

# Student Misconduct - Procedures

## 1. Purpose of procedures

1.1 The purpose of these procedures is to:

- (a) implement fair, just and timely processes, following the principles of procedural fairness, for investigating allegations and provide educational and/or remedial actions and penalties that may be applied for student misconduct; and
- (b) identify decision makers and provide practical advice to guide those administering the process.

## 2. Scope and application

2.1 These procedures apply to all students of the University and exclude staff members of the University. If the student is also a staff member, these procedures will apply if the suspected general or academic misconduct relates to the behaviour as a student.

2.2 These procedures may also apply to former students and students not currently enrolled.

2.3 This procedure should be read in conjunction with the Student Conduct – Governing Policy.

2.4 This procedure applies to any alleged student academic or general misconduct and to substantiated findings of student breaches of research conduct.

2.5 Students can raise alleged student academic or general misconduct through the Student Grievance Resolution – Governing Policy and associated procedures.

2.6 Section 5 of these procedures regarding the management of allegations of student academic misconduct does not apply to students undertaking a Higher Degree by Research (HDR), except for any associated coursework, e.g. a research methods course. In cases of alleged breaches of research conduct, refer to the University's Responsible Research Conduct - Governing Policy and Managing and Investigating Breaches of Responsible Research Conduct - Procedures.

2.7 Where student sexual assault or sexual harassment is suspected, the University will also follow the Sexual Assault and Sexual Harassment and Respectful Relationships (Students) - Governing Policy and associated procedures.

2.8 Where student discrimination, bullying, harassment or assault is suspected, the University will also follow Sexual Assault and Sexual Harassment and Respectful Relationships (Students) – Procedures to ensure a trauma informed response is provided.

## 3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to these procedures and are critical to its effectiveness:

### Academic integrity

"Academic integrity is defined as: '*a commitment, even in the face of adversity, to six fundamental values: honesty, trust, fairness, respect, responsibility, and courage. From these values flow principles of behaviour that enable academic communities to translate ideals to action*' (International Centre for Academic Integrity, 2014).

For the purposes of the University's policies and procedures, academic integrity is: '*the moral code of academia. It involves using, generating and communicating information in an ethical, honest and responsible manner*' (Monash University, 2013). The term 'ethical scholarship' has a similar meaning. These definitions apply to the behaviour of teachers, researchers, students or others who are engaged in any form of scholarly activity." (1)

Academic misconduct refers to a breach of academic integrity. Cheating, plagiarism, and fabrication or falsification of data are examples of such breaches, actions or behaviour which is contrary to expected student academic integrity outlined in Section 5.2 of the Student Conduct – Governing Policy.

### APPROVAL AUTHORITY

Vice-Chancellor and President

### RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Academic)

### DESIGNATED OFFICER

Pro Vice-Chancellor (Students)

### FIRST APPROVED

29 March 2021

### LAST AMENDED

29 April 2022

### REVIEW DATE

27 April 2026

### STATUS

Active

Assault has its legal meaning (Section 245 *Criminal Code* 1899 (Qld)) and includes striking, touching moving or otherwise applying force of any kind to another person without consent.

Bullying is repeated and unreasonable behaviour, whether intentional or unintentional, directed towards an individual or a group that creates a risk to health and safety.

Some of the more common types of bullying behaviours are:

Physical – damaging or stealing belongings, threats of violence, practical jokes or initiations, denying access to information, supervision, consultation or resources to the detriment of the student;

Verbal/written - name-calling, offensive language, unjustified criticism or complaints, insulting someone about an attribute, quality or personal characteristic;

Social – deliberately excluding someone from study-related activities, spreading misinformation or malicious rumours, sharing information that will have a harmful effect on the other person, damaging a person's social reputation or social acceptance; and

Cyberbullying – any form of bullying behaviour that occurs online or via a mobile device. It can be verbal or written, and can include threats of violence as well as images, videos and/or audio.

Discrimination, as defined in the *Anti-Discrimination Act 1991* (Qld), means to treat or to propose to treat, a person with an attribute (listed in the Act) less favourably or to impose unreasonable terms or conditions with which individuals with a particular attribute are unable to comply. Attributes may include:

Sex

Relationship status

Pregnancy

Parental Status

Breastfeeding

Age

Race

Impairment

Religious belief or religious activity

Political belief or activity

Trade Union activity

Lawful sexual activity

Gender Identity

Sexuality

Family responsibilities

Association with, or relation to, a person identified on the basis of any of the above attributes.

Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Indirect discrimination occurs when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

Expulsion from the University, means cancellation of enrolment and prohibition from enrolling in any courses or programs at the University, and may involve the removal of access to the University's premises and facilities for a period of time or on a permanent basis. An application for re-enrolment following expulsion may only be approved by the University's Council.

General misconduct is any action or behaviour which is contrary to expected student conduct outlined in Section 5.1 of the Student Conduct – Governing Policy.

Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination in these procedures and, for example, can include sexual, disability, racial or gender-based harassment.

Human rights has the meaning set out in the *Human Rights Act 2019* (Qld). Rights relevant to a student's relationship to the University and may include (but are not limited to) the rights of freedom of thought, conscience, religion and belief; freedom of expression; peaceful assembly and freedom of association; cultural rights including of Aboriginal peoples and Torres Strait Islander peoples; the right to a fair hearing; and the right to protection of privacy and reputation.

Interim suspension is usually removal of access to the University's premises and facilities during an investigation of a report of general misconduct for the management and good governance of the University. Further information about interim suspensions is outlined in Section 4.5 Student Misconduct - Procedures.

Procedural fairness: "Procedural fairness is about providing a person who might be adversely affected by a decision a 'fair hearing' before the decision is made."<sup>(2)</sup> It refers to the process by which a decision is reached and not the decision itself. With regard to misconduct, procedural fairness requires that a student against whom an allegation of misconduct is made by the University be provided with:

all relevant details and evidence of the alleged misconduct; and

an opportunity to present their version of events concerning the alleged misconduct.

Procedural fairness requires an investigator and/or decision maker to:

act impartially, without bias and without preconceived notions of culpability;

commence and complete the investigation without undue delay;

make enquiries and take actions to determine the facts of the matter based on sound reasoning and relevant evidence;

consider all relevant information and evidence;

not take into account irrelevant matters;

inform the student(s) concerned of the general substance of the allegation and the range of possible consequences if the investigation results in the allegation being substantiated;

provide the student(s) concerned with the opportunity to respond to and put forward evidence or arguments in their favour;

provide an opportunity for the student(s) concerned to make a case concerning why a particular consequence should not follow in the event that the allegation is substantiated; and

to deal with the allegation in a timely manner.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Sexual assault has its legal meaning (Section 352 *Criminal Code* 1899 (Qld)) and includes any unwanted or forced sexual act or behaviour that occurs without consent. Sexual assault occurs when a person indecently assaults another person or procures another person, without their consent, to commit a sexual act. Examples of sexual assault include:

inappropriate touching without consent;

forcing someone to perform a sexual act;

forcing someone to see a sexual act including the use of electronic media; and

sexual behaviour to which a person has not agreed.

Sexual harassment: In accordance with the *Anti-Discrimination Act 1991* (Qld), sexual harassment is any unwelcome conduct of a sexual nature in relation to a person in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity. Examples of sexual harassment include:

inappropriate jokes or comments with sexual connotations;

the display of offensive material;

stares and leers or offensive hand or body gestures;

comments and questions about another person's sexual conduct and/or private relationships that are intrusive;

persistent unwelcome invitations;

requests for sexual favours;

offensive written, telephone or electronic mail or any other electronic means of communication, including pictures or videos of body parts or sexualised activities;

unnecessary close physical proximity including persistently following a person;

unwelcome physical contact such as brushing against or touching a person;

denigrating comments regarding a person's gender or sexual preference; or

negative behaviours, e.g., intimidation or exclusions related to the sex or gender diversity of the recipient.

**Student conduct:** Students are expected to behave in accordance with the expectations outlined in Section 5.1 of the Student Conduct – Governing Policy.

**Suspension from the University,** usually for misconduct, is a cancellation of enrolment for a specified period, after which the student may seek re-enrolment. Suspension may also involve removal of access to the University's premises and facilities for a period of time.

**Unreasonable behaviour** means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

## 4. Student conduct and suspected breaches

### 4.1 Prevention of general misconduct

4.1.1 As members of a University community that values a safe environment, it is vital that students act with courtesy, fairness and respect in all University activities.

4.1.2 Safer Communities contributes to the University's commitment to protecting the health, safety and wellbeing of students. Safer Communities takes a whole of person approach to education and offers a variety of services including:

- (a) counselling and psychological interventions;
- (b) workshops and student training;
- (c) advice regarding grievance and complaints processes;
- (d) self-help resources; and
- (e) referral to appropriate external service providers.

### 4.2 Departures from acceptable student conduct

4.2.1 Any departure from the expectations around general student conduct has the potential to undermine the standards and quality of the University and constitutes student general misconduct

4.2.2 Examples of general misconduct are outlined in Schedule A.

4.2.3 The Pro Vice-Chancellor (Students) can make a determination whether an activity undertaken by a student constitutes general misconduct and should be considered under these procedures.

### 4.3 Categorisation of general misconduct

4.3.1 Instances of student general misconduct are classified by the degree of seriousness of the misconduct: Category 1 or Category 2.

4.3.2 Category 1 instances are confined to general misconduct that appears minor and is a first offence of similar behaviour.

