

REGULATION 82
CONDUCT AND MISCONDUCT



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82.1 Regulation of Conduct and Misconduct

- 82.1.1 The University of Divinity is committed to the highest standards of conduct. This commitment is expressed by ensuring academic integrity, academic freedom, fair treatment of all people, and the safety and wellbeing of members of the University.
- 82.1.2 Using the powers contained in section 30 (h) of the *University of Divinity Act*, the Council has resolved that all matters concerning conduct or misconduct of members of the University, including making, responding to, investigating and determining the outcome of a complaint in relation to alleged or actual misconduct of a member of the University, are subject to this Regulation and policies of the University pursuant to it.
- 82.1.3 This Regulation applies to all members of the University. For the purposes of this Regulation, members of the University are:
- a) students who are enrolled in an award or a unit of study of the University (including students on leave of absence)
 - b) higher degree by research students whose candidature has lapsed but who are still eligible to submit a thesis for examination
 - c) academic staff who are accredited under Regulation 40 (including honorary appointments)
 - d) University Scholars who are accredited under Regulation 81
 - e) Persons appointed by a College of the University under Regulation 3 to the role of Principal, Academic Dean, Registrar or Research Coordinator, or as a course advisor
 - f) Persons employed by the University
 - g) Members of the Council, the Academic Board, and their Committees.
- 82.1.4 In this Regulation references to the University include Colleges but only to the extent to which a College facility, premises or service is used to deliver University activities.
- 82.1.5 The Council must ensure that the University has a Code of Conduct which is:
- a) aligned with the values of the University as expressed in its Vision, Mission and Graduate Attributes
 - b) applicable to all members of the University
 - c) communicated to all current and prospective members of the University such that they are aware of their responsibilities under the Code of Conduct

- d) communicated to staff appointed or employed by Colleges of the University but who are not members of the University with the expectation that they will abide by the Code of Conduct to the extent that it applies to the terms of their appointment or employment
- e) communicated to contractors engaged by the University with the expectation that they will abide by the Code of Conduct to the extent that it applies to the scope of their engagement.

82.1.6 The Council must ensure the University has effective policies for:

- a) ensuring the academic integrity of all academic activities undertaken by members of the University, taking into account the advice of the Academic Board
- b) maintaining academic freedom, including respect for the integrity and diversity of Christian theological traditions represented in the Colleges of the University
- c) ensuring the fair treatment of all members of the University
- d) receiving complaints made in good faith in relation to the conduct of members of the University, including safeguards for complainants, investigating such complaints and, where misconduct is found to have occurred, the imposition of penalties
- e) appeals to be made against a decision of a committee or officer of the University.

82.1.7 The Vice-Chancellor has delegated authority to appoint authorised officers as required by policies of the Council or Academic Board made under this Regulation, provided that:

- a) any authorised officer with decision-making power in relation to an appeal against a decision of the University is independent from an authorised officer who made the decision in question
- b) any matter concerning the conduct of the Vice-Chancellor is referred to the Chancellor who may appoint an authorised officer or officers to investigate the matter in accordance with this Regulation.

82.2 Code of Conduct

82.2.1 Strive to act with honesty and integrity

This includes

- a) refusing to initiate or engage in cheating, plagiarism or fraud
- b) complying with ethical standards in research and academic practice
- c) disclosing conflicts of interest
- d) being willing to report academic misconduct

82.2.2 Promote the responsible exercise of academic freedom and academic judgment

This includes

- a) applying structured argument and critical thought

- b) forming an opinion or making a decision on the basis of evidence
- c) respecting the integrity and diversity of theological traditions represented in the Colleges of the University
- d) pursuing excellence

82.2.3 Be courteous towards all persons in my behaviour and communication

This includes

- a) complying with reasonable directions issued by responsible persons
- b) respecting the privacy of others and information given in confidence
- c) being willing to engage with views different from my own

82.2.4 Protect from harm myself and others, especially children, young people and vulnerable adults

This includes

- a) refraining from and refusing to participate in abuse, harassment, bullying and assault
- b) supporting activities that ensure the University is a safe and healthy environment
- c) being willing to report general misconduct

82.2.5 Use University resources responsibly

This includes

- a) making judicious use of staff time, library collections, physical spaces, and technology
- b) supporting activities that promote environmental and economic sustainability.

