

Appendix 4

DECISION LETTER –ACADEMIC MISCONDUCT Student found guilty of one or more of the allegations and given a penalty

- For decisions of first instance decision-makers (not the Disciplinary Board) include paragraphs **A(1), B, C(1), C(4) (if applicable), D, E(1) and / or E(5), F.**
- For decisions of a Disciplinary Board, as a first instance decision-maker include paragraphs **A(2), B, C(1), C(4) (if applicable), D, E(2) and / or E(5), F.**
- For decisions of a Disciplinary Board on appeal include paragraphs **A(3), B, C(2) or C(3), C(4) (if applicable), D, E(3) or E(4), and/or E(5), F.**

Date

Name of Student
Student's Address

Dear Name

Student Number:

A. INTRODUCTION

- (1) On **Date** I heard allegations of misconduct against you under the provisions of the University's Statute 4 that you were guilty of misconduct in that you **Statement of charges.**
- (2) On **Date** a Disciplinary Board heard allegations of misconduct against you under the provisions of the University's Statute 4 that you were guilty of misconduct in that you **Statement of charges.**
- (3) On **Date** a Disciplinary Board met to hear your appeal against the **Decision of Name of Decision-maker.** That decision-maker had heard allegations of misconduct against you under the provisions of the University's Statute 4 that you were guilty of misconduct in that you **Statement of charges.**

B. DETAILS OF MISCONDUCT

Details of the misconduct are that being enrolled in **course code** and attempting the **Assessment item and weighting**, you **Description of misconduct.**

C. DECISION AND REASONS

- (1) You pleaded **Guilty / Not guilty** to these allegations. **I /The Disciplinary Board** found that (**REASONS**), and you were guilty of allegation/s (**x**), (**y**) and (**z**).
- (2) The Disciplinary Board found that (**REASONS**), and dismissed your appeal.
- (3) The Disciplinary Board found that (**REASONS**) and has upheld your appeal.
- (4) **Stay of proceedings (The decision-maker may make a decision (an implementation direction) that the decision is to be implemented despite any appeal. This order should be made at the time of the decision:**

Under section 18(2) of Statute 4, I / the **Disciplinary Board** direct that this decision is to be implemented despite an appeal by you (**REASONS**).

D. STATEMENT OF PENALTY

Pursuant to Section 10 of Statute 4, I / the **Disciplinary Board** impose/s the following penalty:

(Penalty).

Your academic record will be amended accordingly and the penalty imposed will be published on a public noticeboard of the University for a period of one month.

E. RIGHTS OF APPEAL

- (1) Under Section 14 of Statute 4, you have the right to appeal this decision. Such an appeal would be heard by a Disciplinary Board and would be by way of re-hearing the case. If you wish to exercise this right of appeal then it should be lodged in writing with the Secretary and Registrar by **Date** (14 days from date of this letter)
- (2)¹ Under Section 14 of Statute 4 you have the right to appeal the decision of the Disciplinary Board. Such an appeal would be heard by the Discipline Appeals Committee of Senate and would be by way of re-hearing the case. If you wish to exercise this right of appeal then it should be lodged in writing with the Secretary and Registrar by **Date** (14 days from date of this letter). The Discipline Appeals Committee is the ultimate appeal body within the university. A student who is dissatisfied with the outcome cannot take further action within the university. In a suitable case however, a student may consider an application to the Queensland Parliamentary Commissioner (Ombudsman) or making an application under the *Judicial Review Act 1991*.
- (3) Under Section 14(2) of Statute 4 you do not have the right to appeal this decision.
- (4) Under Section 14(2) of Statute 4 you have the right to appeal the decision of the Disciplinary Board. Such an appeal would be heard by the Discipline Appeals Committee of Senate and would be by way of rehearing the case. If you wish to exercise this right of appeal then it should be lodged in writing with the Secretary and Registrar by **Date** (14 days from date of this letter). The Discipline Appeals Committee is the ultimate appeal body within the university. A student who is dissatisfied with the outcome cannot take further action within the university. In a suitable case however, a student may consider an

¹ For orders of suspension and expulsion made by the Disciplinary Board or the Secretary and Registrar/President under Section 11 of Statute 4, substitute the following text -

Under Section 14 of Statute 4 you have the right to appeal the decision of the (Disciplinary Board/Secretary and Registrar/President). Such an appeal would be heard by the Discipline Appeals Committee of Senate and would be by way of re-hearing the case. If you wish to exercise this right of appeal then it must be lodged in writing with the Secretary and Registrar by **Date** (20 working days from date of this letter). The Discipline Appeals Committee is the ultimate appeal body within the University. A student who is dissatisfied with the outcome cannot take further action within the University. In a suitable case however, a student may consider an application to the Queensland Parliamentary Commissioner (Ombudsman) or making an application under the *Judicial Review Act 1991*¹. [For international students include 'If you choose this option, you must notify the University within 10 working days of your intention to do so.']

application to the Queensland Parliamentary Commissioner (Ombudsman) or making an application under the *Judicial Review Act 1991*.

