

# Misconduct - Student Academic Misconduct Policy

(1) Any allegation of misconduct made under this policy before 1 January 2016 will continue to be dealt with in accordance with the policy, to the conclusion of any appeal. From 1 January 2016, allegations of misconduct are to be made, investigated and determined in accordance with the Student Misconduct Rule.

## Section 1 - Purpose and Context

(2) This Policy defines the actions that constitute academic misconduct by students and describes the University's processes for investigating and hearing allegations of academic misconduct. It also describes the penalties that will apply, where allegations are proven.

(3) The Policy is a key component of the university's approach to Ethical Scholarship, which is student focussed and aims to integrate all areas of the student experience that impinge on ethical scholarship. They include the educational aspects of studying ethically, learning the ethical requirements of the professions that students aim to enter, as well as understanding the policies that govern ethical behaviour.

(4) The Policy applies to all University undergraduate and postgraduate students who are enrolled in coursework units of the University, including students who are attending partner institutions overseas. Particular procedures in this policy may be modified by Academic Senate, to reflect the staffing, resources and structure of any offshore organisation where a course of the University is being offered.

(5) Where allegations of academic misconduct arise in relation to significant research components of undergraduate honours or postgraduate coursework programs, they will also be dealt with under this policy. Academic misconduct that occurs in higher-degree research programs will be considered under the [Misconduct - Higher Degree Research Candidate Misconduct in Research Policy](#).

(6) The Policy only applies to alleged or proven academic misconduct, as defined in the Policy. Other types of misconduct or misbehaviour will be dealt with by the University in accordance with the [Misconduct - Student Non-Academic Misconduct Policy](#).

## Section 2 - Definitions

### What is Student Academic Misconduct?

(7) Student academic misconduct is one or more of the following.

#### Plagiarism

(8) Plagiarism occurs in a student's work when he or she submits work in which ideas, words or other work are taken from a source (for example, a web-site or computer program, another student's essay or presentation, a book or journal article, a lecture, a performance piece or other presentation) and presented as if they are the student's own, without appropriate acknowledgement of the original author. In this definition of plagiarism, it is the act of presenting material as one's own without appropriate acknowledgement that constitutes plagiarism, not the intention of the student when doing so. 'Appropriate acknowledgement' is defined as the conventions of citation recognised as

acceptable to the University. [[Referencing Styles Policy](#)].

## **Cheating**

(9) Cheating in assessment tasks (including examinations, assignments, practicals and tests) includes, but is not limited to:

- a. communicating in an examination, or other test, with other candidates, or bringing into the examination room any textbook, notebook, memorandum, other written material or mechanical device or any other item not authorised by the person who set the examination or the Examinations Supervisor in Charge or other supervisor of a test;
- b. using an electronic device (including mobile phones) contrary to the directions of the Examinations Supervisor in Charge and contrary to the Exam rules [Information on Academic Registrar's web page];
- c. writing an examination answer, or consulting any person or materials, for an examination answer, outside the confines of the examination room, without permission to do so;
- d. attempting to read other students' work in an examination, or, in other circumstances, without their permission;
- e. where individual work is required, making available notes, papers or answers related to the content of an examination or assignment (in whatever form) to others, without the permission of the Teacher of the Unit;
- f. where individual work is required, receiving answers, notes or papers related to the content of an examination or assignment (in whatever form) from another student, or another source, without the permission of the Teacher of the Unit; and
- g. not following the directions of the Examinations Supervisor in Charge including seating location and movement about the examination room.

## **Collusion**

(10) Collusion is when two or more students, or a student and any other person(s), act together to cheat, plagiarise or engage in academic misconduct, or incite others to do so.

## **Any Other Academic Misconduct**

(11) Other academic misconduct includes, but is not limited to:

- a. tampering, or attempting to tamper, with examination scripts, class work, grades or class records;
- b. failing to abide by directions of a member of academic staff regarding individual responsibility for the submission of assessable work, including that for any group work submitted;
- c. acquiring, or attempting to acquire, possessing, or distributing examination materials or information without the approval of the Teacher of the Unit;
- d. impersonating another student, or arranging for anyone to impersonate a student, in an examination or other assessment task;
- e. falsifying or fabricating clinical, practical or laboratory reports;
- f. altering group assessment work that has been agreed as final by all participating students prior to submission without the collaborating students' consent; and
- g. use of taped, recorded or videotaped lectures, tutorials or other classes in a way that infringes another person's privacy or intellectual property rights - for example, by publishing or distributing a recording without permission from the Teacher of the Unit.

## **Minor and Substantial Misconduct**

(12) The terms 'minor misconduct' and 'substantial misconduct' in the Policy indicate the University's view of the gravity of the impact of the alleged breach of the Policy. University staff applying this Policy will determine what

constitutes minor or substantial misconduct, according to the following definitions.

