

APIIT/APU

Student Conduct and Discipline Policy

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1. Policy Statement

The policy sets out the expectations for student behaviour at APU/APIIT, and provides a framework for dealing with instances of alleged student misconduct.

2. Policy Scope

- 2.1. This policy applies to all students of the University.
- 2.2. The University may deal with misconduct under this policy if the person was a student at the time of the alleged misconduct, and may proceed as if the person had continued to be a student, even if the person ceases to be a student before proceedings are instituted or finalised.
- 2.3. In any case where a student is in a gathering or group of students and/or other persons and another of the group engages in activities that constitute misconduct, the student is taken to have engaged in misconduct if they did not take all reasonable steps to dissociate from the gathering or group as soon as practicable after they became aware of the misconduct.
- 2.4. If a matter being dealt with under this policy becomes subject to a police investigation, then proceedings under this policy will be suspended until that criminal investigation and/or proceedings has been completed.
- 2.5. This policy complements the Academic Dishonesty Policy

3. Policy Principles

- 3.1. The principles underpinning this policy recognize the reciprocal relationship between individual and community rights and responsibilities. As reflected in the APU/APIIT Student Code of Conduct, all APU/APIIT students are expected to behave in a way that:
 1. Allows reasonable freedom to others to pursue their studies, research, duties, community engagement and other lawful University activities, and to participate in the life of the University;

2. Promotes the proper use of University facilities, information and the property of the University and of other persons and/or organisations on its campuses, on other sites at which it conducts its activities, in student accommodation, and at other legitimate activities organised by the University and its student associations;
 3. Ensures that the reputation of the University is upheld.
- 3.2. Any member of the University staff or student may, by written complaint, inform the Vice Chancellor of any conduct by a student which the staff member or student considers to be misconduct. The Vice Chancellor or his nominee will undertake a preliminary investigation to assess whether the complaint has substance.

4. Policy Objectives

4.1. The objectives of this Policy are to:

1. Promote the principle of mutual respect by informing students of behaviour which the University considers appropriate;
2. Discourage inappropriate behaviour which the University defines as misconduct;
3. Provide a framework and procedurally fair practices for dealing with possible cases of misconduct;
4. Provide for the imposition and enforcement of penalties for proven misconduct.

5. Definitions

5.1. In this Policy:

Allegation notice means the notice the University gives to a student to commence formal misconduct proceedings.

Bullying means repeated, deliberate and targeted conduct by a student towards another student or a staff member which is offensive or intimidating or humiliating and which detrimentally affects that student or staff member's well-being. The conduct may make use of social media or take the form of spreading unfounded rumours designed to bring the victim into disrepute.

Class includes any lecture, tutorial, seminar, laboratory, practical, field or other learning, teaching, research or assessment activity, regardless of the medium or location in which it is conducted.

Computing and network facilities include, but are not limited to, computers, computer systems, email and other communications networks, social media, websites and information facilities, together with associated software, files and data storage and retrieval. It also includes online teaching resources.

Exclusion means cancellation of enrolment and permanent denial of access to all University premises, facilities, activities, services, courses, units, lectures, tutorials, examinations or any aspect of University life.

Harassment is any form of behaviour where a person is made to feel intimidated, or humiliated because of a particular characteristic(s) e.g., race, sex, religion. Harassment can be verbal, written or physical, and has the intent or effect of creating an intimidating, hostile or offensive educational environment. Harassment can be a single incident, or repeated behaviour, and can occur even if the behaviour is not intended to offend.

Misconduct includes, but is not limited to, conduct or behaviour by a student, or of a group of persons which includes a student, that:

1. Impairs the reasonable freedom of others to pursue their studies, research, duties, community engagement and other University activities and to participate in the life of the University, including by bullying, harassing other students or members of staff, including sexual harassment, and discrimination based on gender, race or religion;

