

APPROVED RULE CHANGES

On 27 July 2026 the Director, Governance Support Unit approved under the authority provided by Council resolution COU/26-3/76 consequential changes to section 16 and Schedule 4 of the UTS Student Rules to give effect to the table of Vice-Chancellor's nominees in Schedule 1 of the Student Conduct Rules.

THE APPROVED AMENDMENTS TO THE UTS RULES ARE PROVIDED BELOW

[new text **bold underlined**, text to be deleted in **~~bold and strikethrough~~**]

UTS STUDENT RULES

Section 16 — Student misconduct and appeals

Part A — General provisions

[Note: The Student Conduct Rules are now in effect. The Student Conduct Rules currently deal with general misconduct and conditional participation. As a result, certain Rules in this section relating to general misconduct and the temporary exclusion of students have been amended or repealed. Other Rules in this section (including Rules relating to academic misconduct) remain in effect.]

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16.3 Penalties

16.3.1 The penalty or penalties for student misconduct may be one or more of the following:

(1) rescission of an academic award conferred by the University where the award is as a result or partly as a result of fraud or serious misconduct committed by the student before the award was conferred;

(2) revocation of a recommendation to Academic Board that a student has satisfied the requirements for an award, effective for a period of up to 12 months;

(3) permanent exclusion from the University, in which case:

- (a) the student's enrolment will be terminated;
- (b) the student will be recorded as excluded from the University;
- (c) the student will not be entitled to any benefits, advantages or privileges of the University;
- (d) the student will not be permitted to enrol in any course whether for award or otherwise at the University;
- (e) any further applications from the student for admission to any course at the University will not be considered;

(4) exclusion from the University for a period of up to five years in which case:

- (a) the student's enrolment will be terminated;
- (b) the student will be recorded as excluded from the University for the specified period of exclusion;
- (c) the student will not be entitled to any benefits, advantages or privileges of the University for the specified period of exclusion;
- (d) the student will not be permitted to enrol in any course at the University whether for award or otherwise during the period of any exclusion;
- (e) the student may reapply for readmission to the course at the University at the end of the period of exclusion. Readmission is not automatic (refer Rule 5.9.3). If a student is readmitted, conditions relating to the student's future conduct at the University may be set by the Vice-Chancellor or Vice-Chancellor's nominee (refer Rule 3 (Conditional participation) of the Student Conduct Rules);

(5) suspension from the University for a specified period not exceeding 12 months in which case:

- (a) the student will not be entitled to any benefits, advantages or privileges of the University during the period of suspension;
- (b) the student will be recorded as suspended from the University for the specified period of suspension;
- (c) the student will not be permitted to enrol in any course whether for award or otherwise at the University during the period of suspension;
- (d) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;

(6) suspension from a course of the University for a period not exceeding 12 months in which case:

- (a) the student will not be entitled to any course-related benefits, advantages or privileges of the University during the period of suspension;
- (b) the student will be recorded as suspended from the course for the specified period of suspension;
- (c) the student will not be permitted to enrol in the course from which the student has been suspended during the period of suspension;
- (d) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;

(7) withholding of academic results for the relevant teaching period, and/or of official academic records, including deferral or withdrawal of permission to graduate;

(8) imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding 12 months, in which case if there is a breach of the imposed conditions during the specified period the Vice-Chancellor, ~~the~~ or Vice-Chancellor's nominee ~~or~~ **Manager, Student Misconduct and Appeals (SMA)** may impose a more severe penalty;

(9) if the misconduct relates to a subject in which the student is enrolled:

- (a) a reduction in marks for any part or parts of an assessment; or
- (b) a zero mark and 'Fail' result for any part or parts of an assessment; or
- (c) a requirement that the student re-do and submit a specific assessment task, with a reduction in marks to no more than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task; or

- (d) a requirement that the student must undertake another alternative assessment task, for which the maximum possible mark can be no greater than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task; or
- (e) a zero mark and 'Fail' result for the subject, in which case the zero mark and 'Fail' result will be denoted on the official record of the student in the same way as a 'Fail' result awarded in the usual way;

(10) exclusion from attendance at specified classes or subjects for a specified period not exceeding 12 months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled;

(11) exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding 12 months;

(12) [This Rule has been repealed, and is no longer in effect.]

(13) payment to the University by a specified date of a specified amount for its costs, not exceeding the amount of any costs incurred where an act of misconduct involves lengthy inquiries and proceedings, in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non payment of charges as are provided for in Section 4 (Fees, charges and other financial obligations);

(14) payment to the University by a specified date of a fine up to \$5000, with maximum fines for particular types of offences determined in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4), in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non-payment of charges as are provided for in Section 4 (Fees, charges and other financial obligations);

(15) imposition of specified conditions on attendance at specified classes or use of specified facilities or services of the University;

(16) a reprimand.