4.3.3 All other instances of student general misconduct are regarded as Category 2 instances.

### 4.4 Summarily dealing with student general misconduct

4.4.1 Where a student's behaviour is considered to be disruptive during a University activity (including a teaching or research activity, examination, official meeting, ceremony or other proceeding), the staff member responsible for the conduct of that activity may direct the student to leave for the remainder of that activity. Where appropriate, the identity of the student should be established and a written record of the decision provided to the student by the staff member within one business day of the direction.

4.4.2 A member of the University's Executive or Senior Staff with responsibility for the operation or management of University facilities and/or premises, including the library and the University's information technology services, is authorised to temporarily suspend a student's access to, or use of, that facility or service for a period not exceeding five business days for misuse. Within one business day of the misuse, the authorised staff member informs the student in writing of the decision and the reason for it.

4.4.3 Where further action is warranted for misuse of University facilities and/or premises under Section 4.4.2, the authorised staff member informs the student that the behaviour may constitute general misconduct and that it will be reported.

4.4.4 The authorised staff member provides the Pro Vice-Chancellor (Students) with details of the suspected misconduct within five (5) business days of the incident so that the matter may be investigated and, if warranted, an allegation letter issued to the student.

#### 4.5 Interim suspension - general misconduct

4.5.1 The Deputy Vice-Chancellor (Academic) may, where necessary for the management and good governance of the University, immediately suspend a student for alleged general misconduct for an initial period of five (5) business days or for an extended period following a review, to avert a substantial risk:

- (a) to the health, welfare, and safety of the student or to any other person who is on University premises, using University facilities or services, or engaging in University activities or an activity affiliated with the University;
- (b) of damage to University property, or property on University premises; or
- (c) of disruption of a University activity.

4.5.2 An interim suspension may suspend, restrict, or limit a student in relation to their:

- (a) attendance at classes, field work, placements, or other University activities;
- (b) enrolment or re-enrolment in a course or program;
- (c) access to, or use of, University property or facilities;
- (d) access to, or contact with, other students and staff; or
- (e) any other terms and conditions which are reasonable in the circumstances.

4.5.3 An interim suspension must be proportionate to the circumstances, consider the student's human rights, and may be:

- (a) imposed for a specified time, initially up to five (5) business days;
- (b) reviewed at any time at the discretion of the Deputy Vice-Chancellor (Academic) pending the outcome of an investigation of the report of suspected general misconduct under Section 4.7; and
- (c) revoked, varied, or extended taking into account any changes in circumstances, including the continued likelihood of any risks.

4.5.4 Where the Deputy Vice-Chancellor (Academic) determines that an interim suspension is appropriate in the circumstances, the student must be notified of the decision with the following details:

- (a) the type of suspension and any terms or conditions that apply;
- (b) summary of the alleged conduct to which the interim suspension relates;
- (c) invitation to the student to have an opportunity to be heard in relation to the review of the interim suspension and whether it should be revoked, varied or extended by:
  - (i) attending an interview at a specified time which is to be no earlier than three (3) business days after the notice has been given; and/or
  - (ii) providing a written response by a specified date which is to be no earlier than two (2) business days after the notice has been given.
- (d) advise the student:
  - (i) they can bring a support person or an advocate to the interview, noting that an advocate must not be legally trained; and
  - (ii) if there is no response to the interim suspension notice, the University must make one final reasonable attempt to contact the student, by telephone or email, prior to the scheduled interview. If there is still no response and the student does not attend at the scheduled time and place, the Deputy Vice-Chancellor (Academic) will proceed to make a determination in the student's absence based on the evidence available as to whether the interim suspension will be revoked, varied or extended.

4.5.5 Before determining the outcome of a review of an interim suspension the Deputy Vice-Chancellor (Academic) must take into account any information provided by the student and any further information gathered by the University.

4.5.6 Outcomes of a review of an interim suspension may involve one or more of the following:

- (a) revocation (cancellation) of the interim suspension;
- (b) variation of the restriction or limitation under Section 4.5.2; or

(c) extension of the suspension for a specified period of time or until the determination letter has been received by the student or after the appeal process if the general misconduct allegation is substantiated has concluded.

4.5.7 The decision of the Deputy Vice-Chancellor (Academic) to impose a suspension greater than five (5) business days must clearly indicate the terms and conditions that apply to the student and the reasons for the decision.

4.5.8 An interim suspension ends at 5:00pm on the expiry date specified in the notice, when it will be revoked, or the investigation of the report of suspected general misconduct has been dealt with by the University under this procedure.

4.5.9 A decision of the Deputy Vice-Chancellor (Academic) under this section, 4.5.1 – 4.5.8, is not subject to any appeal or review at the University.

#### 4.6 Reporting suspected general misconduct

4.6.1 University staff should report suspected student general misconduct as soon as possible, preferably no later than five (5) business days following the initial incident, either verbally or in writing to the Pro Vice-Chancellor (Students).

4.6.2 Students can report suspected general misconduct by:

- (a) raising a grievance under the Student Grievances – Procedures;
- (b) making an anonymous report through the University's Sexual Assault and Sexual Harassment Information page;
- (c) calling Safe USC or using the Safe Zone app if they feel there is an immediate threat to their safety. Alternatively, they can call 000 and ask to speak to the police;
- (d) speaking to a trusted member of staff who can refer students to appropriate services; or
- (e) contacting Safer Communities for confidential support and advice on (07) 5430 1226.

4.6.3 Members of the University community can report suspected general misconduct by writing to the Pro Vice-Chancellor (Students) via email to [PVCStudents@usc.edu.au](mailto:PVCStudents@usc.edu.au).

4.6.4 Students and members of the University community are encouraged to report suspected student general misconduct as soon as possible.

#### 4.7 Initial examination and investigation of general misconduct

4.7.1 Following receipt of a report of suspected general misconduct, the Pro Vice-Chancellor (Students) will commence an initial examination, within ten (10) business days of receiving the report, to determine whether:

- (a) no further action is required; or
- (b) should not proceed and issue a warning letter that the alleged conduct was unacceptable and that any additional reports may result in an allegation of misconduct. The warning letter is placed on the student's disciplinary record but will not constitute a finding of general misconduct; or
- (c) if the allegation relates to sexual assault, sexual harassment, assault, harassment, bullying or discrimination, may consider whether conciliation or mediation is appropriate in the circumstances in accordance with Section 6A below; or
- (d) an allegation of student general misconduct should be made.

4.7.2 If the initial examination determines that alleged student general misconduct may have occurred, the Pro Vice-Chancellor (Students) will investigate further.

4.7.3 If the initial examination determines that the report should be dismissed, the Pro Vice-Chancellor (Students) will inform the student that no further action will be taken, if the student was aware of the report.

4.7.4 The investigation task of the Pro Vice-Chancellor (Students), or delegate, is to make enquiries and gather evidence that will enable a determination to be made, on the balance of probabilities, as to whether some or all of the misconduct occurred. This process may include gathering oral evidence (recollections from witnesses, which should be documented), documentary evidence and expert evidence. The Pro Vice-Chancellor (Students), or delegate, should follow the principles of procedural fairness in conducting the investigation.

4.7.5 Following the investigation, the Pro Vice-Chancellor (Students) may:

- (a) determine that there is no case to answer and, if appropriate, advise the student that no further action is warranted; or
- (b) determine that the matter may be resolved through mediation or conciliation between the parties (refer to Section 6A below) and upon resolution, determine that no further action be taken; or

(c) determine that the matter should be considered as an allegation of Category 1 general misconduct and issue an allegation letter (as detailed in Section 4.8) to the student for interview with the Pro Vice-Chancellor (Students); or

(d) determine that the matter should be considered as an allegation of Category 2 general misconduct and issue an allegation letter (as detailed in Section 4.8) to the student for hearing by the Student General Misconduct Committee.

4.7.6 The Pro Vice-Chancellor (Students), or delegate, must ensure that a complete record of the investigation is captured by documenting every step, including all discussions, phone calls, interviews, decisions and conclusions made during the investigation. These records must be stored securely to maintain confidentiality; refer to Sections 10 and 14 of these procedures.

#### 4.8 Issuing an allegation letter for general misconduct

4.8.1 An allegation letter should be sent to the student within five (5) business days of a decision being reached under Section 4.7.5(c) or (d), using the specified templates associated with these procedures.

4.8.2 All allegation letters to students are sent to their UniSC email address. All correspondence emailed by the University to a student's UniSC email address shall be deemed to have been received by the student.

4.8.3 An allegation letter is to include the same information to be considered by the decision maker, and will include:

- (a) the type of alleged misconduct according to the definition/s in these or relevant policy documents;
- (b) the details of the alleged misconduct including where and when it occurred;
- (c) information and documentary evidence relevant to the alleged misconduct;
- (d) website links to the relevant policy documents for deciding the matter;
- (e) details of how the student can respond to the allegation(s), see Section 4.8.4;
- (f) advice about a support person for the student during the hearing, noting that a support person must not be legally trained, see Section 4.9.9;
- (g) information about assistance and support the student may receive while preparing a response, see Section 7;
- (h) advice about the potential outcomes of a substantiated finding that the alleged student general misconduct has occurred, including potential consequences if, on further investigation, the allegation is referred to a more senior decision maker;
- (i) details of how the student can respond, outlining their circumstances, to the potential outcomes of a substantiated finding of student general misconduct in respect to Section 6.6; and
- (j) advice about the process for witnesses to be invited and questioned during the interview or hearing.

