

Student Disciplinary Policy and Process

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DWU Student Disciplinary Policy and Process

1.0 Preamble

The DWU Disciplinary Board (DB) normally deals with disciplinary offences. In exceptional situations, for example if the offence is deemed to be very serious, the case shall be dealt with as provided for in section 7.11 below.

This revision of the Policy shall come into effect as from the 1st January 2019.

2.0 Intent

The purpose of the Student Disciplinary Policy and Process is to set and maintain standards of conduct within the University, and in doing so, ensure that all students are treated fairly and consistently. It is designed to help and encourage all students to achieve and maintain satisfactory standards of conduct. The University Cabinet is the authority to endorse the disciplinary policy and process.

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3.0 Policy statement

The University expects students not only to conduct themselves in accordance with accepted principles of responsible citizenship and with due regard for the rights of others, but also to inform themselves of, understand and comply with all University rules, policies and procedures. In Christian love, respect and responsibility, students are encouraged to seek resolution when tension, misunderstanding, conflict, failure or disagreements have challenged relationships. It is expected that as adult learners, members of Divine Word University Community will seek mutual solution to problems that arise within the context of daily living, studying and working together.

An essential element of discipline hearings is that they be dealt with speedily. A report is compiled by the appropriate University authority as soon as possible after any incident and the discipline hearing should normally be within two weeks of the report being compiled.

In the case of disciplinary offences by students there are different bodies on each campus who deal with these cases. These are:

- The Students Disciplinary Board (DB)
- The Student Discipline Appeals Committee (SDAC)

In addition to these, the Campus Vice Presidents (VPs), Director of Student Services (DSS), and the Pastoral Team on each campus have a role in counseling students regarding acceptable behavior and disciplinary offences. Note that the Vice-President Student Affairs on the Madang campus and the Vice-President on the other campuses are authorized to suspend a student in a case of very serious offence, which would then be subsequently referred to the Disciplinary Board for consideration under this policy.

4.0 Scope

The Disciplinary Policy and Process applies to Divine Word University campuses located across Papua New Guinea.

5.0 Offence categories

5.1 General

The DWU Disciplinary Board (DB) normally deals with disciplinary offences. In the case of Category “C” offences appropriate University executive has the authority to make such executive decisions. On Madang Campus the VPSA and on other campuses, the Vice President of the campus has such authority.

Offences which constitute a breach of the DWU Student Tenancy Agreement shall be dealt with by the SDB. They may impose such sanctions as are specified in the Student Tenancy Agreement. Offences which are listed in Category A (5.2) below must also be referred to the Disciplinary Board. Offences which are of a criminal nature can be referred to the Police.

The DWU Disciplinary Board has the right to deal with all disciplinary matters listed below as well as any behaviour not specifically mentioned below which, in the opinion of the Director of Student Services, is contrary to the philosophy, purposes or aims of the University or is inappropriate or detrimental to preserving the security of the University or maintaining community harmony. The Disciplinary Board has the right to apply appropriate sanctions for such behaviour. Most disciplinary offences are listed below. However, the list of possible offences and their sanctions is not exhaustive..

5.2 Category A Offences

- Any criminal offence (other than mentioned below)
- Rape / attempted rape/ indecent assault
- Assault, verbal or physical (verbal assault – use of threatening words)
- Fighting, provoked or unprovoked
- Procurement/prostitution
- Theft
- Arson
- Threatening behaviour
- Forgery or embezzlement
- Giving false information to authorities
- Entering/inviting into the dormitory of the opposite sex
- Indecent conduct in public

5.3 Category B Offences

- Disorderly conduct
- Disrespect/ rudeness/ willful disobedience to academic staff or ancillary staff
- Disruption of university functions, religious or civil
- Proselytizing / criticizing religious beliefs
- Contravening Divine Word University scholarship conditions
- Contravening TESAS terms and conditions.
- Loitering near the dormitory of the opposite sex
- Breaches of boarding rules or policy guidelines
- Miscellaneous offences