- (5) Appeal against implementation direction (If under C(4) the decision-maker has directed that an appeal not stay the implementation of a penalty, the student must be notified that they may appeal this direction):**

You may apply to the Chair, **Disciplinary Board / Discipline Appeals Committee** to have the implementation direction nullified. Under section 18(3) of Statute 4 the Chair is obliged to consider the application urgently. Such an appeal should be addressed to the Secretary and Registrar in the first instance

F END

A copy of this letter, the hearing transcript and all associated documentation relating to this matter will be sent to the Secretary and Registrar.

Yours sincerely

Decision-maker / Chair, Disciplinary Board

DECISION LETTER – NON-ACADEMIC MISCONDUCT
Student found guilty of one or more of the allegations and given a penalty

- For decisions of first instance decision-makers (not the Disciplinary Board) include paragraphs **A(1), B, C(1), C(4) (if applicable), D, E(1) and / or E(5), F.**
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- For decisions of a Disciplinary Board on appeal include paragraphs **A(3), B, C(2) or C(3), C(4) (if applicable), D, E(3) or E(4), and/or E(5), F.**

Date

Name of Student
Student's Address

Dear Name

Student Number:

A. INTRODUCTION

- (1) On **Date** I heard allegations of misconduct against you under the provisions of the University's Statute 4 that you were guilty of misconduct in that you **Statement of charges.**
- (2) On **Date** a Disciplinary Board heard allegations of misconduct against you under the provisions of the University's Statute 4 that you were guilty of misconduct in that you **Statement of charges.**
- (3) On **Date** a Disciplinary Board met to hear your appeal against the **Decision of Name of Decision-maker.** That decision-maker had heard allegations of misconduct against you under the provisions of the University's Statute 4 that you were guilty of misconduct in that you **Statement of charges.**

B. DETAILS OF MISCONDUCT

Details of the misconduct are that **Description of misconduct.**

C. DECISION AND REASONS

- (1) You pleaded **Guilty / Not guilty** to these allegations. **I /The Disciplinary Board** found that (**REASONS**), and you were guilty of allegation/s (**x**), (**y**) and (**z**).
- (2) The Disciplinary Board found that (**REASONS**), and dismissed your appeal.
- (3) The Disciplinary Board found that (**REASONS**) and has upheld your appeal.
- (4) **Stay of proceedings (The decision-maker may make a decision (an implementation direction) that the decision is to be implemented despite any appeal. This order should be made at the time of the decision:**

Under section 18(2) of Statute 4, **I / the Disciplinary Board** direct that this decision is to be implemented despite an appeal by you (**REASONS**).

D. STATEMENT OF PENALTY

Pursuant to Section 10 of Statute 4, I / **the Disciplinary Board** impose/s the following penalty:

(Penalty).

Where the penalty includes a fine or payment of restitution:

Payment of the **\$XX** penalty fine/restitution should be made to the Cashier at the XXX Student Centre **within two weeks** of the date of this letter (please indicate that this money is to be paid into Account 106-0564-28054 or use the Income Deposit Slip attached). The Cashier at the Student Centre will advise **decision-maker** as soon as this money has been paid.

Where the penalty imposed includes a campus service order:

Please note that the campus service order will not be considered to have been complied with until the Secretary & Registrar considers that the work has been satisfactorily completed. Please contact Secretary to the Disciplinary Board, on 07 3365 7114 by **date** to make arrangements to undertake the campus service.

The penalty imposed will be published on a public noticeboard of the University for a period of one month.

E. RIGHTS OF APPEAL

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- (5)** **Appeal against implementation direction (If under C(4) the decision-maker has directed that an appeal not stay the implementation of a penalty, the student must be notified that they may appeal this direction):**

You may apply to the Chair, **Disciplinary Board / Discipline Appeals Committee** to have the implementation direction nullified. Under section 18(3) of Statute 4 the Chair is obliged to consider the application urgently. Such an appeal should be addressed to the Secretary and Registrar in the first instance

F END

A copy of this letter, the hearing transcript and all associated documentation relating to this matter will be sent to the Secretary and Registrar.

Yours sincerely

Decision-maker / Chair, Disciplinary Board

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