

# Student Coursework Academic Misconduct Procedures

## Section 1 - Overviews

(1) These procedures outline the implementation of the [Student Coursework Academic Misconduct Rule](#) ("the Rule") and must be read in conjunction with that Rule.

## Section 2 - Scope

(2) These procedures apply to:

(3) a. Students enrolled in coursework programs and coursework units at the University, including higher degree by research Students, non-award Students, Students enrolled cross-institutionally, former Students; and

b. University Representatives.

(4) Exceptions are Students enrolled in the Joint Medical Program (JMP) for whom the JMP Student Academic Misconduct Rule applies.

## Section 3 - Procedures

### General

(5) Investigations and appeals shall be conducted as lay proceedings and not in the adversarial manner of a court of law. The burden of proof shall be the balance of probability and not proof beyond reasonable doubt.

(6) Actions under the Rule and these Procedures may proceed, unless prevented by court order, irrespective of any action involving the Student in any court, commission or tribunal, and irrespective of external investigation of the matters.

(7) Where a complaint of Academic Misconduct has been reported that involves more than one Student, the steps required by this Procedure must be undertaken separately in relation to each Student involved.

(8) All notices sent to a Student shall be sent to the Student's University email address and shall be deemed to have been received by the Student.

(9) University Representatives are entitled to be accompanied by an independent member of the University community (who shall not have right of audience) at any relevant meetings or Interviews with a Student.

(10) The Manager, International Services & Compliance, must be notified of a penalty applied, and at all levels of an appeal, regarding a Student visa holder where one of the outcomes can be the termination of the Student's enrolment.

## **Penalties**

(11) The penalties listed in the Rule may be imposed on a Student who is found to have committed Academic Misconduct.

### **Investigation and Imposition of Penalties**

(12) The following University Representatives are authorised to act as Investigating Officers to investigate and impose penalties for Academic Misconduct:

- a. Head of School (or nominee)
- b. Pro Vice-Chancellor (Academic) (or nominee)

(13) If the Head of School or Pro Vice-Chancellor (Academic) appoints a nominee, in general, the nominee will be a professional member of staff above HE07 or an academic member of staff above Level B.

(14) The Head of School (or nominee) is authorised to impose penalties under clauses 11a-f of the Rule and recommend to the Pro Vice-Chancellor penalties under clauses g-j of the Rule.

(15) The Pro Vice-Chancellor (Academic) (or nominee) is authorised to impose all penalties under clauses 11g-j of the Rule excepting that the penalty of Expulsion requires the ratification of the Vice-Chancellor (or nominee) and the penalty of Revocation of Award requires the approval of the University Council on the recommendation of the Vice-Chancellor (or nominee).

(16) When deciding a penalty consideration should be given to:

- a. the year or level of study of the Student including prior experience of higher education study;
- b. the nature and extent of the conduct (how extensive was the intention to deceive);
- c. any previous offences of a similar nature and the penalties imposed; and
- d. the Student's cooperation with an investigation and any acknowledgement (at the first reasonable opportunity) of a breach of the Rule.

(17) It is recognised that Students enrolled for the first time at University in their first trimester of study at UNE may not be completely familiar with the University requirements and responsibilities of a Student concerning Academic Integrity. In those cases the University aims to offer, in the first instance, support and advice, and penalties at the lower end of the scale will usually be imposed for a first incident (i.e. no higher than clause 11e of the Rule). However, if the circumstances merit it, a more severe penalty may be imposed.

### **Excluded or Expelled Students**

(18) A Student who is Expelled from the University must not be re-enrolled except by permission of the Vice-Chancellor, whose permission will not be given within the first five years.

(19) A Student who is Excluded or Expelled from the University before a Statutory Census Date shall have all enrolled units cancelled.

(20) A Student who is Excluded or Expelled from the University after a Statutory Census Date shall have a WUN recorded for all units in which they are enrolled that trimester and all other pre-census units cancelled.

(21) A Student Excluded or Expelled after a Statutory Census Date shall not be entitled to remission of HECS-HELP, FEE-HELP, OS-HELP or refund of any fees including any Residential College fees that remain outstanding under a payment plan. All unpaid fines or other debts shall be managed under the relevant University policies including encumbrances and/or referral to debt collection agencies.

(22) A Student who is Excluded or Expelled in accordance with the Rule and these Procedures shall have all positions they may occupy on University and/or Residential College committees and/or boards cancelled.

