



Student Academic Misconduct Procedure

Policy supported	Student Academic Misconduct Policy
Procedure Code	ACA-HE-02
Procedure owner	Executive Dean
Responsible Officer	Executive Dean
Approving authority	Executive Dean
Contact Officer	Registrar
Approval date	22 February 2017
Commencement date	6 March 2017
Review Date	3 years
Version	2017.1
Related Documents	Misconduct Register Student Complaint and Appeal Policy Student Complaint and Appeal Procedure Student Code of Conduct Diversity and Equity Policy

1. Purpose

The purpose of this Procedure is to outline the protocols associated with the **Student Academic Misconduct Policy**. The **Student Academic Misconduct Policy** addresses breaches of student academic conduct at the Australian Institute of Higher Education Pty Ltd ('the Institute').

2. Scope

This Procedure applies to all students and staff of the Institute. It addresses academic misconduct only. Non-academic misconduct is covered in the **Student Code of Conduct**.

3. Definitions

See the **AIH Glossary of Terms** for definitions

4. Actions and Responsibilities

4.1 Responsible Persons and Designated Areas of Responsibility

- **Lecturer(s)**
The lecturer is primarily responsible for collecting and referring on any/ all evidence of alleged breaches of the Policy. Lecturer(s) may be required to represent the Institute during subsequent student interviews, and liaise with the Course Coordinator, Registrar and/or Executive Dean as appropriate, as outlined in the individual processes.
- **Student(s)**
Students are responsible for attending any interview scheduled as a result of an alleged breach, at which time they will have the opportunity to present a case, and supply any supporting or mitigating evidence.

They are also responsible for arranging any support person (other than a legal representative) to attend the interview, for signing the interview form, and for instigating any appeal against outcomes.

- **Course Coordinator**
The Course Coordinator is primarily concerned in matters of suspected plagiarism. Responsibilities include consulting with the lecturer concerning the best course of action, and writing to the student to attend an interview if deemed appropriate.
- **Executive Dean**
The Executive Dean approves courses of action following interviews and appoints representative Institute staff to undertake various stages of the process. In the case of cheating during examinations and tampering, the Executive Dean writes to the student to attend an interview. The Executive Dean, in conjunction with the Academic Board, also considers recommendations of student expulsion.
- **Registrar**
The Registrar maintains the Misconduct Register and ensures accurate records are maintained.
- **Academic Board**
The Academic Board may appoint representative Institute staff to student interviews, and considers recommendations of student expulsion.
- **Representative Institute staff**
Representative Institute staff are responsible for attending student interviews, outlining the evidence for the breach of academic misconduct, signing the interview form, and following the process for confirming or dismissing allegations as appropriate.
- **Representative(s) (if requested)**
Student representatives are non-legal interview attendees who are responsible for providing support to the student during an investigation and/or interview process.

4.2 Reporting Lines

When reporting incidents of academic misconduct, the following lines for reporting are to be implemented:

- a) Plagiarism (minor and major breach):
 - i. Lecturer informs the Course Coordinator, Registrar and Executive Dean
 - ii. Executive Dean appoints representative Institute staff to the investigation. This may include the Course Coordinator
 - iii. Representative Institute staff notifies Executive Dean and Registrar of the outcome of the investigation
 - iv. Course Coordinator or delegate notifies student
- b) Cheating in Examinations:
 - i. Lecturer/Invigilator informs Course Coordinator, Executive Dean and Registrar
 - ii. Executive Dean appoints representative Institute staff to the investigation
 - iii. Representative Institute staff informs Executive Dean and Registrar of the outcome of the investigation
 - iv. Representative Institute staff or delegate notifies student

4.3 Documentation

In all cases of suspected academic misconduct, the following documents are required:

- The submitted work under question

- Any/all supporting evidence
- Written communication (email or letter) to initiate the investigation process
- Written communication (email or letter) informing student of final outcome

Records of confirmed cases of academic misconduct will be kept on file for a period of five (5) years and the incident will be recorded in the **Misconduct Register**. A report of all confirmed cases of academic misconduct will be presented to the Academic Board after the conclusion of each study period.

