circumstances, an investigation into the alleged act of general misconduct is unnecessary or unjustifiable.
- 2.2.5 The Executive Director, Finance and Administration will inform all parties concerned of the decision.
- 2.2.6 The senior officer dealing with the matter must, without delay and in any event within 10 days after the original notification of the alleged act, notify the student who is the subject of the allegation and offer the student the opportunity to be heard, at the same time providing the student with a copy of this ordinance and the substance of the information provided to support the allegation. The senior officer must also notify the Director, Governance & Legal within 10 days after notification of the alleged act.
- 2.2.7 If the student wishes to be heard, the student must contact the senior officer within 10 days after the date of the notification. The senior officer must then arrange a meeting with the student within 10 days after receiving that advice from the student.
- 2.2.8 The student may be accompanied to the meeting with the senior officer by a person who is not a lawyer. That person may assist the student.
- 2.2.9 The senior officer must investigate the matter, including consulting with anyone they think appropriate, before making a decision.
- 2.2.10 The senior officer must act fairly and give the student a reasonable opportunity to be heard, both in defence of the allegation and, if appropriate, in mitigation of penalty.
- 2.2.11 The senior officer may deal with the matter in the absence of any evidence from the student if the student does not respond within that 10 day period.
- 2.2.12 If the senior officer decides that the student has not committed an act of general misconduct, the senior officer will advise all relevant parties within 3 days after making the decision.

- 2.2.13 If the senior officer decides that the student has committed an act of general misconduct, the senior officer may impose any or all of these penalties:
- (a) reprimand;
  - (b) a fine of -
    - (i) not more than \$200, if the senior officer is a person specified in paragraphs (a) to (g) of the definition in clause 1.2.1; and
    - (ii) not more than \$100, in any other case;
  - (c) a requirement that the student pays the cost of repairing any damage caused by the misconduct of the student to any property or facilities;
  - (d) a requirement that the student performs not more than 5 hours of university service work;
  - (e) the removal of the student’s access to any computer or other service provided by the university, for a time -
    - (i) not longer than 8 weeks, if the senior officer is a person specified in paragraphs (a) to (f) of the definition in clause 1.2.1; and
    - (ii) not longer than 4 weeks, in any other case;
  - (f) the exclusion of the student from all or specified parts of the university premises, for a time -
    - (i) not longer than 8 weeks, if the senior officer is a person specified in paragraphs (a) to (g) of the definition in clause 1.2.1; and
    - (ii) not longer than 4 weeks, in any other case.
- 2.2.14 If the senior officer decides that the penalties set out in clause 2.2.13 are inadequate or inappropriate, the senior officer may refer the matter to the Executive Director, Finance and Administration. The referral must be in writing, specifying the background and any recommendation as to penalty. The senior officer must at the same time advise the student concerned and the Director, Governance & Legal that the matter has been referred to the Executive Director, Finance and Administration for determination.
- 2.2.15 Before deciding whether the penalties set out in clause 2.2.13 are inadequate or inappropriate, the Executive Director Finance and Administration must consider the circumstances and have regard to the requirement to give the student a reasonable opportunity to be heard both in defence of the allegation and, if appropriate, in mitigation of penalty.
- 2.2.16 If the Executive Director, Finance and Administration does not agree that the penalties set out in clause 2.2.13 are inadequate or inappropriate, the Executive Director, Finance and Administration may refer the matter back to the senior officer and direct the senior officer to reconsider it.

