

# 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:

- 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.

(3) In the event of any conflict between these Procedures and any Joint Medical Program (JMP) Rule, Policy or Procedure, the provisions of the JMP Rule, Policy or Procedure will take precedence.

## Section 3 - Procedures

### General

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) The International Services Advisor, 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

(10) 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

(11) 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. Executive Principal Education Futures (or nominee)

(12) If the Head of School or Executive Principal Education Futures appoints a nominee, in general, the nominee will be a professional member of staff above HEO7 or an academic member of staff above Level B.

(13) The Head of School (or nominee) is authorised to impose penalties under clauses 11a-f of the [Rule](#) and recommend to the Executive Principal Education Futures penalties under clauses g-j of the [Rule](#).

(14) The Executive Principal Education Futures (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 and Chief Executive Officer (or nominee) and the penalty of Revocation of Award requires the approval of the Council on the recommendation of the Vice-Chancellor and Chief Executive Officer (or nominee).

(15) 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](#).

(16) 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

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

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

(19) 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.

(20) 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.

(21) 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**

(22) No records of any Academic Misconduct complaint or proceedings brought against a Student will be included on the Student's Academic Record (Transcript) or Australian Higher Education Graduation Statement (AHEGS). However, 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**

(23) 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 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:

- 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).

(24) A case of Academic Misconduct must be reported in writing to the 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.

(25) 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.

(26) 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.

(27) The Student will be notified, in writing ([Template A1](#)) , by the Investigating Officer of:

- 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.

(28) Interviews:

- 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

(29) 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.

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

- a. no impropriety; or
- b. Academic Misconduct.

(31) 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.

(32) 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:

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

(33) 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

(34) The following are authorised to receive and determine appeals:

- a. Executive Principal Education Futures (or nominee) for penalties imposed under clauses 11a-f of the [Rule](#). At the discretion of the Executive Principal Education Futures, these cases may be referred to the Student Conduct Appeals Committee for determination; otherwise the decision of the Executive Principal Education Futures 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 and Chief Executive Officer's ratification of Expulsion and Revocation of Award) and there is no further avenue of appeal

within the University.

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

### **Lodging an Appeal**

(36) An appeal must:

- 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.

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

(38) 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.

(39) 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**

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

- 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.

(41) 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.

(42) 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.

(43) 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.

(44) 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).

(45) 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.

(46) 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.

(47) 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.

(48) 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.

(49) 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 [Template A5](#)), of:

- 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 [Australian Government Department of Home Affairs](#), in accordance with clauses 53-54, if they are a Student Visa Holder and the decision is to terminate their enrolment.

(50) 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.

(51) 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.

(52) 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 [Education Services for Overseas Students Act 2000](#)).

(53) A Student Visa Holder seeking an external administrative review, after exhausting the internal appeals process, must apply to the [NSW Ombudsman](#):

- a. within twenty (20) 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).

(54) 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 [Australian Government Department of Home Affairs](#).

(55) 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 the [Australian Government Department of Home Affairs](#).

## **Student Conduct Appeals Committee**

### **Membership**

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

- a. Deputy Vice-Chancellor or nominee (Committee Chair);
- b. a professional staff member (HEO7 or higher) appointed by the Vice-Chancellor and Chief Executive Officer (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 UNE Residential System or a Head of College.

(57) The Director Governance and University Secretary (or nominee) will provide secretarial support.

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

(59) 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**

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

### **Constitution**

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

### **Alternates**

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

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

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



(64) The major penalty of Revocation of Award shall only be imposed with approval of the Council on the recommendation of the Vice-Chancellor and Chief Executive Officer (or nominee).

## **Annual Reporting**

(65) The Records, Policy and Governance Unit will provide an annual report to the Executive Principal Education Futures 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 Executive Principal Education Futures. These reports must ensure that parties involved cannot be identified. The Executive Principal Education Futures will submit the report to the Deputy Vice-Chancellor and Teaching and Learning Committee for noting.

## **Records Management**

(66) Records of any action or decision made under these Procedures including records of meetings, discussions and Interviews and details of any penalties must be stored in UNE's Records Management System.

## **Authority and Compliance**

(67) The Rule Administrator, the Executive Principal Education Futures, pursuant to the [Student Coursework Academic Misconduct Rule](#), makes these procedures.

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

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

(70) Previous 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**

(71) Appeal Officer means the University Representative authorised to hear appeals, or uphold or vary penalties, under these Procedures.

(72) 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.

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

(74) 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.

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



## Status and Details

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## Glossary Terms and Definitions

**"Assessment Task"** - 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.

**"Student"** - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

**"Revocation of Award"** - Is the cancellation of a University of New England award by the University.

**"Academic Integrity"** - Is the practice of acting fairly, honestly and ethically in academic endeavour.

**"Plagiarism"** - Is a form of Academic Misconduct and is the use of another person's work without appropriate acknowledgement and includes: the use of close paraphrasing of ideas, concepts, words, data or work of others without acknowledgement of sources; presenting extracts from sources without accurate and appropriate referencing; colluding with others to produce work that is presented misleadingly as the Student's own work; presenting under the Student's own name, work substantially written by someone else (e.g. using a ghost writer, purchasing work from someone or an electronic site, or using work obtained freely from a person or an electronic site); and/or failing to acknowledge work primarily produced by a collaborator.

**"Student Visa Holder"** - Is an international student studying in Australia on an appropriate visa.

**"Residential College"** - Includes any on-campus residential accommodation. This includes separate accommodation facilities associated with a college, such as on-campus houses and/or flats that are used by residents, affiliates and Students as well as the buildings, blocks, floors, courts, grounds and parking areas associated with these buildings.

**"Academic Misconduct"** - Please refer to the Student Coursework Academic Misconduct Rules.

**"Statutory Census Date"** - Is the date prescribed in the Higher Education Support Act 2003 (Commonwealth) at which registration in a unit of study is officially counted as an enrolment and the date by which fees or the Student contribution must be paid or deferred as published by the University as a principal date from time to time.

**"School"** - Is an organisational unit comprising academic staff in related fields of study who are responsible for teaching and research in those academic fields together with support staff. Each School also has lead management for the design and delivery of the courses within its responsibility.

**"Australian Higher Education Graduation Statement (AHEGS)"** - The AHEGS provides a description of the nature, level, context and status of the studies that were pursued by the graduate named on the statement.

**"University Representative"** - 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.

**"Complaint"** - A complaint is defined as a statement that something is unsatisfactory or unacceptable.