

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1988, No. 24*

By-laws under the *University College of the Northern Territory Act*

The Council of the University College of the Northern Territory, in pursuance of section 43 of the *University College of the Northern Territory Act* and the approval of the Council at a meeting held on 23 October, 1987, hereby makes the following By-laws.

UNIVERSITY COLLEGE OF THE NORTHERN TERRITORY

BY-LAW GOVERNING STUDENT CONDUCT

1. DEFINITIONS

In this By-law unless the context demands otherwise, the expression "misconduct" means conduct on the part of a student which impairs the reasonable freedom of others to pursue their studies, researches, duties or to participate in other lawful activities in the University College or which is otherwise detrimental to the proper conduct of the University College. Without prejudice to the generality of the foregoing misconduct includes:

- (a) cheating or attempting to cheat in an examination;
- (b) plagiarism;
- (c) disrupting or obstructing any teaching activity, examination or official meeting or proceeding of or within the University College;
- (d) refusing to leave any building or part thereof upon being reasonably directed by a senior officer of the University College to leave it;
- (e) knowingly entering any place within the premises of the University College to which the student is forbidden to enter by a senior officer of the University College or by a by-law or by notice authorised by the Registrar;

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- (f) knowingly divulging confidential information relating to any University College matter which is clearly of a confidential nature and which a student has no right to divulge;
- (g) obstructing or attempting to interfere with the lawful performance of their duties by any officer or employee of the University College;
- (h) failing or refusing to provide the student's name and address or to produce for inspection the student card or other evidence of identity when required to do so by an officer of the University College who in the course of duty is making an enquiry or investigation to which the identity of the student is relevant or who may require to know the identity of the student for the purpose of any report to be made to the Warden, the Registrar or a superior officer;
- (i) intentionally damaging or wrongfully dealing with any property in or upon University College premises;
- (j) unlawfully assaulting a person upon University College property;
- (k) committing a breach of any by-law of the University College;
- (l) disobeying a reasonable direction of a senior officer of the University College;
- (m) making a false representation as to a matter affecting the person as a student of the University College.

"Cheating" means an act of deceit to gain academic credit and includes the use of unauthorised information in an examination whether inscribed on paper, instruments, the examinee's person or any other material, or provided verbally by another person.

"Cheating" also includes submitting an assignment or laboratory work which, in whole or part, is a work of another person without written attribution to that person.

"Attempting to cheat" includes the unauthorised carriage into an examination room of material which conveys or is capable of conveying information concerning any subject, and the soliciting of other persons for information.

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"Plagiarism" is attempting to gain academic credit by producing and presenting work by others without acknowledgement. It consists of the act of taking the thoughts or writings of others and presenting them as one's own. This constitutes misconduct in work submitted for credit. In theses, in particular, it is important that all sources quoted or ideas derived from others should receive attribution to the original sources. Ideally this should also happen in undergraduate assignments. It is sometimes difficult to distinguish between plagiarism and drawing on a common stock of knowledge. However, generally copying word for word whole paragraphs or paraphrasing whole paragraphs is plagiarism unless the origin of the material is acknowledged.

"Senior officer of the University College" means any of the Warden, Deans, Registrar, Bursar or Librarian.

2. CONSEQUENCES OF MISCONDUCT

(1) For misconduct a fine not exceeding \$1000 or such lesser amount as may be prescribed in that particular case, may be imposed; in addition or alternatively action of one or more of the following kinds may be taken:

1. suspension from classes;
2. suspension from use of the laboratories;
3. suspension from use of the Library;
4. suspension of the right to enter any specified building or land of the University College or any part thereof or to use a vehicle on a site of the University College;
5. restitution of or for any property lost, damaged or destroyed;
6. exclusion or expulsion from attendance at an examination, imposed prior to or during the currency thereof, provided that such action shall be taken during the currency of an examination only if the person taking such action is of the opinion that it is essential to preserve reasonable order and decorum in the examination centre;
7. cancellation or refusal of credit for any examination, assignment or laboratory work in any case where a breach of the By-law Governing Examinations amounts to misconduct as defined in this by-law;

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8. expulsion or suspension from the University College.

(2) A student who is expelled from the University College shall not be re-enrolled except by permission of the Council.

(3) A person or body empowered by these by-laws to suspend or to recommend such suspension or exclusion may direct or recommend, as the case may be, that the suspension or exclusion shall be removed or deferred upon such conditions as that person or body may determine.