4.8.4 The allegation letter describes how the student can respond to the allegation and prescribes the period in which that response must be received by the University. Students are advised that they may respond by:

- (a) providing a written response (by email); and/or
- (b) participating in an interview with the Pro Vice-Chancellor (Students), or delegate in relation to Category 1 matters; or
- (c) participating in a hearing with the Student General Misconduct Committee in relation to Category 2 matters.

4.8.4.1 If the interview or hearing date and time is unknown at the time of sending the allegation letter, the student is to be advised to expect further correspondence providing those details.

4.8.4.2 The student is to be advised, either in the allegation letter or the subsequent correspondence as outlined in Section 4.8.4.1, who will be present at the interview or hearing.

4.8.5 The time set for an interview or hearing should be within fifteen (15) business days, but not earlier than five (5) business days, from the date of the allegation letter. For a student who requests an interview earlier than the five (5) business days an exemption is applied, subject to availability. Variations to the timeframe will be documented.

4.8.6 If there is no response to the allegation letter, the University must make one final reasonable attempt to contact the student, by telephone or email, prior to the scheduled interview or hearing. If there is still no response and the student fails to arrive at the scheduled time and place, a determination will be made in the student's absence based on the evidence available.

#### 4.9 General misconduct interview and hearing

4.9.1 The Pro Vice-Chancellor (Students), or delegate, determines procedural matters and considers and determines the outcome of Category 1 general misconduct allegations.

4.9.2 The Student General Misconduct Committee (the Committee) hears and provides a recommendation for Category 2 general misconduct allegations. The Committee Chairperson determines procedural matters relating to the hearing.

4.9.3 Prior to commencing the meeting with the student, the decision maker must ensure that the student has received the relevant material and is aware of the interview or hearing process.

4.9.4 If the University intends to invite a witness to speak, the student should be informed at least five (5) business days prior to the commencement of the interview or hearing. All steps will be taken to minimise the number of times a witness or reporting student needs to recount a traumatic experience; submitting the witness or student's report in the relevant materials rather than them appearing at the interview or hearing.

4.9.5 The student may invite witnesses to speak, at the discretion of the Pro Vice-Chancellor (Students), or delegate (for Category 1 matters), or the Committee Chairperson (for Category 2 matters). The student must provide the names and mailing addresses of any invited witnesses in their request. The request must be received at least five (5) business days prior to the date of the interview or hearing.

4.9.6 The Pro Vice-Chancellor (Students), or delegate (for Category 1 matters), or Committee Chairperson (for Category 2 matters) may question the student and invite them to make oral presentations at the interview or hearing. The student may also ask questions through the Pro Vice-Chancellor (Students), or delegate (for Category 1 matters), or the Committee Chairperson (for Category 2 matters) of any witness who is present at the interview or hearing.

4.9.7 The Pro Vice-Chancellor (Students), or delegate (for Category 1 matters), or the Committee Chairperson (for Category 2 matters) can decide to impose any one or more of the following conditions if the matter involves allegations of sexual harassment, sexual assault, assault, harassment, bullying or discrimination:

(a) permitting a witness who is the reporting student and who is present at the interview or hearing to respond to questions from the Pro Vice-Chancellor (Students), or delegate (for Category 1 matters), or the Committee Chairperson (for Category 2 matters) from another location, via videoconference or by other means, in order to minimise interaction between the reporting student and the student;

(b) offering the reporting student the opportunity to be accompanied by a support person, providing the person is not legally trained and acts on the same conditions as outlined in Section 4.9.9; and

(c) other arrangements to minimise interaction between the reporting student and the student.

The University must observe procedural fairness.

4.9.8 The Coordinator, Student Grievances (for interviews) or the Committee Secretary (for hearings) records notes and prepares a minuted report. A copy of the minuted report will be made available to the student if requested.

4.9.9 It is expected that students represent and speak for themselves in relation to any misconduct matters. Students may have a support person at the interview or hearing but are advised that this person must be a representative of the USC Student Guild or another person who is not legally trained. The student may confer with the support person but the support person may not advocate on the student's behalf. The support person cannot be under investigation for alleged related general misconduct.

4.9.10 In limited circumstances, the Pro Vice-Chancellor (Students), or delegate, may provide approval to allow the support person to advocate on the student's behalf. These circumstances could include where a student has a disability which impacts on their ability to advocate for themselves, or where English is not the student's first language and an advocate would assist with the interpretation of the questions and communication of responses.

4.9.10.1 If an advocate is approved, it will be for all meetings related to a specific misconduct matter only, as any subsequent matters would require a separate approval request. If approved, an advocate can confer with the student and provide responses on behalf of the student. However, where a first-hand account is required to assist with the decision-making process, the relevant decision maker can ask the student to respond directly. The advocate must adhere to the protocols of the interview or hearing.

4.9.10.2 To request approval for an advocate, the student should email the Pro Vice-Chancellor (Students), (PVCStudents@usc.edu.au) at least four (4) business days before the meeting, requesting approval for their support person to advocate on their behalf. The student should provide independent evidence (for example a UniSC Medical Certificate form completed by a registered Medical Practitioner) and grounds for their request. The outcome of the request will be advised to the student within three (3) business days. If the interview or hearing is being held by a committee, the Office of the Pro Vice-Chancellor (Students) will also advise the Secretary to the Committee if the request is approved.

4.9.11 The student is not obliged to attend an interview or hearing. If the student does not attend and a reasonable attempt to contact the student has been made (as per Section 4.8.6), a decision may be made in the student's absence and any written submission taken into account.



#### 4.10 Determination and notice for general misconduct

4.10.1 Following the interview or hearing, the decision maker may seek further information or advice as necessary before making the determination or recommendation. However, the student must be given the opportunity to comment on any additional information prior to the determination or recommendation being made.

4.10.2 The findings of the decision maker should be based on established facts, sound reasoning and relevant evidence which, on the balance of probabilities, indicates whether the misconduct is proven. The decision or recommendation is to be reached within ten (10) business days from:

the interview or hearing; or

the student's response to any further information or the response due date if Section 4.10.1 applies; or

the student's response to the recommended penalty or the response due date if Section 4.10.9.1 applies.

4.10.3 If a finding of general misconduct is determined, the decision maker should take into consideration the factors identified under Section 6.6 before determining the penalty. If a finding of general misconduct is not substantiated, the Pro Vice-Chancellor (Students), or delegate may determine whether conciliation or mediation is appropriate in accordance with Section 6A.

4.10.4 The student's previous disciplinary record should only be given to the decision maker when making a recommendation under Section 6 if they determine that general misconduct occurred.

4.10.5 The student must be advised in writing of the determination within ten (10) business days of the decision. The determination notice is emailed to the student's UniSC email address. The notice must:

(a) provide the student with full details of the determination, including any penalties or associated educational or remedial actions and the reasons for making the decision;

(b) advise that the student may contact the nominee listed in the letter to seek clarity about any educational or remedial actions required as part of the determination (if identified);

(c) if a general misconduct finding is substantiated, advise the student that the option is available to lodge an appeal in accordance with the Student Grievance Resolution - Governing Policy and Student Review and Appeals - Procedures, noting Section 4.10.6 timeframes in these procedures; and

(d) if the student receives a penalty of either suspension or expulsion, the determination notice must include the following:

(i) the date from which the suspension/expulsion will be enforced;

(ii) advice that the Withdrawn by the University (WX) notation will appear on the student's academic transcript for courses in which they are enrolled; and

(iii) in the case of an international student on a student visa, the University is obliged to advise the student in the determination notice that a penalty of suspension or expulsion for misconduct will be reported to the relevant Government department(s) and may result in the cancellation of the student visa.

4.10.6 For all substantiated general misconduct findings and penalties made under this procedure, the student has twenty (20) business days to lodge a Step 3 appeal (see Student Review and Appeals – Procedures) from notification of the decision made by the Pro Vice-Chancellor (Students) or the Deputy Vice-Chancellor (Academic) under Sections 4.10.8.2 and 4.10.9.2.

4.10.7 If the student is dissatisfied with the decision, the Student Grievance Resolution - Governing Policy and Student Review and Appeals – Procedures are to be followed. In the event that there is any conflict in relation to the appeal submission deadlines, the timeframes outlined in Section 4.10.6 will take precedence.

#### 4.10.8 Determination of Category 1 general misconduct allegations

4.10.8.1 If the decision maker determines that the alleged student general misconduct is not proven, the investigation is concluded. The student is informed of this decision in the determination notice (see Section 4.10.5).

4.10.8.2 Where the decision maker is satisfied that, on the balance of probabilities, there is sufficient evidence that some or all of the alleged Category 1 general misconduct occurred, the University issues the student with this decision in the determination notice (see Section 4.10.5).

4.10.8.3 Where the decision maker determines evidence of Category 2 misconduct has been disclosed, the matter will be referred to the Student General Misconduct Committee.

4.10.8.4 The referral should be sent to the Committee within five (5) business days of the decision and the student notified by email to their UniSC email address. The Pro Vice-Chancellor (Students) will issue a new allegation letter in accordance with Section 4.8 for a hearing of the Committee to be conducted within fifteen (15) business days of the date of the new allegation letter.

#### 4.10.9 Determination of Category 2 general misconduct allegations

4.10.9.1 The Chairperson of the Committee will provide the findings and recommendation in writing to the Pro Vice-Chancellor (Students). Where the Committee recommends suspension or expulsion of the student, they will follow Sections 6.4.1 and 6.4.2 prior to finalising its findings and recommendation.

