

STUDENT DISCIPLINE

Policy

CGSI-ACA-POL-021 | Version 3.2

CG Spectrum Institute Pty Ltd

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1.0 Purpose

This policy sets out how CG Spectrum Institute (CGSI) responds to an allegation of serious misconduct by a Student, the sanctions available where serious misconduct is substantiated, and the timeframes within which a disciplinary process is completed.

It promotes a culture of mutual respect within the CGSI community. It is not a substitute for support, and a disciplinary process does not displace CGSI's obligation to support the people affected by the conduct.

1.1 Commencement and effect

This policy takes effect on 26 August 2026, on approval by the Governing Body, and replaces version 3.0. The requirements set out in this policy apply from that date and are not deferred to 1 January 2027.

This policy carries the disciplinary limb of CGSI's response to Gender-based Violence and racism. It gives effect to Standard 5 of the National Higher Education Code to Prevent and Respond to Gender-based Violence 2025, which requires sanctions proportionate to the conduct substantiated, Procedural Fairness for a Respondent, and a disciplinary process capable of completion within the finalisation period set for a Formal Report. It also gives effect to the Higher Education Standards Framework Amendment (Threshold Standards) Instrument 2026, which applies to all registered higher education providers from 1 January 2027.

A disciplinary process arising from a Formal Report of Gender-based Violence is conducted under this policy and forms part of the 45 business day finalisation period at clause 7.11 of CGSI-ACA-POL-022. Where this policy is inconsistent with CGSI-ACA-POL-022 or the National Code, those instruments prevail.

2.0 Scope and Application

This policy applies to all Students of CGSI, and to conduct by a Student affecting any member of the CGSI community. It applies across every setting in which CGSI operates, including online delivery, one-to-one mentor sessions, critique and review sessions, Slack and other digital channels, industry events, work integrated learning placements, and on-site and hybrid delivery at the GameChanger Academy in Melbourne.

Consistently with the National Code, CGSI may take disciplinary action in relation to conduct by a Student regardless of where, or the context in which, the conduct occurred, including conduct occurring on a placement, at an industry event, online, or in a private setting, where it affects the safety, wellbeing or participation of a member of the CGSI community.

Allegations of misconduct by a Staff member are dealt with under the applicable employment arrangements and not under this policy. Where a matter involves both a Student and a Staff member, the two processes are run in parallel and coordinated by the Grievance Advisor and the Chief of Staff.

2.1 CGSI's context

CGSI is a small, non-university higher education provider. It delivers online, with hybrid delivery from the GameChanger Academy in Melbourne. It does not operate a campus and does not have a residential community. Its teaching workforce is a distributed network of industry mentors.

Where the Higher Education Standards Framework applies, this policy is implemented in a manner proportionate to CGSI's size, delivery model and resources. The National Code contains no exemption or reduced standard for a provider of CGSI's size. Proportionality affects how CGSI meets a requirement. It does not reduce the requirement, and it is not a ground for imposing a lesser sanction than the conduct warrants.

3.0 Definitions

Terms marked [NC] are defined in the National Higher Education Code to Prevent and Respond to Gender-based Violence 2025 and are reproduced without amendment. Where any definition in this or any other CGSI document is inconsistent with a definition marked [NC], the National Code definition prevails.

Term	Definition
Business day	A day that is not a Saturday, Sunday or public holiday in Victoria, Australia. All timeframes in this policy are calculated in Victorian business days.
Code of Conduct	The Student Code of Conduct and, where applicable, the Staff Code of Conduct.
Interim protective measures	Reasonable and proportionate precautionary steps applied before an outcome is determined, in order to protect the safety and wellbeing of those involved. They may include a no-contact direction, reassignment of a mentor, group or session, restricted access to facilities, systems or events, a temporary variation of study arrangements, or suspension of enrolment. Interim protective measures are not a sanction and do not imply that an allegation is substantiated.
Procedural Fairness [NC]	In a decision-making context, means the decision is made in accordance with the rule against bias and the hearing rule, so that a Respondent is given an opportunity to present their case with knowledge of any prejudicial material that may be taken into account by the decision-maker. Also known as natural justice.