5.4 Category C Offences

- Rudeness to other students
- Failure to perform community service
- Ignoring oral/written notices from authorised students
- Malicious gossip
- Disruptive noise
- Breach of SRC rules
- Miscellaneous offences
 - “Miscellaneous Offences” refer to any behaviour not specifically mentioned under the three categories of offences, which, in the opinion of the respective disciplinary body, is contrary to the philosophy, purpose or aims of the University or is considered inappropriate. It is up to the discretion of the University Executive and the Disciplinary Board to report apparent criminal offences to the police. However, students who claim to have been victims of physical assault or victims of other criminal offences are to be informed of their right to report the matter to the police personally.
 - The Disciplinary Board may proceed with University disciplinary action even if a police investigation is being conducted. In the event of a student being found guilty in criminal proceedings through the courts, the University will deliberate and take appropriate action against the student. For students involved in serious criminal actions, the likely University action will be dismissal from the University

5.5 Category D Offences (Alcohol and Drug related)

- a) Consumption or production of alcohol on campus is strictly prohibited
- b) Possession or use of alcohol during all functions sponsored by the University such as ceremonies, dances, picnics, sporting events, etc. is prohibited.
- c) Drunkenness off and on campus is unacceptable behavior for a DWU student and it is strictly prohibited.
- d) Consumption of alcohol in non-licensed public areas is a criminal offence and therefore prohibited.
- e) Possessions or use of an illegal drug or drugs on or outside of Campus is strictly prohibited.
- f) The use, sale or possession of drugs on or off University premises is strictly prohibited.
- g) Being impaired from the use of drugs or alcohol on University premises is prohibited.
- h) An act of drunkenness, violence, or malicious damage to property by a graduand preceding graduation day.

5.6 Category E Offences (Cyber Offences)

Definition: Cybercrimes can be defined as: "Offences that are committed against individuals or groups of individuals with a criminal motive to intentionally harm the reputation of the victim or cause physical or mental harm, or loss, to the victim directly or indirectly, using modern telecommunication networks such as Internet (networks including but not limited to Chat rooms, emails, notice boards and groups) and mobile phones.

Cyber offences: Failure to comply with the Cyber Crime Code Act 2016 of the Parliament of Papua New Guinea as set out in sections 6 to 28 of the Code Act and as Published on the Intranet.

5.7 Category F Offences (Malicious damage)

- Malicious damage/vandalism to University property.

5.8 Category G Offence – (Occult Practices)

- Occult practices are forbidden at any DWU campus.

6.0 Sanctions

6.1 Possible sanctions for Category A Offences (in accordance with the nature of the offence)

- Letter of warning
- Letter of apology
- Payment of repair or replacement costs
- The assignment of community duties or work
- A fine – the amount to be determined by the Disciplinary Board
- Probation – the length to be determined by the Disciplinary Board
- Recommended withdrawal of some or all TESAS benefits
- Withdrawal of boarding privileges, i.e., the student is told to find alternative accommodation
- Graduation in absentia
- Suspension from studies
- Termination from studies
- Denial of a presence at the graduation ceremony.

6.2 Possible sanctions for Category B and C offences (in accordance with the nature of the offence)

- Letter of warning
- Letter of apology
- Payment of repair or replacement costs
- The assignment of community duties or work or a fine (the amount to be determined by the respective disciplinary body).

6.3 Sanctions for Category D, E, F and G Offences

- a) Suspension of the student's enrolment at the University under specified terms and conditions with a right of an appeal to the Students Disciplinary Appeals Committee in relation to alleged failure by the Disciplinary Board to follow due process or**
- b) Termination of enrolment at the University with a right of appeal to the Students Disciplinary Appeals Committee in relation to alleged failure by the Disciplinary Board to follow due process.**
- c) In addition to any other penalty that may be imposed, an intending graduate who is found guilty of committing one of the offences set out in 5.5 (b) shall be penalized by the issue of a letter from the VPSA or Campus VP or Campus Administrator to the Chairman of their professional registration board such as Teaching Service Commission, PNG Medical Registration Board or CPA Board, advising of their unprofessional conduct.**

A right of appeal to the Students Disciplinary Appeals Committee shall only apply where a failure by the Disciplinary Board to follow due process can be demonstrated.