4.4 Plagiarism

- a) The lecturer who receives a student assessment item with evidence of plagiarism must collect all evidence of the breach. Evidence includes:
 - i. Work submitted by the student, and
 - ii. Any evidence of plagiarism (or collusion).
- b) In cases of a serious breach with verifiable evidence, the lecturer must first consult the Course Coordinator to decide upon a possible course of action.
- c) While investigation is being undertaken, the lecturer must withhold the students mark for the assessment until an outcome is reached.
- d) The Course Coordinator (or delegate) formally writes to the student to attend an interview. The written communication to the student must include:
 - i. details of the alleged academic misconduct under investigation,
 - ii. a summary of evidence of the academic misconduct,
 - iii. provision for the student to have a representative attend the interview, and
 - iv. the day, date, time, location and representative Institute staff involved in the interview.
- e) During the interview, the following will occur:
 - i. Representative Institute staff will provide the student with details and evidence of alleged plagiarism,
 - ii. The student will have an opportunity to present his/her case with evidence,
 - iii. Interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.
- f) Where there is doubt as to a student's understanding of content assessed, or suspicions that submitted assessment items are not the student's own work, the student may be called upon to provide a viva-style defense of the content. Where the student fails to adequately defend the content by demonstrating understanding or evidence of their own work, the assessment item will be deemed as a fail grade.
- g) In cases where evidence indicates possible collusion with other students, the colluding student will also receive formal written communication to attend an interview conducted on (possibly) the same day. The interview will not be held at the same time as that of the other student(s) involved in the allegation. All students suspected of involvement will be interviewed separately by the same representative Institute staff following the stated formal interview procedures.
- h) Representative Institute staff must then follow the process for confirming allegations or a finding that a penalty is not warranted. Refer to sections **4.7 Confirming Allegations** and **4.8 Allegations Not Warranted**.

- i) In cases where the representative Institute staff are Lecturer(s) and Course Coordinator, they will meet with the Executive Dean or his/her delegate to present the degree of the breach and recommend a course of action prior to gaining the Executive Dean's or his/her delegates approval.
- j) In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Executive Dean in consensus with the Chair of the Australian Institute of Higher Education ('the Institute')'s Academic Board.
- k) The outcome of the investigation and resulting actions will be formally communicated to the student in writing (email or letter) within 10 working days. The lecturer can then release the students mark.
- l) Students may appeal any decision in writing following the guidelines stated in the ***Student Complaint and Appeal Policy*** and associated Procedure.
- m) Where a student has requested an appeal, the same interview process will be implemented; however, the Executive Dean and/or Academic Board will appoint representative Institute staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.
- n) All written communication (emails or letters), interview notes and evidence of academic misconduct must be placed in the Misconduct Folder stored on a secure drive with notes included in the student files in the Institutes database.

4.5 Cheating During Examinations

- a) The invigilator/lecturer must collect all evidence of cheating. Evidence includes, but is not limited to:
 - i. Unauthorised written communication,
 - ii. Written observations about unauthorised behaviour, and/or
 - iii. Hard copy evidence of unauthorised electronic communication, which may include written observations, and
 - iv. A photo of any electronic devices used for the purpose of cheating
- b) In cases where students have verbally communicated or provided/received unauthorised notes, papers etc. relating to the examination, all students involved will immediately have their papers and communications retrieved and will be quietly removed from the examination room to ensure stability for the other students still doing the examination.
- c) The lecturer/invigilator will provide the evidence to the Executive Dean or his/her delegate as soon as the examination has finished.
- d) The Executive Dean (or his/her delegate) formally writes (email or letter) to the student to attend an interview. The written communication to the student must include:
 - i. Details of the alleged cheating during the examination,
 - ii. An opportunity to have a representative attend the interview, and
 - iii. The day, date, time, location and representative Institute staff involved in the interview.
- e) During the interview, the following process will occur:
 - i. Representative Institute staff will provide the student with details and evidence of alleged cheating,
 - ii. The student will have an opportunity to present their case with their evidence,
 - iii. Interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.
- f) In cases where more than one student is involved and evidence indicates possible collusion with other students, the other student(s) will also receive formal written communication (email or letter) to attend an