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16.3.3 The operation of a penalty may be:

(1) deferred by the person imposing the penalty for a period that will not normally exceed two years, but may in appropriate cases continue for the duration of a student's enrolment. During the period in which a penalty is deferred, as a condition of continued enrolment, the student must comply with any conditions prescribed by the Vice-Chancellor, ~~the or~~ Vice-Chancellor's nominee, ~~the Director, Governance Support Unit or the Manager, Student Misconduct and Appeals.~~

(2) suspended by the person imposing the penalty for a period that will not normally exceed two years, but may in appropriate cases continue for the duration of a student's enrolment. If there is a further act of misconduct during the specified period, the penalty will be imposed immediately.

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Part D — Allegations of misconduct handled centrally

16.12 Allegations referred to the Director, Governance Support Unit

16.12.1 Where a matter has been referred from a Responsible Academic Officer under Rule 16.11.3, the Director, Governance Support Unit must refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for decision under Rule 16.12.6B.

16.12.2 In all other cases where the Director, Governance Support Unit receives an allegation of misconduct, the Director, Governance Support Unit may obtain further details of the allegation of misconduct and make such other enquiries as they believe necessary.

16.12.3 If after considering all the information, the Director, Governance Support Unit is of the view that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Director, Governance Support Unit may determine not to take further action in relation to the allegation in which case the Director, Governance Support Unit will retain sufficient information on the allegation on a confidential file.

16.12.4 Where the alleged misconduct involves misconduct during a centrally conducted examination, the Director, Governance Support Unit will:

- (1) inquire into the alleged misconduct;
- (2) in consultation with the Subject Coordinator, consider the evidence including the student's response, if any;
- (3) decide on the appropriate course of action, as follows:
 - (a) dismiss the allegation of misconduct; or
 - (b) issue a formal warning; or
 - (c) issue a formal notice of an allegation of misconduct.
- (4) If 16.12.4(3)(c) applies:
 - (a) notify the student of the allegation in writing;
 - (b) provide the student with a copy of, or an electronic link to, the relevant Rules and Guidelines;
 - (c) draw the attention of the student to the student's right to admit the alleged misconduct;
 - (d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and
 - (e) ask whether the student admits or denies any or all of the allegations.
- (5) If 16.12.4(3)(c) applies and:
 - (a) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)), and the student admits, then Rule 16.12.6A applies; or
 - (b) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)), and the student admits, then the Director, Governance Support Unit will refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or

(c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the **Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B;** or

(d) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)), and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or

(e) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)), and the student neither admits or denies the allegation within the specified time period, the Director, Governance Support Unit will refer the allegation to the **Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B.**

(6) advise the student in writing of the decision under Rule 16.12.4(3)(a–b) or 16.12.5(5).

16.12.5 Where the alleged misconduct involves misconduct not covered by Rule 16.12.4, the Director, Governance Support Unit will:

(1) inquire into the alleged misconduct;

(2) consider the evidence;

(3) decide on the appropriate course of action, as follows:

(a) dismiss the allegation of misconduct; or

(b) issue a formal warning; or

(c) issue a formal notice of an allegation of misconduct.

(4) If 16.12.5(3)(c) applies:

(a) notify the student of the allegation in writing;

(b) provide the student with a copy of, or an electronic link to, the relevant Rules and guidelines;

(c) draw the attention of the student to the student's right to admit the alleged misconduct;

(d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and

(e) ask whether the student admits or denies any or all of the allegations.

(5) If 16.12.5(3)(c) applies and:

(a) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)), and the student admits, Rule 16.12.6A applies; or

(b) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)), and the student admits, then the matter will be referred to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or

(c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the ~~Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C~~Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or

(d) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)), and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or

(e) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)), and the student neither admits or denies the allegation within the specified time period, the Director, Governance Support Unit will refer the allegation to the ~~Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C~~Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B.

(6) advise the student in writing of the decision under 16.12.5(3)(a–b) or 16.12.5(5).

16.12.6A Where the student admits the allegation, the Director, Governance Support Unit will impose one or more penalties in accordance with the Vice-Chancellor or Vice-Chancellor's nominee approved precedent penalties (refer Schedule 4 (section 2A)).

~~16.12.6B If no Vice-Chancellor or Vice-Chancellor's nominee approved precedent penalty exists, or the matter has been referred from a Responsible Academic Officer under Rule 16.11.3, the Director, Governance Support Unit must refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee who must:~~

~~(1) impose one or more of the penalties set out in Rules 16.3.1(1) to 16.3.1(16) in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4), or, if the student has engaged in general misconduct as defined in Rule 2.2 of the Student Conduct Rules, impose one or more of the penalties set out in Rule 4.7.4 of the Student Conduct Rules, in accordance with Rule 4.7 of the Student Conduct Rules; or~~

~~(2) impose no penalty because the Vice-Chancellor or Vice-Chancellor's nominee believes no penalty is warranted; and~~

~~(3) advise the student in writing of the decision.~~

16.12.6CB Where a matter is referred to the ~~Manager, Student Misconduct and Appeals Vice-Chancellor or Vice-Chancellor's nominee under Rules 16.11.3, 16.12.4(5) or 16.12.5(5)~~ they must:

(1) impose one or more of the penalties set out in Rules 16.3.1(1) to 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4), or, if the student has engaged in general misconduct as defined in Rule 2.2 of the Student Conduct Rules, impose one or more of the penalties set out in Rule 4.7.4 of the Student Conduct Rules, in accordance with Rule 4.7 of the Student Conduct Rules; or

(2) impose no penalty because they believe no penalty is warranted; and

(3) advise the student in writing of the decision.