7.0 Disciplinary Board (DB)

7.1 Membership of the Disciplinary Board comprises eight persons as follows:

- Director of Student Services (DSS) provides secretarial services to the DB and has no voting rights
- two senior academic staff
- two senior administrative staff
- a member of the outside community e.g. police officer, magistrate or church leader
- SRC female and male Vice-Presidents; these representatives are non-voting. They represent the entire student body and not interest groups or individual students
- Additional members may be appointed as considered necessary.

To ensure meetings can take place with members' busy schedules, it is recommended to appoint an alternative member for each position when membership is being determined

A quorum is four members. Equal numbers of males and females will be a consideration. The majority of the DB members should be Papua New Guinean citizens.

Fifty percent of the members will be women.

All members are to declare any conflict of interest as appropriate.

Any person who demonstrates a bias or personal interest in the general outcome of DB decisions is disqualified from being a DB member.

All members must keep strict confidentiality about all matters affecting the good name of any person and all votes made during DB meetings. Members who have witnessed individual incidents may ask to be excused from voting on related case.

7.2 Method of appointment

Members of DB are appointed by the Cabinet on the recommendation of the Vice President Student Affairs or Campus Vice President/Campus Administrator. The candidates will be asked by the VPSA if they are willing to accept appointment. Members are appointed for a period of two years after which the membership is reviewed by the VPSA in consultation with the Chairperson of DB and members of the Executive team. The membership may then be extended for another two years. Student representatives are appointed on a yearly basis.

7.3 Cessation of membership

Members wishing to withdraw as members of the DB are asked to submit a written resignation letter to the Chairperson.

- Members who accumulate two consecutive absences from DB meetings without apologies will be advised in a written form by the Chairperson to submit their resignation or reconsider and reconfirm their commitment to the DB in the future. If the member does not respond within a week, a notice will be presented to her/him that his/her membership is considered terminated.
- If a student member accumulates two consecutive absences from the DB without apologies, the SRC President will be advised of the situation and asked to ensure that the student representative attends or to nominate an alternative representative.

7.4 Chairperson

The Chairperson and an alternative are appointed by the President in the case of the Madang campus and the Vice-President of each of the other campuses. Should the Chairperson resign or leave the University, another appointment is made.

The Chairperson shall be a person appointed from outside the Student Affairs Department, to avoid any conflict of interest.

The student representatives are not eligible for the position of Chairperson, to remove any potential of a conflict of interest.

The duties of the Chairperson include:

- chairing the meetings
- preparation of meetings of the DB in consultation with the DSS
- deciding in consultation with the DSS on the date, time and venue for DB meetings
- supporting the DSS and Residential Deans in their duties when needed.

7.5 Secretariat Services

The Director for Student Services (DSS) will normally be responsible for the secretariat duties of the DB. These duties include:

- inviting all Members of the DB at least three days before the meeting of the DB or, in the case of urgently convened meetings, as soon as possible after the decision to convene a meeting, drafting and providing an agenda in coordination with the Chairperson
- being the minute-taker
- distributing a copy to members within two days after a meeting after they have been proofread by the Chairperson.
- supporting the Chairperson when writing the letters after each meeting to the students charged, restating the decision of the DB
- performing any other duties assigned by the Chairperson
- ensuring that copies of minutes and letters are forwarded to the VPSA.
- Writing letters to students found guilty informing them of the decision of the DB and the sanctions as soon as possible after each meeting of the DB, but not later than two days after the meeting
- Preparing a budget in consultation with the VPSA or Campus Vice President/Campus Administrator and the other members of the DB for submission and approval by the DWU Cabinet
- Preparation of meetings of the DB in consultation with the Chairperson and VPSA or Campus Vice President/Campus Administrator
- Any other duties that are agreed upon during a DB meeting.

7.6 Convening DB meetings

The Chairperson decides, in consultation with the DSS, on the date, time and venue of routine meetings.

- The DSS invites all members of the DB and ensures that the invitations reach the members at least 7 days before the meeting.
- The DSS invites the student offender and any witnesses at least 7 days before the meeting.