82.2.6 Comply with University policies and procedures and applicable Australian laws

This includes

- a) complying with applicable policies and procedures of my home College
- b) complying with any contractual arrangements I have entered into with the University or with one of its Colleges.

82.3 Academic Misconduct

82.3.1 It is academic misconduct if a member of the University:

- a) cheats (including contract cheating)
- b) engages in plagiarism
- c) improperly colludes with another person

- d) fabricates, falsifies or misrepresents information, knowledge or authorship
- e) fails to comply with examination or assessment rules or directions
- f) fails to comply with the *National Statement on Ethical Conduct in Human Research*
- g) contravenes the *Australian Code for the Responsible Conduct of Research*
- h) engages in other conduct with a view to gaining unfair or unjustified advantage.

82.3.2 For the purposes of Regulation 82.3.1 b) a person engages in plagiarism if he or she uses another person's work as though it is his or her own work without appropriate attribution, including but not limited to the following circumstances:

- a) submits work for assessment written wholly or in part by another person whether for payment or not
- b) uses or paraphrases work from any source other than the person's own work, including a book, journal, newspaper article, set of lecture notes, current or past student's work or any other person's work
- c) when writing a computer program and presenting it as his or her own, incorporates the coding of a computer program written by another person
- d) uses a musical composition or audio, visual, graphic or photographic work created by another person
- e) uses realia created by another person, including an object, artefact, costume or model.

82.4 General Misconduct

82.4.1 It is general misconduct if a member of the University:

- a) while on University premises, using a University facility or service, or engaging in a University activity
 - i) commits a criminal offence
 - ii) engages in conduct which causes the University to be guilty of a crime
 - iii) intentionally or recklessly causes injury to another person
- b) intentionally or recklessly causes damage to, or commits theft of University property or property on University premises
- c) interferes with or improperly or unsafely uses University property, a facility or service
- d) while on University premises, using a University facility or service or engaging in a University activity acts improperly, including through:
 - i) harassment
 - ii) threatening or intimidating behaviour

- iii) use of abusive language
- iv) disorderly behaviour
- v) breach of the peace
- vi) access, display, download, upload or broadcast of prohibited or illegal material
- vii) breach of laws relating to discrimination
- viii) breach of laws or University policies relating to smoking, alcohol consumption, use of drugs, gambling or health and safety
- e) interferes with a University teaching, learning or research activity
- f) engages in conduct which is detrimental to the reputation of the University
- g) engages in a pattern or sequence of conduct which places substantial demand on University resources, vexatiously or without proper justification
- h) forges a University document or a document submitted to the University
- i) offers a bribe or other improper inducement in relation to the provision of a University service or the discharge of the function or duty of a University staff member
- j) engages in misrepresentation in relation to the provision of a University service or the discharge of the function or duty of a University staff member
- k) falsely claims an identity, qualification, prior learning or experience
- l) falsely uses a title
- m) acts in breach of a provision of this Regulation or a University policy relating to conduct, privacy or disclosure of information given in confidence
- n) while on University premises, using a University facility or service, or delivering a University service, engages in a breach of copyright
- o) incites another person to commit general misconduct
- p) fails to comply with an order of summary exclusion issued under a policy or policies authorised by the Council or the Academic Board under Regulation 82.1.6.

82.5 Penalties

82.5.1 Where misconduct has been found to have occurred, an authorised officer has delegated authority to impose a penalty as provided for by a policy or policies authorised by the Council or the Academic Board under Regulation 82.1.6.

82.5.2 Permitted penalties are:

- a) Reprimand
- b) Recording of misconduct
- c) Referral or reporting of misconduct to a third party

- d) Consent penalty (a penalty agreed to by the subject of a complaint, such as an apology, reflective piece, counselling, community service)
- e) Restitution
- f) Prohibition (from access to designated spaces or contact with designated persons)
- g) Suspension of membership of the University
- h) Termination of membership of the University
- i) Revocation of a qualification, prize, award, grant, scholarship, accreditation or classification made by the University.

82.5.3 The Council may impose the penalty of revocation on a person who is a graduate of the University who is not otherwise a member of the University if the person has been found to have engaged in serious misconduct during the person's period of enrolment as a student at the University.

82.5.4 The Council may revoke a penalty imposed under this Regulation.