

Institution	Universal Higher Education (UHE)
Policy name	Academic Misconduct Policy
Policy Governance	Academic Board

1. Introduction

Managing student and institutional expectations is important in student learning and engagement. Raising awareness about institutional expectations in relation to academic conduct and standard expected is critical in the early years of study. This policy sets out the principles and procedures for dealing with academic misconduct in relation to students enrolled in undergraduate and postgraduate courses. The policy recognises that the seriousness of academic misconduct varies and sets out the approach to dealing with academic misconduct depending on the seriousness of the conduct.

2. Policy principles

Students must conduct themselves in a manner consistent with the standards of behaviour set out in the UHE Student Code of Conduct and other related policies. These standards of behaviour promote the good order and management of UHE, and academic integrity. Failure by a student to meet these standards of behaviour is dealt with as misconduct and the student may be subject to disciplinary action. Disciplinary action for misconduct will be taken by UHE under this policy in accordance with the following principles:

- misconduct procedures should be fair and just, and consistent with the requirements of natural justice
- penalties imposed for substantiated misconduct should be appropriate, proportionate and consistent
- decision-making on misconduct should be delegated to appropriate levels of responsibility within the UHE, and the Appeals committee to consider student misconduct should include student representation.

The procedures for the management of student misconduct set out in this policy will apply to any current or former student of UHE in relation to their conduct whilst an enrolled student.

3. Definitions

UHE defines student misconduct as coming within one of the following categories:

- academic misconduct
- breaches of policy on acceptable use of information technology resources
- non-academic misconduct

Minor misconduct refers to behaviour which breaches the standards of conduct set out in the Student Code of Conduct, but where the extent, seriousness or impact of the breach is not substantial.

4. Responsibilities for student misconduct

Responsibility for considering cases of alleged student misconduct and for determining whether misconduct is substantiated is delegated as follows.

Type of misconduct	Minor misconduct	Major misconduct
Academic misconduct	Program coordinator / Invigilator (for misconduct in relation to examinations)	Appeals Committee
Acceptable use breach	Information Technology Manager	Appeals Committee
Non-academic (general) misconduct	Registrar	Appeals Committee

The officer responsible for dealing with minor cases in each category also has a general responsibility for promoting compliance with relevant behavioural standards and for initiating processes for detection of breaches relevant to their area of responsibility, and will be the primary contact to receive information or a report on alleged misconduct in that category.

Major allegations of misconduct are dealt with by a appeals committee constituted in accordance with terms of reference approved by UHE. Appeals committee membership takes account of relevant expertise and includes student representation.

5. Detection and reporting

Reports of alleged misconduct may come from a number of sources. Any person having relevant information about suspected misconduct may report it to the officer designated. Additionally, UHE will undertake routine checks on compliance in some areas, for instance, by review of logs of IT activity or by utilising plagiarism detection tools. If a person is uncertain as to the appropriate officer to whom suspected misconduct should be reported, then the report may be provided to the Registrar, who will ensure that the report is referred to the appropriate officer.

Upon receipt of a report, the responsible officer should consider the following matters (in consultation with other senior officers as appropriate):

- whether the allegation(s) should be dealt with as minor misconduct or not
- whether the circumstances warrant the imposition of an interim suspension by the Registrar
- whether the student may have breached criminal laws and whether the conduct should be reported to the police or other law enforcement agencies by the Registrar in accordance with established protocols.

If it is determined that the matter should be dealt with under procedures for major misconduct, then a report of alleged misconduct, including all relevant documents and evidence, should be made by the responsible officer to the Appeals committee.

6. Management of minor misconduct

Regardless of the category of misconduct, minor instances of misconduct by a student should be dealt with promptly and informally. The approach to managing misconduct at this level should be educative, raising a student's awareness of relevant behavioural standards or expectations, and without the imposition of any penalty specified in this policy.

Management of minor misconduct involves the following steps:

- examination of documentation or evidence relevant to an allegation of minor misconduct
- interviewing the student concerned or otherwise informing the student of the manner in which their behaviour appears to have fallen below the required standards
- counselling the student about the standards to be met and, if applicable, outlining any available support mechanisms which may assist the student to meet those standards in the future.

In appropriate cases (particularly cases of non-academic misconduct), minor instances of misconduct may result in the responsible officer issuing a warning or, in appropriate cases, issuing directions to the student, in order to prevent occurrences of misconduct in the future or to remedy the minor breach. Records must be kept on how minor misconduct has been managed, in particular, any written warning or instructions given to the student to guide future behaviour.

7. Dealing with allegations of major misconduct

Because significant cases of misconduct may, if substantiated, result in the imposition of a penalty upon the student, the procedures to be followed must be consistent and fair. All of the following steps must be undertaken in relation to misconduct which is alleged to have occurred whilst a person is a student at UHE.