2. Interferes with, or causes damage to, or loss of, or obstructs the use of, any facilities, information or property owned or controlled by the University, or owned or controlled by any person or organisation in relation to a University activity; or being in any part of the University, knowing that he or she is not entitled to be there at that time; or failing to observe safety and health rules or procedures, and/or failing to wear available safety equipment, and/or failing to work in a safe manner
3. Misleadingly misrepresents any matter pertaining to that student and/or their status as a student;
4. Represents failure to comply with a lawful direction given by a person authorised by the University to ensure the safety of any person, the preservation of any property or the maintenance of good order within the University under this Policy or any other University policy, regulation, rule or procedure, including the APU/APIIT dress code;
5. Encourages, persuades or incites any other person to engage in conduct or behaviour constituting misconduct;
6. Is disorderly or aggressive towards students, staff or visitors, or detrimental to the interests or reputation of the University;
7. Hinders actions initiated under this Policy or adversely affects persons in any way associated with the conduct of investigations, determination of cases or imposition or implementation of penalties under this Policy.
8. Involves the consumption or possession of tobacco or cigarette products or alcohol or illegal drugs on University premises
9. Involves attendance at University while under the influence of any alcohol, drugs or illegal substances.
10. Compromises the integrity of the university's assessment policies, such as by arranging for another person to complete or partially complete a piece of assessment or attend an exam on their behalf; represent themselves as another student in an exam or completing or partially completing a piece of assessment or exam for an APU student.
11. Attempts to obtain an unfair advantage over other students by being involved in preparation or use of false/forged claims for extenuating circumstances, or other purposes, for themselves or other students enrolled at APIIT/APU or any other institution.
12. Breaches confidentiality by accessing confidential exam papers or other confidential documents or induces other staff or students to do so.
13. Breaches the Criminal Law of Malaysia.

Sexual harassment is defined as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Examples of behaviours that may amount to sexual harassment include:

- Inappropriate remarks with sexual innuendos, smutty jokes or lewd comments;
- Suggestive remarks about a person's body or appearance;
- Persistent, unwanted requests for dates;
- Offensive hand or body gestures;
- Uninvited physical contact such as patting, pinching, touching or putting an arm around another person.
- Other acts or behaviours that may amount to an offence of sexual assault under relevant criminal legislation.

Student includes:

1. A person who is enrolled in any program, unit of study or research or non-award study offered by or at the University;
2. A student of another university or other education provider who is granted temporary or on-going rights of access to a campus or site or facilities of the University;
3. A person who has applied for admission to undertake study offered by or at the University;
4. A person who has deferred enrolment in a program, unit or non-award study;
5. A person who was previously enrolled in any program, unit or non-award study offered by or at the University and is interacting with the University in relation to their status as a student;
6. A person who was a student at the time of any alleged misconduct.

Support person means a person, other than a person with a qualification in law, whom a student designates as their support person in proceedings under this policy. A support person may only make submissions on behalf of a student if invited to do so by the University. A support person may not be a person who was involved in, associated with, or alleged to have been involved in, or associated with, the matter under review.

Suspension means the cancellation of a student's enrolment at the University for a specified period.

University means APU and APIIT

University activity means any activity formally associated with the University such as representative sporting activities and University organised social or community activities, activities on internship or exchange and activities on University student accommodation.

6. Misconduct Requiring Immediate Suspension

- 6.1. Where a person in authority such as the staff member in charge of the library, any laboratory, lecture theatre or class, or of the campus or part of the campus such as the Security Officers, is of the opinion that:
 1. The behaviour of a student in that facility amounts to misconduct; or
 2. There is an imminent threat of misconduct by a student in that facility; the person in authority may, for the purpose of halting or preventing the misconduct, suspend the student from the use of or entry to the campus or that facility or part of that facility or student accommodation, for a period of up to two weeks.
- 6.2. The person in authority who has imposed a period of suspension shall do the following:
 1. Report the suspension and circumstances of the suspension to the Registrar normally not later than one day after the incident that led to the suspension, and
 2. As soon as the suspension is imposed, inform the student in writing of the suspension and circumstances of the suspension and that a written complaint has been referred or will be referred, as the case may be, to the Registrar.
- 6.3. The Registrar shall arrange for the written complaint to be investigated.
- 6.4. A suspension imposed for misconduct by a person in authority may be extended by the Vice-Chancellor or his nominee only if it is reasonably necessary to do so.
- 6.5. Notwithstanding a penalty being imposed due to misconduct by a person in authority, disciplinary proceedings may be taken against a student under the Misconduct Policy.

7. Composition and Constitution of Committees

7.1. Discipline Committee

7.1.1. A Discipline Committee will be appointed by the Vice Chancellor and will comprise:

1. The Vice Chancellor as Chair;
2. One senior member of staff from the student's faculty,
3. The Registrar or his nominee

7.1.2. A quorum of the Committee is all three members.

7.1.3. The chairperson has a deliberative vote and, if required a casting vote.

7.2. Discipline Appeals Committee

7.2.1. The Discipline Appeals Committee is appointed by the Dean of Quality Assurance and Partnerships and comprises:

1. Dean of Quality Assurance and Partnerships as Chair;
2. One member of staff from the student's faculty
3. One senior staff member of a Faculty other than that of the student.
4. The Registrar or his nominee

7.2.2. Membership of the Discipline Appeals Committee may not include any person who was a member of the Discipline Committee which made the decision appealed against, or any person who lodged a report which led to investigation of the alleged misconduct, or is otherwise directly involved in the circumstances of the alleged misconduct.

