

Handling of Student Disciplinary Procedure (Non-Academic)

Intent

The Handling of Student Disciplinary Procedure (Non-Academic) is intended to ensure consistency and fairness for all students in the University through the application of the procedure for the arbitration of cases of non-academic student misconduct.

Scope

This procedure applies to all students at James Cook University Singapore campus at all times as long as they represent the University in their capacity as students (from enrolment until the completion of their program of study at the University including whilst on University activities such as internship placements, field trips) within and outside University premises.

This also includes alleged misconduct which takes place in relation to any activity associated with or organized by the University.

The Handling of Student Disciplinary Procedure (Non-Academic) does not apply to allegations of academic misconduct.

Offences

Offences are categorized into the following:

- a. Minor Offences; or
- b. Serious Offences
- c. Aggravated Offences.

Definitions

Misconduct is any unacceptable or improper behaviour of a student in violation of the James Cook University Student Code of Conduct and/or the Singapore Laws.

Student refers to an individual who has registered and/or accepted into any programmes, activities, courses offered by the University.

The person may have ceased to be a student by the time the investigation proceedings start, however, this procedure includes circumstances giving rise to the investigation proceedings that arose while the person was still a student at the University.

Minor Offences are offences which cause disturbances, nuisance, disruption, or interference with the general peace in the University. This could happen under all conditions, activities and in all departments of the University. i.e., administrative, and academic functions.

Serious Offences would potentially have great impact and affect the interests and/or proper functioning of the University, including but not limited to:

- a. any criminal offences
- b. any act or behaviour that may be detrimental to the University's reputation
- c. any forms of harassment, both physically and/or emotionally
- d. sexual misconduct.

Aggravated Offences are additional factors that were involved in circumstances surrounding the alleged offence. These factors must have increased the seriousness of the offence. If the offence is considered aggravated, harsher sanctions will ensue.

Offences

Please refer to the list of Offences listed in Annex A (below). This list of offences is to be updated periodically and it is not an exhaustive list.

1. Procedure

1.1 All reports of Offences must be done formally by sending a written statement to the Associate Director, Student Affairs. The person lodging the offence report should also identify himself/herself lest cease of investigations. The person lodging the offence report would also need to name the person whom he/she is reporting about. Without the details of both parties, investigations could cease to be carried out.

1.2 The Associate Director, Student Affairs would base on the nature of offence report and making reference to Annex A, determine whether it constitutes a Minor or Serious Offence. **Annex A** spells out specifically on the types of penalties and/or actions taken for both the Minor, Serious, and Aggravated Offences. Annex A will be updated periodically.

1.3 Repeat Minor Offenders may be referred to the Investigation Committee (IC). Repeat offence after the third time will be treated as Serious/Aggravated Offence.

1.4 For Serious and Aggravated Offences, the University may lodge reports with the State Authorities e.g., Police, Central Narcotics Bureau, Immigrations & Checkpoint Authorities etc. In addition, the IC may carry out the following actions for Serious Offences:

- a. To impose a fine of an amount it deems appropriate
- b. To request the offender to make restitution an amount equivalent to the cost of repairs or replacement of properties
- c. To impose heavier disciplinary action including suspension or expulsion.

1.5 The above actions taken by the IC for Serious and Aggravated Offences are independent of whether reports with the State authorities are lodged or not. In addition, the University reserves all rights to conduct its own investigations and impose disciplinary measures, even if the State authorities decide not to persecute the alleged offender.

1.6 The action to trigger a reference to the IC is via the submission of an incident report to the Chairman of the Investigation Committee (IC).

1.7 The IC comprises of the following University Staff:

- a. Chief Operating Officer (Chairman)
- b. Head, Academic Group (Member)
- c. Associate Director, Student Affairs (Member)
- d. Associate Director Marketing (Member)
- e. Manager Student Ambassador (Member)

1.8 The Investigation Committee may have the following options for serious and aggravated offences:

- a. Convene an internal inquiry and submit the recommendations to the Head of Campus Singapore and Campus Dean for approval
- b. Refer the matter to the Head of Campus Singapore who in turn may convene an external independent Committee of Inquiry chaired by an external member
- c. The above two courses of actions are done independent of whether reports with the State authorities have been lodged or not.

