

# Misconduct - Student Academic Misconduct Policy

## Section 1 - Preamble

### Scope

(1) This Policy applies to academic misconduct as defined in section 2 below allegedly committed by students enrolled in subjects or undertaking research at the University.

(2) The Policy does not apply to general (i.e., non-academic) misconduct by students which is dealt with under the [Misconduct - Student General Misconduct Rule](#). The falsification of University records such as transcripts or testamurs pertaining to the student will be dealt with under the [Misconduct - Student General Misconduct Rule](#).

## Section 2 - Definitions

(3) For the purpose of this Policy:

### a. Academic Misconduct

- i. Academic misconduct is acting in a way, or attempting to act in a way, or assisting another student to act in a way which could reasonably be expected to defeat the purpose of a learning experience or an item of assessment or an examination. Academic misconduct will normally be evidenced by plagiarism, cheating or collusion.

### b. Cheating

- i. A student cheats if he or she does not abide by the conditions set for a particular learning experience, item of assessment or examination.
- ii. Cheating includes, but is not limited to:
  - falsifying data obtained from experiments, surveys, or similar activities;
  - copying the answers of another student in an examination or allowing another student to copy answers in an examination;
  - taking unauthorised materials into an examination;
  - sitting an examination for another student or having another person at an examination on behalf of a student;
  - removing an examination question paper from an examination room where this is contrary to instructions;
  - improperly obtaining and using information about an examination before an examination;
  - making changes to an assignment that has been marked then returning it for re-marking claiming that it was not correctly marked.

### c. Collusion

- i. A student colludes when he or she works without permission with another person or persons to produce work which is then presented as work completed independently by the student.
- ii. Collusion includes, but is not limited to:
  - writing the whole or part of an assignment with another person;

- using the notes of another person to prepare an assignment;
  - using for an assignment the resource materials of another person that have been annotated or parts of the text highlighted or underlined by that person;
  - allowing another student, who has to submit an assignment on the same topic, access to one's own assignment under conditions which would give that other student an advantage in submitting his or her assignment.
- d. Executive Dean - Unless specified otherwise, "Executive Dean" means Executive Dean of the Faculty responsible for the subject or research in which academic misconduct is alleged to have occurred.
- e. Head of School - Unless specified otherwise, "Head of School" means the Head of the School responsible for teaching the subject in which academic misconduct is alleged to have occurred.
- f. Plagiarism
- i. A student plagiarises if he or she gives the impression that the ideas, words or work of another person are the ideas, words or work of the student. Plagiarism will include:
    - copying any material from books, journals, study notes or tapes, the Web, the work of other students, or any other source without indicating this by quotation marks or by indentation, italics or spacing and without acknowledging that source by footnote or citation; or
    - rephrasing ideas from books, journals, study notes or tapes, the Web, the work of other students, or any other source without acknowledging the source of those ideas by footnotes or citations. This could include material copied from a source and acknowledged, but presented as the student's own paraphrasing.
  - ii. Plagiarism is to be distinguished from inadequate and/or inappropriate attempts to acknowledge the words, works or ideas of someone else, as for example when a student makes a genuine attempt to reference their work, but has very poor referencing skills.
  - iii. Plagiarism includes, but is not limited to:
    - copying unacknowledged passages from textbooks;
    - reusing in whole or in part the work of another student;
    - obtaining materials from the Web and submitting them, modified or otherwise, as one's own work;
    - submitting work which is derived in whole or in part from the work of another person but which has been changed in superficial respects possibly by mechanical means.
- g. Student - "Student" means a person who at the time the alleged academic misconduct occurred was enrolled in a research program or was enrolled in a subject offered by the University which is a component of a course leading to an award of the University, irrespective of whether the student is enrolled in a course.
- h. University - "University" means Charles Sturt University or an institution affiliated with Charles Sturt University.

## Section 3 - Policy

### External Authorities

(4) Nothing in this Policy abrogates a person's right or the University's right to refer at any stage alleged academic misconduct to authorities external to the University.

### Precedence

(5) This Policy takes precedence over any other Policy's dealing with academic misconduct by students made in pursuance of the [Charles Sturt University Act, 1989](#).