### **Academic Record**

(23) Penalties of Exclusion or Expulsion or Revocation of Award and the grade of WUN shall be recorded on a Student's Academic Record (Transcript).

## **Investigation and Determination of a Complaint**

### **Investigation**

(24) Where an incident of plagiarism is suspected, the Unit Coordinator will conduct an initial investigation to determine if the case has no merit or should be escalated to the Head of School or nominee (Investigating Officer) for investigation (go to clause 24). Where it is suspected that a submitted assessment task, or part thereof, has not been written by the Student the Unit Coordinator may ask the Investigating Officer to arrange an examination on the relevant topic as part of the process of determination of authorship. The examination may be a supervised written and/or viva voce (oral) examination. Participants in the viva voce examination should include:

- (25) a. the Investigating Officer (Chair);
- b. the Student under investigation;
- c. an optional Support Person, nominated by the Student, who shall not have the right of audience;
- d. the Unit Coordinator or other member of the discipline as nominated by the Head of School (or nominee).

(26) A case of Academic Misconduct must be reported in writing to the Head of School or nominee (Investigating Officer) and include details of the alleged incident, supporting evidence and the Rule that the Student may have breached. The report must be made within five working days of the alleged incident occurring or being identified. Anonymous complaints will not be accepted for investigation.

(27) After receiving the complaint the Investigating Officer, at their discretion, taking into consideration the preliminary report, may find that further investigation and/or action under the Rule and these Procedures is not warranted. In this instance the Investigating Officer should advise the complainant of the details and reason/s for their decision.

(28) If the Investigating Officer decides that the case has merit they should commence the formal investigation within ten working days of receipt of the written complaint. The Investigating Officer should contact the Records Management Office so that an Academic Misconduct file can be created.

(29) The Student will be notified, in writing (Template A1), by the Investigating Officer of:

- (30) a. the details of the complaint and copies of all related documents and evidence;
- b. the relevant clauses of the Rule that may have been breached and a hyperlink to the Rule and Procedures;
- c. the name of the Investigating Officer;
- d. an opportunity to attend an Interview, in person or remotely, with the Investigating Officer;
- e. the proposed time, date and place of the Interview (normally held no later than ten working days from the date of notification);
- f. the right to be accompanied by a Support Person, who shall not have the right of audience;

- g. the right to provide a written submission including any evidence in rebuttal or defence (as an alternative to an Interview);
- h. the date any written submission is due, which must be no later than ten working days from the date of notification; and
- i. information about Student support services.

(31) Interviews:

- (32) a. must be conducted in a location that is quiet, non-threatening and discreet. The interviewer must explain the process to be followed and then invite the Student to speak; and
- b. must be conducted by the Investigating Officer with questions and answers, including by witnesses (if any) provided through the Investigating Officer. The Student is not allowed to cross-examine any witnesses; and
- c. written notes of the Interview must be kept and a copy given to the Student, alternatively, the Interview may be recorded if all parties agree and a copy of the recording given to the Student as soon as possible.

## **Determination**

(33) A Student who does not attend an Interview and/or viva voce examination and/or attend a supervised written examination and/or provide a written submission without reasonable explanation by the deadline given in the notice, shall be deemed not to have defended the complaint and to have accepted that the Investigating Officer will proceed to determine the case in the absence of the Student. Late responses shall be handled automatically as an appeal and not a reopening of an original investigation.

(34) The Investigating Officer will determine, on the basis of facts and documentation relevant to the complaint, whether the Student has engaged in:

- (35) a. no impropriety; or
- b. Academic Misconduct.

(36) If the Investigating Officer determines that the Student has not engaged in any impropriety they will refer the case back to the complainant with details and reason/s for their decision.

(37) Within ten working days of the University receipt of the Student's written response and/or the Interview, the Investigating Officer will notify the Student, in writing (Template A2) of:

- (38) a. the details and reason/s for the decision;
- b. the penalty (if any); and
- c. the process of appeal (if relevant).

(39) Where it is not possible to provide the Student with a decision within the ten working days as required under clause 32, an explanation for the delay should be provided within the same period.

