

Student Code of Conduct

Intent

This Student Code of Conduct provides a clear statement of the University's expectations of students in respect of academic, personal and professional behaviour. All students must meet these standards of behaviour as they participate in University activities and when they interact with other students, staff, and other members of the University Community. This Code provides a structure for the development and management of student conduct in order to promote high levels of professional behaviour and ethical standards within the University and to resolve breaches of the Student Code of Conduct fairly, promptly and efficiently.

Scope

All students undertaking study or research with James Cook University in respect of all actions and activities (including inaction or inactivity) relating to, or impacting on, the University or its students and staff, affiliates, volunteers, contractors or visitors. This includes on-campus activities, University or student-related activities at other sites (including, for example, during placements, field trips or exchange programs, or online).

Definitions

Except as otherwise specified in this Policy, the meaning of terms used in this Policy are as per the [Policy Glossary](#).

Authorised persons	An authorised person appointed by the Vice Chancellor under the <i>James Cook University Act 1997</i> who the Vice Chancellor is satisfied has the necessary training, or knowledge and experience, to be an authorised person for control of conduct purposes.
Academic Misconduct	Means conduct where a student attempts or succeeds in obtaining unfair academic advantage through misrepresentation, plagiarising, colluding, falsification, cheating, use of social relationships with academic staff or any other breach of academic integrity for their own gain or the benefit of others. Refer to the Academic Misconduct Procedure
General Misconduct	Means any conduct which is contravenes the obligations and expectations identified in the Code of Conduct This includes but is not limited to: <ul style="list-style-type: none">• any behaviour which causes physical or psychological harm;• removal, theft, intentional damage, tempering, vandalism, illegal use of, any inappropriate use of, or restriction of access to University property or equipment; and• non-compliance with University Policy and the reasonable direction of Staff or Authorised Persons of JCU particularly where the safety and wellbeing of others is at risk. Refer to the Student General Misconduct Procedure
Professional Misconduct	Behaviour or actions that a student adopts which are outside the bounds of what is considered acceptable by the governing body of the profession. This may include communication, punctuality, deportment, relationships or other activities. Refer to the Student Professional Misconduct Procedure.

Representative (or Support Person)	A representative (also referred to as a support person) is a person to assist, accompany and support a complainant, respondent or interviewee in their participation in matters relating to this policy and supporting procedures. A representative may be a friend or family member a staff member, or delegate or staff member of a union that is a party to the JCU Enterprise Agreement; and not a practicing solicitor or barrister.
Research Misconduct	Is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. This can be attributed to both individuals and groups of researchers, however, it does not include honest errors (eg an inadvertent mistake in methods, analysis or misinterpretation of data) or differences of opinion. Refer to the Academic Misconduct Procedure and the Code for Responsible Conduct of Research applicable to staff and students.
University Community	University Community means the members of the Council, the Staff, the Students and Affiliates of the University, as well as those all people associated with the University, or who use the University's campuses or facilities for work, study, living and socialising, or other authorised activity.
University Site	University site means any campus, land or building as well as any digital platform owned by or under the control of the University.
Unprofessional Conduct	Means conduct which does not illustrate the standard of behaviour or skill that is reasonably expected of a student in a clinical or professional setting. Refer to the Student Professional Misconduct Procedure.

Principles

Students studying at James Cook University are expected to:

- allow others to pursue their studies, research, duties, community engagement and other lawful University activities, in an environment of Academic Freedom, critical and open inquiry where every person has the right to hold an opinion without interference and has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds (in accordance with the Academic Freedom and Freedom of Speech Policy);
- act in a manner where tolerance, honesty, inclusivity and respect are the basis of the University community and where every person has the right of peaceful assembly and to associate with others;
- uphold high academic standards, intellectual rigour and ethical behaviour to maintain the University's academic integrity;
- act in a reasonable and sustainable manner to ensure that University facilities, property and services are used appropriately and available to other students to share and utilise and which minimises environmental impact; and ensure that the reputation of the University is upheld.

Obligations and Expectations

Obligation of personal responsibility

Students will:

- read and comply with their admission conditions and the University's policies, procedures, guidelines and ethical requirements;

- read and comply with their subject and course requirements (including their Student Contract); take responsibility for their own education and direct their own learning;
- monitor their academic progress;
- act with professional integrity when undertaking placement and other work integrated learning/experience and/or engagement activities associated with their course;
- raise issues or concerns with the University in a timely manner; and
- take responsibility for seeking support and/or assistance from JCU academics and / or support services when required.