- a. 'Minor misconduct' is behaviour that is judged by the University to be a minimal threat to the integrity of assessment processes in the unit of study or to be the result of the student's lack of understanding of appropriate referencing or other academic conventions required by the relevant school for the field of study, or both.
- b. 'Substantial misconduct' is behaviour that is judged by the University to be either a significant threat to the integrity of the University's assessment processes or behaviour where the student's level of experience might reasonably be interpreted as evidence that the student was aware that the behaviour was not in keeping with standards or practices related to ethical scholarship, or both.
- c. The following instances of alleged misconduct will always be treated as 'substantial misconduct':
  - i. once a student has been found to have committed minor or substantial misconduct, any subsequent allegation, unless the student is still in their first session of study and that is judged by the University to be a mitigating factor;
  - ii. all allegations of misconduct in examinations; and
  - iii. all allegations of collusion, provided students have been given clear instructions about the nature and extent of collaboration that is permissible in group work (see further, under 'Policy Statement', below).

## **Relevant Officers and Committees**

### **Teacher of the Unit**

(13) In this Policy, the 'Teacher of the Unit' is the member of academic staff responsible for marking an item of assessment, or conducting a class or examination, in which a student is alleged to have committed misconduct.

### **Unit Coordinator**

(14) In this Policy, the 'Unit Coordinator' is the person delegated by the relevant Dean to fill this role, for the unit in which the allegation of misconduct arises.

### **Examinations Supervisor in Charge**

(15) In this Policy, the 'Examinations Supervisor in Charge' is the person appointed by the University to supervise the conduct of the examination in which the allegation of misconduct arises. In the case of an examination supervised by a school, the 'Examinations Supervisor in Charge' might be the Teacher of the Unit.

### **Dean**

(16) In this Policy, the relevant 'Dean' is the Dean or Acting Dean of the School (or the Deputy Dean or a Director, Academic Program (DAP also includes eDAP), who has been formally delegated by the Dean to perform the functions of a Dean in this Policy) responsible for teaching the unit of study in which academic misconduct is alleged to have occurred.

### **School Academic Committee**

(17) In this Policy, the relevant School Academic Committee is the committee for the school responsible for teaching the unit of study in which academic misconduct is alleged to have occurred.

### **Student Academic Misconduct Committee**

(18) In this Policy, the Student Academic Misconduct Committee carries out any roles that were formerly undertaken by College Academic Standards and Integrity Committees in relation to this Policy (up to the approval of the current version of this Policy).

(19) An Associate Pro Vice-Chancellor (Education) or nominee will chair the Committee. Normally this will be the Associate Pro Vice-Chancellor (Education) who works most closely with the school from which the allegation of academic misconduct or appeal originates.

(20) The Chair will select three other appropriately qualified persons to serve on the Committee for consideration of the case or appeal. These persons will be members of a School Academic Committee, as appropriate for the case or appeal to be considered.

(21) Staff members who have participated in the assessment of a student's case or appeal, before the matter has come to the Student Academic Misconduct Committee, will be ineligible to sit as members of the Committee convened to hear a case or appeal from that student.

(22) Each time the Committee is convened there will be at least one member of each gender.

(23) A quorum of the Committee will be three members, two of whom must be academic staff.

### **Appointed Nominee**

(24) In this Policy, an 'Appointed Nominee' is a person delegated, in writing, to perform a role prescribed in this Policy on a regular basis, in place of:

- a. the relevant 'Teacher of the Unit' (in instances where the Teacher of the Unit is on leave or no longer employed by the University);
- b. the relevant 'Unit Coordinator';
- c. provided the 'nominee' is Deputy Dean or Director, Academic Program (DAP - also known as an eDAP), the relevant 'Dean'; or
- d. the relevant Chair of a Student Academic Misconduct Committee. [For the process for appointing of nominees, see 'Delegation of Responsibility' in Section 5 - Guidelines, below.]

## **Section 3 - Policy Statement**

(25) The University is committed to academic integrity, honesty and the promotion of ethical scholarship. It expects students to respect these values and to learn and observe the accepted academic referencing and other academic requirements of their field/s of study.

(26) Actions by students such as plagiarism, cheating and collusion (see Definitions above) are not permitted. These actions will be treated by the University as academic misconduct and will be penalised.

(27) Schools will make information about proper referencing and other academic requirements available to students, in Learning Guides and other teaching materials. This will include clear instructions about the nature and extent of collaboration that is permissible in group work.

(28) All investigations of alleged academic misconduct by students are to be conducted with close regard for procedural fairness. The processes prescribed in this Policy for the hearing of allegations provide students with opportunities to respond to allegations and, on specified grounds, to appeal disciplinary decisions.

(29) All meetings to hear allegations of academic misconduct will be conducted with the principal object of impartially and fairly investigating the facts surrounding the allegation. Proceedings will be formal, but will not be adversarial. A student invited to attend such meetings to respond to an allegation may be assisted by a fellow enrolled student, a member of the University's staff, such as one of their teachers or a Student Welfare Officer, or an officer of a University student association. The support person may provide the student with advice, but may not act as an advocate, nor make direct comment in the meeting, unless given permission to do so by the convenor of the meeting.

(30) In some cases an allegation of academic misconduct may arise from a student's ignorance or misunderstanding of appropriate referencing or other academic requirements. Teaching staff should have the opportunity to determine whether this has been the case, and to advise the student accordingly. Allegations of academic misconduct by students must, therefore, be thoroughly investigated in the relevant school, in the first instance.