Term	Definition
Respondent [NC]	A person whom it is alleged has engaged in conduct amounting to serious misconduct. In a matter involving Gender-based Violence, Respondent has the meaning given in CGSI-ACA-POL-022.
Sanction	A consequence imposed on a Student following a finding that serious misconduct has been substantiated. The available sanctions are listed at clause 5.9.
Serious misconduct	Conduct that poses a risk to the health, safety, security or wellbeing of a member of the CGSI community, or that breaches the Code of Conduct. It includes Gender-based Violence, sexual assault, sexual harassment and sexual misconduct; racism, racial discrimination, racial harassment and racial vilification; bullying, hazing, discrimination, harassment, victimisation and vilification; academic misconduct; and reprisal against a person who has made a report or participated in a process.
Staff [NC]	Has the same meaning as worker under the Model Work Health and Safety Act, and therefore includes employees, mentors, teaching assistants, contractors and volunteers, whether paid or unpaid.
Student	A prospective, current or former Student of CGSI.
Unsafe behaviour, and racism	Gender-based Violence and the other forms of unsafe behaviour are defined at section 3.0 of the Wellbeing and Safety in the Learning and Working Environment Policy and Procedure, CGSI-WHS-POL-002. Racism and its forms are defined at section 3.0 of the Diversity, Equity and Inclusion Policy, CGSI-ACA-POL-013. Those documents are the single source for those terms and they are not restated here.

4.0 Responsibilities

Academic Director, as decision-maker

Assesses whether there are reasonable grounds to proceed, notifies the Respondent, convenes and chairs the disciplinary hearing, determines whether serious misconduct is substantiated, and imposes any sanction other than expulsion or revocation of an award. Reports substantiated serious misconduct to the Higher Education Principal Executive Officer and, in de-identified form, to the Academic Board.

The Academic Director does not investigate a matter they will decide, and does not provide support to any party in that matter. Where the Academic Director has a conflict of interest, clause 5.3 applies.

Grievance Advisor

The Head of Student Engagement. Refers a substantiated or investigated matter to the Academic Director for a disciplinary process under CGSI-ACA-PRO-011, and coordinates the disciplinary limb with the support and response limbs. Does not sit as a decision-maker in a matter they referred to or in which they advised a party.

Student Success Coordinator

Provides support to a Student affected by the conduct, including a Discloser, throughout the disciplinary process. Does not investigate, does not decide, and does not provide support to the Respondent in the same matter.

Support person for the Respondent

A Staff member nominated by the Chief of Staff supports the Respondent through the disciplinary process. This must not be the same person supporting the affected party, in accordance with clause 5.8 of CGSI-WHS-POL-002.

Higher Education Principal Executive Officer

Imposes a sanction of expulsion, on the recommendation of the Academic Director. Must satisfy themselves that any extension of time is permitted only where required. Does not decide whether an appeal proceeds, and does not sit on the Student Appeals Committee.

Academic Board

Approves this policy. Determines any revocation of an award. Receives de-identified reporting on substantiated serious misconduct, sanctions imposed and timeframes met. A delegate of the Academic Board decides whether an appeal proceeds, and the Student Appeals Committee determines it, in accordance with CGSI-ACA-PRO-011.

Chief of Staff

Nominates the Staff member who supports the Respondent, and manages any employment aspect where a Staff member is also involved in the matter.

All Staff

Must report conduct that may amount to serious misconduct to the Grievance Advisor or the Student Success Coordinator. Must not investigate, must not determine whether an allegation has substance, and must not offer a guarantee of confidentiality.

5.0 Policy

5.1 Principles

1. CGSI maintains a high standard of health, safety, security and wellbeing for all members of its community, and takes action to protect it.
2. CGSI treats Gender-based Violence, sexual misconduct, racism, racial vilification and reprisal as serious misconduct, and responds promptly, fairly and consistently.
3. A disciplinary process determines whether conduct occurred and what consequence follows. It is not a means of resolving a dispute between two people, and it is not conditional on the affected person participating.
4. Intent is relevant to the sanction imposed. It is not relevant to whether the conduct occurred.
5. A sanction is imposed for the conduct substantiated, not for the process a Respondent chose to follow. A Respondent is not penalised for denying an allegation.
6. CGSI does not impose a sanction less than the conduct warrants because of the size of the Institute, the standing of the Respondent, or the commercial or reputational consequence of the sanction.