(a) Allegation notice

Allegations of misconduct must be put to the student in writing. To ensure receipt by the student, the allegation notice must be posted to the student's current postal address in the student management system, and a copy forwarded to the student's email address registered by UHE for student communications. A notice must contain the following information to assist the student to understand the nature of the allegation(s), the process for dealing with the allegation(s), and the student's rights:

- the particulars or evidence of the incident or conduct giving rise to the allegation(s)
- the date, time and place set for a meeting at which the allegation(s) of misconduct will be considered by the Appeals committee responsible for dealing with misconduct
- any person proposed to be interviewed by the Appeals committee at the meeting
- the student's right to respond to the allegation(s) by, if the student elects, attending the meeting, and in any case, by providing written submissions on the allegation(s) or the type of penalty which could be imposed if an allegation is substantiated
- the student's right to arrange for the attendance of a person with relevant information to be interviewed by the Appeals committee at the meeting
- the consequences of non-attendance or of failing to provide written submissions, including the powers of the Appeals committee to determine an allegation and impose a penalty on the student

The chair of the Appeals committee which deals with significant cases of misconduct in the relevant category is responsible for ensuring that an allegation notice in this form is sent to the student. Copies of all documents or written evidence to be taken into consideration by the Appeals committee should be provided to the student at the same time as the allegation notice is sent.

(b) Time for meeting

The Appeals committee meeting at which the allegation(s) will be considered must be held no less than 15 working days and not more than 20 working days after the date upon which the allegation notice was sent to the student.

(c) Meeting procedures

If a student is not present at the meeting within 15 minutes of the starting time for the meeting, the Appeals committee may proceed to determine the matter without further recourse to the student, though the Appeals committee must take into account any written submissions provided by the student prior to the meeting date and time.

If the student is present, the student must be given the opportunity to ask questions of any person interviewed by the committee and may present any facts, evidence, documents or oral submissions relevant to the allegation(s). The student may be accompanied to the meeting by a support person. A representative may attend the meeting in the student's place. However, neither the student nor UHE is entitled to have a legal representative (being a person who has been admitted as a legal practitioner in any Australian jurisdiction) present during the meeting.

A support person or representative must not be another student involved in or associated with the student's case.

A report of discussion and the findings of the Appeals committee on the student's case must be prepared.

(d) Findings of misconduct

The Appeals committee must determine whether misconduct is substantiated to the committee's reasonable satisfaction. The Appeals committee is not bound by the formal rules of evidence or other legal technicalities, but must make a finding based on logical, credible and relevant evidence. The Appeals committee must produce a report of its findings which is made routinely available to the student at the time that the student is notified in writing of the outcome by the Registrar.

(e) Recommendation on penalty

It is the role of the Appeals committee to make a recommendation on penalty to the Registrar.

The recommendation regarding penalty should take account of:

- the seriousness and impact of the misconduct
- any mitigating circumstances
- the relevance of any proposed penalty to the nature of the misconduct
- penalties applied in similar substantiated cases
- whether the student has a history of prior substantiated cases of misconduct
- the imposition and duration of any interim suspension.

If the student attends the Appeals committee meeting, the committee should invite submissions from the student on any circumstances relevant to the penalty to be applied, including those noted above.

Penalties for significant misconduct are imposed upon students by the Registrar.

8. Penalties

The following penalties, either individually or in combination may be imposed for substantiated student misconduct:

(a) suspension of the student for a specified period and/or subject to specified conditions, from any or all of the following:

- entering the campus
- using UHE's information technology resources
- attendance at classes

(b) allocation of a failing grade of 1 in a unit or units

(c) reduction of the student's mark in an assessment item, including reduction of the mark to zero

(d) cancellation of advanced standing or credit gained towards an award course

(e) withholding of results for a specified period and/or subject to specified conditions

(f) imposition of a period of provisional enrolment (a period of enrolment subject to specified conditions)

(g) exclusion from enrolment for a specified period and/or subject to specified conditions

9. Interim suspension

An interim suspension may be imposed upon a student in circumstances where the alleged misconduct raises a concern that there are serious risks associated with the student's continuing presence at UHE campus or the student's continuing use of the UHE's information technology resources.

The Registrar may impose an interim suspension on a student, but only if the Registrar believes that this is reasonably necessary to avert a serious and urgent risk of any of the following:

- (a) physical or psychological harm to a person
- (b) damage to UHE building or facility
- (c) the student continuing to act in a manner which may amount to misconduct.

The interim suspension will continue until a decision is made on the alleged misconduct including any relevant penalty to be imposed, or until the risk has passed. The Registrar will notify the student and the Appeals committee of the interim suspension imposed. The Registrar must consider whether the interim suspension should remain in force if submissions are received from the student about the imposition or duration of the interim suspension.

10. Recordkeeping and reporting

Records must be maintained for minor and major cases of misconduct.

Records of minor breaches must be maintained in the student management system. For major cases of misconduct and appeals, records must be maintained in the corporate records system of all stages of the process and of any evidence, supporting documentation and correspondence. Records must be kept even where allegations are not substantiated. The Registrar's office is responsible for all recording keeping.

A report on student misconduct management, at a summary level, is prepared and presented to UHE Academic Board.

11. Review

The Academic Misconduct Policy will be reviewed every three years, or more frequently as appropriate.