## **Appeals**

### **Authorised Appeal Officers**

(40) The following are authorised to uphold appeals or vary penalties:

(41) a. Pro Vice-Chancellor (Academic) (or nominee) for penalties imposed under clauses 11a-f of the Rule. At the Pro

Vice-Chancellor (Academic) discretion, these cases may be referred to the Student Conduct Appeals Committee for determination; otherwise the decision of the Pro Vice-Chancellor (Academic) is final and there is no further avenue of appeal within the University.

b. The Student Conduct Appeals Committee (Committee) for penalties imposed under clauses 11g-11j of the Rule. The decision of the Student Conduct Appeals Committee is final (excepting the Vice-Chancellor's ratification of Expulsion and Revocation of Award) and there is no further avenue of appeal within the University.

(42) An Appeal Officer must not have been involved in the initial investigation or determination of the case.

### **Lodging an Appeal**

(43) An appeal must:

(44) a. be submitted to the appropriate Appeal Officer, in writing, within ten working days of the notification of the imposition of a penalty; or

b. be submitted within twenty working days of the notification of the imposition of a penalty if the appeal relates to Exclusion or Expulsion; and

c. present a case (with evidence to support their appeal) that demonstrates how the original investigation did not conform to the Rule and/or these Procedures and/or that the evidence did not support the original decision.

(45) The University will acknowledge receipt of an appeal, in writing, within three working days.

(46) Late appeals may be accepted at the discretion of the Appeal Officer or Committee Chair and must be supported with a case and evidence why the appeal could not be submitted within the deadline.

(47) For appeals against Exclusion or Expulsion, the University must maintain the Student's enrolment until the appeal is concluded.

### **Investigation and Determination of an Appeal**

(48) Appeals review the record of the initial investigation and its supporting documents for one or more of the following purposes:

(49) a. to decide whether the initial investigation was conducted in conformity with the Rule and these Procedures; and

b. to decide whether the original decision was based on evidence that establishes Academic Misconduct.

(50) The Appeal Officer or Committee Chair may determine that the appeal should not be accepted because it is frivolous, vexatious or is not on the grounds as set out in clause 36c. If the Appeal Officer or Committee Chair decides that the appeal should be dismissed, the appellant will be informed of the details and reasons for the decision and all avenues of appeal within the University will then be exhausted.

(51) Where the Appeal Officer or Committee Chair determines that the original investigation did not conform with the Rule and/or these Procedures, or that the evidence and findings of fact did not support the original decision, they may, at their discretion, refer the case back to the initial Investigating Officer with appropriate advice. A new penalty applied under these circumstances may be appealed in accordance with these Procedures.

(52) Previously unconsidered evidence will be accepted only at the discretion of the Appeal Officer or the Committee Chair. New evidence should not be accepted unless it can be demonstrated that it was not available at the original investigation.

(53) If the Appeal Officer or Committee Chair is satisfied that the original Interview did not have any evident flaws, and that the appeal can be adequately determined in the absence of the Student, they may decide, at their discretion, that there is no need to re-interview the Student. If the Appeal Officer or Committee Chair decides to conduct an Interview, the Student will be notified in writing (Template A3) of:

- a. the time, date and place for the Interview (normally held no later than ten working days of the University receipt of the appeal);
- b. the right to be accompanied by a Support Person, who shall not have the right of audience; and
- c. the right to provide a written submission as an alternative to an Interview (which must be received not later than one working day prior to the day of the Interview).

(54) Interviews shall:

- a. be conducted separately or collectively at the Appeal Officer's or Committee Chair's discretion when involving more than one accused Student;
- b. admit any other person only at the Appeal Officer's or Committee Chair's discretion, except in respect of the Support Person entitled to be present under clause 44b;
- c. grant the Student access to relevant records, exhibits and written statements; and
- d. produce a written record of the Interview, alternatively, the Interview may be recorded if all parties agree - the record of the Interview will be the property of the University.

(55) A Student who does not attend an Interview or make a written submission without reasonable explanation by the deadline given in the notice shall be deemed not to want to support their appeal and the Appeal Officer or Committee will proceed to determine the case in the absence of the Student.

(56) A late written submission may be accepted at the discretion of the Appeal Officer or Committee Chair and must be supported with a case and evidence why the written submission could not be submitted within the deadline.

(57) Where the Appeal Officer or Committee determines that the penalty was inappropriate or inconsistent with precedents, the penalty may be changed (after consultation with the Investigating Officer), provided that the new penalty is not higher than the original penalty.