4.10.9.2 The Pro Vice-Chancellor (Students) will make a determination on a course of action and the University sends the determination notice to the student (see Section 4.10.5). The Pro Vice-Chancellor (Students) may decide:

- (a) the alleged student general misconduct is not proven and the investigation is concluded; or
- (b) that, on the balance of probabilities, there is sufficient evidence that some or all of the alleged general misconduct occurred and issue the student with the agreed educational, remedial actions and penalties as appropriate; or
- (c) where the Pro Vice-Chancellor (Students) finds that the appropriate penalty is suspension or expulsion or to rescind an award, the Pro Vice-Chancellor (Students) will recommend the finding of general misconduct and the penalty to the Deputy Vice-Chancellor (Academic) for approval under Sections 6.4.3 and 6.5 respectively.

4.10.9.3 If the Committee determines that evidence of alternative general misconduct to the allegation(s) contained in the original allegation letter has been disclosed, the Committee will refer the revised allegation(s) to the Pro Vice-Chancellor (Students). The Pro Vice-Chancellor (Students) will then make a determination on the revised allegation(s) under Section 4.7. Should a new allegation letter be issued for a hearing by the Committee, the new hearing will be conducted by Committee members who were not part of the original hearing.

4.10.9.4 The Office of the Pro Vice-Chancellor (Students) facilitates advice to Student Services and Engagement regarding actions required for a failing grade, to withdraw, suspend or expel students and/or notate official academic records.

4.10.9.5 The Office of the Pro Vice-Chancellor (Students) will advise the relevant Head of School in cases where the determination is suspension or expulsion.

#### 4.11 Student General Misconduct Committee

4.11.1 The Student General Misconduct Committee (the Committee) Terms of Reference and Composition are approved by the Vice-Chancellor and President.

4.11.2 The Committee is convened as required to consider and determine Category 2 allegations of general misconduct, where the seriousness and/or complexity of the alleged misconduct warrants a hearing of the Committee.

## 5. Academic integrity and suspected breaches

### 5.1 Prevention of academic misconduct

5.1.1 As members of a University community that values academic integrity, it is vital that students act with honesty, trust, fairness, respect and responsibility in all academic activities.

5.1.2 Students have a responsibility to familiarise themselves with scholarly conventions appropriate to their discipline, and to the Australian Higher Education environment, including learning to use academic referencing systems and sound research practices.

5.1.3 The University provides education for students about academic integrity as a key element of training in essential academic skills. The UniSC Library offers training and assistance in developing scholarly research skills.

5.1.4 All students undertaking a coursework program at the University must successfully complete academic integrity training modules. Successful completion is defined as achieving an overall score of 80% in all quizzes. The modules will be available through the University's Learning Management System.

5.1.5 Failure to meet the requirement in Section 5.1.4 will result in the initial withholding of the student's online teaching materials. The student's online teaching materials will be released when the modules have been successfully completed. If the student fails to meet Section 5.1.4 by the end of week three (3) of the teaching term, the online teaching materials will be released, however, grades for that and subsequent enrolment periods will be withheld. The student's grades will be released when the modules have been successfully completed.

5.1.6 Academic Staff have a direct role in supporting their students to acquire the skills to be successful in their studies by providing explicit information about expectations of assessment standards in each course.

5.1.7 The Heads of Schools are responsible for overseeing the provision of discipline-specific education on student academic integrity for both students and staff.

5.1.8 The University implements strategies for reducing opportunities for breaches of academic integrity in assessment. The Centre for Support and Advancement of Learning and Teaching (CSALT) provides training for staff about promoting student academic integrity through thoughtful pedagogical principles and rigorous assessment design.

## 5.2 Departures from acceptable academic conduct

5.2.1 Any departure from student academic integrity has the potential to undermine the academic standards and quality of the University and constitutes student academic misconduct.

### 5.2.2 Types of academic misconduct

5.2.2.1 Academic misconduct includes, but is not limited to:

- (a) plagiarism, including using another's expression or ideas without appropriate acknowledgement;
- (b) collusion, involves "any unauthorised collaboration in preparation or presentation of work, including knowingly allowing personal work to be copied by others" (2);
- (c) cheating, including in examinations or by accessing restricted assessment materials;
- (d) fraud, including falsification or fabrication of data or work; falsification or fabrication of medical certificates; or in any other way participating in activities which are intended to give the student an unfair or dishonest advantage in their learning activities, assessment, placement or research; and
- (e) contract cheating, including the outsourcing of assessments to a third party, whether that is a commercial provider, tutorial site, current or former student, family member or acquaintance; including the unauthorised use of file-sharing sites, and organising another person to take an examination on the student's behalf (3).

5.2.2.2 More examples of academic misconduct are provided in Schedule B.

5.2.3 The University has available a range of tools, such as the University's text matching tool, to assist in the identification of possible cases of plagiarism, collusion and contract cheating. Reports generated by software tools must be examined thoroughly in context, and the academic judgement of the teaching staff is relied upon to determine whether or not material is plagiarised, or collusion or contract cheating occurred.

## 5.3 Categorisation of academic misconduct

5.3.1 Instances of student academic misconduct in coursework and coursework programs are classified by the degree of seriousness of the misconduct: Category 1 or Category 2.

5.3.2 Category 1 instances are confined to:

- (a) instances of academic misconduct that appear to be a consequence of a student's lack of knowledge of, or skill in, the conventions of academic writing or arising from carelessness rather than a deliberate act of deception; or
- (b) instances of academic misconduct that do not appear to be a deliberate act of deception; or
- (c) instances of attempted academic misconduct that do not appear to be a deliberate act of deception.

5.3.3 All other instances of student academic misconduct in coursework and coursework programs are regarded as Category 2 instances and include:

- (a) instances of academic misconduct that appear intentional and a deliberate act of deception; or
- (b) instances of attempted academic misconduct that appear to be a deliberate act of deception where the student is passing the work of another person off as their own.

## 5.4. Reporting suspected academic misconduct

5.4.1 When a member of staff or a fellow student has reason to suspect student academic misconduct, that person must inform the relevant Course Coordinator as soon as possible, no later than five (5) business days from when the suspicion has been formed that academic misconduct may have taken place. The report of suspected student academic misconduct can be made either verbally or in writing to the Course Coordinator. All available supporting evidence must be provided at that time.

5.4.2 In the case of suspected student academic misconduct in an examination, the incident must be reported immediately. Refer to Section 5.9 regarding alleged misconduct in central examinations.

5.4.3 A Course Coordinator who receives a report or identifies suspected student academic misconduct, must make a preliminary analysis to determine if either:

- (a) there is no case for the student to answer and the matter proceeds no further; or
- (b) there is sufficient evidence that the matter should be investigated.

5.4.4 As part of the preliminary analysis, the Course Coordinator:

- (a) examines any documentation relating to the incident, including any report;
- (b) checks the information provided to students on the assessment item; and
- (c) analyses the assessment item.

5.4.5 The Course Coordinator should at this stage take care to avoid any pre-judgement of the student or the suspected student academic misconduct and in particular should not seek or take into consideration any previous records or knowledge about previous allegations or findings of student academic misconduct related to the student. Evidence of prior academic misconduct, if any exists, should only be considered by the Academic Investigator when determining penalties.

5.4.6 Following the preliminary analysis, the Course Coordinator may determine that:

- (a) there is no case for the student to answer, and no formal investigation is required; or
- (b) there is on first appearance evidence to support an allegation of academic misconduct for the student to answer (Category 1 or 2) and the matter should be reported as per Section 5.4.7(a).

5.4.7 Where the Course Coordinator, has determined that there is sufficient evidence to support an allegation of academic misconduct (5.4.6(b)) the Course Coordinator:

- (a) completes and submits a Student Academic Misconduct Details Form as soon as possible, but no later than five (5) business days from the initial report (see Section 5.4.1) or from when the relevant suspicion has been formed that academic misconduct has taken place;
- (b) removes any result for the assessment item (if submitted) and replaces it with a null result and, if it is close to the release of grades, adds the interim notation of Result Withheld (RW) in the grades module; and
- (c) advises the student that an allegation has been submitted, their result has been withheld for the assessment, pending investigation and they will be contacted by the Academic Investigator in due course.

5.4.8 When a Course Coordinator reports suspected academic misconduct for investigation (Section 5.4.7(a)), the Course Coordinator has the option to also provide a recommendation for an appropriate penalty should the allegation be proven. The recommendation should include a rationale referring to Section 6. The Academic Investigator may take the recommendation into consideration when determining the penalty.

5.4.9 Course Coordinators must ensure that records generated throughout a preliminary analysis are captured and these should accompany the submitted Student Academic Misconduct Details Form.

5.4.10 Should the Course Coordinator not be an on-going member of staff, the Head of School (or Deputy Head of School (Learning and Teaching) as delegate) may act on the Course Coordinator's behalf.

## 5.5 Initial examination and investigation of academic misconduct

5.5.1 Following receipt of a report of suspected student academic misconduct, the Academic Investigator will commence an initial examination within ten (10) business days of report to determine if the report:

- (a) should be dismissed; or
- (b) should be referred back to the Course Coordinator for clarification of the details; or
- (c) should be considered as an allegation of student academic misconduct.

5.5.2 If the initial examination determines alleged student academic misconduct may have occurred, the Academic Investigator will investigate further.

5.5.3 If the initial examination determines that the report should be dismissed, the Academic Investigator will inform the Course Coordinator that no further action will be taken. The student will be notified and the Course Coordinator will reinstate the result for the assessment task.