3. SIMPLE BREACH OF DISCIPLINE

Where it appears to an officer of the University College empowered to take action by the Warden or this by-law, that in the circumstances the misconduct with which the student is charged is not so serious as to warrant its reference to the Disciplinary Board, it may be treated as a simple breach of discipline by exercising the powers conferred by clauses 4 to 9 of this by-law.

4. POWERS OF TEACHING STAFF

Action may be taken under paragraphs (a), (b) and (f) of section (1) of clause 2 of this by-law by a member of the teaching staff in relation to teaching activities, provided that any suspension imposed shall be for a period of no longer than one day.

5. REPORT TO THE DEAN

Any action taken under Section 4 shall be reported to the appropriate Dean who may:

- (a) affirm or annul the suspension or exclusion; or
- (b) impose a fine not exceeding \$500; or
- (c) take any other action in exercise of the Dean's powers under this by-law.

6. POWERS OF DEANS AND THE UNIVERSITY COLLEGE LIBRARIAN

(1) A Dean in respect to the teaching and other activities and examinations may impose a fine not exceeding \$500 or take action under paragraphs (a), (b), (d), (e) and (f) of section (1) of clause 2 provided that any suspension shall be for a specified period of no more than one week.

(2) The College Librarian in respect to the Library facilities may impose a fine not exceeding \$500 or take action under paragraphs (c), (d) and (e) of section (1) of clause 2 provided that any suspension shall be for a specified period of no more than one week.

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7. REPORT TO THE REGISTRAR

(1) Any action taken under clauses 5 and 6 shall be reported to the Registrar.

(2) The Warden may then review the matter, and in particular may:

- (a) affirm or annul the action taken; or
- (b) decrease a fine or increase it to a sum not exceeding \$1000; or
- (c) refer the matter to a Disciplinary Board.

8. POWERS OF THE REGISTRAR

(1) A fine of \$500 may be imposed or action taken under paragraphs (d), (e) and (f) of section (1) of clause 2 of this by-law by the Registrar, provided that any suspension order under paragraph (d) shall be for a specific period not exceeding one week.

(2) The Warden may review any fine imposed or action taken under this clause and in particular may:

- (a) affirm or annul the action taken; or
- (b) decrease a fine or increase it to a sum not exceeding \$1000; or
- (c) refer the matter to a Disciplinary Board.

(3) Any suspension of a student from an examination shall be reported forthwith to the Registrar who may impose a fine or take action in the exercise of his powers under this by-law or initiate the convening of a Disciplinary Board.

9. POWERS OF THE WARDEN

A fine not exceeding \$1000 may be imposed or action taken under paragraphs (a) to (f) of section (1) of clause 2 of this by-law by the Warden, provided that any suspension ordered under paragraphs (a), (b), (c) and (d) of section (1) of clause 2 shall be for a specified period not exceeding one week.

10. FINES

For a breach of any part of this by-law an officer of the University College empowered by the Council to impose a fine may notify a student in writing, either by delivering it personally or by sending it by ordinary post to the student's last known address, that a fine not exceeding \$1000 will be imposed unless the student, before a specified date being not more than 14 days subsequent to the issue of the notice, shows cause why such fine should

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not be imposed. If the student fails to show cause satisfactory to the officer concerned within that period, the fine shall be treated as having been imposed under this by-law on that date.

A student fined under the provision of this clause may appeal to the Disciplinary Board which may affirm, annul or increase up to \$1000 the fine imposed.

11. REFERENCE TO THE DISCIPLINARY BOARD

An authority empowered by the Council or by this by-law to impose a fine or to take any action under this by-law may, instead of or in addition to exercising such power other than imposing a fine, report the matter to the Warden with a recommendation that it be referred to the Disciplinary Board.

12. DISCIPLINARY BOARD

(1) There shall be within the University College a Disciplinary Board comprising:

- (a) three members of the academic staff appointed by the Warden after consultation with the Deans;
- (b) an undergraduate and a post-graduate student appointed by the Warden after consultation with the President of the Students' Union.

Provided that: if for any reason an appointed member is not available on the meeting date or a member's participation is judged by the Warden to be undesirable because of personal involvement in or in connection with the matter such member shall not participate in the Board's considerations and the Warden shall appoint a person in that member's place.

(2) The functions of a Disciplinary Board shall be to hear and adjudicate upon:

- (a) any charge of misconduct which is referred to it by Council, a committee of Council, the Warden or the Registrar;
- (b) any appeal in accordance with section (2) of clause 10 or section (1) of clause 18 of this by-law.

(3) A quorum of the Disciplinary Board shall be three (3) members.

(4) A Disciplinary Board shall elect one of its members to be chairman.