An urgent meeting may be called, because of the nature of an incident, by the DSS in consultation with the Chairperson and VPSA and/or because a student/s has been suspended pending investigation.

- The DSS invites all members and ensures that the invitations reach the members as soon as possible.
- The DSS invites the student/s charged and any witnesses.

7.7 Allowances

For all DB members representing the community outside DWU ("outside members"), a PGK 100.00 sitting allowance per meeting is to be paid. Transportation costs will be refunded. Arrangements for payment should be made by the DSS with the University Bursar.

7.8 Procedural fairness and conduct of proceedings

When dealing with a case of alleged misconduct, the DB must proceed in a manner that is procedurally fair. The DB will conduct hearings as expeditiously as possible, consistent with the need to act fairly:

- a) determine the matter based on evidence adduced by the parties and proceed in a way that is appropriate, without being bound by legal technicalities or the laws of evidence
- b) give the student a copy of, or an opportunity to inspect, all relevant evidence in relation to the alleged misconduct, within seven days of the laying of the charge.
- c) give the student a reasonable opportunity to respond to the allegation in writing and to appear before the DB to answer the allegation
- d) give the student at least five working days' written notice of the date, time and place of any hearing
- e) permit the student to be accompanied by a support person being another student of DWU
- f) permit the student and any desired person whom the student appoints to be present throughout the hearing, except when members of a Committee wish to confer privately among themselves or to consider their decision
- g) conduct any hearing in a closed session
- h) decide, to the DB's reasonable satisfaction, whether the student has committed misconduct and, if so, given all the circumstances of the case, whether one or more of the penalties allowed should be imposed. The decision of the majority of Committee members present and voting will apply.

Failure of the student to appear at the notified time will not prevent the decision-makers from proceeding to investigate and determine the allegation.

The DB has complete authority to keep order in any proceedings, including the authority to order the removal of any person, including a student and/or his/her support person, whose conduct is detrimental to the orderly conduct of proceedings.

When two or more students are alleged to have committed misconduct arising out of the same occurrence or series of occurrences, the DB will decide whether their cases or appeals are to be heard separately or together.

A written record of all proceedings will be maintained. Such record will contain a summary of the matters considered or obtained by the DB and other minutes of its proceedings necessary to show the way in which it conducted the inquiry.

7.9 Procedures of DB meetings

The Chairperson determines if a quorum is present within 15 minutes of the scheduled starting time.

- If not, the meeting is to be postponed once by a maximum of 7 days.
- It is the DSS's task to inform all members of the new date, time and venue.
- If at the second meeting the quorum still cannot be reached, the present members may decide to continue with the meeting regardless of the incomplete quorum.
- If no student representatives are present, the other members may invite and accept a co-opted student representative, preferably an SRC member.

If the Chairperson is not present 15 minutes after scheduled starting time, an Acting Chairperson should be nominated and elected by majority vote of the members of the DB present.

Normal procedures include:

- Minutes of the last meeting are verified, corrected if necessary and approved.
- Matters arising from the last minutes are discussed. This includes verification of whether sanctions decided upon at the last meeting have been applied.
- New matters are discussed according to the agenda provided by the DSS or Chairperson.

The maximum time per meeting is normally limited to two hours from the scheduled starting time unless the members agree to an extension of this time under exceptional circumstances.

7.10 Decisions, quorum and voting rights

A quorum is reached when at least 4 members are present. All decisions are made by majority vote. The Chairperson votes only if a vote is tied. If a charge was brought forward by a DB member, this member is disqualified from any votes concerning this incident. If a member has any personal interest in the outcome of a case or is otherwise biased, then this member is also disqualified from votes concerning this incident. The process of Committee proceedings shall be that Student Representatives have an equal voting right to decide whether or not a charge has been proven and, if proven, the severity degree of that offence.

If a charge is proven, then the Student Representative shall be excused from any voting rights for the determination of any penalty. This policy is based on considerations concerning the safety of student representatives and other DB members as well as the consideration that this would be an unfair burden for the student representatives who most probably do not possess the necessary experience for these decisions.