interview conducted on (possibly) the same day. The interview will not be held at the same time as that of the other student(s) involved in the allegation. All students suspected of involvement in cheating during the examination will be interviewed separately by the same representative Institute staff following the same interview procedures.

- g) Representative Institute staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections **4.7 Confirming Allegations** and **4.8 Allegations not Warranted**.
- h) In cases where the representative Institute staff does not include the Executive Dean, the representative staff will meet with the Executive Dean to present the degree of the breach and recommend a course of action prior to gaining the Executive Dean's approval.
- i) In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Executive Dean in consensus with the Chair of the Institute's Academic Board.
- j) The outcome of the investigation and resulting actions will be formally communicated to the student in writing (email or letter) within 10 working days.
- k) Students may appeal any decision in writing following the guidelines stated in the ***Student Complaint and Appeal Policy*** and associated Procedure.
- l) Where a student has requested an appeal, the same interview process will be implemented; however, the Executive Dean and/or Academic Board will appoint representative Institute staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.
- m) All written communication (emails or letters), interview notes and evidence of academic misconduct must be placed in the Misconduct Folder stored on a secure drive with notes included in the student files in the Institutes database.

4.6 Tampering

- a) The lecturer or administrator must collect all evidence of tampering.
- b) In cases of a serious breach with verifiable evidence, the lecturer or administrator must first consult the Executive Dean or his/her delegate to decide upon a possible course of action and designate representative Institute staff.
- c) The Executive Dean (or his/her delegate) formally writes to the student to attend an interview. The letter or email to the student must include:
 - i. Details of the alleged tampering under investigation,
 - ii. A summary of evidence of tampering,
 - iii. An opportunity for the students to have a representative attend the interview, and
 - iv. The day, date, time, location and representative Institute staff involved in the interview.
- d) In cases where more than one student is involved and evidence indicates possible collusion with other students, the other student(s) will also receive a formal letter to attend an interview conducted on (possibly) the same day. The interview will not be at the same time as that of other student(s) involved in the allegation.
- e) During the interview, the following process will occur:
 - i. Representative Institute staff will provide the student with details and evidence of alleged tampering,

- ii. Student will have an opportunity to present their case and evidence,
 - iii. Interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.
- f) Representative Institute staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections **4.7 Confirmation of Allegations** and **4.8 Allegations Not Warranted**.
- g) In cases where the representative Institute staff does not include the Executive Dean, the representative staff will meet with the Executive Dean to present the degree of the breach and recommend a course of action prior to gaining the Executive Dean's approval for a course of action.
- h) In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Executive Dean in consensus with the Chair of the Institute's Academic Board.
- i) The outcome of the investigation and resulting actions will be formally communicated to the student in writing within 10 working days.
- j) Students may appeal any decision in writing following the guidelines stated in the ***Student Complaint and Appeal Policy*** and associated Procedure.
- k) Where a student has requested an appeal, the same interview process will be implemented; however, the Executive Dean and/or Academic Board will appoint representative Institute staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.
- l) All written communication (emails or letters), interview notes and evidence of academic misconduct must be placed in the Misconduct Folder stored on a secure drive with notes included in the student files in the Institutes database.