(5) The Registrar shall from time to time appoint a person to act as Secretary to the Disciplinary Board.

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(6) If the Warden is of the opinion that more than one Disciplinary Board is required such numbers as are desirable may be constituted in accordance with the above provisions.

13. DISCIPLINE APPEALS COMMITTEE

(1) There shall be within the University College a Discipline Appeals Committee of the Council in consultation with the warden which shall consist of:

- (a) four members appointed by and from the Council;
- (b) a Dean appointed by the Chairman of Council;
- (c) a member of the lecturing staff appointed by the Chairman of the Council from a panel previously approved by the Council;
- (d) a student member appointed by the Chairman of Council after consultation with the President of the Students' Union.

(2) Each member of the Discipline Appeals Committee shall continue to be a member for one year from the date of appointment or until the member resigns by notifying the Chairman in writing. If a vacancy should occur by reason of resignation or otherwise it shall be filled as soon as possible in like manner to the original appointment. The Discipline Appeals Committee shall elect one of its members as Chairman. Provided that where a member notifies the Registrar of inability or unwillingness to attend a matter pending before the Committee, or the Chairman is of the opinion that a member's participation is undesirable because of personal involvement or connection with the matter, the member's place shall be taken by a person appointed in accordance with the above procedures.

(3) A quorum for the Discipline Appeals Committee shall be four (4) members.

(4) The functions of the Discipline Appeals Committee shall be to hear and adjudicate upon any appeal to it under clause 18 of this by-law.

14. PROCEDURES ON HEARINGS

(1) In respect of a hearing before a Disciplinary Board the following provisions shall be observed -

- (a) The Secretary shall give the student notice in writing not less than five days before the hearing of the time and place of the hearing and of the student's rights under this clause and in the case of a hearing at first instance the notice shall give the student details of the misconduct which is alleged.

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- (b) The student shall be entitled to be represented by a legal representative by such other person, being willing to act, as the student may appoint.
- (c) Subject to paragraph (g) of this section, the student together with the student's representative (if any) shall be entitled to be present throughout the hearing except where the members of the Board wish to confer privately among themselves or to consider their decision.
- (d) The student or the student's representative may call and examine witnesses, cross-examine witnesses other than a witness called on behalf of the student, and may address the Board at the conclusion of the evidence.
- (e) The Warden may appoint a legal representative or a member of the University College to represent the University College at the hearing and any person so appointed may call and examine witnesses, cross-examine witnesses other than those called on the part of the University College, and address the Board at the conclusion of the evidence.
- (f) The procedure of the Board, including the order in which evidence may be called and addresses heard, is in the discretion of the Board, and the Board shall sit at such times and places as the Chairman shall determine.
- (g) At every hearing the Board shall have complete authority to keep order in the proceedings including the authority to order the removal of any person or to refuse to hear a student or any person appointed to represent the student.
- (h) When two or more students are charged with the same or different offences arising out of the same occurrence or series of occurrences, the Board shall have a discretion to decide whether the charges shall be heard separately or together.

A hearing before the Board shall be conducted in closed session.

(2) The Chairman at any meeting of a Disciplinary Board shall cause to be kept a record of the proceedings at the meeting containing a fair summary of the evidence submitted to or obtained by the Board and such other minutes of its proceedings as will fairly show the manner in which it conducted the inquiry.

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(3) The Disciplinary Board or Discipline Appeals Committee, as the case may be, may confirm or annul the decision or may impose a fine or take any other action authorised by clause 2, including a fine or action in substitution for or in addition to, the fine imposed or the action taken previously and may recommend to the Council the suspension of the student from the University College.

(4) As soon as practicable after the Disciplinary Board has reached a decision, it shall communicate that decision to the Registrar and the student. This includes a decision to make a recommendation to Council.

15. ACTION EXCLUSIVE TO THE COUNCIL

Action under paragraph (g) and (h) of section (1) of clause 2 may be taken only by the Council on the recommendation of a Disciplinary Board or a Discipline Appeals Committee.

16. INTERIM SUSPENSION

(1) Notwithstanding any other provision in this by-law or of any other by-laws of the University College, should there occur any act or circumstance which may involve a substantial risk of danger to University College property or a substantial risk of injury to any student, member of staff or other persons lawfully on University College premises, or a serious risk of disruption to the activities of the University College, the Warden may suspend any student for a period not exceeding the remainder of the semester.

(2) A suspension of a student under the provisions of this clause shall be of full force and effect from the time when notice of such suspension is posted upon a notice board of the University College. Without limiting the effect of such notice the Registrar shall as soon as can reasonably be done, post a copy of such notice to the student's address as shown on the enrolment form as being the student's address during semester.