5.5.4 Unless specifically requested by the respective Head of School or the Dean (Academic) as appropriate, the Academic Investigator does not investigate reports of suspected student academic misconduct if the grade for the course in which the suspected academic misconduct occurred has been finalised and publicly released (note: if an interim notation of Result Withheld (RW) has been allocated to the student an investigation can still occur).

5.5.5 The task of the Academic Investigator is to make enquiries and gather evidence that will enable a determination to be made, on the balance of probabilities, as to whether some or all of the misconduct occurred. This process may include gathering oral evidence (recollections from witnesses, which should be documented), documentary evidence, and expert evidence (e.g. technical advice on data, text-matching reports, etc.). The Academic Investigator should follow the principles of procedural fairness.

5.5.6 If the determination is 5.5.1(a), the student will receive an allegation letter as detailed in Section 5.6.

5.5.7 The Academic Investigator must ensure that a complete record of the investigation is captured by documenting every step, including all discussions, phone calls, interviews, decisions and conclusions made during the investigation. These records must be stored securely to maintain confidentiality (refer to Sections 10 and 14).

5.5.8 During an investigation, the Academic Investigator may suspect student academic misconduct by other parties involved in the report. If the other party is a student in the same course, the Academic Investigator will report the suspected misconduct to the Course Coordinator, who will be requested to submit a Student Academic Misconduct Details Form. If the other party is not a student in the same course, with the approval of the respective Head of School or the Dean (Academic) as appropriate, a Student Academic Misconduct Details Form will be submitted.

## 5.6 Issuing an allegation notice for academic misconduct

5.6.1 An allegation letter should be sent within five (5) business days of a decision being reached under Section 5.5.1(c), using the specified templates associated with these procedures.

5.6.2 All allegation letters to students are sent to their UniSC email address. All correspondence emailed by the University to a student's UniSC email address shall be deemed to have been received by the student.

5.6.3 An allegation letter will include the same information which the decision maker will consider, and will include:

- (a) the type of alleged misconduct according to the definition in these procedures;
- (b) the details of the alleged academic misconduct including where and when it occurred;
- (c) information and documentary evidence relevant to the alleged misconduct;
- (d) website links to the relevant policy and procedures for deciding the matter;
- (e) details of how the student can respond to the allegation(s), see Section 5.6.4;
- (f) advice about a support person for the student during the interview, noting that a student is not entitled to legal representation, see Section 5.7.7;
- (g) information about assistance and support the student may receive while preparing a response, see Section 7;
- (h) advice about the potential outcomes of a substantiated finding that student academic misconduct has occurred, including potential consequences if, on further investigation, the allegation is referred to a more senior decision maker; and
- (i) details about how the student can respond to the potential outcomes of a substantiated finding of student academic misconduct in respect to Section 6.6.

5.6.4 The allegation letter describes how the student can respond to the allegation and prescribes the period in which that response must be received by the University. Students are advised that they may respond by:

- (a) attending an interview either at a time pre-scheduled by the University, or upon request from the student, as determined by the Academic Investigator; or
- (b) providing a written response (by email) to the allegation; or
- (c) both (a) and (b).

5.6.5 The time set for an interview should be within fifteen (15) business days, but no earlier than five (5) business days, from the date of the allegation notice. For a student who requests an interview earlier than the five (5) business days an exemption is applied, subject to availability. Variations to the timeframe will be documented.

5.6.6 If there is no response to the allegation letter, the University must make one final reasonable attempt to contact the student by telephone or email prior to the scheduled interview. If there is still no response and the student fails to arrive at the scheduled time and place, the Academic Investigator will proceed to make a determination in the student's absence based on the evidence available.

#### 5.7 Academic misconduct interview

5.7.1 The Academic Investigator determines procedural matters and considers and determines the outcome of academic misconduct allegations.

5.7.2 The interview is conducted by the Academic Investigator.

5.7.3 Prior to commencing the interview with the student, the Academic Investigator will ensure the student received the relevant material and understands the interview process.

5.7.4 Where the student elects to participate in an interview, the purpose of the interview is to review the evidence available, allow the student the opportunity to respond to the allegation, discuss the matter with the student and allow the Academic Investigator to determine whether misconduct has occurred.

5.7.5 The Academic Investigator may question the student and invite them to make oral presentations at the interview.

5.7.6 During the interview, the Academic Investigator records notes of the conversation and on conclusion creates a written summary of the interview. A copy of the written summary of the interview will be made available to the student if requested by the student.

5.7.7 It is expected that students represent and speak for themselves in relation to any misconduct matters. Students may have a support person at the interview but are advised that this person must be a representative of the Student Guild or another person who is not legally trained. The student may confer with the support person, but the support person may not advocate on the student's behalf. The support person cannot be under investigation for suspected related academic misconduct.

5.7.8 In limited circumstances, the Pro Vice-Chancellor (Students) may provide approval to allow the support person to advocate on the student's behalf. These circumstances could include where a student has a disability and this impacts on their ability to advocate for themselves, or where English is not the student's first language and an advocate would assist with the interpretation of the questions and communication of responses.

5.7.8.1 If an advocate is approved, it will be for all meetings related to a specific misconduct matter only, as any subsequent matters would require a separate approval request. If approved, an advocate can confer with the student and provide responses on behalf of the student. However, where a first-hand account is required to assist with the decision-making process, the relevant decision maker can ask the student to respond directly. The advocate must adhere to the protocols of the interview.

5.7.8.2 To request approval for an advocate, the Student should email the Pro Vice-Chancellor (Students), (PVCStudents@usc.edu.au) at least four (4) business days before the meeting, requesting approval for their support person to advocate on their behalf. The student should provide independent evidence (for example a UniSC Medical Certificate form completed by a registered Medical Practitioner) and grounds for their request. The outcome will be advised to the student within three (3) business days. The Office of the Pro Vice-Chancellor (Students) will also advise the Academic Investigator if any advocate is approved.

5.7.9 The student is not obliged to attend an interview. If the student does not attend the interview and a reasonable attempt to contact the student has been made, a decision may be made in the student's absence, and any written submission taken into account.

#### 5.8 Determination and notice for academic misconduct

5.8.1 Following the interview, the Academic Investigator may seek further information or advice as necessary before making the determination. However, the student must be given the opportunity to comment on any additional information prior to the determination being made.

5.8.2 The Academic Investigator's findings should be based on established facts, sound reasoning and relevant evidence which, on the balance of probabilities, indicates whether the student committed academic misconduct. The decision is to be reached within ten (10) business days of the:

(a) interview; or

(b) the student's response to further information or the response due date if Section 5.8.1 applies; or

(c) the student's response to the recommended penalty or the response due date if Section 5.8.6 applies.

5.8.3 The student's previous disciplinary record should only be given to the Academic Investigator when making a recommendation under Section 6.

5.8.4 If the Academic Investigator determines that the alleged student academic misconduct is not proven, the investigation is concluded. The student and the Course Coordinator are informed of this outcome, see Section 5.8.7.

5.8.5 Where the Academic Investigator is satisfied that, on the balance of probabilities, there is sufficient evidence that some or all of the alleged student academic misconduct occurred, subject to Section 5.8.6, the Academic Investigator makes a determination as to the penalty and any educative or remedial actions to apply. The Academic Investigator should take into consideration the factors identified under Section 6.6. before determining the penalty.

5.8.6 Where the Academic Investigator recommends either suspension or expulsion of the student, they will follow Section 6.4 prior to finalising their findings and recommendation. Where the Academic Investigator recommends that an award be rescinded, the Academic Investigator will recommend the finding of academic misconduct and the penalty to the Deputy Vice-Chancellor (Academic) for endorsement and, if endorsed for the Deputy Vice-Chancellor (Academic), will follow Section 6.5.

5.8.7 The student is advised in writing of the determination within ten (10) business days of the decision. The determination notice is emailed to the student's UniSC email address. The notice must:

- (a) give the student full details of the determination, including the reasons for making the decision;
- (b) advise that the student may contact the nominated person to seek clarity about any educational or remedial actions required as part of the determination (if identified);
- (c) where a misconduct finding is substantiated, advise the student of the option to seek a review of the decision and/or to lodge an appeal following the Student Grievance Resolution - Governing Policy and Student Review and Appeals – Procedures, noting Section 5.8.9 timeframes; and
- (d) where the student receives a penalty of either suspension or expulsion, include:
  - (i) the date from which the suspension/expulsion will be effective;
  - (ii) the advice that the Withdrawn by the University (WX) notation will immediately appear on the student's academic transcript for that course in which the academic misconduct was proven; and
  - (iii) where the decision relates to an international student on a student visa, advise the student that a penalty of suspension or expulsion for misconduct will be reported to the relevant Government department(s) and may result in the cancellation of the student visa.

5.8.8 If the Academic Investigator determines evidence of alternative academic misconduct to the allegation(s) contained in the original allegation letter has been disclosed, which will attract a more severe penalty if the allegation is proven, the Academic Investigator will issue a new allegation letter and a new investigation will be conducted. The student will be advised that they can arrange an interview, rather than being provided with an interview time as per Section 5.6.4(a)

5.8.9 If the Academic Investigator determines evidence of alternative academic misconduct to the allegation(s) contained in the original allegation letter that would not result in a higher minimum penalty being applied, the Academic Investigator may make the relevant determination based on the evidence available. No new investigation will be conducted.

