



Academic Misconduct Procedure

1. POLICY AGREEMENT SUPPORTED

Academic Misconduct Policy

2. PROCEDURAL DETAILS

2.1. The provision of academic counselling and the application of penalties for academic misconduct will be guided by the following framework to be implemented by the Portfolio.

2.2. Level 1: Minor Academic Misconduct

2.2.1 Level 1, First Instance

For the first instance no grading penalty will be applied. A student will usually be given the opportunity to revise and resubmit the assessment if practicable, and counselled by academic staff about the nature of the academic misconduct and positive strategies for its future avoidance. Resubmitted work will be marked employing the usual scale of assessment in that unit. If the opportunity to revise or resubmit the assessment is not practicable then the student should be required to undertake a similar assessment for marking purposes.

2.2.2 Level 1, Second Instance

For the second instance marks will be deducted from the student's assessment consistent with the level of academic misconduct, with the opportunity for revising or resubmission at the discretion of the course coordinator.

2.2.3 Level 1, Third Instance

For the third instance the student will usually be given zero marks for the relevant assessment with no possibility for revising or resubmission of the assessment.

2.3. Level 2: Major Academic Misconduct

2.3.1 Level 2, First Instance

- a) In cases where no previous record of academic misconduct has been recorded, the Course Coordinator may determine that no grading penalty be imposed, but that revision and resubmission of the assessment is permissible. In such instances, academic counselling will be provided by the Course Coordinator, and/or referral to other support services for advice about academic literacy. Resubmitted work will be marked employing the usual scale of assessment in that unit. If the opportunity to revise and resubmit the assessment is not practicable, then the student should be required to undertake a similar assessment for marking purposes.
- b) In cases where a previous record of academic misconduct has been recorded, marks will be deducted consistent with the extent of the academic misconduct. Counselling will be provided by the Course Coordinator, and/or referral to other support services for advice about academic literacy.

2.3.2 Level 2, Second Instance

For a second instance at Level 2, students will usually be awarded the grade N-Fail for the unit in which the academic misconduct has occurred, and will be warned that subsequent Level 2 breaches will be referred to the Portfolio Director and may result in the award of the grade N-Fail for all other units concurrently enrolled within the college. The student should also be advised that receiving an N-Fail may lead to penalties for unsatisfactory progress (pursuant to *Student Progress Policy* and *Student Progress Procedure*).

2.3.3 Level 2, Third Instance

For a third instance at Level 2, students will usually be awarded the grade N-Fail for the unit, and be referred to the Portfolio Director who will usually award the grade N-Fail for all units in which the student is concurrently enrolled within the college. However, in addition, the Portfolio Director may recommend to the Higher Education Standing Committee that a student be excluded from enrolment in all courses or units offered by the college for a period of up to one academic year or that a student's current enrolment in any course or unit offered by the college be cancelled.

2.4. Order of Instances of Academic Misconduct

2.4.1 Subsequent Instances

If a student who has committed a higher-level breach then commits a subsequent breach at a lower level, that subsequent breach will not be considered as a first offence. In such cases, the subsequent breach will automatically be treated as at least a second breach for that higher level, and will attract the appropriate penalty.

2.4.2 Concurrent Instances

In cases where students submit items for assessment concurrently in different units, and those items are found to exhibit evidence of academic misconduct, such collective breaches should, for the purposes of a penalty, be treated as a single instance only. Such leniency should only occur if it is clear that the student as a result of a concurrent or near concurrent submission schedule has not been in a position to benefit from remedial counseling, has not previously received counseling for an earlier instance, and is likely to have committed the breaches without intent.

3. RESPONSIBILITIES

3.1. The following responsibilities according to roles must be adhered to within all portfolios in the handling cases of academic misconduct.

3.1.1 Teaching staff including tutors and other sessional or full-time staff should, in cases of suspected academic misconduct:

- i) Immediately notify the relevant Course Coordinator and supply the Course Coordinator with details and evidence relating to the matter. In the case of suspected plagiarism, this information should include the relevant work, and

reference material upon which the work allegedly draws. The matter will then be handled further by the course coordinator.

3.1.2 Beyond the provision of relevant information to Course Coordinators, teaching staff in a unit of study:

- i) Should neither pursue a suspected case of academic misconduct, nor interview a student in relation to it, nor communicate with anyone other than the relevant course coordinator.
- ii) Must neither impose independently any penalty for alleged misconduct, nor formulate alternative assessments for the student involved.
- iii) Must be informed by the relevant Course Coordinator at the commencement of each semester of their role and responsibilities in relation to alleged academic misconduct.

3.1.3 The Course Coordinator holds the following responsibilities:

- i) Course Coordinators may not devolve their responsibilities in relation to academic misconduct to other teaching staff within the unit. In cases where the Course Coordinator is unexpectedly ill or indisposed, the responsibility for initial decisions relating to academic misconduct will be assumed by the Principal Lecturer.
- ii) Course Coordinators must brief all relevant staff engaged in teaching and assessment of the unit at the beginning of semester regarding procedures for the handling of academic misconduct within the unit, and particular elements of assessment requirements as they occur in the course of the unit.
- iii) Course Coordinators will be responsible for advising students that they are suspected of committing academic misconduct no later than when assessment items are returned to other students.
- iv) Course Coordinators will report all cases of alleged academic misconduct, except those resulting in academic counselling, to the Portfolio Director of the Portfolio. A notice of academic counselling must be forwarded to the Manager of Higher Education for central recording purposes, and a signed copy provided to the student.
- v) Course Coordinators will be responsible for the provision of appropriate academic counselling to students who receive a notice of academic counselling, which may consist of direct discussion and advice, and/or referral to appropriate support services and materials.
- vi) For instances that Course Coordinators believe should lead to deduction of marks for the assessment item, Course Coordinators will propose an appropriate deduction of marks, and will forward a 'Notice of Academic Misconduct' to the Portfolio Director for confirmation of the proposed deduction.
- vii) Course Coordinators must refer all other higher level instances to the Portfolio Director for handling. In so referring cases, Course Coordinators must provide to the Portfolio Director the student's work that is under consideration; supporting details and clear evidence relating to the matter;

and their written advice regarding the level of academic misconduct they believe is evidenced within the work, and, if deemed appropriate, a suggested penalty.