(3) If the Registrar is of the opinion that by reason of absence, illness or other sufficient cause the Warden is unable to exercise any of the powers or perform any of the duties or functions given him by this clause, the Registrar may exercise such powers and perform such duties and functions.

17. PUBLICATION OF ACTION TAKEN

Where a fine has been imposed or action taken by the Discipline Appeals Committee or a Disciplinary Board, the Registrar shall publish within the University College in such manner as the Registrar considers appropriate a statement showing the amount of the fine imposed or the nature of the action taken and the name of the person

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upon whom the fine was imposed or in respect of whom the action was taken. In the case of all other fines imposed or action taken the Registrar shall make a report to Council in such detail as the Registrar considers necessary, at his discretion, or as the Council directs.

18. RIGHT OF APPEAL

(1) An appeal by a student from a fine imposed or action taken by a person or body under clauses 4 to 9 inclusive lies to a Disciplinary Board. Such an appeal shall be by way of a rehearing unless the student and the Registrar otherwise agree.

(2) An appeal by a student or by the Registrar against a decision of a Disciplinary Board in a matter which it has heard in the first instance, lies with the Discipline Appeals Committee. Such an appeal shall be by way of a rehearing unless the student and the Registrar otherwise agree.

(3) (a) An appeal by a student to a Disciplinary Board or to the Discipline Appeals Committee shall be lodged with the Registrar in writing within fourteen days after the decision appealed against has been notified to the student; if not so exercised within that period, the right of appeal shall lapse unless the Disciplinary Board or the Discipline Appeals Committee, as the case may be, in exceptional circumstances, otherwise determines.

(b) Where the Registrar appeals to the Discipline Appeals Committee the Registrar shall notify the student in writing of that fact within fourteen days of the date upon which the Disciplinary Board makes its report; if the Registrar does not do so the right of appeal shall lapse unless the Discipline Appeals Committee in exceptional circumstances otherwise determines.

(4) The Disciplinary Board or Discipline Appeals Committee, as the case may be, may affirm or annul the decision or may impose a fine or take any action authorised by clause 2, including a fine or action in substitution for, or in addition to, the fine imposed or action taken previously and may recommend to the Council the suspension or expulsion of the student from the University College.

19. ACTION ON FINES

(1) A fine imposed under this by-law shall be paid into the general funds of the University College.

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(2) A fine imposed under the by-law is payable within fourteen days of issue of written notification to the student, provided that any extension of time for payment may be granted by the person or body imposing the fine, or by the Warden or the Registrar; provided also that payment of a fine shall be suspended while an appeal from the decision imposing it is in progress.

(3) If a fine imposed under this by-law is not paid within the time limited for its payment the student shall not be awarded any result in any examination or receive or be granted credit for any subject or course or receive any degree or other award of the University College so long as the fine remains unpaid.

(4) In addition to the provisions of section (3) hereof, the Warden may in any such case direct that the student shall be suspended and the suspension so imposed shall remain in force so long as the fine remains unpaid.

(5) When a fine is imposed a student will be notified in writing of the provisions of this clause and of the right of appeal in accordance with this by-law.

20. EQUITY

Without prejudice to clause 14, in dealing with a question or charge of misconduct a person or body authorised by or under this by-law to impose a fine or take action shall proceed in all respects according to the natural justice of the case and may decide the issue according to equity and good conscience, without being bound by legal technicalities or the laws of evidence.

21. SAVINGS

(1) Nothing in this by-law affects the power of any person or body in the University College duly authorised to administer any University College by-law not inconsistent with this by-law, and in particular nothing in this by-law affects any power of an authority within the University College to withdraw a student from a course, or to cancel the enrolment of a student, or to refuse a person further enrolment for any course or subject, or to deal otherwise with his case, by reason of the student's failure to satisfy academic requirements or to pay any fee or other monies payable to the University College.

(2) Nothing in this by-law affects the power of the Council to make by-laws pursuant to the powers given it by the University College of the Northern Territory Act, 1985.

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(3) Nothing in this by-law shall be interpreted as limiting in any way any power vested in the Council by the Act or any other by-law or rule of the University College, or as limiting the right of the University College to enforce by any other means any right vested in it or to take any other action which it might be entitled or empowered to take in the circumstances.

The Common Seal of the University College of the Northern Territory was affixed hereto on the eighth day of February 1988, in pursuance of a resolution of the Council authorising the Common Seal to be so affixed, passed on the twenty-third day of October 1987.

BRIAN HUGHES
Registrar