5.8.10 For all substantiated academic misconduct findings and penalties made under this procedure, the student has twenty (20) business days to lodge:

- (a) a Step 2 review of decision, made by the Academic Investigator under Section 5.8.6; or
- (b) a Step 3 internal appeal of decision, made by the Deputy Vice-Chancellor (Academic) under Section 5.8.6.

5.8.11 If the student is dissatisfied with the decision, the Student Grievance Resolution- Governing Policy and Student Review and Appeals – Procedures are to be followed. In the event of any conflict in relation to the appeal submission deadlines, the timeframes outlined in Section 5.8.9 will take precedence.

5.8.12 The Integrity and Compliance Unit will request Student Services and Engagement to implement penalties of failing grade, to withdraw, suspend or expel students and/or notate an official academic record.

5.8.13 The Integrity and Compliance Unit will advise the Course Coordinator of all determinations and advise the relevant Head of School in cases where the determination is suspension or expulsion.

5.8.14 The Course Coordinator will implement penalties of resubmissions or substitute assessment tasks. The Course Coordinator will update the assessment item mark as appropriate.

5.8.15 The Integrity and Compliance Unit provides Heads of School with semester/trimester reports on the outcome of allegations of student academic misconduct investigated by the unit.

## 5.9 Student academic misconduct in central examinations

5.9.1 In central examinations, it is generally an Invigilator who detects cheating or an attempt to cheat.

5.9.2 The Invigilator may permit the student to complete the examination, provided that further infringing conduct can be prevented or the unauthorised material is removed. The Invigilator should, if appropriate, issue new examination booklets or answer sheets, or sign the student's work to indicate the point at which the student is resuming.

5.9.3 Where a person is found to be impersonating a student for an examination, the Invigilator should, if possible, confiscate the student ID card of the student being impersonated and provide a written Incident Report to the Academic Register and Director, Student Services immediately after the examination. The person present should be asked to identify themselves and provide their contact details.

5.9.4 If the person present is a current UniSC student, the Invigilator must provide a written Incident Report to the Academic Register and Director, Student Services immediately after the examination. Any confiscated unauthorised material should accompany the Invigilator's report. Any items of value will be returned to the student as soon as possible.

5.9.5 If the person present is not a current UniSC student, the investigation should proceed under Section 8 of these procedures.

5.9.6 Should the person present leave the premises without being identified, CCTV footage may be able to be accessed for possible identification.

5.9.7 Upon receipt of the report, the Academic Register and Director, Student Services will forward the report and any other pertinent information to the Integrity and Compliance Unit.

5.9.8 The Integrity and Compliance Unit will notify the Course Coordinator of the investigation, provide the Course Coordinator an opportunity to recommend an appropriate penalty if the academic misconduct is proven, and confirm that any materials confiscated would constitute prohibited materials under exam conditions for the course.

5.9.9 Following the receipt of a report, the Integrity and Compliance Unit will investigate the report and make a determination, following the same process in Section 5.

5.10 Collusion involving a UniSC student who is not enrolled in the course where the academic misconduct occurred

5.10.1 When the alleged student academic misconduct involves collusion with another UniSC student who is not enrolled in the same course in which the suspected misconduct occurred, the Course Coordinator refers the allegation, following the same process outlined in Section 5.

5.10.2 In such cases, the full range of penalties identified in Section 6 are not available as the student is not enrolled in the course in which the student academic misconduct was identified. The only penalties available are to issue a formal warning or reprimand for Category 1 offences or suspension or expulsion for Category 2 offences.

5.11. Feedback to the Course Coordinator

5.11.1 In the case of an assessment task that results in significant incidents of student academic misconduct, the Academic Investigator may recommend through the Head of School that the Course Coordinator review the design of the task with a CSALT Academic Developer.

## 6. Educational, remedial actions and penalties

### 6.1 Educational and remedial actions

6.1.1 Where an allegation of student misconduct is substantiated, any remedial actions that are required to be taken by a student must be educational in intent and be designed for the purpose of preventing further student misconduct by the particular student.

6.1.2 If the educational or remedial action relates to student academic misconduct, the Course Coordinator should contact the student to discuss the issues of student academic integrity and student academic misconduct and how the student can implement strategies to avoid future occurrences.

6.1.3 Where appropriate, decision makers may make other recommendations to a student. For example, that the student attend counselling session(s) or educative session(s) and/or may suspend or withdraw a decision if the student agrees to the recommendation.

6.1.4 Category 1 academic misconduct remedial actions should be used as an opportunity to encourage students to increase their academic or research skills through participation in training, workshops and support services.

6.1.5 The student may be required to attend an academic skills workshop or to participate in a tutorial or online tutorial about Plagiarism and Referencing as an educational action.

### 6.2 Penalties

6.2.1 In appropriate cases penalties should be combined with educational/remedial actions. Decision makers may determine that evidence of remedial action is required for readmission or reapplication for entry.



6.2.2 The following table identifies the range of penalties available where a report of misconduct by the student is proven, on the balance of probabilities. Factors determining the application of penalties are detailed in Section 6.6.

### 6.2.3 Authorised approval of penalties

PENALTY	APPROVAL AUTHORITY
Category 1	
(a) The student is given a formal written warning or reprimand.	Pro Vice-Chancellor (Students) <i>for student general misconduct</i>  Academic Investigator <i>for student academic misconduct</i>  Dean, Graduate Research <i>for student breaches of responsible conduct of research</i>
(b) The student is required to resubmit the assessment task, and the mark awarded for the work will not exceed 50 percent or a passing grade.  Therefore, any outcome above 50 percent will be awarded a mark of 50 percent; any outcome under 50 percent will be awarded half the grade gained. <i>See section 6.7 Clarification of penalties for further details.</i>	Pro Vice-Chancellor (Students) <i>for student general misconduct</i>  Academic Investigator <i>for student academic misconduct</i>  Dean, Graduate Research <i>for student breaches of responsible conduct of research</i>
(c) The student is required to undertake a substitute assessment task, and the mark awarded for the work will not exceed 50 percent or a passing grade.  Therefore, any outcome above 50 percent will be awarded a mark of 50 percent; any outcome under 50 percent will be awarded half the grade gained. <i>See section 6.7 Clarification of penalties for further details.</i>	Pro Vice-Chancellor (Students) <i>for student general misconduct</i>  Academic Investigator <i>for student academic misconduct</i>  Dean, Graduate Research <i>for student breaches of responsible conduct of research</i>
Category 2	
(d) Any Category 1 penalty	
(e) Suspend the student from University premises or facilities, or a specified part or parts of University premises, for no longer than a semester or equivalent period.	Deputy Vice-Chancellor (Academic) <i>for student general misconduct</i>
(f) The student is awarded a mark of zero for the assessment task in which the misconduct occurred (which may or may not result in a failing grade for the course).	Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee <i>for student general misconduct</i>  Academic Investigator <i>for student academic misconduct</i>  Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of responsible conduct of research</i>
(g) The student is awarded a failing grade (FL or UF) for the course.	Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee <i>for student general misconduct</i>  Academic Investigator <i>for student academic misconduct</i>  Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of responsible conduct of research</i>
(h) Requirement to delete the research data associated with a breach.	Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of responsible conduct of research</i>
(i) Annulment of a confirmation report or thesis examination report.	Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of responsible conduct of research</i>
(j) Retraction of a research publication associated with a breach.	Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of responsible conduct of research</i>

(k) The student is withdrawn from the course by the University. The WX notation appears on the student's official academic record for that course.

Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee *for student general misconduct*

Academic Investigator *for student academic misconduct*

(l) The student is suspended from enrolment at the University for one semester.

Deputy Vice-Chancellor (Academic)

on the advice of:

i) Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee *for student general misconduct*

ii) Academic Investigator *for student breaches of academic conduct*

iii) Deputy Vice-Chancellor (Research and Innovation) *for student breaches of responsible conduct of research*

(m) The student is suspended from enrolment at the University for one calendar year.

Deputy Vice-Chancellor (Academic)

on the advice of:

i) Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee *for student general misconduct*

ii) Academic Investigator *for student academic misconduct*

iii) Deputy Vice-Chancellor (Research and Innovation) *for student breaches of responsible conduct of research*

(n) The student is expelled from the University.

Deputy Vice-Chancellor (Academic)

on the advice of:

i) Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee *for student general misconduct*

ii) Academic Investigator *for student academic misconduct*

iii) Deputy Vice-Chancellor (Research and Innovation) *for student breaches of responsible conduct of research*

(o) Rescinding an award.

Council on the advice of the Deputy Vice-Chancellor (Academic)

on the recommendation of:

i) Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee *for student general misconduct*

ii) Academic Investigator *for student academic misconduct*

iii) Deputy Vice-Chancellor (Research and Innovation) *for student breaches of responsible conduct of research*

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## 6.4 Imposing a penalty of suspension or expulsion

6.4.1 If the recommendation is to impose a penalty of suspension or expulsion, due to the severity of the misconduct, the Chairperson of the Student General Misconduct Committee (in the case of general misconduct) or the Academic Investigator (in the case of academic misconduct) must advise the student in writing and describe the process of responding to the proposed penalty (see Section 6.6 Factors determining application of penalties). The student has ten (10) business days to provide their written response.

6.4.2 The Chairperson of the Student General Misconduct Committee (in the case of general misconduct) or the Academic Investigator (in the case of academic misconduct) will take into account any student written submission in relation to Section 6.6. The proposed penalty may remain the same or be altered.