## **Right of Enrolment**

(6) A student alleged to have committed academic misconduct shall be entitled to remain enrolled at the University during the investigations conducted in accordance with section 5 below.

## **Academic Misconduct and Graduation**

(7) Where a student has received an award of the University for which the subject in which the academic misconduct occurred was a component and as a consequence of that misconduct the student is failed in the subject, then the award shall be rescinded, the student's name shall be deleted from the Register of Graduates and the student shall be required to return the testamur and final transcript to the University.

## **Time**

(8) Where an extension of time is required for any stage of the misconduct process, and this extension is not allowed for already in the Policy, an application for this extension must be made to the Deputy Vice-Chancellor (Academic).

# **Section 4 - Allegations of Academic Misconduct**

## **Reporting Academic Misconduct**

(9) Where a person has reason to believe that a student has engaged in academic misconduct, the person shall provide a signed statement which sets out the information and/or evidence relating to the suspected academic misconduct to the Head of School or to the Executive Dean if the Head of School is implicated in the matter. Where the Head of School discovers the misconduct, they shall refer their statement and evidence to the Executive Dean for action.

(10) Where on the face of that information and/or evidence the Head of School or the Executive Dean believes that the student has a case to answer, the Head of School or an officer authorised by the Head of School or another person appointed by the Executive Dean shall conduct an investigation as provided in section 5 below.

## **Academic Misconduct to be Reported as Soon as Practicable**

(11) Information and/or evidence regarding possible academic misconduct shall be submitted as soon as practicable but normally no later than twenty-one days after the incident to which the information and/or evidence relates came to light. However, the Head of School or the Executive Dean may at his or her discretion, accept information and/or evidence later than twenty-one days after the incident to which the information and/or evidence relates. The School and/or Faculty must retain all relevant documentation relating to the case of suspected misconduct for use by any subsequent investigation procedure. This documentation will include the piece of work in which the alleged plagiarism occurred, records of meetings and phone conversations with the student and copies of correspondence, including emails, on the matter.

## **Acknowledging Claims of Suspected Academic Misconduct**

### **Head of School**

(12) The Head of School shall acknowledge in writing, receipt of a signed statement relating to suspected academic misconduct immediately upon its receipt.

(13) If the Head of School has a conflict of interest in the suspected academic misconduct he or she shall immediately refer the information and/or evidence to the Executive Dean and shall immediately advise in writing the person who provided the signed statement of the action taken.

## **Executive Dean**

(14) The Executive Dean shall acknowledge in writing, receipt of a signed statement regarding suspected academic misconduct immediately upon its receipt from a student or a Head of School.

# **Section 5 - Investigation**

## **Initiating Investigations**

(15) Investigations into suspected academic misconduct shall be initiated by the Head of School. The Head of School may authorise an officer to conduct the investigation on their behalf and report back to the Head of School.

(16) An officer who teaches or supervises the student suspected of academic misconduct or who could be in some other conflict of interest in conducting the investigation shall not be authorised to conduct an investigation.

(17) Where the Head of School teaches or supervises the student suspected of academic misconduct or could be in some other conflict of interest in conducting the investigation, the Executive Dean shall appoint another member of the Faculty to conduct the investigation.

## **Conduct of Investigations**

(18) The investigation should involve consulting with the person providing the signed statement, the student or students who are suspected of academic misconduct and any other persons the investigator deems appropriate.

(19) Investigations shall be concluded as quickly as practicable and normally within fourteen days of the receipt of the signed statement. Investigations may be via any medium of communication, although where possible records of such communication should be kept (see clause 11). The person conducting an investigation may seek an extension of time from the Executive Dean to conduct the investigation.

## **Report of Investigation**

(20) Upon completion of an investigation, the Head of School, or officer authorised by the Head of School to conduct the investigation, shall prepare a report of the investigation which shall contain the findings and recommendations in relation to the matter.