(31) The appropriate Unit Coordinator or Dean may, in circumstances defined in this Policy, dismiss an allegation, or counsel, warn or discipline a student. Wherever a student's ignorance or misunderstanding of academic requirements can be demonstrated through careful investigation and use of evidence, the Unit Coordinator or Dean will ensure that he or she receives academic advice, whether or not a penalty for academic misconduct is imposed.

(32) The Dean, in consultation with the Chair of the School Academic Committee (SAC), or, if the Dean is the Chair, another member of the Executive Committee of the SAC, may determine that a student who has committed academic misconduct as a result of ignorance or misunderstanding will not have an offence noted on the relevant TRIM Academic Misconduct file on the first occasion of such an offence within a school.

(33) In determining that academic misconduct has occurred, it is not necessary to show that a student has achieved an improper academic advantage. Some acts of plagiarism or collusion might not actually confer an academic advantage. For example, plagiarising an essay that does not address the question that has been asked, leading to a mark of zero, does not confer any academic advantage, but is still academic misconduct.

(34) In circumstances where it is not possible or appropriate for an allegation to be resolved at school level, the allegation will be referred by the Dean to the relevant Student Academic Misconduct Committee.

(35) In determining a penalty for proven academic misconduct, the University will take into account the following:

- a. whether the misconduct is minor or substantial misconduct;
- b. whether the student has been able to demonstrate that there were any mitigating circumstances; and
- c. whether the student has a record of previous, proven misconduct.

## **Section 4 - Procedures**

### **Part A - Processes for Investigating and Hearing Allegations of Misconduct**

(36) Investigations and hearings of allegations of academic misconduct by students, or of appeals by students, will be conducted in accordance with the following summary of processes and in as non-adversarial a manner as possible. The summary is to be read and implemented in conjunction with Section 5 - Guidelines, of this Policy, and with documents, for the guidance of students and staff that will be attached, from time to time, to this Policy, as 'Associated Information'.

#### **Initial Investigation and Later (Potential) Stages to Student Academic Misconduct Committee Level**

##### **Reporting Suspected Academic Misconduct**

(37) Where the Teacher of the Unit or the Examinations Supervisor in Charge (via a report from the Assessment and Graduation Manager or other school supervisor, if appropriate), or any other person, has reason to believe that a student has engaged in academic misconduct, he or she must provide to the relevant Unit Coordinator (or other person delegated by the Dean, where the Teacher of the Unit is the Unit Coordinator) a signed or emailed report, setting out information and any evidence relating to the suspected academic misconduct. Copies of relevant original documents must be forwarded immediately, or be kept securely, for later reference if required.

## **Investigation by Unit Coordinator (or Appointed Nominee) and Teacher of the Unit (or Appointed Nominee)**

(38) Within five working days of receiving a report of alleged student academic misconduct (except for alleged academic misconduct during an examination), the Unit Coordinator will send a copy of it to his or her Dean and advise the Dean that the Coordinator is investigating the allegation. This ensures that the University meets its requirements for proper record-keeping and compliance with anti-corruption legislation.

(39) Within five working days of receiving a report of alleged student academic misconduct during an examination, the Unit Coordinator will refer the allegation to the Dean.

(40) Within ten working days of receiving an allegation (other than of academic misconduct during an examination), the Unit Coordinator will:

- a. confer with the Teacher of the Unit, to decide whether the allegation requires further investigation, making whatever enquiries he or she considers necessary;
- b. if the Unit Coordinator and the Teacher of the Unit decide that the allegation requires further investigation, invite the student in writing, by express post and email (sent to the student's contact address held by the University), to a meeting, to investigate the matter further and advise the student that they may be assisted at the meeting by a fellow enrolled student, a member of the University's staff (such as one of their teachers or a Student Welfare Officer) or an officer of a University student association;
- c. schedule the meeting as soon as practicable after eight working days, or more, from the date of despatch of the invitation, but no later than 15 working days after the date of despatch;
- d. enclose with the notification a copy of all documentation related to the allegation that will be considered at the meeting with the Unit Coordinator; and
- e. arrange for at least two members of the University academic staff to be present at the meeting (normally the Unit Coordinator and the Teacher of the Unit, provided the Teacher is not also the Unit Coordinator, but, in some cases, it will be possible and appropriate for the relevant Academic Course Advisor or Director, Academic Program to be present).

(41) Within seven working days of the date the invitation was despatched, the student must respond to the invitation, advising whether he or she will attend the meeting. Failure to do so will mean that a determination about the allegation will be made in the student's absence.