7.2.3. A quorum of the Committee is three members.

7.2.4. The chairperson has a deliberative vote and, if required, a casting vote.

7.2.5. The Chair may appoint a person to act as secretary to the Discipline Appeals Committee. The secretary will provide the Committee with administrative support but does not vote.

7.2.6. The Discipline Appeals Committee may:

1. Confirm or vary the decision appealed;
2. Confirm or vary the penalty appealed;
3. Determine that the appeal is upheld in whole or in part and refer the matter back to a newly constituted Discipline Committee;
4. Uphold the appeal in whole or in part; or
5. Dismiss the appeal in whole or in part.

7.2.7. If the Discipline Appeals Committee upholds an appeal in whole or part and confirms or varies any penalty imposed, or substitutes another penalty, it may exercise the same powers as those available to the Discipline Committee.

8. Penalties

8.1. If the student admits the alleged misconduct or is found to have committed the alleged misconduct, one or more of the penalties listed below may be imposed by a Discipline Committee.

8.2. The following penalties may be imposed:

1. Require the student to apologise formally to another party, in person or in writing;
2. Reprimand the student, including the ability to direct that any reprimand be recorded on the student's file and/or student record;
3. Require the student to pay compensation for damage to any person, or to property or facilities of the University;
4. Fine the student an amount equal to the amount determined to be the reimbursement of costs arising from unauthorised use by the student of any service or facility provided by the University;
5. Require the student to refrain from having any, or any specified contact with any particular student(s) or member(s) of staff for such period of time as deemed necessary or appropriate;
6. Suspend the student from the University for any nominated period of time;
7. Terminate the student's enrolment;
8. Exclude the student either permanently, or for such period and on such terms and conditions as are deemed appropriate, from one or more of:
 - a. The University, a Faculty or School;
 - b. Specified areas of a campus or site;
 - c. A course, unit or non-award study; or
 - d. Use of any or nominated University facilities

8.3. Without limiting the range of penalties available, penalties which are academic in nature should normally be imposed only for misconduct under the Academic Dishonesty Policy.

8.4. In addition to, or in lieu of, the penalties above, the Discipline Committee may require that the student consult a counsellor, medical practitioner or specialist. Where such requirement is invoked in lieu of any other penalty, the substantive penalty will remain in effect until that requirement is satisfied.

8.5. In the event that any lawful court convicts a student for any crime, the student will be expelled from the university.

8.6. Consequences of termination, exclusion or suspension

8.6.1. Where a student has been excluded or their enrolment has been suspended under this policy, the following provisions apply:

1. Where the suspension does not exceed two weeks, the student may resume studies after the expiry of the nominated period of suspension;
2. Where the suspension exceeds two weeks, the student may not resume studies, after the expiry of the nominated period of suspension, without first obtaining the approval of the Programme Leader;
3. Where the student has been excluded, in order to be considered for re-enrolment, the person must first submit an application for admission which will be determined in accordance with the *University's admissions policy*;

4. If, after a period of exclusion, the student is subsequently permitted to re-enrol, no credit may be granted for any studies or other learning or practical experience undertaken at this University or elsewhere during the period of exclusion.

8.7. Undischarged penalties

- 8.7.1. While any penalty imposed under this policy remains outstanding, unfulfilled or unpaid, or while a student is suspended or excluded from any campus or site, the student is not entitled to:
 1. Re-enrol;
 2. Receive any results of assessment;
 3. Receive or be granted credit for any module; or
 4. Graduate or receive any statement indicating eligibility to graduate or receive a degree, diploma or certificate of the University.

8.8. While a student is suspended they must not:

1. Attend any class;
2. Sit any examination;
3. Submit any work for assessment;
4. Gain any credit;
5. Access the whole or any nominated part(s) of any campus or site or any of the University's library, computing and network or other facilities or services;
6. Be reimbursed any fees paid, or be relieved of responsibility to pay any fees payable, by the student in relation to any such period; or
7. Be re-enrolled.