(58) Within ten working days of the University's receipt of the Student's appeal or written submission or holding of the Interview, the Appeal Officer or the Committee Chair will notify the Student, in writing, (Template A4 or A5) of:

(59) a. the details and reason/s for the decision;

b. the penalty (if any);

c. their right to lodge an administrative review application with the NSW Ombudsman; and

d. the University's intention to notify the Department of Immigration and Border Protection (DIBP), in accordance with clauses 53-54, if they are a Student visa holder and the decision is to terminate their enrolment.

(60) Where it is not possible to respond to the Student within the ten working days an explanation for the delay should be provided within the same period.

(61) If the appeal process results in a decision that supports the Student, the University will immediately implement any decision and/or corrective or preventative actions required and advise the Student of the outcome.

(62) The University is not required to maintain a Student's enrolment beyond the appeal process under these procedures for penalties involving Exclusion or Expulsion unless they are a Student visa holder (in accordance with the

[ESOS Act 2000](#)).

(63) A Student visa holder seeking an external administrative review, after exhausting the internal appeals process, must apply to the NSW Ombudsman:

(64) a. within twenty working days of receiving the notification from the University of the outcome of their appeal; and  
b. immediately submit to the University evidence of the external review application (the unique identifying number of the external review will be required for verification purposes) to [appeals@une.edu.au](mailto:appeals@une.edu.au)

(65) If the Student visa holder does not inform the University that they have lodged an application with the NSW Ombudsman in accordance with clause 53b, the University will take the requisite action, that is, apply the penalty and report the Student to the Department of Immigration and Border Protection (DIBP).

(66) A Student visa holder may access and receive the outcome of only one external review process before the University may report the Student (if the outcome supports the University's decision) to DIBP.

## **Student Conduct Appeals Committee**

### **Membership**

(67) The Student Conduct Appeals Committee is appointed for two years by the Vice-Chancellor and comprises:

- a. Chair of Academic Board or nominee (Committee Chair);
- b. a professional staff member (HEO7 or higher) appointed by the Vice-Chancellor (or nominee);
- c. three members of the full-time Academic staff (Level C or higher) each from a different School, at least one of whom is a Head of School;
- d. a member of the local community (who shall not be a current or former University Representative); and
- e. Director of Residential System or Head of a Residential College.

(68) The office of the Chief Legal & Governance Officer will provide secretarial support.

(69) At least one member of the Committee must have legal qualifications.

(70) In the event that a member of the Student Conduct Appeals Committee has been involved in the initial investigation or determination of the case, the Committee Chair will co-opt one of the alternate members for the appeal.

### **Quorum**

(71) The quorum for a Student Conduct Appeals Committee shall be four members (or their alternates).

### **Constitution**

(72) The Committee may be constituted with an even number of members, in which case the Chair will have the determinative and casting vote.

### **Alternates**

(73) There shall be two alternates for each member of the Student Conduct Appeals Committee.

## **Ratification of Expulsion or Revocation of Award**

(74) Once the appeal process is exhausted, or the period for receiving an appeal has expired, the penalty of Expulsion and Revocation of Award must be ratified by the Vice-Chancellor (or nominee). The Appeal Officer or Committee Chair

will forward a report ([Template A6](#)) and all associated documents to the Vice-Chancellor who will review the case but not receive representations when making a decision. The Vice-Chancellor has authority to uphold the penalty, or refer the penalty to the Student Conduct Appeals Committee for reconsideration as appropriate. If the Vice-Chancellor ratifies a Student's Expulsion they will notify the Appeal Officer or Committee Chair to take the requisite action.

(75) The major penalty of Revocation of Award shall only be imposed with approval of the University Council on the recommendation of the Vice-Chancellor (or nominee).

## **Annual Reporting**

(76) The Records Management Office will provide an annual report to the Pro Vice-Chancellor (Academic) that will include a summary of the category of Academic Misconduct cases by School, the number of cases, course level (i.e. undergraduate or postgraduate), the penalties imposed and the final decision maker in each instance, and any other information as requested by the Pro Vice-Chancellor (Academic). These reports must ensure that parties involved cannot be identified. The Pro Vice-Chancellor (Academic) will submit the report to the Academic Board for noting.

## **Records Management**

(77) Records of any action or decision made under these Procedures including records of meetings, discussions and Interviews must be stored on an appropriate, confidential University file. The file must be created by the Records Management Office's and stored in line with University policy.

(78) No records of any Academic Misconduct complaint or proceedings brought against a Student will be included on the Student's Academic Record (Transcript) or AHEGS.