Obligation to act with honesty and integrity

Students will:

- uphold academic and research integrity;
- conduct themselves appropriately when representing the University within the community;
- abide by relevant ethical requirements;
- share responsibility for the success of the University and take a proactive role in its endeavours and activities;
- not make or publish false statements relating to the University;
- avoid using the University's name, intellectual property, crest or resources for private or business purposes without appropriate authorisation;
- not engage in fraudulent or corrupt behaviour, including the impersonation of another person or use of forged, false, falsified or incomplete evidence of academic standing or immigration status or any other relevant matter in order to gain or maintain admission;
- declare conflict of interest matters or a matter which has the potential to influence decisions in their interest, or declare a matter which could be perceived to influence decisions in their interest;
- report a breach of the Code if they reasonably believe that they have observed a breach,
- and not engage in unlawful behaviour.

Obligation of respect and fairness

Students will:

- treat other students, staff, affiliates and volunteers with respect and fairness; avoid discriminatory conduct on grounds such as gender, sexuality, race, ability, cultural and social background, religion, age or political conviction;
- be responsible for what they write and disseminate through all forms of social media maintaining respect for their audience and respect for copyright;
- not engage in conduct which may objectively be considered as harassment or bullying, vilifying or abusive;
- respect the privacy of others in the collection, use or access of personal information whilst undertaking studies; not disclose information identified as confidential concerning any matter relating to the University;

- avoid disrupting or interfering with any teaching, learning, research or other academic activity of the University;
- consider their responsibilities and the consequences when exercising their freedom of expression;
- support legitimate academic debate;
- not impair the rights of others to participate in any legitimate University activity; and not encourage, persuade or incite others to engage in conduct or behaviour constituting misconduct in accordance with University policies and procedures.

Obligation to ensure safety and to respect property

Students will:

- not endanger, or potentially endanger, the safety or health of others;
- not cause harm to others, including students, staff, affiliates and volunteers whilst on University premises or University authorised activities;
- conform to the University's requirements for working with humans, animals and biohazards;
- not participate in any learning, research or engagement activity conducted by the University (including placements and field trips) or authorised to be held on any University premises while under the influence of alcohol or any prohibited substance;
- not use, possess or supply a prohibited weapon or any prohibited substance at University premises;
- use University property and resources, including communication technology resources, cooperatively, legally, sustainably, ethically and appropriately;
- respect the property rights of others, including students, staff, affiliates, volunteers and visitors whilst on University premises; and
- comply with any reasonable request or directions from University staff with regard to safety or compliance with policy, procedure or ethical requirements, or to provide name or age or show proof of identity or age or student identity card

Compliance with the Student Code of Conduct

The University is committed to providing students with access to education and training in relation to the requirements of this Code. Where uncertain about the Code's application or interpretation, students should consult with their Academic Head or College Dean.

Failure to comply with the Code may lead to disciplinary action, and in serious cases may lead to termination of Admission or Candidature and/or criminal prosecution.

Breaches of the Code of Conduct

Students are expected to uphold the Student Code of Conduct or they will be subject to relevant policy and procedures for breaches of the Code. Where a breach of the University's policies and procedures also breaches the law, JCU may also report the criminal activity to the police.

JCU has a duty of care to ensure a safe learning environment for all members of the University community and is obliged to take immediate action where a student's behaviour is inappropriate. Authorised persons can arrange for the immediate removal of students causing disturbances that hinder or interfere with any lawful activities conducted on the

University grounds, or which disrupt any teaching activity, examination or official meeting of the University.

The University may, to prevent breaches of this Code, issue directions to a student regarding their future behaviour consistent with the requirements of this Code.

JCU reserves the right to administer the relevant policy or procedure and proceed with the investigation/inquiry even if the student withdraws from the University, is no longer enrolled, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.

The University's Behaviour Risk Group may also provide early intervention, assessment, and management advice to relevant decision makers regarding matters relating to inappropriate, concerning, or threatening behaviours. Where evidence of misconduct is found, or a pattern of behaviour becomes evident, the student will be referred to the appropriate Officer for decision under the requisite conduct policies; and/or to an external organisation or agency.

Decision making

Matters relating to student conduct will be determined by the appropriate Delegation as defined in the Academic and Student Delegations Register, where the Delegation is conflicted the 'one up rule' will be applied. In most cases, delegation on matters of misconduct are held by the Academic Head, Dean of College, or Director Student Services.

Reporting Misconduct

A report on student misconduct may be made through a variety of mechanisms including directly to the Academic Head, College Dean, a report to JCU Security or by formal complaint through the Student Complaint Management Policy and Procedures.