(42) Following the meeting, or its scheduled date if the student does not attend, the Unit Coordinator, in consultation with the Teacher of the Unit, will determine an appropriate course of action from among the following options:

- a. if the Unit Coordinator decides the allegation is not substantiated, the Unit Coordinator will dismiss the allegation and will not impose a penalty for misconduct;
- b. if the Unit Coordinator and the Teacher of the Unit decide that misconduct has occurred, but that it is minor misconduct, the Unit Coordinator will decide on one of the following courses of action, or a combination of them:
  - i. arrange for appropriate academic counselling of the student;
  - ii. require the student to re-submit an item of work in which misconduct has been detected, after he or she has edited or totally re-written it, as appropriate, so that it meets the required academic referencing and other conventions and standards (the Unit Coordinator may specify a maximum mark or grade that can be awarded for this re-submitted work - for example, 50% or 'Satisfactory' or 'Unsatisfactory');
  - iii. require the student to submit a replacement for any relevant assessment task, with a requirement that the student must satisfactorily achieve the outcomes for the assessment task (the Unit Coordinator may specify a maximum mark or grade that can be awarded for this replacement task - for example, 50% or

'Satisfactory' or 'Unsatisfactory'); or

- iv. downgrade the mark for a relevant assessment task, in consultation with the Teacher of the Unit (this mark may be zero); and
- c. if the Unit Coordinator judges that the alleged misconduct is substantial, as defined in the Policy (including a second or later case of minor misconduct or any case of collusion), he or she will refer the allegation of academic misconduct to the relevant Dean for further investigation and decision.

(43) The Unit Coordinator and Teacher of the Unit may make a recommendation to the Dean to exercise his or her discretion to waive a record of academic misconduct for the student. The Dean may, in consultation with the Chair of the School Academic Committee (SAC), or, if the Dean is the Chair, another member of the Executive Committee of the SAC, waive the record for the first incident within the school, but must give reasons for this decision to the SAC and retain student details in the event of any further incident until graduation.

(44) Within five working days after the date that had been scheduled for the meeting (whether or not the student has attended), the Unit Coordinator will advise the student in writing, by express post and email (sent to the student's contact address held by the University), of the decision, giving reasons for the decision. If the decision is that misconduct has occurred, the Unit Coordinator will also advise the student of his or her right of appeal in accordance with the 'Appeals' provisions of this Policy, below. A copy of this letter will also be sent to the Dean to indicate the outcome of the investigation.

### **Consideration by the Dean (or Appointed Nominee)**

(45) Within ten working days of receiving a formal allegation that a student is suspected of substantial academic misconduct, the Dean will:

- a. notify the student in writing, by express post and email (sent to the student's contact address held by the University), of the misconduct alleged;
- b. invite the student to respond to the allegation, in person, at a meeting with the Dean, which will be held as soon as practicable after eight working days, but no later than 15 working days from the date of despatch of the invitation;
- c. inform the student that, at the meeting, the Dean will seek information from the Unit Coordinator, that a representative of the Academic Registrar will attend to advise on procedural fairness and that the student may be accompanied by a fellow student, a member of the University's staff (such as one of their teachers or a Student Welfare Officer), or an officer of a University student association; and
- d. enclose with the notification a copy of all documentation related to the allegation that will be considered by the Dean.

(46) Within seven working days of the date on the invitation, the student must respond to the invitation, advising whether he or she will attend the meeting. Failure to do so will mean that a determination about the allegation will be made in the student's absence.

### **Meeting with the Dean**

(47) At the commencement of the meeting, the Dean must outline the allegation against the student and the purpose of the meeting. The Dean must invite the student to respond to the allegation and to inform the Dean whether the student agrees that the allegation is correct and, if so, whether the student wishes any mitigating circumstances to be considered.

(48) At the end of the meeting, the Dean must inform the student that the student may then confirm that the allegation is correct and that he or she is therefore prepared to accept the determination of the Dean. If the student says he or she is not prepared to accept the Dean's determination, the Dean will advise the student of his or her right

of appeal in accordance with 'Appeals' provisions of this Policy.

### **Following the Meeting**

(49) If the Dean decides, after meeting with the student, that the allegation is not substantiated, the Dean will dismiss the allegation, impose no penalty and advise the student in writing of the decision, by express post and email.

(50) If the Dean decides, after meeting with the student, that the allegation is substantiated, the Dean will decide whether the misconduct is minor or substantial, as defined in this Policy. The Dean will also consider whether there are any mitigating circumstances and note whether the student has been found to have engaged in any other incidents of academic misconduct.

### **Actions and Penalties available to the Dean**

(51) Within five working days of the meeting, (whether or not the student attends), the Dean will then determine an appropriate course of action from among the following options, 'a.' to 'h.', or any appropriate combination of them, or proceed as provided for in sub-section 'i.', below, and advise the student in writing, by express post and email (sent to the student's contact address held by the University), giving reasons for the decision:

- a. arrange for appropriate academic counselling of the student;
- b. reprimand the student;
- c. require the student to meet with and apologise formally to any relevant party(ies);
- d. require the student to re-submit an item of work in which misconduct has been detected, after he or she has edited or totally re-written it, as appropriate, so that it meets the required academic referencing and other conventions and standards (the Dean may specify a maximum mark or grade that can be awarded for this re-submitted work - for example, 50% or 'Satisfactory' or 'Unsatisfactory'); this mark may be zero;
- e. require the student to submit a replacement for any relevant assessment task, with a requirement that the student must satisfactorily achieve the outcomes for the assessment task. The Dean may specify a maximum mark or grade that can be awarded for this replacement task (for example, 50% or 'Satisfactory' or 'Unsatisfactory'); this mark may be zero;
- f. downgrade the mark for a relevant assessment task, in consultation with the Unit Coordinator; this mark may be zero;
- g. where misconduct has been detected in an examination, require the student to sit for a relevant replacement examination (to be organised by the school). The Dean may specify a maximum mark or grade that can be awarded for this replacement task; this mark may be set at zero;
- h. downgrade a final grade or impose a grade of fail in a relevant unit; or
- i. if the Dean decides the alleged misconduct is so substantial and serious that in his or her view it warrants more severe penalties, than those available at the school level, including suspension or exclusion from the University, refer the allegation to the relevant Student Academic Misconduct Committee.