7.11 Investigations, laying of charges and DB hearings for serious risk situations

Situations of serious risk require urgent redress. [The VPSA or Campus Vice President/Campus Administrator may suspend a student on considering it necessary to avert a substantial risk of:](#)

- a) Injury to a person; or
- b) Serious damage to property; or
- c) [Serious detriment to the interests or good reputation of the University; or](#)
- d) Serious disruption of a University activity.

Before imposing a suspension, the VPSA or Campus Vice President/Campus Administrator [must make a reasonable effort \(having regard to the seriousness and urgency of the risk\) to provide the student with an opportunity to explain why the suspension is not warranted](#). A suspension takes effect immediately and the student must comply with the decision.

The VPSA or Campus Vice President/Campus Administrator must, within 24 hours, provide a written allegation notice to the student:

- a) Setting out the terms of the decision
- b) Setting out in summary form the reason for the decision
- c) Advising the student of the provisions of the student disciplinary policy.

Where the VPSA has acted to suspend a student, he/she must refer the matter to the Disciplinary Board immediately. A suspension ends if, ten working days after the allegation notice is given, the Disciplinary Board has not held its first meeting. If the Disciplinary Board has held its first meeting as required, the suspension continues until the proceedings are finalized or it is lifted by the Disciplinary Board or the Student Discipline Appeals Committee as the case may be. The VPSA must lift the suspension if satisfied that the risk that necessitated it has passed.

7.12 Report of offences

In ordinary circumstances disciplinary offences should be reported to the DSS, who after examining the evidence, consults with the Chairperson of the DB, who decides whether to charge the student who is reported.

- Incidents must be reported as soon as possible and not later than one week after an incident happens. Exceptions to this time limit are made if the report is in regard to a criminal offence and/or the delay is due to intimidation, or other reasons accepted by the DB.
- An incident must be discussed by the DB no later than one week after the first report has been made on an incident. This period may be extended if circumstances do not permit an earlier dealing with

the incident by the DB.

7.13 Laying charges

Any staff member or student may report an incident to the DSS. The report of an incident must be provided in a written form, dated, and signed by the person making the charge.

- The report is provided to the DSS who then provides it to the VPSA or Campus Vice-President Administrator. If an incident is reported by more than one person, then each person is invited to write a separate statement.
- In exceptional situations the statement may be written by the person to whom the incident was reported but must be signed by the person reporting.
- Rumors or anonymous letters will not be considered by the DB.

The VPSA decides in consultation with the DSS if formal charges, and which charges, should be laid.

- If charges are laid, the DSS writes an Incident Report to the student specifying the charges and asking for a statement.
- If necessary, the DSS or VPSA or Campus Vice President/Campus Administrator may pursue further investigations and ask additional witnesses for their written statements.

If an incident is reported to the DSS or VPSA or Campus Vice President/Campus Administrator, they may decide not to reveal the name of the person reporting. This is acceptable under exceptional circumstances, for example for security reasons.

- Under these exceptional circumstances oral statements may be accepted. However, the reporting person must be trustworthy and his/her name has to be known to the member of the DB to whom the incident is reported. In such situations the DSS should provide a written summary of the verbal statement, signed by DSS.

7.14 Urgent meetings

Urgent meetings of the DB must be called if the nature of an incident requires it and/or if a student has been suspended pending investigation.

- If a meeting needs to be delayed because a quorum cannot be reached or for other reasons, then a student who has been suspended pending investigation may be allowed to return to classes by the DSS in consultation with the Chairperson.

7.15 Rights and duties of charged students

Students charged must be informed by a notice in writing signed by the Director of Student Services (DSS) which shall detail the charges laid against them (Incident Report). Ordinarily students must be notified of the DB meeting at least 7 days before the meeting.

In the case of urgent meetings being called by the DSS and the Chairperson, students charged are to be informed as soon as possible by the DSS but not less than (5) days before the meeting.

The DSS provides an Incident Report for the DB hearing. The charged student will be given seven days to provide his/her own statement responding to the incident but, in the case of urgent meetings, this period shall be reduced to four days. This statement is compulsory, and the student should do this in his/her own interest to state his/her account of the incident that brought about the charges and to give any explanation for their offence. The student may seek advice from any person when writing the statement and is free to provide written statements by any witnesses of the incident. If more than one witness is brought forward, each of them should write a separate statement. The student charged may provide a letter of reference from any staff member of DWU, but only if he is found guilty of the charge.

The charged student must be given the opportunity to attend the DB hearing. Should the charged student not attend the DB hearing, the DB may continue to hear the case presented.

7.16 Witnesses at the DB meeting

The student charged can also bring witnesses to the DB meeting. However, the following limitations apply:

- Only eyewitnesses are accepted and not character references
- Witnesses must provide a written statement at least 24 hours before the beginning of the meeting.

The DB has the right to invite witnesses or the person laying the charges in person to a board meeting for easier clarification of events, or to invite advisors to the meeting in case an issue is discussed on which none of the DB members has enough knowledge.

7.17 Proceedings of a DB hearing

The proceedings, when a case is heard, are as follows:

- a) The members of the DB read all provided statements.
- b) The Chairperson then invites the student concerned to provide a verbal statement, which may amend, confirm or supplement the written statement. The members of the DB then have the right to ask questions that will help to clarify the events.
- c) Witnesses that are present both for and against the student, shall then be called upon by the Chairperson before or after the student charged gives his evidence to give their statements.
- d) The members of the DB then decide (in the absence of the charged student) if the student charged is guilty or not guilty of the offence stated. If during a meeting of the DB more details of the events are revealed, the DB has the right to drop charges originally laid but also to lay new charges as it sees necessary. The student/s charged must be informed of these alterations and given a reasonable opportunity to respond.
- e) If the student is not found guilty of any charges, he is informed at this point, and no further proceedings follow.
- f) If a student is found guilty, then former charges, appearances before the DB, or any other relevant information that may influence the decision of the DB members on the sanctions to be given are provided to the Disciplinary Board by the DSS.
- g) The SRC Representatives are asked for their recommendations on sanctions and have then to leave the meeting, as they do not participate in the final decision on sanctions for the students charged.
- h) The other members of the DB make a final decision on sanctions for the student charged.
- i) Then the SRC Representatives are called in to inform them on the final decision on sanctions.
- j) Then the student charged is called and informed of the DB's decision.

If during a meeting it is decided that not enough information is available on a certain incident, then the case must be postponed to allow time for further investigations.

7.18 After the hearing

After a decision on the sanction to apply has been reached by the DB and the student charged has been advised of the decision during the meeting, it is the task of the Chairperson to restate this decision to the student in written form within two days after the meeting.

- A copy of this letter is provided to the Registrar and VPSA for the student files.
- Notification of suspension/termination will be made by VPSA to the appropriate University authorities and parents/sponsors.
- students suspended or terminated by the DB will normally be permitted to remain on campus in the case of an appeal. If they are considered a security risk, they may be required by the DB to leave the campus within 24 hours, or, if the DB considers it necessary, the suspended/terminated students will be escorted from campus by security or the police.

8.0 Student Discipline Appeals Committee (SDAC)

8.1 Appeals from decisions of the (SDB)

Appeals regarding decisions of Category A, B and C Offences are made to the Students Disciplinary Appeals Committee (SDAC).

8.2 Guidelines for appeals by the student

All appeals by students against decisions of the Disciplinary Board (**including Category D, E, F and G offences, for which the appeal is related to procedural failure by the SDB**) are to be directed to the Student Disciplinary Appeals Committee and addressed to the SDAC.

- Appeals against the process of decision of guilt or against the severity of the sanctions must be written by the student/s charged within three days after the student has been informed of the sanctions and cannot be written on their behalf by any other person.
- The student must state clearly if he/she appeals against the DB finding the charge proven and/or the severity of the sanction.
- The student appealing can seek help from any other person when writing the appeal. If more than one student appeals in relation to the same incident, each student must write a separate letter of appeal and explain his/her reasons for appealing

8.3 Procedure for lodging an appeal

- (i) Appeals can only be made if the sanctions imposed are suspension or termination. The only grounds on which a student may appeal a decision of the Disciplinary Board are:
 - a) There was failure to comply with procedural fairness by reason of which the student has not received a fair hearing; or
 - b) That there is new evidence relating to mitigating circumstances affecting the student's misconduct; or
 - c) The decision was manifestly wrong; or
 - d) The penalty imposed was manifestly excessive, or inappropriate
- (ii) Grounds (1)(b) and (c) do not apply to Category D,E,F and G offences.
- (ii) To lodge an appeal, the student must:
 - a) give written notice of appeal to the Chairperson of SDAC within seven working days of the date on which the student received or is deemed to have received written notice of the decision
 - b) specify whether the appeal relates to the finding of misconduct or to the penalty imposed or to both the finding and the penalty
 - c) set out the grounds of appeal under section and the substance of the matters forming the basis of the appeal
 - d) provide an address to which notices or documents connected with the appeal may be posted or left for the student
 - e) indicate whether the student intends to be accompanied, at any appeals hearing, by a support person who must be another student.

Deferral of penalty during appeal:

Unless the Chairperson of SDAC in his/her absolute discretion determines otherwise, the lodgment of a notice of appeal operates as a deferral of any penalty imposed. Any deferral of penalty concludes when

the appeal has been determined or on written notice from the student that the student's appeal is withdrawn, whichever is the earlier.

8.4 Membership of the Student Discipline Appeals Committee

The Student Discipline Appeals Committee (SDAC) comprises five persons as follows:

- a) A Vice President is the Chairperson of the SDAC
- b) at least two senior members of staff
- c) one student; and
- d) one other person (who may also be a member of staff or a person external to the University, who may be a member of the legal fraternity).

Members of the SDAC are nominated by the VPAA and endorsed by Cabinet. Membership of the SDAC must not include any person who was a member of the DB which made the decision appealed against, or any person who lodged a report which led to investigation of the alleged misconduct.

- If a member of the SDAC has any personal interest in the outcome of the appeal or is otherwise biased, he/she should declare his/her interest and not vote on this particular appeal.
- The Counselor and the DWU Chaplain should not be members of the SDAC as this would contradict their counseling and advisory roles towards the students. They may be invited to meetings to provide advice to the Committee.
- The SDAC may invite students, for example the SRC Ombudsperson, to sit in without voting rights.
- A quorum of the committee is three members
- The Chairperson has a deliberative vote, and, if required, a casting vote.
- The DSS is to provide secretarial services to SDAC in the same manner as done for DB.
- The VPSA or Campus Vice President/Campus Administrator has no voting rights.

8.5 Conduct of Student Discipline Appeals Committee

Subject to this Section, the provisions of Section 7.8 dealing with procedural fairness, will apply to all hearings conducted by the SDAC. The appeal must be heard on the campus where the student is studying and SDAC must convene to determine the appeal within one week after receipt by the Chairperson of SDAC of the notice of appeal.

If the appeal is against a finding of misconduct, the onus of proof is upon the student to demonstrate that the original determination was incorrect. If the appeal is against the severity of a penalty, the SDAC must confine its deliberations solely to the issue of penalty.

In proceedings before the SDAC, the student may be assisted by a support person being another student in relation to an appeal. In such proceedings, the support person may make submissions on the student's behalf unless, in the opinion of the Committee, the making of any such submission is or might be disruptive to, or may unreasonably extend, the proceedings.

A hearing conducted by the SDAC is not a re-hearing. Unless compelled by the strength of the substance of the appeal, SDAC is required to respect and uphold the decision of the DB. Its hearing is confined to the grounds on which the appeal was made. In proceedings before the SDAC, the student, or the support person on the student's behalf, may be invited to examine witnesses and present new material only where the subject matter of the appeal relates to rights and duties of charged students or proceedings of a DB hearing.

The President may appoint a senior member of staff of the University to represent the University at the hearing. The person appointed may be invited to examine witnesses. The person appointed may also make legal and/or other submissions unless, in the opinion of the Committee, the making of any such submission is or might be disruptive to, or may unreasonably extend, the proceedings.

8.6 Powers of Student Discipline Appeals Committee

The Student Discipline Appeals Committee may:

- a) uphold the decision appealed
- b) uphold or vary the penalty appealed
- c) deny the appeal.

8.7 Notification of decision of the Student Discipline Appeals Committee

The SDAC must provide a written report to the University Registrar who, within seven working days of finalisation of the appeal by the Committee, must notify the student of:

- a) the decision reached on the appeal
- b) the reasons for the decision
- c) any penalty imposed and any conditions thereon.

The decision of the SDAC is final and there is no avenue of appeal against that decision to any other body within the University.

9.0 Responsibilities

Vice President Student Affairs, Campus Vice Presidents/Campus Administrator, Director of Student Services and residential Deans, and members of Discipline Board and Student Discipline Appeals Committees are responsible for monitoring compliance with this policy and the integrity of disciplinary procedures and processes. The DWU Vice President Student Affairs provides leadership for the development, revision and review of the policy.

10.0 Policy development, revision and review

The policy is reviewed on a three-year cycle but updated earlier if considered necessary.

11.0 Definitions

“general misconduct” means behaviour or conduct by a student that:

1. breaches any University statute or University rule
2. breaches any University policy, code of conduct, procedure, guideline or practice to which University students are subject
3. harasses, discriminates, bullies, intimidates or threatens any University employee or student
4. breaches any Law of Papua New Guinea to which the University is subject, while in or on University premises or using University services or facilities or while engaging in a University activity
5. fails to comply with a direction given pursuant to a power conferred under any University policy, procedure or guideline
6. fails to comply with a lawful order of a University staff member
7. endangers, or has the potential to endanger, the safety or health of any person
8. disrupts or causes unreasonable interruption to a lecture, tutorial, or any other form of teaching, learning or research activity offered by the University
9. obstructs or interferes with or causes damage or loss to or theft of property, equipment, resources or facilities owned or controlled by the University (including but not limited to computing and network facilities) or property, equipment resources or facilities, owned or controlled by a University staff member or a student whilst the property, equipment, resources or facilities are lawfully on University premises
10. constitutes an assault or an attempt to assault any person or causes any person to hold reasonable fear for his or her safety or physical or psychological well-being
11. unreasonably impairs the ability of any person to participate in any legitimate University activity
12. disrupts or tends to disrupt the peace or good order of the University
13. may bring the University into disrepute

14. constitutes a disclosure of confidential information concerning any matter relating to the University
15. is disorderly, indecent, rude or lewd
16. involves the impersonation or taking part in impersonation of another person or the 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 enrolment at the University
17. constitutes an unauthorised use of the University name or its intellectual property
18. involves the forgery, alteration or misuse of a University document or record
19. fails to comply with any penalty imposed under this policy
20. encourages, persuades or incites any other person to engage in conduct or behaviour constituting general misconduct.

“natural justice” is defined as the duty to act fairly and includes two rules:

- the ‘fair hearing’ rule meaning that all parties must be given the opportunity to present their case and be fully informed about allegations and decisions made and
- the ‘no bias’ rule meaning that a decision maker must have no personal interest in the matter.

“procedures” means either the general or misconduct procedures set out in this policy

“student” means:

1. a person who is enrolled in an approved program or approved unit offered by the University and paid prescribed fees or
2. a student of another University or higher educational institution who is granted temporary or on-going rights of access to University premises and facilities and paid prescribed fees or
3. a person who was enrolled in an approved program or approved unit and paid prescribed fees at the time of the alleged misconduct or misconduct.

“probation” - the student remains enrolled with the understanding that further violations of the University policies or guidelines would likely result in suspension or even termination of student’s enrolment. Probation may extend for one or two semesters. An appropriate comment entered into the student’s record is maintained by the DWU Registrar.

“suspend” means to prohibit a student from attending any teaching or assessment session or entering upon the University precincts, either in whole or in such part as may be prescribed, for a specified period

“expel or expulsion or dismissal” means to terminate a student’s enrolment

“damage” means the amount of value of any damage to, or loss of, any property including any costs and expenses of, or incidental to, the repair or replacement of any property damaged or lost

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