The report of misconduct must:

- provide sufficient details of the alleged misconduct; and
- describe clearly the obligations that are alleged to have been breached.

Other Policies of the University also set out expectations of behaviour (e.g. the Social Media Policy, Bullying, Discrimination, Harassment and Sexual Misconduct Policy, ICT Acceptable Use Policy, Library Use Policy amongst others). Any breach of the conduct aspects of those Policies are managed through the academic, professional or general misconduct procedures stipulated. The nature of the alleged misconduct determines the procedure to be used.

Any person make an allegation of misconduct which is frivolous, false, or has malicious purposes in raising the alleged misconduct may themselves be subject to misconduct procedures.

Procedural Fairness

Students responding to an allegation of misconduct can expect:

- a copy of, all relevant documents relating to the alleged misconduct;
- to have a reasonable opportunity to appear before the person considering the matter to answer the allegations;
- to be accompanied by a Representative or Support Person in any meetings with the person considering the matter; and
- support such as counselling/ or advocacy, this may include academic and other support.

Penalties

The misconduct penalty level description is at Appendix 1. Indicative penalties for misconduct in academic, personal and professional behaviours are identified at Appendix 2, 3 and 4 respectively.

Appeals

Where a student has identified appropriate grounds for an appeal in terms of procedural fairness, an appeals committee will be constituted in accordance with the Student Appeals Policy.

Timeframes

All allegations of breaches of the Student Code of Conduct will be managed under the relevant Misconduct Procedure which includes timeframes for allegations, response by student, notification of decision by the person considering the matter, and appeal processes.

Confidentiality

Matters relating to allegations and hearings associated with breaches of the Student Code of Conduct will be treated as confidential in the strictest privacy as applicable noting the University may have notification obligations to external agencies. Outcomes of appeal hearings will be recorded on the academic record of the student and held confidentially on file in the Student Management System.

Where students are required to meet professional requirements, only the outcomes of relevant breaches to the Student Code of Conduct will be reported to official bodies (such as the Australian Health Practitioner Regulation Agency (AHPRA)). If breaches of the Student Code of Conduct are also breaches of the law, JCU may also report the criminal activity to the police.

Related policy instruments

[Academic Misconduct Procedure](#)
[Student General Misconduct Procedure](#)
[Student Professional Misconduct Procedure](#)

In addition:

[Academic Freedom and Freedom of Speech Policy](#)
[Bullying Discrimination, Harassment and Sexual Misconduct Policy](#)
[Compliance Policy](#)
[HDR Requirements](#)
[Digital Technologies Acceptable Use Procedures](#)
[Incident Management Policy](#)
JCU Reconciliation Action Plan
[Learning, Teaching and Assessment Policy](#)
[Library Use Policy](#)
[Review of a Student's Suitability to Continue a Course Involving Placement](#)
[Risk Management Policy](#)
[Social Media Policy](#)
[Student Complaints Management Policy and Procedures](#)
[Work Health and Safety Policy](#)

Schedules/Appendices

[Appendix 1 Misconduct penalty level description](#)

[Appendix 2 Student Academic Misconduct penalties](#)

[Appendix 3 Student General Misconduct penalties](#)

[Appendix 4 Student Professional Misconduct penalties](#)

Related documents and legislation

The listing below is not meant to be exhaustive and contains key legislation and standards as updated from time to time:

[Fire and Emergency Services Act](#)

[Police Powers and Responsibilities Act](#)

[Security Providers Act](#)

[Work Health and Safety Act](#)

Administration

NOTE: Printed copies of this policy are uncontrolled, and currency can only be assured at the time of printing.

Approval Details

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Policy Sub-domain	Student Experience
Policy Custodian	Deputy Vice Chancellor, Students
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21-2	19/07/2021	Academic Board	02/09/2021	Amended to reflect the establishment of the Academic Freedom and Freedom of Speech Policy.	Chief of Staff
19-2	04/11/2019		19/11/2019	Amended to include definition of 'unprofessional conduct'	Project Manager, Student Facing Policy
19-1	29/04/2019		09/05/2019	Reviewed and amended to clarify University's approach to appropriate academic, professional and personal conduct.	Chief of Staff
18-1	09/03/2018		09/05/2018	Minor amendment to reflect current organisational structure	Quality, Standards and Policy Officer
17-1	06/11/2017		19/02/2018	Major review of policy to clarify University's expectations on appropriate personal, professional and academic conduct.	Chief of Staff

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SUPERSEDED