(52) In advising the student of the decision, the Dean must also advise the student of his or her right of appeal in accordance with the 'Appeals' provisions in this Policy, below.

### **Referral to the Student Academic Misconduct Committee**

(53) If the Dean has decided the alleged misconduct is so substantial and serious that it warrants more severe penalties than those available at the School level, including suspension or exclusion from the University, the Dean will, no later than five working days after the meeting scheduled with the student, refer the allegation of misconduct to the Student Academic Misconduct Committee by writing to the Company Secretary, Entities and Associate Director Secretariat who will forward the reference to the Executive Officer for the Student Academic Misconduct Committee.



## **Consideration by the Student Academic Misconduct Committee**

(54) When an allegation of student academic misconduct is referred to the Student Academic Misconduct Committee, the Chair of the Committee will, within ten working days of receiving the allegation:

- a. notify the student in writing, by express post and email (sent to the student's contact address held by the University), of the misconduct alleged;
- b. invite the student to respond to the allegation in writing, by express post or email, and/or in person at a meeting of the Committee, to be held for the purposes of investigating the alleged misconduct and making appropriate decisions;
- c. enclose with the notification a copy of all documentation related to the allegation that will be considered by the Committee;
- d. advise the student he or she may be assisted at the meeting by a fellow enrolled student, a member of the University's staff (such as one of their teachers or a Student Welfare Officer), or an officer of a University student association; and
- e. advise the student that he/she must respond, in writing, to the invitation to attend the meeting within seven working days of the date on the notification.

(55) The Committee will meet as soon as is practicable after eight, but no later than 15, working days from the date of despatch of the notification and invitation.

(56) While the matter is being investigated, and until the matter is determined, the student may continue to attend classes and submit work for assessment.

(57) A student who wishes to attend the Student Academic Misconduct Committee hearing must confirm his or her attendance, in writing, within seven working days of the notification. If a student does not attend the hearing, it will be held in his or her absence. Any written response to the allegation from the student will be taken into account at the hearing.

## **Meeting of the Student Academic Misconduct Committee - First Stage**

(58) Early in the first part of the meeting, the Chair of the Student Academic Misconduct Committee will:

- a. present to all attending (including the student, if he or she is attending) details of the allegation;
- b. invite the student to respond to the allegation; and
- c. ask officers of the University, or others invited to present evidence, to provide the Committee with relevant facts and information. (To ensure procedural fairness, no new evidence should be introduced, but officers of the University may explain and clarify the documentation that was supplied to the student).

## **Meeting of the Student Academic Misconduct Committee - Second Stage**

(59) In the second part of the meeting, after everyone except Committee members and the Secretary have left, the Committee will consider all written and oral information presented to it and arrive at a recommendation.

(60) If the Committee decides that an allegation referred to the Committee by the Dean is not substantiated, it will recommend that the allegation be dismissed.

## **Actions and Penalties Available to the Student Academic Misconduct Committee**

(61) If the Committee decides that an allegation referred to the Committee by the Dean is substantiated, the Committee will recommend an appropriate course of action from among the following options, or any appropriate combination of them:

- a. the actions and penalties that were available to the Dean (refer to the section, above, headed 'Actions and Penalties Available to the Dean');
- b. deny the student access to specified University facilities for a specified period;
- c. suspend the student for a period of time no less than six months, but no greater than 12 months;
- d. exclude the student for a period of time no less than 12 months, but no greater than 24 months, noting that the student would need to apply for re-admission to the University following expiration of this period and would be subject to entry criteria and advanced standing policies at the time of that application [refer to the [Admissions Policy](#), the [Enrolment Policy](#) and the [Advanced Standing Policy](#)]; or
- e. expel the student permanently.

(62) If the Committee's recommendation is that a student be suspended or excluded, and if that recommendation is ratified by the Pro Vice-Chancellor (Education), as provided below, the University will not count for credit towards any course of the University any study undertaken at another tertiary institution during the period of suspension or exclusion.

### **Following the Meeting of the Student Academic Misconduct Committee**

(63) The Chair of the Student Academic Misconduct Committee will, within five working days from the date of the conclusion of the meeting to hear the allegation or the student's appeal against a penalty, forward the Committee's recommendation to the Pro Vice-Chancellor (Education), or, where the recommendation is that the student be expelled from the University, to the Vice-Chancellor and President, who will make a decision.

(64) The Pro Vice-Chancellor (Education), or the Vice-Chancellor and President, will, within five working days of receiving the Committee's recommendation, advise the Academic Registrar of the decision of the Student Academic Misconduct Committee. The Academic Registrar will, within five working days of receiving the decision, advise the student, via express post and email, of the decision, of any penalty to be imposed, and of the student's right of appeal to the Senate Academic Appeals and Integrity Committee, within the time specified in the section of this Policy, below, headed, 'Appeals'.