16.12.7 The Director, Governance Support Unit may, on behalf of the University, withdraw an allegation of misconduct at any stage.

Part E — Student misconduct appeals

16.13 Basis for appeals

16.13.1 A student has a right of appeal to a Student Misconduct Appeals Committee in respect of a decision:

(1) of the Vice-Chancellor, ~~the or~~ Vice-Chancellor's nominee under Rule 16.12.6B, ~~the Manager, Student Misconduct and Appeals~~ or the Director, Governance Support Unit under Rule 16.12.6B(2)A;

(2) of the Responsible Academic Officer under Rule 16.11.2; and/or

(3) made under Rule 4.7 of the Student Conduct Rules.

16.13.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Director, Governance Support Unit within 20 working days after notice of the decision is provided to the student.

16.13.3 The grounds on which a student may appeal against a decision of the Vice-Chancellor, the Vice-Chancellor's nominee, ~~the Manager, Student Misconduct and Appeals~~, the Director, Governance Support Unit or a Responsible Academic Officer, in response to the findings or to the penalty or penalties imposed, are:

(1) that the decision was based on a material misunderstanding of these Rules or the Student Conduct Rules;

(2) that the decision was based on a material mistake as to the facts;

(3) that a failure of procedural fairness occurred including failure to follow specified procedural requirements which would be likely to have had an impact on the decisions or outcomes of the proceedings;

(4) that fresh relevant evidence has become available to the student, being evidence that was not available or known to the student at the time of the decision and which would be likely to have affected the outcome of the proceedings;

(5) that the penalty or penalties imposed on the student were manifestly excessive or inappropriate.

16.13.4 The Vice-Chancellor or Vice-Chancellor's nominee may, on the application of the student concerned or otherwise, direct that any action to be taken as a consequence of a decision to impose any penalty be stayed:

(1) until the time for making an appeal against a decision has expired; or

(2) if an appeal against a decision is made within that time, until the appeal has been finally determined.

16.14 Student Misconduct Appeals Committee

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16.14.5 Procedures

- (1) A Student Misconduct Appeals Committee will determine its own procedures consistent with these Rules, including Rules 16.5 and 16.14.3. This includes whether or not to hear all or any part of a matter afresh.
- (2) Unless there are exceptional circumstances, a Student Misconduct Appeals Committee will not consider any material that has not first been considered by the Responsible Academic Officer, the Director, Governance Support Unit, the Vice-Chancellor, or the Vice-Chancellor's nominee ~~and the Manager, Student Misconduct and Appeals~~.
- (3) If new evidence is presented to a Student Misconduct Appeals Committee, being evidence that was not initially considered by the Responsible Academic Officer, the Director, Governance Support Unit, the Vice-Chancellor, or the Vice-Chancellor's nominee ~~or the Manager, Student Misconduct and Appeals~~, the Student Misconduct Appeals Committee will refer the matter back for reconsideration in light of the new evidence.
- (4) A Student Misconduct Appeals Committee is not bound by the rules of evidence and may inform itself on any matter it thinks fit consistent with Rule 16.5.
- (5) A Student Misconduct Appeals Committee will normally conclude its inquiry and prepare its report within six weeks of the conclusion of the committee's first meeting.
- (6) Notwithstanding the provisions of Rule 16.14.5(5), and subject to the approval of the Chancellor, Vice-Chancellor and Director, Governance Support Unit, in an individual case the time within which the report of a Student Misconduct Appeals Committee must be made may be extended to not more than six months from the conclusion of the committee's first meeting or such other period as may be warranted in exceptional circumstances.

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16.14.7 Decision

- (1) A Student Misconduct Appeals Committee may:
 - (a) for any reason, refer a matter back to the Vice-Chancellor or Vice-Chancellor's nominee, the Director, Governance Support Unit, or the Responsible Academic Officer ~~or the Manager, Student Misconduct and Appeals~~ as appropriate for further consideration and recommendations
 - (b) uphold or dismiss an appeal against a finding that the student has committed an act of misconduct or against the penalty or penalties imposed;
 - (c) affirm, vary or nullify a penalty in accordance with the decision reached under Rule 16.14.7(1)(b).
- (2) A decision of a Student Misconduct Appeals Committee is final, except where further misconduct has occurred as part of the appeals process including, but not limited to, submission of fraudulent documentation or misleading conduct. In such cases a matter may be reopened.

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Schedule 4

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2. Scale of penalties

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Imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding 12 months, in which case if there is a breach of the imposed conditions during the specified period the Vice-Chancellor or Vice-Chancellor's nominee, the Director, Governance Support Unit or Manager, SMA may impose a more severe penalty.	16.3.1(8)	• inappropriate behaviour • damage to University property • misuse of facilities
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