(79) The details of any penalties must be:

(80) a. notified to the Director, Student Administration and Services for recording (where applicable) on the Student's Academic Record (Transcript) and AHEGS; and

b. added to the Student Coursework Misconduct Register. Access to the Register is restricted and monitored by the Records Manager on behalf of the Pro Vice-Chancellor (Academic).

## **Authority and Compliance**

(81) The Rule Administrator, pursuant to the University's Academic Misconduct and Plagiarism (Coursework) Rule, makes these procedures.

(82) University Representatives and Students must observe these Procedures in relation to University matters.

(83) These Procedures operate as and from the Effective Date.

(84) Previous rules, policies, procedures and guidelines on Academic Misconduct and Plagiarism and related documents are replaced and have no further operation from the Effective Date of this new Rule.

# **Section 4 - Definitions**

(85) Academic Integrity is defined in clause 6 of the Rule.

(86) Academic Misconduct is defined in clause 7-9 of the Rule.

(87) Academic Record (Transcript) means the formal copy of a Student's entire enrolment record at the University.

(88) Appeal Officer means the University Representative authorised to hear appeals, or uphold or vary penalties,



under these Procedures.

(89) Assessment tasks are compulsory or optional activities or exercises, which have an explicit intent to assess and guide Student progress or learning achievement in a unit of study. Assessment tasks can be designed for diagnostic, formative, summative, evaluative or informative purposes.

(90) Effective Date means the day on which these Procedures are published or on such later day as may be specified in these Procedures.

(91) Exclusion or Excluded means a Student, for a fixed period of time, is denied enrolment at the University in a unit and/or a course and/or the University and/or they are excluded from entering the University's premises or any defined part of the University premises or engaging in an activity as a Student. Excluded students do not have an automatic right of re-admission.

(92) Expulsion or Expelled means the permanent separation of the Student from the University.

(93) Interview means an oral communication (or other form of communication dependent on the Special Needs of a Student) between the Student and Investigating Officer or Appeal Officer or Committee and includes communication both in face-to-face settings and by telephone, virtual and electronic means.

(94) Investigating Officer means the University Representative authorised to investigate and determine cases and to impose penalties under these Procedures.

(95) Plagiarism is defined in clause 9 of the Rule.

(96) Probation means the Student who has received a Reprimand is advised, in writing, that if found guilty of further acts of Academic Misconduct during a specified period not exceeding three years, a specific penalty will be applied.

(97) Reprimand means an official warning confirming the fact that a finding of Academic Misconduct has been sustained, issued in writing to the Student coupled with a caution against repeating the conduct.

(98) Revocation of Award is the cancellation of a University of New England Award by the University.

(99) Rule Administrator is the Vice-Chancellor or Delegate.

(100) Student means an Admitted Student or an Enrolled Student, at the relevant time.

(101) a. Admitted Student means a Student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study.

b. Enrolled Student means a Student who has been admitted to a UNE course of study at UNE or elsewhere and who is enrolled in a unit at UNE.

(102) Student Coursework Misconduct Register means a database where records of proven cases of Academic Misconduct are stored. The records must be retained for at least ten years after the Student's graduation from the University. Access to these records is limited to the following (or nominees): Heads of Schools, Pro Vice-Chancellors, Deputy Vice-Chancellor, Vice-Chancellor, Chair of the Student Conduct Appeals Committee, Chief Legal and Governance Officer NSW Ombudsman.

(103) Support Person is a person who may help a Student, provide support or give advice on the Academic Misconduct procedures. A Support Person may be a friend, University Representative or family member. A Support Person does not speak on behalf of the Student and is not an advocate. The Support Person must not be a member of the legal profession.

(104) University Representative means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

(105) UNE Act means the University of New England Act 1993 No 68 (NSW).

(106) Viva Voce examination means an oral examination of a Student on any submitted assessment task.

(107) Working Day means Monday to Friday, excluding Public Holidays and the University Christmas break.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	24th October 2016
<b>Review Date</b>	29th March 2019
<b>Approval Authority</b>	Pro Vice-Chancellor (Academic Innovation)
<b>Approval Date</b>	8th July 2016
<b>Expiry Date</b>	7th March 2017
<b>Unit Head</b>	Jennifer McDonell Executive Principal Student Experience
<b>Enquiries Contact</b>	Office of the Deputy Vice-Chancellor +61 2 6773 5050