## **Part B - Appeals**

### **Appeals against Determinations made in relation to Academic Misconduct by the Unit Coordinator**

(65) A student found by a Unit Coordinator to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to the Dean.

(66) The student must ensure that any appeal, together with supporting evidence, is received by the Dean, within 15 working days from the date of the letter advising of the Unit Coordinator's decision.

### **Grounds for Appeal**

(67) An appeal can only be made on one or more of the following grounds, which must be addressed in the appeal letter:

- a. that the student considers there is evidence that a determination made by a Unit Coordinator was made in breach of procedural fairness;
- b. that the student does not agree that the allegation is correct;
- c. that the student considers that there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Unit Coordinator; and
- d. that the student considers that the penalty imposed by the Unit Coordinator was too severe.

(68) The Dean may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

### **Hearing of an Appeal**

(69) If the Dean judges that there appear to be valid grounds for an appeal, the Dean will arrange a meeting to hear the appeal. The meeting will be held no later than 20 working days from the date on which the appeal is received and the student will be given no less than seven working days notice of the meeting.

(70) The Dean will advise the student, by express post and email (sent to the student's contact address held by the University), of the date, time and place of the meeting, send him or her copies of all papers to be considered at the meeting and invite the student to attend, to present a case in person. The Dean will also inform the student that a representative of the Academic Registrar will attend to advise on procedural fairness and that the student may be assisted at the meeting by a fellow enrolled student, a member of the University's staff (such as one of their teachers or a Student Welfare Officer), or an officer of a University student association.

(71) In hearing an appeal, the Dean will investigate any procedural irregularities referred to in the student's letter of appeal and the evidence on which the determination was made by the Unit Coordinator. After such a hearing the Dean will:

- a. allow the appeal, if the Dean considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or that a penalty should be varied, in the light of demonstrated procedural irregularities or the available evidence;
- b. dismiss the appeal, if the Dean considers that the decision and/or the penalty should not be set aside or varied;  
or
- c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, as in sub section a. of this clause, subject to the following conditions:
  - i. that, if the appeal is made on procedural grounds, the Dean may not impose a more severe penalty than that originally imposed; and
  - ii. that, if the appeal is made on the basis of new evidence now available, the Dean will determine an appropriate course of action from among those that are available to the Dean, as provided above.

### **Following the Meeting with the Dean**

(72) The Dean will, within five working days of the conclusion of the meeting to hear the appeal, advise the student in writing, by letter and email (sent to the student's contact address held by the University), of the outcome of the appeal.

### **Appeals against Determinations made in relation to Academic Misconduct by the Dean**

(73) A student found by a Dean to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to the Chair of the Student Academic Misconduct Committee by writing to the Company Secretary, Entities and Associate Director Secretariat.

(74) The student must ensure that any appeal, together with supporting evidence, is received by the Chair within 15 working days from the date of the letter advising of the Dean's decision.

### **Grounds for Appeal**

(75) An appeal can only be made on one or more of the following grounds, which must be addressed in the appeal letter:

- a. that the student considers there is evidence that a determination made by the Dean was made in breach of procedural fairness;
- b. that the student considers there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Dean; and
- c. the student considers that the penalty imposed by the Dean was too severe.

(76) The Chair may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

### **Hearing of an Appeal**

(77) If the Chair judges that there appear to be valid grounds for an appeal, the Chair will arrange a meeting of the Student Academic Misconduct Committee, to hear the appeal. The meeting will be held no later than 20 working days from the date on which the appeal is received and the student will be given no less than seven working days notice of the meeting.

(78) The Chair will advise the student and members of the Committee, in writing, of the date, time and place of the meeting, send them copies of all papers to be considered at the meeting and invite the student to attend, to present a case in person. The Chair will also inform the student that he or she may be assisted at the meeting by a fellow enrolled student, a member of the University's staff (such as one of their teachers or a Student Welfare Officer), or an officer of a University student association.

(79) Any member of staff who has previously heard the allegation against a student is ineligible to sit as a member of the Student Academic Misconduct Committee, to hear that student's appeal.

### **Meeting of the Student Academic Misconduct Committee**

(80) In hearing an appeal, the Committee will investigate any procedural irregularities referred to in the student's letter of appeal and/ or consider any new evidence not available at previous meetings. After such a hearing the Committee will:

- a. allow the appeal, if it considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or a penalty be varied, in the light of demonstrated procedural irregularities or new evidence;
- b. dismiss the appeal, if it considers that the decision and/or the penalty should not be set aside or varied; or
- c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, as in sub section a. of this clause, subject to the following conditions:
  - i. that, if the appeal is made on procedural grounds, the Committee may not impose a more severe penalty than that originally imposed; and
  - ii. that, if the appeal is made on the basis of new evidence, the Committee will determine an appropriate course of action from among those that are available to Committee (refer to the section above, heading, 'Actions and Penalties Available to the Student Academic Misconduct Committee').