5.2 Procedural Fairness

CGSI provides Procedural Fairness to a Respondent in every disciplinary process. This requires that:

- the Respondent is informed in writing of the allegations and sufficient particulars to enable a response;
- the Respondent has a reasonable opportunity to be heard and to respond to any prejudicial material that may be taken into account;
- the decision-maker is free from bias and from any conflict of interest, and has not investigated the matter or supported a party in it;
- the decision is made on the evidence and on the balance of probabilities; and
- the decision, the reasons for it and any sanction are recorded and given to the Respondent in writing.

Procedural Fairness for the Respondent and a Person-centred, Trauma-informed response for a Discloser are both required. Neither is traded against the other.

5.3 Separation of roles and conflict of interest

The person who investigates a matter must not decide it. The person who supports a party must not decide the matter or sit on any panel determining it. The same Staff member must not support both the affected party and the Respondent.

Before a matter proceeds, CGSI checks whether any person proposed to investigate, support or decide it has a conflict of interest, including a mentoring, assessment, supervisory or personal relationship with a party. Where a conflict exists the function is reallocated. Where CGSI does not hold a suitable person free of conflict, it engages a suitably qualified person external to CGSI. Resource constraint is not a ground for departure from this clause.

5.4 Support, and the right to a support person

Both the affected party and the Respondent are offered support and referral to wellbeing services throughout, in accordance with the Student Welfare and Support Policy and the Wellbeing and Safety in the Learning and Working Environment Policy and Procedure. Support is offered to a Respondent without implying any view about whether an allegation is substantiated.

Every party may be accompanied and supported by a support person at any meeting, interview or hearing, and whenever they are asked about the matters that are the subject of the allegation. CGSI tells each party of this right at first contact.

A party may not be legally represented at a disciplinary hearing. A support person is not legal representation, and the exclusion of legal representation does not limit the right to a support person. A party may obtain independent legal advice at their own cost at any time.

5.5 Information sharing

CGSI treats information about a disciplinary matter as sensitive, and shares it only with those who need it to provide support, to assess and manage risk, to make a decision, or to meet a legal obligation.

CGSI does not direct any party to keep a matter confidential and does not promise absolute confidentiality. CGSI may share information without a party's consent where necessary to ensure the safety and wellbeing of Students or Staff, where required or authorised by law, or where necessary to meet CGSI's reporting obligations under the National Code. Where that occurs CGSI will, so far as practicable, tell the person first and explain what will be shared, with whom, and why.

Nothing in this policy prevents a person from sharing their own experience, or from contacting the police or an external body at any time.

5.6 Interim protective measures

CGSI may apply interim protective measures before an outcome is determined where necessary to protect the safety and wellbeing of any member of the CGSI community, or to enable a proper investigation. Measures are reasonable and proportionate, are explained in writing to the person affected, and are reviewed at least every 20 business days while they remain in place.

So far as practicable, interim protective measures do not place the burden of adjustment on the affected party. Where a measure necessarily affects the Respondent, that is explained to them and does not imply that the allegation is substantiated.

5.7 Assessment and referral

1. A matter reaches this policy by referral from the Grievance Advisor under CGSI-ACA-PRO-011, following a decision that the matter progress to a disciplinary process.
2. The Academic Director assesses whether there are reasonable grounds to proceed, and records the reasons for that decision.
3. Where there are reasonable grounds, the Academic Director notifies the Respondent in writing of the alleged breach and its particulars, the possible sanctions, their right to a support person, and the timeframes that apply.
4. The Respondent has 5 business days to respond in writing before a hearing is convened.
5. Where there are no reasonable grounds to proceed, the Academic Director records the reasons, notifies the Grievance Advisor, and the matter returns to CGSI-ACA-PRO-011 for management under another pathway. A decision not to proceed to a disciplinary process is a legitimate outcome and is recorded as such.