# **Section 6 - Findings**

## **Findings by an Investigator**

### **Findings - No Case to Answer**

(21) If, after receipt of the report of an investigation, the Head of School believes the student suspected of academic misconduct has no case to answer they shall within seven days of the conclusion of the investigation:

- a. advise in writing the Executive Dean and the person who provided the signed statement of the enquiries made and the outcome of the investigation; and
- b. advise the student who was suspected of academic misconduct in writing of the nature of the information and/or evidence which led to the investigation, the enquiries made and the outcome of the investigation; and
- c. forward a copy of the above advice to the Deputy Vice-Chancellor (Academic).

## Findings - A Case to Answer

(22) If, after receipt of the report of an investigation, the Head of School believes the student suspected of academic misconduct has a case to answer they shall within seven days of the conclusion of the investigation advise the student who is suspected of academic misconduct, in writing, of;

- a. the nature of the information and/or evidence which led to the investigation,
- b. the enquiries made,
- c. the findings and recommendation(s) as to the penalty to be imposed under clauses 35-43 below that the Head of School intends to make to the Executive Dean, and
- d. the invitation to the student to provide, within 21 days, a written submission in relation to the findings and the recommendation to be made to the Executive Dean.

(23) Upon receipt of the written submission from the student, or where no written submission is received, at the expiration of the 21 day period in which the student is to provide a written submission, the Head of School shall advise the Executive Dean, in writing, of;

- a. the nature of the information and/or evidence which led to the investigation,
- b. the enquiries made
- c. the findings and recommendation(s) as to a penalty to be imposed under clauses 35-43 below; and
- d. provide the student's written submission in relation to the finding and recommendation(s), where received.

(24) When recommending a penalty to be imposed by the Executive Dean the Head of School shall have regard to:

- a. the seriousness of the academic misconduct;
- b. the experience of the student at University level (i.e. more leniency would be shown in the case of a first year student); and
- c. whether or not the student has previously been found guilty of academic misconduct; but

the Head of School shall not be bound by any determination of another Head of School whether given in a similar case or not.

(25) The Head of School may also make recommendations to the Executive Dean on matters relating to academic policy and practice arising out of an investigation.

## Findings - Vexatious Accusations

(26) If, after receipt of the report of an investigation, the Head of School believes that the person who provided the signed statement did so vexatiously (ie the information and/or evidence supplied was spurious and was provided in order to annoy or upset the student) they shall, if the person providing the signed statement is a student, deal with the student under the [Misconduct - Student General Misconduct Rule](#). If the person providing the signed statement is a staff member, he or she shall be dealt with under the relevant industrial award.

## Findings by the Executive Dean

(27) After receiving a report of an investigation into academic misconduct conducted in accordance with clauses 21-26 above and the written submission from the student in relation to the finding and recommendation(s), the Executive Dean may conduct further enquiries and shall within seven days of receiving the report (unless granted an extension of time by the Deputy Vice-Chancellor (Academic):

- a. declare the student not guilty of academic misconduct; or
- b. declare the student guilty of academic misconduct and take one of the courses of action in clause 35a, b, c, d or

e below; or

- c. recommend to the Deputy Vice-Chancellor (Academic) that one of the penalties in clause 35f, g, h or i below be applied.

(28) Where the Executive Dean takes action under clause 27a or b above, the Executive Dean shall advise each of the following, in writing, of the finding, the penalty imposed if any, and provide each with a copy of the report of the investigation into the allegation, which will include advice of the nature of the information and/or evidence which led to the enquiry, the student's written submission and the report of any additional enquiries made by the Executive Dean under this clause:

- a. the student;
- b. the person who provided the signed statement;
- c. the Head of School; and
- d. the Deputy Vice-Chancellor (Academic).

(29) When imposing or recommending a penalty under 27b or c above, the Executive Dean shall have regard to:

- a. the seriousness of the academic misconduct;
- b. the experience of the student at University level (i.e. more leniency would be shown in the case of a first year student); and
- c. whether or not the student has previously been found guilty of academic misconduct; but

the Executive Dean shall not be bound by any determination of another Executive Dean whether given in a similar case or not.

(30) The Executive Dean may also make recommendations to the Deputy Vice-Chancellor (Academic) on matters relating to academic policy and practice arising out of an investigation.