- 2.2.17 If the Executive Director, Finance and Administration agrees that the penalties set out in clause **2.2.13** are inadequate or inappropriate, the Executive Director, Finance and Administration may impose any or all of these penalties:
- (a) reprimand;
  - (b) a fine of not more than \$500;
  - (c) a requirement that the student pays the cost of repairing any damage caused by the misconduct of the student to any property or facilities;
  - (d) a requirement that the student performs not more than 25 hours of university service work;
  - (e) the removal of the student’s access to any computer or other service provided by the university, permanently or for a specified time and on any specified terms and conditions;
  - (f) the exclusion of the student from specified parts of the university premises, either permanently or for a specified time and on any specified terms and conditions;
  - (g) the suspension or cancellation of the student’s enrolment at the university;
  - (h) any restrictions on the student, in terms of contact with students or members of staff of the university or any conditions on enrolment, that the Executive Director, Finance and Administration decides are reasonable and necessary to protect those students or members of staff.
- 2.2.18 A person who imposes a penalty under clause **2.2** must within 3 days after imposing the penalty notify the student concerned, and the Director, Governance & Legal, in writing of the decision made and the penalty imposed.
- 2.2.19 Notice to the student must include notice that they are entitled to appeal on the grounds set out in **Part 4**.

### **2.3 Appeals in general misconduct cases**

- 2.3.1 A student may appeal to the Discipline Appeals Committee against a decision of, or a penalty imposed by, a senior officer or the Executive Director, Finance and Administration under clause 2.2.
- 2.3.2 **Part 4** applies to the appeals process.

### **2.4 Immediate exclusion and suspension if risk of injury, damage or disruption**

- 2.4.1 Despite any other provision of this ordinance, the Executive Director, Finance and Administration may authorise, orally or in writing, the immediate exclusion of a student from the university premises and suspend their enrolment if the Executive Director Finance and Administration reasonably believes that the student:
- (a) is behaving, or is likely to behave, in such a way as to pose a serious risk of injury to themselves, other students or members of staff, or a serious risk of significant damage to property; or
  - (b) has failed to comply with previous reasonable directions of a member of staff of the University, and has repeatedly disrupted the activities of the University, including intimidation or harassment of staff or students; or
  - (c) has persistently breached University rules in such a way as to cause disruption to the activities of the University, including intimidation or harassment of students or members of staff.
- 2.4.2 The Executive Director, Finance and Administration must, within 24 hours after imposing the exclusion and suspension, send written notice to the student and advise the Director, Governance & Legal accordingly. The notice must give details of the grounds on which the Executive Director, Finance and Administration holds the belief that there is a risk of injury, damage or disruption. It must also advise the student that if they want to respond they must do so within 10 days after the date of the notice.
- 2.4.3 If the student responds within 10 days after receipt of the notice, the Executive Director, Finance and Administration must give the student the opportunity to be heard. The student may be accompanied to a meeting with a person who is not a lawyer. That person may assist the student. After the hearing the Executive Director Finance and Administration may exclude the student from the university premises permanently or for a specified time, if satisfied that the risk of injury, damage or disruption remains.
- 2.4.4 If the student does not respond within 10 days after receipt of the notice, and if the Executive Director, Finance and Administration is satisfied that the risk of injury, damage or disruption remains, the Executive Director, Finance and Administration may exclude the student from university premises permanently or for a specified time.
- 2.4.5 The Executive Director, Finance and Administration must without delay notify the student and the Director, Governance & Legal of the decision under this clause and advise the student that they are entitled to appeal under **Part 4**.

## PART 3 - ACADEMIC MISCONDUCT

### 3.1 Procedure for academic misconduct cases.

- 3.1.1 Any allegation of academic misconduct is to be notified as soon as possible in writing to:
- (a) the relevant head of school or Director of a centre of the Australian Maritime College and, where applicable, the chair of the relevant faculty teaching and learning committee; or
  - (b) in the case of a research higher degree candidate, the Dean of Graduate Research.
- The allegation must then be handled under this Part, with any reference to the head of school meaning the head of the relevant school, the Director of the centre or the Dean of Graduate Research as appropriate.
- 3.1.2 The head of school must, without delay and in any event within 10 days after the original notification of the alleged academic misconduct, notify the student who is the subject of the allegation of the substance of the allegation, and offer the student the opportunity to be heard. The head of school must, with the notice, give the student a copy of this ordinance and a copy of information provided to support the allegation. The Head of School must also notify the Director, Governance & Legal.
- 3.1.3 If the student wishes to be heard, the student must advise the head of school of that fact within 10 days after the date of the notification. The head of school must then arrange a meeting with the student within 10 days after receiving that advice from the student.
- 3.1.4 The head of school must act fairly and give the student a reasonable opportunity to be heard in defence of the allegation and, if appropriate, in mitigation of penalty.
- 3.1.5 If the student does not give any advice under clause **3.1.3**, the head of school may determine the matter without further communication with the student and in the absence of any evidence or representation from the student.
- 3.1.6 The student may be accompanied to the meeting with the head of school by a person who is not a lawyer. That person may assist the student.
- 3.1.7 If the head of school decides that the student has not committed academic misconduct, the head of school must advise all relevant parties within 3 days after making the decision.
- 3.1.8 A head of school who, having given the student the opportunity to be heard, decides that the student has committed academic misconduct may –

