

Terms of Reference

Student Misconduct and Appeals Committee



Institute of Health and
Nursing Australia

Legal entity: Health Careers
International Pty Ltd
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Title of Document

1. Terms of Reference of Student Misconduct and Appeals Committee (SMAC-TOR).

Establishment

2. The Student Misconduct and Appeals Committee (SMAC) is established as a standing committee of the Academic Board as per the Academic Board's Terms of Reference.

Rationale

3. The purpose of the SMAC is to oversee and establish the process and responsibilities for hearing and review of appeals against decisions of various levels at the campus level, including matters related to:
 - a) Academic complaints (grades and academic matters)
 - b) Student misconduct (disciplinary matters), including student visa violations in respect of International Students
 - c) Student appeals.

Objectives

4. The main objectives of the SMAC are as follows:
 - a) Provide an avenue for review of appeal decisions for students in relation to student and academic complaints and student disciplinary matters, which were previously heard at the Campus Managers/National Training Managers level.
 - b) Promote and ensure the application of procedural fairness and confidentiality principles in relation to all SMAC matters.
 - c) Promote quality improvement in policies and procedures related to academic complaints, student misconduct or student complaints.
 - d) where in the review of appeals have been successful: Issue necessary directions to the concerned departments to rectify/retain students enrolment/or initiate appropriate measures to rectify the commissions/Omissions of activities which in the first place were a cause for the appeals.

Chair and Deputy Chair

5. The Chairperson of the Committee will be the Director of Quality Management. The Chairperson can appoint Academic Director to chair the Committee, when hearing the cases

for academic matters.

Membership

6. The SMAC members will include:
- Director, Quality Management (Chair)
 - Academic Director
 - National Registrar
 - Quality Assurance Coordinator
 - Secretary (in attendance).

Invitees/Guests Attendees

7. The following invitees/Guests may be called upon to attend the Student Misconduct and Appeals Committee:
- National training Managers
 - Campus managers
 - Students whose appeals are to be heard and their support persons.

Roles and Responsibilities

8. The key responsibilities of the SMAC include the following:
- Consider and determine appeals against competency decisions regarding academic progress and performance.
 - Consider and determine appeals against decisions of educators regarding breaches of academic integrity.
 - Consider and determine appeals against decisions of educators regarding breaches of conduct amounting to general misconduct.
 - Monitor and report to Academic Board trends relating to the implementation of Academic Board policies and procedures relating to student misconduct, complaints and appeals.
 - Report and make recommendations to the Academic Board regarding trends and issues arising from appeal hearings.
 - Determine detailed procedures to govern its operations.

Legislation and Standards

9. The SMAC is responsible for meeting compliance requirements of the following legislative and regulatory instruments (not limited to):
 - a) National Vocational Education and Training Regulator Act 2011
 - b) Education Services for Overseas Students Act 2000 (ESOS Act)
 - c) Standards for Registered Training Organisations 2015
 - d) National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
 - e) Enrolled Nurse Accreditation Standards 2017.

Sub-committee(s)

10. Not Applicable

Meetings

11. The SMAC will meet quarterly or as required by the Chair. Meetings will be conducted online or at a place determined by the Chair.
12. A quorum consists of the Chair (and/or Deputy Chair) and most standing members.
13. Standing members must notify the Secretary if they are unable to attend at least forty-eight (48) hours prior to the meeting.
14. Agendas, minutes and supporting documents shall be distributed to members of the SMAC at least five (5) working days prior to the upcoming meeting.
15. Agendas, minutes, and associated meeting papers may be distributed electronically via email or uploaded to the intranet.

Minutes

16. All meeting minutes needs to be recorded. The draft of minutes of meetings must be distributed to the SMAC Chair for review and feedback.
17. The minutes must record the following:
 - a) Date and location of the meeting
 - b) Attendees, apologies, and absentees
 - c) Agenda items discussed

- d) Action items (including responsibility and timeframe)
- e) Decisions made (including the rationale for decisions).

18. The SMAC shall keep the minutes of all meetings. All documentation shall be retained in the Institute's primary electronic storage system in the Committee Management System.
19. All minutes of the SMAC must be entered into a minute book maintained for that purpose and will always be open for inspection by any Director.

Reporting

20. The following actions will be undertaken to comply with all reporting requirements:
- a) Minutes of meetings shall be submitted for consideration to the Academic Board.
 - b) The SMAC will make recommendations on matters that require the approval of the Academic Board.
 - c) The Minutes will be retained in IHNA's primary electronic management system.

Review

21. To ensure the SMAC is fulfilling its stewardship duties to the Academic Board, the SMAC will:
- a) Conduct an annual assessment of its performance against its Terms of Reference and report its findings to the Academic Board.
 - b) Conduct an annual review of the SMAC Terms of Reference and, in conjunction with the CEO and Secretary to Academic Board, recommend any appropriate amendments for approval to the Academic Board.

References

22. The references are as follows:
- a) <https://www.asqa.gov.au/standards/faqs/complaints-and-appeals>
 - b) Terms of Reference, IHM Student Misconduct and Appeals Committee.

Document Approval

Document ID	Student Misconduct and Appeal Committee Terms of Reference (SMAC-TOR)		
Owner(s)	Academic Board		
Endorsed	Board of Directors	Date Endorsed	17/02/2021
Approved	Academic Board	Date Approved	11/02/2021

Document History

Commencing Date	Version no	Summary of Changes	Next Review Date
21/01/2021	1.0	Alignment with TOR Template; membership revisited; appendix added	31/12/2023
10/03/2021	2.0	Structural changes in the TOR	31/12/2023
30/09/2021	2.1	Objective and membership alignment of TOR	29/09/2021