### **Findings by the Deputy Vice-Chancellor (Academic)**

(31) After receiving a report from the Executive Dean under clause 27c above the Deputy Vice-Chancellor (Academic) may conduct further enquiries and shall within seven days of receiving the report (unless granted an extension of time by the Vice-Chancellor):

- a. declare the student not guilty of academic misconduct; or
- b. declare the student guilty of academic misconduct and take one of the courses of action in clause 35a-i inclusive below.

(32) The Deputy Vice-Chancellor (Academic) shall advise each of the following in writing of the finding, the penalty imposed if any, and provide each with a copy of the report of the investigation into the allegation, the student's written submission, the Executive Dean's recommendation to the Deputy Vice-Chancellor (Academic) and the report of any additional enquiries by the Deputy Vice-Chancellor (Academic) and the Executive Dean under this clause:

- a. the student;
- b. the person who provided the signed statement;
- c. the Executive Dean;
- d. the Head of School.

(33) When imposing a penalty under 31b above, the Deputy Vice-Chancellor (Academic) shall have regard to:

- a. the recommendation of the Executive Dean;

- b. the seriousness of the academic misconduct;
  - c. the experience of the student at University level (i.e. more leniency would be shown in the case of a first year student); and
  - d. whether or not the student has previously been found guilty of academic misconduct; but
- the Deputy Vice-Chancellor (Academic) shall not be bound by any previous determination whether given in a similar case or not.

(34) The Deputy Vice-Chancellor (Academic) may also make recommendations to the Executive Dean, the Academic Senate or any of its committees, Faculty Boards or the Vice-Chancellor or any other relevant bodies or offices of the University, on matters relating to academic policy and practice arising out of an investigation.

## **Section 7 - Penalties**

### **Possible Penalties**

(35) The penalties that may be recommended and imposed in relation to an academic misconduct matter that has been investigated and a finding made in accordance with this Policy are:

- a. that no action be taken against the student; or
- b. that the student be counselled (where such counselling may include a requirement for the student to undertake a compulsory remedial skills activity on student academic misconduct) and/or be cautioned and/or reprimanded; or
- c. that the student be invited to resubmit the assignment, essay, project or other work or resit the test or examination in respect of which academic misconduct has occurred under the conditions set out in clause 36 below and be counselled and/or cautioned and/or reprimanded; or
- d. that the student be awarded zero marks in the assignment, essay, project, test, examination or other work or be awarded zero marks for that part of the assignment, essay, project, test, examination or other work in respect of which academic misconduct has occurred and be counselled and/or cautioned and/or reprimanded; or
- e. that the student be failed in the subject under the conditions set out in clause 37 below and be counselled and/or cautioned and/or reprimanded; or
- f. that the student be failed in the subject under the conditions set out in clause 37 below and be fined an amount not exceeding the maximum fine published each year in the University's schedule of fees and charges; or
- g. that the student be failed in the subject under the conditions set out in clause 37 below and be suspended from enrolment in the University under the conditions set out in clauses 38-40 below; or
- h. a combination of (f) and (g) above; or
- i. that the student be failed in the subject under the conditions set out in clause 37 below and be excluded from the University under the conditions set out in clauses 41-43 below.

### **Resubmission of an Assessment Item**

(36) The following conditions apply to the resubmission of an assignment, essay, project or other work or resit the test or examination as a consequence of the application of clause 35c above:

- a. the maximum mark that can be awarded for an assessment item that is completed by the prescribed date and attains the required standard shall be fifty percent (50%) of the marks available for that assessment item.

### **Failure in a Subject**

(37) The following conditions apply to failure in a subject as a consequence of the application of clauses 35 e, f, g, h or

i above:

- a. the grade fail (FL) or unsatisfactory (US) will be recorded for any subject in which a student is failed for academic misconduct;
- b. a student failed in a subject for academic misconduct shall not be permitted to apply for approved withdrawal (AW) from that subject;
- c. a student who has been granted AW in a subject and is subsequently failed in the subject for academic misconduct shall have the AW grade changed to FL or US;
- d. a student failed in a subject for academic misconduct shall not be entitled to a refund of fees nor the cancellation of the Commonwealth Student Contribution liability in respect of that subject.