6.4.3 If the recommendation remains to impose a penalty of suspension or expulsion pursuant to Section 4.10.9.2 (in the case of general misconduct) and Section 5.8.6 (in the case of academic misconduct), a request is made in writing to the Deputy Vice-Chancellor (Academic), including a copy of the relevant details accompanied by a rationale for the finding of misconduct and imposing the proposed penalty and, in the case of suspension, details of any conditions to be completed prior to readmission.

6.4.4 The Deputy Vice-Chancellor (Academic) will review the written request in Section 6.4.3 and make a determination on the finding of misconduct and, if substantiated, the appropriate penalty. If the Deputy Vice-Chancellor (Academic) considers that a higher penalty than the recommendation is warranted, the student is advised and provided with an opportunity to respond before the determination is made (see Section 6.6 Factors determining application of penalties). The student has ten (10) business days to provide their written response. The Deputy Vice-Chancellor (Academic) will review any written submission by the student before finalising the penalty.

6.4.5 The student is permitted to continue their enrolment in other courses during the Study Period in which the misconduct has been detected, until the date from which the suspension/expulsion comes into effect.

6.4.6 The timing of the suspension/expulsion is at the discretion of the decision maker. The decision maker should take into consideration whether the suspension/expulsion should be effective immediately or from the following teaching period. Factors that can influence the decision include:

- (a) how far into the teaching period the student is in the course(s); and
- (b) the type of misconduct and the impact on members of the University community.

6.4.7 For information on readmission after suspension or expulsion, refer to the University's Admissions - Procedures.

#### 6.5 Imposing a penalty of rescinding an award

6.5.1 In exceptional circumstances, the University may rescind an award that has been conferred. The decision to rescind a conferred award is made by Council on the recommendation of the Chairperson of Academic Board.

#### 6.6 Factors determining application of penalties

6.6.1 The decision maker determines a penalty for a particular student on the basis of the evidence and consideration of the following factors:

- (a) whether the misconduct was a deliberate act;
- (b) whether it is reasonable to believe that the student did not intend to commit the misconduct;
- (c) whether there is evidence of a deliberate and premeditated decision to engage in misconduct;
- (d) whether the student is a relatively new and inexperienced higher education student;
- (e) whether the student has a history of student misconduct and the extent to which educational/remedial actions previously required with respect to the student;
- (f) the nature and extent of the misconduct;
- (g) where the misconduct relates to a practical professional competency assessment task in a professionally accredited program;
- (h) the impact of the conduct on other people;
- (i) any mitigating circumstances; and
- (j) the requirements of the *Human Rights Act 2019* (Qld) and in particular, any relevant human rights of the students (and others) as set out in the *Human Rights Act 2019* (Qld).

6.6.2 In the situation where a student has received a penalty following a substantiated report of student academic or general misconduct and additional relevant information becomes available, the decision maker can review the initial penalty with the option to propose a different penalty.

#### 6.7 Clarification of penalties

6.7.1 Penalties (b) and (c) in the Penalties table are not available if:

- (a) the assessment item is a final examination; or

(b) the assessment task is related to professional competencies in a Limited Grade course.

6.7.2 For penalties (b) and (c) in the Penalties table, in courses that use the standard grading scale, the Course Coordinator will mark the student's work using the same criteria and standards and provide feedback as they usually would. However, the maximum result that can be attained is 50 percent of the value of the assessment task. Therefore, any outcome above 50 percent will be awarded a mark of 50 percent; any outcome under 50 percent will be awarded half the grade gained.

6.7.3 For Penalties (b) and (c), in courses with a limited grade, the Course Coordinator will mark the student's work using the same criteria and standards and provide feedback as they usually would. The resubmitted task can only be assessed as Pass or Fail.

6.7.4 In the case of contract cheating, when an allegation is found to be proven on the balance of probabilities, it is deemed Category 2 and the minimum penalty that can be applied to the student in the Penalties table (m) is one calendar year suspension. Factors outlined in Section 6.6 will be taken into consideration when deciding whether to apply a more lenient penalty for contract cheating.

6.7.5 Concurrent allegations of academic misconduct

(a) In the case of a student with concurrent allegations of student academic misconduct (for example in Assessment 1 in two different courses in the same semester) the concurrent offences will not be factored in as prior history (Section 6.6.1(e)) for the purposes of determining a penalty.

(b) If there is a substantiated finding of student academic misconduct following the concurrent decision in Section 6.7.5(a), the concurrent findings will be considered as separate findings of prior misconduct when determining penalties in Section 6.6.1(e).

Example one: Student A has no previous history of academic misconduct. In Semester 2 they had two concurrent findings of academic misconduct. In the determination of the penalty for the concurrent findings, Student A will be deemed to not have a prior history of academic misconduct.

If Student A then has a subsequent finding of academic misconduct later in Semester 2, or in a following Semester, Student A will be deemed to have two substantiated reports of prior history of academic misconduct.

Example two: Student B has a prior history of one substantiated report of academic misconduct. In Semester 2 they had two concurrent findings of academic misconduct. In the determination of the penalty for the concurrent findings, Student B will be deemed to have one substantiated report of prior history of academic misconduct.

If Student B then has a subsequent finding of academic misconduct later in Semester 2, or in a following Semester, Student B will be deemed to have three substantiated reports of prior history of academic misconduct.

6.7.6 Any additional cases of student academic conduct that are proven while a student is under suspension/expulsion, but before the implementation of any associated penalty, will receive the Withdrawn by the University (WX) notation on the student's official academic record against the relevant course.

6.8 Availability of penalties

6.8.1 In the circumstance where a Course Coordinator is unable to implement a determined penalty, for example a resubmission (b) or substitute assessment task (c), the Course Coordinator is required to make a case of why the penalty cannot be imposed through the relevant Head of School to the Deputy Vice-Chancellor (Academic).

6.8.2 If the argument presented by the Course Coordinator is accepted, the student's determined penalty will be revised to a formal warning with the option of educational/ remedial activities.

## 6A. Conciliation/mediation

6A.1 Where there is an allegation of general misconduct related to sexual assault, assault, sexual harassment, harassment, bullying or discrimination against another student the Pro Vice-Chancellor (Students), or delegate may consider whether conciliation or mediation is appropriate in the circumstances.

6A.2 Factors that may influence the decision of the Pro Vice-Chancellor (Students), or delegate on whether conciliation or mediation is appropriate include:

- (a) the wishes of the reporting student;
- (b) the seriousness of the allegation/s;
- (c) the context in which the incident occurred;
- (d) the extent of evidence available that supports the allegation/s;
- (e) whether the facts are contested; and

(f) concerns about the wellbeing and safety of the complainant or other members of the University community.

6A.3 Mediation or conciliation should only be considered if all parties are willing to proceed and if there is sufficient common ground between the parties to ensure there is some prospect of a positive outcome.

6A.4 Where a matter is resolved between the parties, a written notice signed by the parties is to be forwarded to the Pro Vice-Chancellor (Students), or delegate who shall determine that no further action is to be taken. Alternatively, where the matter remains unresolved, the Pro Vice-Chancellor (Students), or delegate may determine that the matter should proceed as an allegation of Category 1 general misconduct in accordance with section 4.7.5.

## 7. Student support

7.1 Students are encouraged to consult the USC Student Guild for advice prior to presentation of their grounds and supporting evidence for responding to allegations of student general misconduct or student academic misconduct.

7.2 Contact with the USC Student Guild must be scheduled with adequate notice ahead of the specified deadlines for submission of applications for responding to allegations of student general misconduct or student academic misconduct.

7.3 A student can seek assistance from the USC Student Guild regarding their response to an allegation letter. However, the student's formal response, under Sections 4.8.4 and 5.6.4, must be written by the student. Supporting evidence may be enclosed. The written response and the supporting evidence may not be prepared through legal representation.

7.4 It is recognised that students involved in matters outlined in these procedures may require support. Safer Communities offer support tailored to the students' needs. The support provided may include special arrangements for study, trauma informed counselling support, tenancy and welfare support and referrals to off campus support programs. Students are encouraged to contact Safer Communities for a confidential and free consultation to identify the support required. A comprehensive list of services that are available through Safer Communities can be found online.

7.5 Safer Communities may assist students to address issues that have impacted on their academic performance and develop strategies intended to improve their performance in the future.

## 8. Allegations where the student is not currently enrolled

8.1 If an allegation report is regarding a student who is admitted to study but not enrolled in the current teaching period, or if a student cancels their enrolment in the course, withdraws from enrolment in a course in which the allegation report is alleged to have occurred or takes an approved leave of absence, the relevant decision maker may proceed to determine the matter as if the student was currently enrolled, provided that the processes in these procedures are followed. Alternatively, the decision maker may elect to defer consideration of the report until such time as the student resumes studies at the University. In the latter case, the decision maker will notify the student of this decision.

8.2 If an allegation report is regarding a student who has completed studies, but the degree has not been conferred, graduation must be delayed until any allegations of Category 2 misconduct have been finalised. If the allegation report is substantiated, the graduation will be subject to any penalty which may be imposed in accordance with these procedures.

8.3 If an allegation report is regarding a student who has already graduated when the allegation report of Category 2 misconduct is received, these procedures will be adopted to determine whether the allegation report is substantiated. All reasonable efforts must be made to locate the graduate student and provide them with relevant notices and the opportunity to respond to the allegation(s).

8.3.1 Where the imposition of a penalty results in the graduated student no longer having met the requirements for graduation from the award course, the University will follow the procedures for rescinding the award as per Section 6.5.

8.4 When a finding of student academic misconduct involves collusion with a person who is not enrolled at the University, the Academic Investigator should provide a report with recommendations to the relevant Head of School and the Deputy Vice-Chancellor (Academic). The Deputy Vice-Chancellor (Academic) may seek appropriate legal advice to determine whether action against the person should be pursued.