- (a) after consultation with the Legal Officer, impose one or more of the penalties set out in clause **3.1.9**; or
  - (b) request the Director, Governance & Legal to refer the matter to an academic misconduct committee and advise the student accordingly.
- 3.1.9 These are the penalties referred to in clause **3.1.8(a)** –
- (a) a reprimand;
  - (b) monitoring the student’s compliance with assessment requirements, including discipline referencing requirements, within the school;
  - (c) a reduction in the marks allocated to the student for the particular component of assessment to which the academic misconduct relates;
  - (d) the cancellation of the student’s marks for that component of assessment;
  - (e) a requirement that the student satisfactorily completes additional work or alternative assessment tasks.
- 3.1.10 A head of school who imposes a penalty under clause **3.1.8(a)** must, within 3 days after imposing the penalty, notify the student and the Director, Governance & Legal in writing of the decision made and the penalty imposed.
- 3.1.11 Notice to the student must include notice that they are entitled to appeal on the grounds set out in **Part 4**.

## **3.2 Academic misconduct committee**

- 3.2.1 When a head of school requests the Director, Governance & Legal to refer an allegation to an academic misconduct committee under clause **3.1.8(b)**, the Director, Governance & Legal must notify the student of that referral within 5 days after receiving the request.
- 3.2.2 The notice to the student must state the substance of the allegation, a copy of the information provided to support the allegation and the time and place at which an academic misconduct committee will convene to deal with the allegation.
- 3.2.3 The committee must be convened not earlier than 5 days, and not later than 15 days, after receipt by the student of the notice. The Director, Governance & Legal will arrange for a secretary to be provided to the committee.

- 3.2.4 The committee consists of 3 members of the Discipline Panel (one from each category specified in clause **1.6.2**) who are nominated by the chair or deputy chair of Academic Senate. The committee members must not be members of the school in which the allegation originated or have been previously involved in the matter
- 3.2.5 The student may attend the committee meeting and may make a written submission to the committee before the meeting or an oral submission at the meeting, or both. The student may address the committee or make a submission in writing to it in mitigation of penalty.
- 3.2.6 The student may be accompanied to the meeting by a person who is not a lawyer. That person may assist the student before the committee.
- 3.2.7 The committee may follow any procedure it thinks appropriate. It is not bound by the rules of evidence or other technicalities or legal forms, and it may inform itself in relation to any matter in any manner that it thinks fit. However, the committee must act fairly, and must, unless the student chooses not to attend the meeting -
- (a) give each party the opportunity to state their case and to correct or contradict any relevant statement that they believe to be prejudicial to their case; and
  - (b) make sure that all documents that are to be relied on by any party at the meeting have been made available to the other parties.
- 3.2.8 The committee may, if it finds the allegation of academic misconduct made out, impose one or more of these penalties –
- (a) a reprimand;
  - (b) a reduction in or cancellation of the marks allocated to the student for the particular component of assessment to which the academic misconduct relates;
  - (c) deeming the student ineligible to sit the final examination, or the awarding of a lower grade or failure to the student, for the unit to which the academic misconduct relates;
  - (d) a requirement that the student satisfactorily completes additional work or alternative assessment tasks;
  - (e) the imposition of probationary, assessment or other enrolment conditions;
  - (f) a fine of not more than \$500;
  - (g) the exclusion of the student from the university, and suspension of their enrolment, permanently or for any period that it thinks appropriate.
- 3.2.9 In imposing a penalty under clause **3.2.8**, it is desirable that the committee takes into account penalties imposed previously in the university in similar circumstances.