## **Suspension**

### **Cancellation of Enrolment**

(38) A student suspended from enrolment in the University under clause 35 g or h above shall have his or her enrolment cancelled after twenty-one days from the date of the notification of suspension.

### **No Refund of Fees**

(39) A student suspended from enrolment in the University in a session after the last date for a refund of fees or after the census date for that session, shall not be entitled to a refund of fees nor the cancellation of the Commonwealth Student Contribution liability for that session.

### **Conditions of Suspension**

(40) The following conditions apply to suspension:

- a. suspension shall be for a specified period not exceeding two years from the date of notification of suspension;
- b. a suspended student shall not be admitted to a different course or be enrolled as a Single Subject Study Student during the period of suspension;
- c. a suspended student shall have the automatic right of reenrolment in the course from which he or she was suspended at the completion of the period of suspension; and
- d. suspension shall not be recorded on a student's academic transcript.

## **Exclusion**

### **Cancellation of Enrolment**

(41) A student excluded from the University under clause 35 i above shall have his or her enrolment cancelled after twenty-one days from the date of the notification of exclusion.

### **No Refund of Fees**

(42) A student excluded from the University in a session after the last date for a refund of fees or after the census date for that session, shall not be entitled to a refund of fees nor the cancellation of the Commonwealth Student Contribution liability for that session.

### **Conditions of Exclusion**

(43) The following conditions apply to exclusion:

- a. exclusion shall be for a specified period of at least two years from the date of notification of exclusion;
- b. an excluded student shall not be admitted to any course in the University nor be enrolled as a Single Subject



Study Student during the period of exclusion;

- c. an excluded student who wishes to resume study at the University after the period of exclusion shall apply for admission to the University through the relevant admissions office or admissions centre; and
- d. exclusion for academic misconduct shall not be shown on a student's academic transcript.

## **Decisions**

(44) The decision of the Executive Dean to impose a penalty in accordance with clauses 27-30, above, shall be final.

(45) The decision of the Deputy Vice-Chancellor (Academic) to impose a penalty in accordance with clauses 31-34, above, shall be final.

## **Enforcement of Penalty**

(46) If the Executive Dean imposes a penalty on a student under clauses 27-30, above, the Executive Dean shall ensure that the penalty imposed has been enforced.

(47) If the Deputy Vice-Chancellor (Academic) imposes a penalty on a student under clauses 31-34 above the Deputy Vice-Chancellor (Academic) shall ensure the penalty imposed has been enforced.

# **Section 8 - Reporting Cases of Academic Misconduct**

## **Report to Academic Senate**

(48) The Deputy Vice-Chancellor (Academic) shall report annually to Academic Senate on cases of suspected and alleged academic misconduct investigated under this Policy. The following information as appropriate shall be provided for each case reported subject to the provisions of clauses 49 and 50 below:

- a. the alleged misconduct;
- b. the Faculty in which the misconduct occurred;
- c. the Faculty in which the student was enrolled if it is different to (b);
- d. the outcome of the investigation;
- e. the decision of the Executive Dean or the Deputy Vice-Chancellor (Academic).

## **Public Reporting of Cases**

(49) Cases of proven academic misconduct under this Policy may be made public by the Deputy Vice-Chancellor (Academic). Information made public may include the nature of the academic misconduct, the penalty imposed and the result of any appeal.

## **Confidentiality**

(50) The identity of students, staff or other persons involved in an investigation of academic misconduct, including the identity of any person alleged to have been in breach of this Policy or found guilty of academic misconduct under this Policy is confidential so long as the tenets of natural justice are adhered to.

## **Central Academic Misconduct File**

(51) All documentation relating to student academic misconduct and any investigations conducted in accordance with this Policy shall be retained by the Academic Secretary only in accordance with General Disposal Authority 23 as set by State Records NSW.



## Status and Details

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|---------------------------|---|
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| <b>Unit Head</b>          | Cassandra Webeck<br>University Secretary<br>+61 2 6338 4258 |
| <b>Author</b>             | Megan Bond<br>Manager, Academic Senate                      |
| <b>Enquiries Contact</b>  | Office of Academic Governance<br>+61 2 63384831             |