4.7 Confirmation of Allegations

- a) Where there is confirmation of academic misconduct, the following may be applied:
- i. A reprimand
 - ii. A written warning
 - iii. Failing the assessment item, and/or
 - iv. Failing the unit, and the student is required to repeat the unit of study
 - v. Deduction of marks
 - vi. Imposition of a maximum grade allowable
 - vii. Opportunity to sit a supplementary assessment at a cost to the student
- b) If it is a student's second (or more) major breach, the following may be applied in addition to the above:
- i. Suspension from the course, or
 - ii. Expulsion from the course.
- c) In all cases, details of the academic misconduct will be kept on the student's record/file and recorded in the Academic Misconduct Register.

4.8 Allegations Not Warranted

- a) In cases where there is insufficient evidence, or the evidence provided does not support the allegation, no penalty will be imposed; however, information pertaining to the allegation can be kept on the student's record/file.

- b) If the student is again involved in an allegation of academic misconduct at a later date, then prior allegation(s) will form a valid part of the later investigation and can be included when considering the seriousness of the later breach(es).

4.9 Factors to Consider

The following factors need to be considered when determining the degree of seriousness of academic misconduct and the degree of consequence to be implemented:

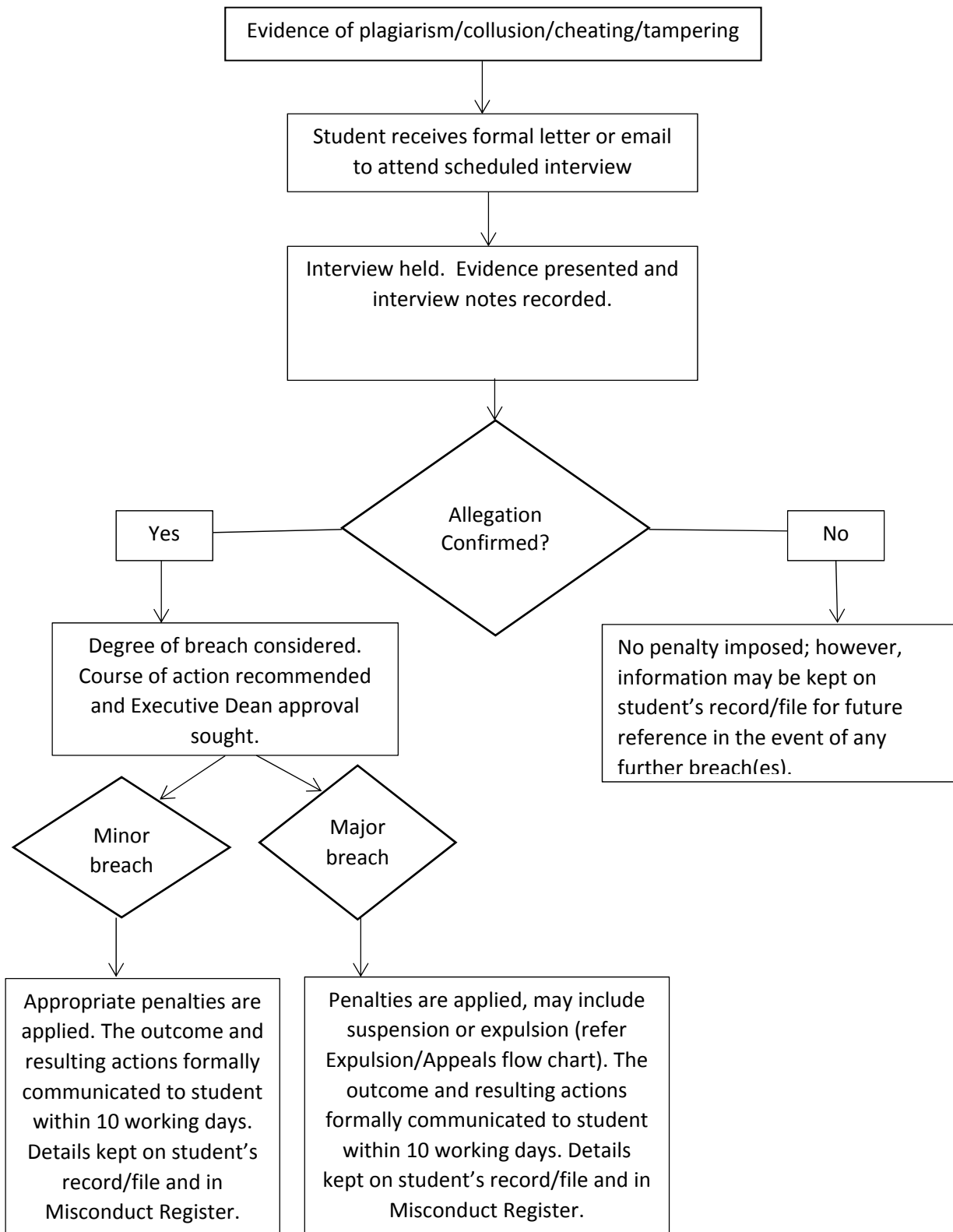
- a) Degree of the breach (major or minor)
- b) Whether the breach was intentional or unintentional
- c) The academic level of the student and stage of the student's studies at the time of the offence (ie: first academic year or above)
- d) Course implications, e.g. loss of student visa
- e) Where there is evidence of collusion, ascertain degree and aspect of coercion (if any), leaders, followers, etc.
- f) The extent of remorse shown by the student
- g) A history of serious or unsatisfactory study patterns
- h) Fairness and equity when determining the consequences
- i) Consistent handling to ensure that roles carried out by representative Institute staff are consistent across all cases of academic misconduct.