- 3.2.10 A committee that imposes a penalty under this clause must notify the student, the head of school and the Director, Governance & Legal of its decision within 5 days after the penalty is imposed. The decision of the committee must be in writing and signed by the members of the committee.
- 3.2.11 Notice to the student under clause **3.2.10** must include notice that they are entitled to appeal on the grounds set out in **Part 4**.
- 3.2.12 The committee may, as it thinks appropriate and subject to clause **5.1.2**, direct the Director, Governance & Legal to publish its decision (with or without naming the parties) and, in particular, may direct the Director, Governance & Legal to notify any relevant professional, government or other organisation or agency of the decision.

### **3.3 Appeals in academic misconduct cases**

- 3.3.1 A student may appeal to the Discipline Appeals Committee against a decision of, or a penalty imposed by, a head of school or an academic misconduct committee under clause **3.1** or **3.2**.
- 3.3.2 **Part 4** applies to the appeals process.

## **PART 4 - APPEALS**

### **4.1 Discipline Appeals Committee**

- 4.1.1 A Discipline Appeals Committee will hear appeals under this ordinance.
- 4.1.2 The composition of the committee may vary from case to case, but the Director, Governance & Legal must make sure that each committee consists of -
- (a) the Chair or Deputy Chair of Academic Senate (who must chair the meeting); and
  - (b) a head of school or other senior officer nominated by the Chair of Academic Senate and the Director, Governance & Legal; and
  - (c) the vice president of the Tasmanian University Union Incorporated for the campus at which the student is enrolled, or that vice president's nominee; or
  - (d) in the case of a postgraduate student, the postgraduate president of the Tasmanian University Union Incorporated, or their nominee.
- 4.1.3 The Director, Governance & Legal must make sure that no member of the appeals committee for a particular case was a member of the academic misconduct committee in that case or was involved in the case.
- 4.1.4 Despite clause **4.1.2**, the Vice-Chancellor is the Discipline Appeals Committee to hear an appeal under this ordinance against a decision of the Executive Director Finance and Administration.

### **4.2 Grounds of appeal**

- 4.2.1 The only grounds on which a student may appeal against a decision under this ordinance are:
- (a) personal bias or ill will on the part of the person or body making the decision;
  - (b) failure to comply with the principles of natural justice, but a ground which alleges that the decision maker considered evidence in breach of the principles of natural justice will not be sufficient for the purposes of clause **4.3.3** if the decision maker considered that evidence in accordance with this ordinance and any relevant guidelines under clause **1.7.3**;
  - (c) evidence that the student did not have at the time of the decision, and could not by reasonable diligence have obtained at that time, and that would probably have affected the decision;
  - (d) manifestly excessive or inappropriate penalty.

### **4.3 Notice of appeal**

- 4.3.1 A student who wants to appeal against a decision made or a penalty imposed under this ordinance must lodge with the Director, Governance & Legal a written notice setting out:
- (a) on which of the grounds specified in clause **4.2** they intend to rely; and
  - (b) the basis on which they believe that the ground of appeal is made out.
- 4.3.2 The notice must be lodged within 10 days after receipt by the student of the notice of the relevant decision or penalty, or any longer time allowed in a particular case by the Director, Governance & Legal.
- 4.3.3 Within 5 days after receipt of the notice, the Committee must meet and decide whether the notice of appeal discloses a reasonable basis on which any of the grounds set out in clause **4.2** could be made out. If the committee decides that the notice does not disclose that reasonable basis, it must not hear the appeal. The Director, Governance & Legal will notify the student in writing of the committee’s decision whether or not to hear the appeal.
- 4.3.4 If the committee decides that the notice discloses that reasonable basis, it must hear the appeal. In that case, the Director, Governance & Legal must make sure that the committee is convened within 15 days after the notice of appeal is lodged. The Director, Governance & Legal must give the student at least 5 days notice of the meeting. The Director, Governance & Legal will appoint a Secretary to the committee.