2. Investigation Committee Inquiry Process

2.1

- a) Formal disciplinary proceeding(s) shall be conducted with the student who is the subject of it
- b) The student shall be given a fair and reasonable opportunity to make submission and provide documentary evidence
- c) Even if the student refuses to participate in the disciplinary proceedings, the Investigation Committee may use its best efforts to reach a conclusion concerning the allegation(s), noting in its recommendation report the student's failure to cooperate and its effect on the Investigating Committee's review of all the evidence. Failure of the student to assist or cooperate with the Investigation Committee shall be taken into account
- d) All parties subject to the investigation will have the right to have a support person/Representative with them
- e) The Investigation Committee shall not reach any decision in respect of the disciplinary proceedings against the student until it is satisfied that a fair hearing has been given
- f) In the event that the members of the Investigation Committee are unable to reach a unanimous decision, the Investigation Committee shall render its decision by majority vote
- g) When considering suspending or expelling a student for Misconduct, the student may be placed on suspension pending the outcome of the decision-making process with the approval of the Head of Singapore, Campus
- h) A final recommendation will be submitted to the Head of Singapore, Campus for approval
- i) Student shall be notified of the sanction(s) imposed within seven days or as soon as reasonably practicable.

3. Appeal against actions taken by the University

3.1 All appeal against actions taken for Minor Offences must be done formally by writing to the Chief Operating Officer within seven days of the notice. A review shall be conducted before making a decision. This decision is final.

3.2 All appeal against decisions taken for Serious and Aggravated Offences made by the Internal inquiry must be done formally by writing in to the Head of Singapore, Campus within fourteen days of the notice. The Head of Singapore, Campus may seek factual clarifications from the Investigations Committee members, or any staff with knowledge of the case, before making a decision. This decision is final.

3.3 No appeal will be allowed for actions taken for Serious and Aggravated Offences carried out on the recommendations made by the External Independent Committee of Inquiry.

3.4 Student shall be permitted to remain enrolled in their subjects until the appeal has been determined or the timeframe to appeal has expired. At any time during this process, the University may take action against the student under the Student Code of Conduct Policy on the basis that such action is prudent or necessary having regard to the university's duty of care to its students, staff and/or placement agencies.

4. Co-operation

4.1 During the course of any investigation proceedings conducted by the Investigation Committee, the student shall cooperate fully with the respective members of the University and supply to them such information and documents as any of them may require.

5. Confidentiality

5.1 All investigation proceedings or disciplinary action(s) taken according to this procedure shall be strictly confidential. Students and/or staff requested to appear before the Investigation Committee shall not disclose to third parties any information pertaining to the proceedings, except with the written consent from the University and/or unless disclosure is required by the laws of Singapore.

6. Students under 18 years old

6.1 In the case of a student who is below 18 years old, the parents/guardian shall be informed of the student's misconduct. Whenever necessary, the student concerned shall be counselled by the Student Counsellor.

6.2 For Serious Offences and especially when reports with the State authorities are made, the University will inform the parents of the offence and that reports have been made regardless of what decisions the student has made in the consent form.

7. Students 18 years old and above

7.1 In the case of a student who is 18 years old and above, the parents/guardian shall not be informed unless consent given by student.

8. Fines

8.1 Any fines imposed shall be paid within seven (7) working days after it is imposed, and a copy of the payment receipt shown to the School as proof of payment. Failure to pay the fine within the seven days shall be reported to the Head of Campus, Singapore, who may take such action as deemed fit.

Any fines paid will be consolidated and be used as part of the expenses for new students' orientation.

9. Withdrawal or referral of allegations

9.1 At any stage the person who referred the allegation of Student Misconduct may withdraw the allegation. All parties will be notified in writing that the allegation(s) has been withdrawn. In most instances, the University will then deem the matter resolved.

9.2 In certain circumstances, the University may deem the matter serious enough to continue to investigate the allegation and make a determination or to refer the matter to an external agency (such as the Police).