### **Following the Meeting of the Student Academic Misconduct Committee**

(81) The Chair of the Student Academic Misconduct Committee will, within five working days of the conclusion of the meeting to hear the appeal, forward the recommendation to the Pro Vice-Chancellor (Education), or, where the recommendation is that the student be expelled from the University, to the Vice-Chancellor and President, who will make the decision.

(82) The Pro Vice-Chancellor (Education), or the Vice-Chancellor and President, will, within five working days of receiving the Committee's recommendation, advise the Academic Registrar of the outcome of the appeal.

(83) The Academic Registrar will, within no more than five working days of receiving the decision, inform the student of it and give reasons for the decision, via express post and email (sent to the student's contact address held by the University).

(84) The determination of the Pro Vice-Chancellor (Education) or Vice-Chancellor and President is conclusive.

## **Appeals against Determinations made in relation to Academic Misconduct by the Student Academic Misconduct Committee**

### **Right to Appeal**

(85) A student found by the Student Academic Misconduct Committee to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to the Senate Academic Appeals and Integrity Committee.

(86) A student must ensure that any appeal, together with supporting evidence, is received by the Executive Officer of the Senate Academic Appeals and Integrity Committee, within 15 working days of the date of the letter advising of the Student Academic Misconduct Committee's decision (or within 20 working days, if the student is an overseas national, holding a visa for study in Australia, and if he or she has been failed in a unit, suspended or excluded).

### **Grounds for Appeal**

(87) An appeal can only be made on one or both of the following grounds, which must be addressed in the appeal letter:

- a. that the student considers there is evidence that a determination made by a Student Academic Misconduct Committee was made in breach of procedural fairness; and
- b. that the student considers there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Student Academic Misconduct Committee.

(88) The Chair or, in the Chair's absence, the Deputy Chair, Academic Senate, may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

### **Hearing of an Appeal**

(89) If the Chair judges that there appear to be valid grounds for an appeal, the Executive Officer to the Senate Academic Appeals and Integrity Committee will arrange a meeting of the Committee, to hear the appeal. The meeting will be held no later than 20 working days from the date on which the appeal is received and the student will be given no less than seven working days' notice of the meeting.

(90) The Executive Officer will advise the student and members of the Committee, in writing, of the date, time and place of the meeting, send them copies of all papers to be considered at the meeting and invite the student to attend, to present a case in person. The Executive Officer will also inform the student that he or she may be assisted at the meeting by a fellow enrolled student, a member of the University's staff (such as one of their teachers or a Student Welfare Officer), or an officer of a University student association.

(91) The membership of the Senate Academic Appeals and Integrity Committee will be constituted in accordance with the membership specified in the University's [Academic Senate Standing Committees web page](#).

(92) Members of the Student Academic Misconduct Committee that heard the allegation against a student, and other persons who have participated in adjudication of the student's case, are ineligible to sit as members of the Senate Academic Appeals and Integrity Committee, to hear that student's appeal.

(93) A quorum of the Senate Academic Appeals and Integrity Committee is three members, one of whom must be the

Chair or Deputy Chair, Academic Senate, and one of whom must be another member of academic staff.

### **Meeting of the Senate Academic Appeals and Integrity Committee**

(94) In hearing an appeal, the Committee will investigate any procedural irregularities referred to in the student's letter of appeal and/ or consider any new evidence not available at previous meetings. After such a hearing the Committee will:

- a. allow the appeal, if it considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or that a penalty should be varied, in the light of demonstrated procedural irregularities or new evidence;
- b. dismiss the appeal, if it considers that the decision and/or the penalty should not be set aside or varied; or
- c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, as in sub section a. of this clause, subject to the following conditions:
  - i. if the appeal is made on procedural grounds, the Committee may not impose a more severe penalty than that originally imposed; and
  - ii. if the appeal is made on the basis of new evidence now available, the Committee will determine an appropriate course of action from among those that were available to the Student Academic Misconduct Committee.

### **Following the Meeting of the Senate Academic Appeals and Integrity Committee**

(95) The Chair of the Senate Academic Appeals and Integrity Committee will, within five working days of the conclusion of the meeting to hear the appeal, forward the recommendation to the Pro Vice-Chancellor (Education), or, where the recommendation is that the student be expelled from the University, to the Vice-Chancellor and President, who will make the decision.

(96) The Pro Vice-Chancellor (Education), or the Vice-Chancellor and President, will, within five working days of receiving the Committee's recommendation, advise the Academic Registrar of the outcome of the appeal.

(97) The Academic Registrar will, within no more than five working days of receiving the decision, inform the student of it and give reasons for the decision, via express post and email.

(98) The determination of the Pro Vice-Chancellor (Education) or Vice-Chancellor and President is conclusive.

## **Section 5 - Guidelines**

(99) The following clauses outline the general procedural principles that the University will apply at all stages of the processes described in Section 4 of the Policy. Students and staff who require more specific information about their rights, roles and responsibilities in the investigation and hearing of allegations of student academic misconduct should refer to the documents for the guidance of students and staff that will be attached, from time to time, to this Policy, as 'Associated Information'.