5.8 Disciplinary hearing

1. A hearing is convened where the alleged serious misconduct presents a risk to the health, safety, security or wellbeing of a member of the CGSI community, or where the possible sanction includes suspension, exclusion or expulsion.
2. The Respondent is given at least 10 business days written notice of the hearing, and is told who will decide the matter, what material will be considered, and that they may be accompanied by a support person.
3. The hearing is conducted in private. The Respondent may attend, may present their case, and may respond to the material considered.
4. An affected party is not required to attend a hearing or to be present with the Respondent at any point. Where their account is relevant, it may be given in writing, separately, or by another means that avoids direct contact.
5. The decision is made on the balance of probabilities, on the evidence, and is recorded with reasons.
6. CGSI does not require any party to provide physical evidence relating to an alleged incident.

5.9 Sanctions

Where serious misconduct is substantiated, a sanction is imposed that is proportionate to the conduct substantiated. Sanctions may include exclusion and expulsion. More than one sanction may be imposed.

In determining a sanction, the decision-maker considers the nature and severity of the conduct, its impact on the affected person, whether the conduct was repeated or occurred after a request to stop, any imbalance of power between the parties, whether the Respondent has previously been found to have engaged in similar conduct, whether the Respondent has accepted responsibility, the risk of further harm, and any mitigating circumstance.

Sanction	Notes
Formal warning or reprimand	Recorded on the Student record. Available for conduct at the lower end of severity, or a first substantiated matter
Required participation in education or counselling	Completion of a specified module, programme or session. Not available as the sole sanction for Gender-based Violence or serious racism
Conditions on enrolment or participation	Defined conditions for a defined period, with a stated consequence for non-compliance
No-contact direction	A direction not to contact or approach a named person, directly or through others, including online
Reassignment of mentor, group or session	Applied so that the burden of adjustment does not fall on the affected person
Restricted access	Restriction on access to specified facilities, systems, channels, events or industry activities
Removal from a work integrated learning placement or industry activity	With notification to the host where safety requires it
Withholding of results or an award	Pending compliance with a condition. Not available as a sanction in its own right
Suspension of enrolment	For a defined period, with stated conditions for return
Exclusion from a course	Permanent exclusion from a specified course of study
Expulsion from CGSI	Permanent termination of the relationship with CGSI
Revocation of an award	Where the award was obtained through serious misconduct. Referred to the Academic Board

A sanction of expulsion is imposed by the Higher Education Principal Executive Officer on the recommendation of the Academic Director. Revocation of an award is determined by the Academic Board. All other sanctions are imposed by the Academic Director.

Education or counselling is not available as the sole sanction for substantiated Gender-based Violence or serious racism. Withholding a result or an award is not available as a sanction in its own right, and may be applied only pending compliance with another sanction.

5.10 Notification of outcome

1. The Respondent is given written notice of the outcome, the reasons, any sanction imposed, and their right of appeal, within 2 business days of the decision.
2. Where the matter arose from a Disclosure or Formal Report of Gender-based Violence, and unless the Discloser requests otherwise, the Discloser is given written notice of the outcome, the reasons, any sanction imposed, and their rights to make an internal or external complaint including to the National Student Ombudsman. That notice is given on the same day as the Respondent is notified.
3. Where an interim protective measure is varied or lifted as a result of the outcome, both parties are told before the change takes effect.
4. Where an appeal is lodged by a Respondent, the Discloser is notified in writing within 2 business days, in accordance with CGSI-ACA-PRO-011.

5.11 Appeals

A Student may appeal a decision made under this policy within 10 business days of the written outcome. An appeal is made and determined in accordance with CGSI-ACA-POL-022 and CGSI-ACA-PRO-011, and is designed to be finalised within 20 business days of lodgement.

The decision on whether an appeal proceeds is made by a delegate of the Academic Board. It is not made by the Academic Director, the Higher Education Principal Executive Officer, or any person who decided the matter at first instance. Where an appeal is against a decision to terminate enrolment, the enrolment is maintained until the appeal is resolved.

5.12 Concurrent criminal proceedings

CGSI's disciplinary process is separate from, and not contingent on, any criminal process. A finding is made on the balance of probabilities and does not require a criminal conviction.

Where a matter becomes the subject of a police investigation or criminal proceeding, CGSI may pause its disciplinary process where continuing it would prejudice that process. Any pause is recorded with reasons, is reviewed at least every 20 business days, and is notified to both parties with an explanation.

A pause does not suspend interim protective measures, the provision of support, risk assessment or safety planning, all of which continue. Where the safety and wellbeing of Students or Staff requires it, CGSI will act notwithstanding a criminal process, and will not delay a safety decision pending a criminal outcome.