### **4.4 Hearing of appeal**

- 4.4.1 The committee may follow any procedure it thinks appropriate. It is not bound by the rules of evidence or other technicalities or legal forms, and it may inform itself in relation to any matter in any manner that it thinks fit. However, the committee must -
- (a) act fairly; and
  - (b) give both parties the opportunity to state their case and to correct or contradict any relevant statement that they believe to be prejudicial to their case; and
  - (c) make sure that all documents that are to be relied on by either party at the meeting have been made available to the other party.
- 4.4.2 The student may be accompanied to the meeting by a person who is not a lawyer. That person may assist the student before the committee.

- 4.4.3 After considering the material relied on in support of the appeal or in opposition to it, the committee must either dismiss the appeal or uphold it, and confirm, set aside or vary any penalty imposed. The Committee must make its decision within a reasonable time.
- 4.4.4 The committee must report its decision to the Executive Director Finance and Administration within 5 days after it is made, and must notify the Director, Governance & Legal and the student within that time. The decision of the committee must be in writing and signed by the members of the committee.
- 4.4.5 The decision of the committee is final.

## **PART 5 - MISCELLANEOUS**

### **5.1 Publication of determinations**

- 5.1.1 The Director, Governance & Legal must make sure that the proceedings of an academic misconduct or appeals committee are recorded (mechanically or otherwise as appropriate).
- 5.1.2 The Academic Senate may from time to time issue guidelines for the publication of academic or general misconduct decisions.
- 5.1.3 The Director, Governance & Legal, on the advice of the appeals committee and subject to clause 5.1.2, may publish any determination of the committee.
- 5.1.4 The Director, Governance & Legal must report to Council any determinations of the appeals committee, whether or not the determinations are published.

### **5.2 Notice to students**

- 5.2.1 Notice to a student may be given by sending it by prepaid post to the most recent appropriate address for the student as recorded on the university Student Record System, and must, in the absence of evidence of earlier receipt, be taken to have been received by the student -
  - (a) if that address is within Australia, on the third working day after it was sent; and
  - (b) if that address is outside Australia, on the tenth working day after it was sent.

### **5.3 Undischarged penalties**

- 5.3.1 While a fine or a requirement for payment for repairs to property or for university service work remains unpaid or unfulfilled, or while a student is excluded from the university or their enrolment is suspended, the student may not -
- (a) enrol; or
  - (b) receive any results of assessment; or
  - (c) graduate or receive a diploma or any certificate stating that the student is qualified to graduate or receive a diploma in the university; or
  - (d) receive a certificate of academic record - without the written consent of the Executive Director, Finance and Administration.
- 5.3.2 A student will not at any time be given credit at the university for any study that is undertaken by the student at the university or any other institution while the student's enrolment at the university is suspended.

### **5.4 Transitional provisions**

- 5.4.1 Any discipline proceedings that are, at the commencement of this ordinance, under way under the Student Discipline Ordinance in force immediately before that commencement, must be completed under the previous ordinance as in force immediately before that commencement.
- 5.4.2 Any allegation of misconduct that concerns conduct that is alleged to have occurred before the commencement of this ordinance must be dealt with under the Student Discipline Ordinance in force immediately before that commencement. This subclause is subject to subclause **5.4.3**.
- 5.4.3 Subclause **5.4.2** does not apply if the person making the allegation and the person who is the subject of the allegation advise the Director, Governance & Legal in writing that they want the matter dealt with under this ordinance.

**Made by Council on 28 February 2003.**

**Sealed with the seal of the University of Tasmania on 6 March 2003.**

Professor Daryl Le Grew  
**Vice-Chancellor**

Ms Belinda Webster  
**University Secretary**