10. Liability of the University

10.1 The University shall have no liabilities for any losses, damages, claims or other expenses that a person may suffer or incur, whether directly or indirectly as a result of any disciplinary action(s) taken in accordance with this procedure.

11. University Support

11.1 Student Counselling: The University has counselling staff available to render assistance to students.

Contact: studentcounselling-singapore@jcu.edu.au

Related Policy Instruments

Student Code of Conduct

Student Feedback Management Policy

Policy against Bullying Discrimination Harassment and Sexual Misconduct

Administration

Approval Details

Approval Authority:	Head of Campus Singapore
Approval date:	8/10/2021
Version no:	V2.2
Date for next review:	31/12/2023

Revision History

Version	Revision date	Description of changes	Author
1.0	01/08/2017	Process established	Savaran Kor (Swan)
1.1	15/12/2017	Reviewed the process and added a component when student commits a crime in Singapore. Change Approval Authority from Deputy Vice Chancellor to Head of Campus, Singapore	Kelvin Ng
2.0	30/09/2019	Full review 1. Classification of minor & major 2. Formation of a new investigations committee 3. Compliance committee approval of penalty table	Kelvin Ng
2.1	31/12/2020	Minor review 1. Removed the numbering 2. Change in designations	Kelvin Ng
2.2	8/10/2021	1. Added numbering and letters 2. Reviewed and updated Procedure and Offences	Manager, Student Feedback

Contact Person/Unit

Contact Person/Unit:	Student Ambassador / Student Affairs / Student Feedback
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Keywords:	Student Disciplinary Procedure, Misconduct, Offences, Code of Conduct
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Minor Offences include but not limited to the following:

- Smoking on Campus
- Littering

Offence*	Penalty			
	1 st offence	2 nd offence*	3 rd offence	4 th offence onwards
Smoking on Campus	Email Warning	Email warning & Fine of \$50	Fine of \$50 AND suspension	Offence will be treated as Serious or/and Aggravated Offence
Littering	Email Warning	Email warning & Fine of \$50	Fine of \$50 AND suspension	

*Students with unpaid fines will have their final results withheld.

Serious Offences include but not limited to the following:

- Causing damage to University's property or vandalism
- Theft of University's or personal property
- Deliberate breaking and entering / deliberate unauthorised entry
- Submissions of fraudulent medical certificates or other official documents
- Gambling
- Physical assault and fighting (with or without dangerous weapons)
- Intrusion of privacy of an opposite gender e.g., a male student entering the female toilets
- Sexual misconduct on Campus
- Sexual Harassment
- Possession or taking of illegal drugs
- Sexual Assault
- Repeated Minor offences.

Sanctions impose on Serious Offences include but not limited to the following:

- To impose a fine of an amount the University deems appropriate
- To request the offender to make restitution an amount equivalent to the cost of repairs or replacement of properties
- Suspension or expulsion.

Aggravated Offences include but not limited to the following:

- Perpetrating a significant number of incidents
- Extensive duration of the misconduct
- Affecting a significant number of people
- Possessing child pornography
- If the victim is a child
- Causing substantial harm, damage, or trauma to the victim
- Abusing authority.

Sanctions impose on Aggravated Offences include but not limited to the following:

- Long term suspension
- Expulsion.

1. For all serious and aggravated offences, the approach taken should be a victim-centred approach.
2. If the “victim” is the University, we reserve all rights to decide whether to lodge any reports with any State authorities.
3. The University reserves all rights to conduct its own investigations and impose disciplinary measures, including but not limited to, placing sanction on the offender, even if the State authorities decide not to persecute the alleged offender.
4. Students with outstanding debts are not permitted to graduate.

Note: The above lists for Minor, Serious, and Severe or Aggravated Offences, are to be updated periodically or as and when the need arises.

* Serious offences may be criminal in nature according to Singapore Law. The Victim’s wishes must be respected, and this principle should be taken into consideration of whether reports with the State authorities should be lodged or not, notwithstanding mandatory reporting requirements.