## 9. Conflict of interest

9.1 University staff dealing with a report of student academic misconduct or student general misconduct have a responsibility to ensure that there is no actual or perceived conflict of interest. Where necessary, matters should be escalated to the staff member's supervisor, who may choose to delegate the matter to another appropriate staff member.

## 10. Confidentiality

10.1 All information associated with reports, investigations and outcomes related to individual instances of student misconduct must be treated as confidential and not released to any third party or external agency unless required by law or the student expressly consents to its release in writing.

10.2 The student Privacy Statement and Enrolment Declaration provides the University with the student's consent to disclose student information in the context of student academic misconduct (and specifically in relation to reports of student academic misconduct sent to students where other students may be identified in the report).

## 11. Extension of deadlines

11.1 Before a deadline to investigate or make a finding expires, a decision maker may apply in writing to the Pro Vice-Chancellor (Students) for an extension of the relevant deadline.

11.2 The Pro Vice-Chancellor (Students) may extend any deadline prescribed under the relevant procedures if satisfied that:

- (a) the decision maker has made a reasonable attempt to consult the student about an extension of the deadline; and
- (b) the student's ability to address the allegations is not impaired.

11.3 Students can apply for an extension of time through the relevant decision maker. The decision maker reviews the application to determine whether the delay is reasonable.

## 12. Maintaining student enrolment

12.1 When considering appeals regarding misconduct, the University will usually maintain a student's eligible enrolment throughout the process. Where the student's enrolment is subject to an interim suspension, the University is not obliged to allow participation in educational activities.

## 13. Repayment of fees

13.1 No fees paid by a student relating to a period where the student's enrolment is suspended as a result of misconduct are refundable or repayable to the student.

13.2 No fees paid by a student are refundable or repayable to the student where the student is expelled from the University.

## 14. Recordkeeping and reporting

14.1 All relevant records of investigations, for reports both proven and not proven, are captured in an approved records management system. Records should provide reliable and accurate evidence of business decisions and actions. Each record (e.g. letter, email, form, text-matching report) must be added digitally to the approved records management system, in line with the University's Information Management Framework – Governing Policy. Where physical records exist, these must be forwarded to Information Management Services.

14.2 Summary data of each substantiated instance of student academic misconduct and the associated educational/remedial actions and penalties applied is recorded to enable annual reporting. The data collected in the University's records management system may include:

- (a) student's name and ID;
- (b) form of misconduct (cheating, collusion, plagiarism, other);
- (c) category of student misconduct (1 or 2);
- (d) course(s) in which the misconduct occurred (separate entry for each course);
- (e) Course Coordinator;
- (f) brief description of the report;
- (g) location;
- (h) teaching period and year;
- (i) the determination - the name of the decision maker and date of the determination; and
- (j) all relevant documents pertaining to the substantiated report.

14.3 The Office of the Pro Vice-Chancellor (Students) maintains a register summarising all deliberations, findings and decisions of student general misconduct made under these procedures for reporting purposes.

14.4 The Deputy Vice-Chancellor (Academic) reports to the Council annually, summarising the nature of the student misconduct and any decisions or findings made.

14.5 The Deputy Vice-Chancellor (Academic) reports to the Academic Board annually, summarising academic misconduct and decisions/outcomes. Parties involved are not identified in reports.

14.6 Summarised de-identified accounts of academic misconduct and decisions are published on the University website, as per a publication scheme determined by the Deputy Vice-Chancellor (Academic).

14.7 As per information security set out in the Information and Records Management- Procedures, Student Academic Misconduct information and records are classified as confidential. This means that the information is intended strictly for distribution or use by a select group. Access requests are managed by the Integrity and Compliance Unit, and approval is authorised by the Director, CSALT. The Integrity and Compliance Unit will notify the relevant system administrators of any changes to staff access.

## 15. Staff templates

15.1 A flowchart, staff guidelines, forms and templates are available on MyUniSC (staff login required).

## 16. Authorities/Responsibilities

ACTIVITY / ACTION	UNIVERSITY OFFICER/COMMITTEE
Summarily dealing with student general misconduct – suspending a student's access to, or use of, a facility or service not exceeding five (5) business days. (Section 4.4)	University Executive or Senior Staff with responsibility for the operation or management of University facilities and/or premises
Interim suspension for suspected student general misconduct up to five (5) business days to avert a substantial risk (Section 4.5)	Deputy Vice-Chancellor (Academic)
Interim suspension for suspected student general misconduct exceeding five (5) business days (Section 4.5)	Deputy Vice-Chancellor (Academic)
Investigate reports of suspected student general misconduct and capture records (Sections 4.7.4 and 4.7.6)	Pro Vice-Chancellor (Students) or the Coordinator, Student Grievances or appropriate Safer Communities staff member as delegate
Interview students suspected of Category 1 student general misconduct and subsequent decisions (Sections 4.8.4, 4.8.6 4.9, 4.10 and 6A)	Pro Vice-Chancellor (Students) or the Academic Registrar and Director, Student Services as delegate
Interview students suspected of Category 2 student general misconduct (Section 4.9)	Student General Misconduct Committee
Interview students suspected of Category 1 or 2 academic misconduct (Section 5.7)	Academic Investigator
Issue educational, remedial actions and penalties (excluding suspension, expulsion or rescinding an award) (Section 6.2)	Pro Vice-Chancellor (Students) or the Academic Registrar and Director, Student Services as delegate <i>for student general misconduct</i>
	Academic Investigator <i>for student academic misconduct</i>
	Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of responsible conduct of research</i>
Issue educational, remedial actions and Category 1 penalties (Section 6.2)	Dean, Graduate Research <i>for student breaches of responsible conduct of research</i>
Issue educational, remedial actions and all penalties (including suspension, expulsion or rescinding an award) (Section 6.2)	Deputy Vice-Chancellor (Academic)
Extending prescribed University deadlines in Student Misconduct – Procedures (Section 11)	Pro Vice-Chancellor (Students) for requests by decision makers
	The relevant decision maker for requests by students

### Footnote

(1): Guidance Note: Academic Integrity Version 1.2 (28 March 2019). *Tertiary Education Quality and Standards Agency*.

(2): Guidance Note: Academic Integrity Version 1.2 (28 March 2019) *Tertiary Education Quality and Standards Agency*.

(3): What is contract cheating and methods to reduce it (accessed 11 January 2021) *Tertiary Education Quality and Standards Agency*.

## Schedule A - Types of student general misconduct

Without limiting the interpretation of the Student Conduct – Governing Policy and these procedures, general misconduct is conduct in which a student:

1. unreasonably disrupts or obstructs any student, staff member, guest or visitor during a teaching, research, study, examination, meeting, ceremony or other normal and lawful activity of the University;
2. obstructs or deters a member of the staff of the University in the performance of their duties;
3. impairs or interferes with the freedom of movement or participation in the life of the University by any student, staff member, guest or visitor when on University premises, sites or land;
4. engages in conduct on University premises, sites or land which results in or involves injury to another person;
5. wilfully damages, misuses, loses, destroys, steals or misappropriates property or facilities of the University or the property of a person lawfully on University premises, sites or land;
6. enters a part of the University premises, sites or land to which entry is prohibited or permitted only with authority;
7. behaves in a manner to others in the University community, either directly or through communication, which would reasonably be considered harassment, vilification, bullying, racist, discriminatory, abusive, threatening, assault, sexual harassment, sexual assault or endangerment;
8. knowingly withholds or falsifies information or documentation for the purpose of gaining an advantage, e.g. gaining admission or credit transfer;
9. without authority obtains access to or alters information, documentation or records kept by the University in hard copy, electronic or other form;
10. infringes the privacy, copyright or intellectual property rights of another member of the University community;
11. without authority, discloses to a person information relating to the University or its affairs which is confidential or prejudicial to its reputation and which the student ought reasonably to know to be confidential or prejudicial in nature;
12. behaves in a manner which is prejudicial to the good reputation of the University;
13. fails to comply with a reasonable direction or request given by a member of staff of the University who has, prior to giving the direction or request and stating its purpose, been identified to the student as a member of staff;
14. attempts to commit misconduct;
15. contravenes or fails to comply with a provision of a Policy or Procedure of the University; or
16. fails to comply with or observe a finding, decision or penalty (other than a fine) imposed on the student under a policy document of the University.

## Schedule B – Types of academic misconduct

As per Section 5.2, academic misconduct includes, but is not limited to:

- (a) plagiarism, including using another's expression or ideas without appropriate acknowledgement, or submitting previously assessed work, which is known as 'self-plagiarism';
- (b) collusion, involving "any unauthorised collaboration in preparation or presentation of work, including knowingly allowing personal work to be copied by others" (2);
- (c) cheating, including in examinations or by accessing restricted assessment materials; or submitting work undertaken by someone else and claiming it as one's own work, which is known as 'contract cheating';
- (d) academic fraud, including falsification or fabrication of data or work; falsification or fabrication of medical certificates or medical records; or in any other way participating in activities which are intended to give the student an unfair or dishonest advantage in their learning activities, assessment, placement or research; and



(e) contract cheating, including the outsourcing of assessments to a third party, whether that is a commercial provider, tutorial site, current or former student, family member or acquaintance; including the unauthorised use of file-sharing sites, and organising another person to take an examination on the student's behalf (3).

The following provides examples of student academic misconduct under the four categories listed above:

#### