Guidelines for Temporary Exclusion of a Student from Facilities and/or Participation in Activities

Abstract
These Guidelines provide information for officers of the University to meet the requirements of Rule 16.9, UTS Student Rules, outline the process of temporarily excluding a UTS student from facilities and/or participation in activities where it is appropriate to do so, and ensure that principles of procedural fairness are applied.

Dates
| Guidelines approved | 19/11/2014 |
| Guidelines take effect | 16/12/2014 |
| Guidelines are due for review | 11/2019 |

Approved by
Academic Board

Implementation Officer
Director, Governance Support Unit

Relevant to
All staff and all students

Related documents
Student Misconduct and Appeals (Section 16, Student Rules)
Health and Safety Policy; Health and Safety Responsibilities Vice-Chancellor’s Directive
Expression and Practice of Religious, Political and Other Values, Beliefs and Ideas at UTS: Policy, Procedures and Guidelines
Public Assembly on UTS Campus Vice-Chancellor’s Directive
Code of Conduct (Staff)
Equal Opportunity and Diversity Policy
Prevention of Harassment Policy
Risk Management Policy
Student Charter
Student Rules
Workplace Behaviour Statement (HR Manual 7.4)
Acceptable Use of Information Technology Facilities
UTS Email Policy
Information Technology Security Vice-Chancellor’s Directive
2. Purpose

Rule 16.9 in the UTS Student Rules provides for the temporary exclusion of a student from facilities and/or participation in activities due to inappropriate behaviour or incident for up to 14 days by an officer of the University.

The purpose of these Guidelines is to:

- provide information for staff to meet the requirements of Rule 16.9
- define the processes for temporarily excluding a UTS student from facilities and/or participation in activities where it is appropriate to do so, and
- ensure that principles of procedural fairness are applied.

These Guidelines should be read in conjunction with Rule 16.9 Exclusion from facilities and/or participation in activities.

2. Scope

These Guidelines apply to all students and staff of UTS.
The Guidelines cannot describe every type of behaviour which might occur, therefore good judgement will always be required in interpreting these Guidelines.

A number of UTS courses operate within clinical or other professional experience settings such as hospitals, schools and other workplaces. These Guidelines operate in conjunction with published industry codes, such as clinical conduct, and students may be temporarily excluded from professional experience placements if they contravene those codes.

3. Definitions

The following definitions apply for these Guidelines. Other terms used in these Guidelines are defined in Schedule 1, Student Rules.

Activity means any activity related to UTS, which may include but is not limited to a lecture, tutorial, workshop, professional experience, placement, fieldwork, sporting or social activity, to which a student has access at or away from UTS premises, for any University purpose.

Facility includes but is not limited to any classroom, lecture theatre, library, computing, production or workshop facility, any other place of learning, any information technology or information transfer system, student accommodation or any other properties owned or controlled by UTS to which a student has access, at or away from University premises, for any University purpose. (This definition is from Schedule 1, Student Rules.)

Officer of the University (an officer) means a member of staff of the University or a person engaged as a contractor by the University. (This definition is in addition to the definition for this term in Schedule 1, Student Rules.)

Professional experience means all clinical, professional, industrial or other work placements, paid or unpaid, onshore or offshore, that form part of an undergraduate or graduate course or subject offered by the University.

4. Guidelines

4.1 Circumstances where a student may be temporarily excluded

An officer of the University may temporarily exclude a student from facilities and/or participation in activities under circumstances in which it is appropriate to do so. Such circumstances include but are not limited to where the officer of the University believes:

4.1.1 the student is suspected of having committed an act of misconduct in, or in relation to, the use of facilities and/or participation in activities

4.1.2 the student's behaviour is disrupting the use of facilities by others or participation in activities by others or likely to disrupt them

4.1.3 the student's behaviour is causing or encouraging others to disrupt use of facilities and/or participation in activities

4.1.4 the student's behaviour is offensive, the student harasses, intimidates or vilifies others which may include, but is not limited to, verbal expression or written material
4.1.5 the student has failed to observe environment, health and safety responsibilities

4.1.6 the student has failed to turn off a mobile phone or any such device after due warning

4.1.7 the student has misused or damaged a facility or equipment

4.1.8 the student is in possession of a dangerous or deadly weapon

4.1.8 there is or may be a threat to the safety of persons or property.

If practical, a verbal warning may be given to the student in the first instance, making them aware that they will be temporarily excluded from facilities and or participation in activities if there is a repeat or continuation of the incident/behaviour.

It is acknowledged that for safety reasons there may be circumstances where the officer of the University would need to immediately temporarily exclude a student from facilities and/or participation in activities.

4.2 Circumstances where a student may not be temporarily excluded

Behaviours which, in normal circumstances, would not result in an officer of the University temporarily excluding a student from facilities and/or participation in activities include but are not limited to:

4.2.1 criticising, holding and/or expressing different opinions or beliefs to that of the officer of the University or other student(s), where the opinion or belief is not discriminatory or seen as harassing or bullying

4.2.2 a single outburst from a student who may be in strong disagreement with an opinion expressed by an officer of the University or other student

4.2.3 non-participation in class

4.2.4 lifestyle choices, which can include style of dress (except where that would pose a serious threat of harm to the student or others)

4.2.5 failure to bring the relevant material to the class

4.2.6 going to sleep during class (where other criteria such as being a danger to self or others are not present).

While some of the above behaviours may not result in a student being temporarily excluded, it may be appropriate for the officer of the University to discuss the incident with the student. An officer may feel it is prudent to refer the student to specialised units within UTS, such as the UTS Counselling Service. More information can be found on the Student Services Unit website in How and when to report and refer for support (PDF).

4.3 Temporary exclusion period

The temporary exclusion period can be up to 14 days (calculated on a 24-hour basis), in line with Rule 16.9.4.

5. Procedures for staff

5.1 Behaviours described in section 4.1 of these Guidelines may result in the student being temporarily excluded from facilities or participating in activities. If practical, it
may be appropriate to warn the student that their behaviour could lead to such exclusions.

5.2 An officer of the University who excludes a student from facilities or participating in activities must advise the relevant Responsible Academic Officer (RAO), the University Librarian or Director, Governance Support Unit (Director GSU) as soon as possible and no more than two working days after the exclusion takes place. The notification must outline the nature of the incident, including the behaviour, period of exclusion and from which facilities and/or activities the student has been excluded (see more on notification in section 6 of these Guidelines).

5.3 If the incident involves actual or potential harm, injury or damage, the officer of the University must lodge a report via HIRO (the University’s hazard and incident report system).

5.4 If necessary, an officer of the University may decide to contact University security or police.

5.5 Within three days of receiving notification, the RAO, University Librarian or Director GSU will send a notice to the student outlining the basis of the temporary exclusion. A copy of the notice must also be sent to UTS Student Misconduct and Appeals (email misconductandappeals@uts.edu.au). Depending on the behaviour, further action may be taken by the RAO, University Librarian or Director GSU.

5.6 If the incident occurs in a classroom or during a practicum, professional experience, fieldwork excursion or in a facility, the RAO may decide whether the notified incident should be treated as an allegation of student misconduct for referral to the Director GSU, to be handled in accordance with Rule 16.12 or, where relevant, be dealt with under the professional experience requirements of Rule 3.4.5.

5.7 If the incident occurs in the Library, the University Librarian will decide whether the notified incident should be treated as an allegation of student misconduct for referral to the Director GSU, to be handled in accordance with Rule 16.12.

5.8 In all other cases, the Director GSU will determine the appropriate action in accordance with Rule 16.12.

5.9 The student should be notified of all decisions and action taken.

6. Formal notification

An officer of the University who excludes a student from facilities or participating in activities must formally notify:

- the relevant Responsible Academic Officer (RAO), or
- the University Librarian, or
- the Director, Governance Support Unit (Director GSU).

Notification should take place as soon as possible after the decision to exclude, and no more than two working days after the exclusion takes place.

The notification can be made via email and must follow the following format:

Re: Notification of exclusion from facilities and/or participation in activities
Student name:
Student ID:
Date and time of incident:
Details of incident:
Period of exclusion:
Facilities and/or activities excluded from:
Reason(s) for exclusion:
Name of the officer of the University:
Position of the officer of the University:

7. **Roles and responsibilities**

**Accountable Officer:** the Director, Governance Support Unit is responsible for managing compliance with these Guidelines and initiating the review process.

**Implementation Officer:** the Director, Governance Support Unit is the primary point of contact for advice on implementing and administering these Guidelines, establishing and maintaining the official file, proposing amendments as required and managing the consultation process when the Guidelines are due for review.

8. **Version control and change history**

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