### **Advice to Students about an Allegation**

(100) Wherever further investigation of an allegation is required under the provisions of this Policy, the Unit Coordinator, Dean or Chair of the a Student Academic Misconduct Committee, as appropriate, must, by sending a letter by express post and email (sent to the student's contact address held by the University):

- a. notify the student who is the subject of the allegation of what they are alleged to have done;
- b. giving appropriate notice, invite the student to attend a meeting, as appropriate in accordance with Section 4 of

this Policy, in order for him or her to respond to the allegation;

- c. advise the student of the time and date of the meeting (which must be between eight and fifteen working days from the date of advice to the student);
- d. provide the student with copies of all relevant documentation, including evidence for the allegation, to be considered at the meeting, and invite him or her to respond to the allegation in writing also, if he or she wishes, prior to the meeting; and advise the student that he or she may be assisted at the meeting by a fellow enrolled student, a member of the University's staff, such as a Student Welfare Officer, or an officer of a University student association, who may provide the student with advice, but may not act as an advocate, nor make direct comment in the meeting, unless given permission to do so by the convenor of the meeting.

(101) The student must also be advised (i) that it is in the student's interests to attend any meeting held in accordance with this Policy, because otherwise a decision, which may include the imposition of a penalty, will be taken in his or her absence, and (ii) that at any such meeting, the student may be assisted by a fellow enrolled student, a member of the University's staff (such as a teacher or a Student Welfare Officer), or an officer of a University student association.

### **Standard of Proof**

(102) Hearings of allegations under this Policy are not legal proceedings. Officers of the University who conduct the hearings will, therefore, consider evidence, to the best of their abilities, in order to determine the facts on the basis of the balance of probabilities, rather than on the basis of a more strict legal standard of proof.

### **Availability of Evidence**

(103) Information supplied as evidence relating to an allegation of academic misconduct against a student will be made available to the student, who will normally be informed of its source. In exceptional cases, the University Officer in charge of an investigation or hearing of a student academic misconduct matter may determine that the identity of the person providing the information may need to remain confidential or that proceedings be conducted with appropriate safeguards for his or her privacy and safety.

### **Variations to Timeframes**

(104) While allegations of academic misconduct will be considered by the University as promptly as possible, the timeframes contained in the policy are indicative and may be affected by a number of factors, including availability of committee members and the need for University officers, or the student who is the subject of an allegation, to obtain additional evidence or specialist advice. In such exceptional circumstances, the timeframes prescribed in the policy may be varied, with the approval of the Academic Registrar.

(105) All timelines and other requirements of Commonwealth legislation regarding overseas nationals who hold visas for study in Australia must be observed. (Refer to documents for the guidance of students and staff that will be attached, from time to time, to this Policy, as 'Associated Information').

### **Advice of Decisions to Relevant Academic Staff**

(106) All members of academic staff and members of any academic committee who have made a determination in accordance with this Policy are entitled to be informed, in confidence and in writing, of any subsequent decision on appeal that confirms or varies the determination and are entitled to be provided with a brief statement of reasons for the decision. Similarly, any member of academic staff who has referred an allegation of misconduct to another person or academic committee, for determination in accordance with this Policy, is entitled to be informed, in confidence and in writing, of any decision made in response to the referral, and is entitled to be provided with a brief statement of reasons for the decision. All such decisions confirming or varying a previous determination, or responding to a referral, must be communicated to the Dean of the School (unless taken by him or herself) in which the relevant allegation

arose and/or to the Chair of any committee which has reached any earlier determination in the matter. The Dean and/or the Chair of the committee will ensure that any relevant staff member and relevant committee members are informed of the relevant decision, including any taken by the Dean him or herself.

### **Delegation of responsibility**

(107) Proceedings outlined in this Policy will be conducted, or coordinated, by the persons holding the positions specified in the Policy. Where, because of unforeseeable circumstances or for serious logistical reasons or unit organisational requirements, alternative arrangements need to be made, a nominee may be appointed and officially recorded in writing. The appointment shall be made as follows:

- a. in place of a Teacher of the Unit, by the relevant Dean;
- b. in place of a Unit Coordinator, by the relevant Dean;
- c. in place of a Dean, by the Chair, Academic Senate;
- d. in place of a chair of a Student Academic Misconduct Committee, by the Chair, Academic Senate, in consultation with the relevant Dean.

(108) Whenever a nominee is so appointed, the appointing officer will ensure that the nominee is either already experienced in the role and in the operation of this Policy, or that he or she receives appropriate advice and/or training for the role.

### **Recording of all Misconduct Allegations and Proceedings**

(109) At every stage of the above processes for consideration of an allegation of academic misconduct, the relevant Unit Coordinator, Dean, Chair of the Student Academic Misconduct Committee or Senate Academic Appeals and Integrity Committee must ensure that all proceedings and associated papers are formally recorded in an appropriate academic misconduct 'meeting' file, in TRIM. In addition, the relevant administrative officer must ensure that a record of the decision under the Policy, in the form of a 'summary record,' is placed as a 'Student document - academic misconduct' document type in the student's electronic file, in TRIM. [Refer to the document, '[Guidelines for Recording Student Academic Misconduct in TRIM](#),' attached to this Policy as 'Associated Information'.]



## Status and Details

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