3.1.4 The Portfolio Director has the following responsibilities:

- i) In cases notified to the Portfolio Director for deliberation, they will review the evidence of academic misconduct and the advice brought before them by the Course Coordinator. If a case of misconduct has been established, the Portfolio Director will make further investigation regarding the level of misconduct by accessing a student's confidential record to assess whether the case is a first or subsequent breach.
- ii) The Portfolio Director will then offer an interview to the student concerned, attended by the Course Coordinator, and optionally the Manager of Higher Education, at which the academic misconduct and its level will be discussed as well as evidence of relevant mitigating circumstances. The student may be accompanied by a support person, which can be a mature family member, neighbour or established friend of the student's family. The support person is not there to speak on behalf of the student.
- iii) The Portfolio Director will then make a final determination about the level of academic misconduct where established, and an appropriate penalty for the academic misconduct on the basis of evidence, the previous record of the student, and any mitigating circumstances relevant to the case.

4. RECORDING ACADEMIC MISCONDUCT

- 4.1 Outcomes of cases must be recorded by the Portfolio Director on the relevant documents pertaining to the level of academic misconduct that has been established.
- 4.2 Notices of academic counselling, that do not require the attention of the Portfolio Director, need only be completed by the Course Coordinator on the relevant document.
- 4.3 All documents relevant to a student's academic misconduct will be forwarded to the Manager of Higher Education for central recording purposes.

5. LODGEMENT OF AN APPEAL AGAINST DECISIONS RELATING TO MISCONDUCT

- 5.1. Any notification of a finding of academic misconduct to a student must include clear information regarding their rights of appeal and the process to be followed.
- 5.2. The appellant must lodge the appeal in writing within ten working days from the date of the notification of the decision to the Portfolio Director.
- 5.3. A student may lodge an appeal to a decision relating to misconduct on the following grounds:
 - a) There was failure to comply with procedural fairness
 - b) There is evidence relating to an allegation of misconduct that was not reasonably ascertainable by the student at or prior to the decision, as the case may be, and that would probably have affected the decision made or any penalty imposed under section 2
 - c) The decision and/or penalty under section 2 were manifestly wrong, excessive or unfair.

5.4. The written appeal must:

- a) State the ground(s) for appeal in accordance with section 5.3 above
- b) Detail, and where appropriate provide relevant evidence relating to the ground(s) for appeal
- c) Where available, attach relevant documentation (note: failure to present the evidence claimed in the written appeal letter may affect the outcome of the appeal)
- d) If applicable, state the procedural irregularity and as far as possible how this has affected the outcome of the initial review.
- e) Clearly state the sought outcome.

6. CONDUCT OF AN APPEAL

- 6.1. Within 10 working days of receiving a notice of appeal the Portfolio Director must establish an Appeal Committee to investigate the appeal material and determine a resolution.
- 6.2. The Appeal Committee must consist of three persons as follows:
 - a) Chair of the Academic Board (Chair)
 - b) Two members of the Academic Board.
- 6.3. A person who has been in any way involved in, associated with, or alleged to have been involved in or associated with the alleged misconduct or its investigation, the decision under appeal or the penalty imposed, may not be a member of the Appeal Committee.
- 6.4. In the review of the appeal, the Appeal Committee can choose to conduct an interview with the appellant.
- 6.5. When arranging to interview an appellant, the following guidelines apply:
 - a) If the appellant is a minor, they must be accompanied by a parent or guardian.
 - b) The appellant should be given the opportunity to have a support person present. The support person can be a mature family member, neighbour or established friend of the student's family. The support person is not there to speak for the student. At the conclusion of the interview, however, the support person can be asked if they wish to make any comment about what has been discussed. A legal practitioner is not considered a support person.
- 6.6. Once the Appeal Committee has come to a decision, the student must be provided with a written notice of the terms of the decision within three working days of any decision by the Appeal Committee.
- 6.7. The decision of the Appeal Committee is final, however if a student is dissatisfied with the outcome and wish to take the matter further may contact the Ombudsman of Western Australia for an External Review or request the college to appoint their external mediation agency LEADR to review the case. The appointment of LEADR is organised by the Director of Client Services.
- 6.8. In the event of a successful appeal leading to dismissal of a finding, a student's confidential electronic record must be amended to remove any reference to the original finding and/or penalty in the case, and relevant paperwork associated with the case and the appeal stored securely in central records. In the event that an appeal results in the modification of a finding and/or a penalty, a student's electronic record must be amended to remove the original finding and to reflect the modified finding and/or penalty only. The relevant

paperwork associated with the case and the appeal must be transmitted to central records for secure storage.

Version No.	Approved/ Rescinded	Date	Approval Authority	
4.0	Approved	19 Aug 2016	HE Standing Committee	Changes to reporting. Addition 6.7 of LEADR independent mediation provider