5.13 Protection from reprisal

No person will be disadvantaged in their study, assessment, progression or standing because they reported serious misconduct, provided information, supported another person to do so, or participated in a process under this policy. Reprisal is itself serious misconduct and may result in a sanction.

5.14 Records and reporting

1. A record of the allegation, the process, the decision, the reasons and any sanction is retained on the Student record.
2. Matters involving Gender-based Violence, racism, sexual misconduct and other unsafe behaviour are recorded on the Critical Incidents Register, with the data set required by Standard 6 of the National Code, including the type of outcome, the sanction imposed, and the time taken to resolve the matter.
3. De-identified data on substantiated serious misconduct, sanctions imposed and timeframes met is reported to the Academic Board and the Finance and Risk Committee at least every six months.
4. Records are retained for not less than five years from the conclusion of the matter, or for such longer period as CGSI's records retention requirements provide.

6.0 Timeframes

All timeframes are expressed in business days, being days that are not a Saturday, Sunday or public holiday in Victoria, Australia.

Where a disciplinary process arises from a Formal Report of Gender-based Violence, the whole disciplinary process sits inside the 45 business day finalisation period for that Formal Report. An extension is permitted only where required in the particular context, and the Higher Education Principal Executive Officer must satisfy themselves that this is so and record the reason.

Step	Timeframe
Assessment of whether there are reasonable grounds to proceed	5 business days of referral
Written notification of the alleged breach to the Respondent	2 business days of that assessment
Respondent's written response to the allegation	5 business days of notification
Notice of a disciplinary hearing to the Respondent	At least 10 business days before the hearing
Disciplinary hearing held	Within 20 business days of referral
Decision made following the hearing	5 business days of the hearing
Written outcome, with reasons, to the Respondent	2 business days of the decision
Written outcome to a Discloser, where clause 5.10 applies	Same day as the Respondent
Whole disciplinary process, from referral to written outcome	25 business days
Lodgement of an appeal	10 business days of the written outcome
Finalisation of an appeal	20 business days of lodgement

7.0 Review, Consultation and Publication

This policy is reviewed at least every three years, and earlier where a regulatory change, a change in CGSI's delivery model, or a pattern identified through the reporting at clause 5.14 indicates that review is required.

Review occurs through engagement with Students, Staff, people with lived experience of a disciplinary process at CGSI, and groups disproportionately affected by Gender-based Violence and racism. Consultation is conducted at a scale proportionate to CGSI's size, delivery model and resources. The obligation to consult is not reduced by CGSI's size. The method by which CGSI consults is.

This policy is published on the CGSI website. It is drafted in plain English and is able to be translated. Its classification is Public.

8.0 Related Documents

- Student Discipline Procedure, CGSI-ACA-PRO-010
- Student Grievance, Complaints and Appeals Policy, CGSI-ACA-POL-022, and Procedure, CGSI-ACA-PRO-011
- Wellbeing and Safety in the Learning and Working Environment Policy and Procedure, CGSI-WHS-POL-002
- Diversity, Equity and Inclusion Policy, CGSI-ACA-POL-013
- Student Welfare and Support Policy, CGSI-ACA-POL-027, and Procedure, CGSI-ACA-PRO-015
- Students at Risk Policy and Procedure, CGSI-ACA-POL-028
- First Nations Policy, CGSI-ACA-POL-017
- Academic Integrity Policy and Procedure, CGSI-ACA-POL-002
- Student Progression, Exclusion and Graduation Policy and Procedure, CGSI-ACA-POL-023
- Student and Staff Codes of Conduct
- Conflict of Interest Policy, and CGSI-GOV-REG-005
- Student Records Management Policy, CGSI-ACA-POL-024, and Privacy Policy, CGSI-CMP-POL-001
- Critical Incident Policy and Procedure, and the Critical Incidents Register
- National Higher Education Code to Prevent and Respond to Gender-based Violence 2025
- Higher Education Standards Framework (Threshold Standards) 2021, as amended by the Amendment (Threshold Standards) Instrument 2026

Version Control

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The full version history for this document, including change notes, approving body and effective date for each version, is recorded in the Policy, Procedure and Forms Register, CGSI-GOV-REG-004.