4.10 Appeals

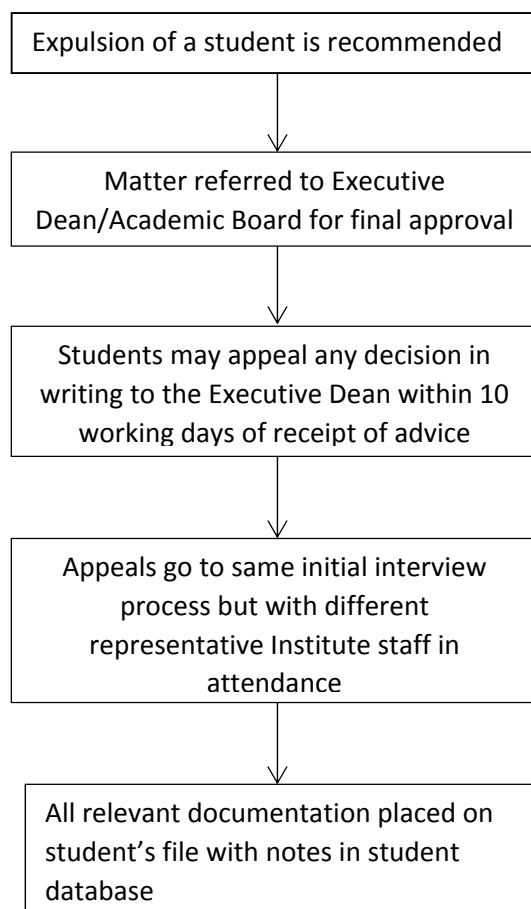
Students may appeal against a decision made under this Procedure and associated Policy. Appeals must be made as prescribed in the appeals process outlined in the ***Student Complaint and Appeal Procedure***.

5. Student Academic Misconduct Flow Charts

5.1 Stage 1: Investigation and Resolution



5.2 Stage 2: Appeals and Expulsion



6. Version Control

This Procedure has been endorsed by the Australia Institute of Higher Education Executive Dean as at February 2017 and is reviewed every 3 years. The Procedure is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2016-2	Registrar	Updated template.	6 July 2016	6 August 2016
2017-1	Ms. McCoy	Renamed document. Revised and edited content. Added flow-chart. Clarified responsibilities and types of misconduct Restructured document; added table at beginning	22 February 2017	6 March 2017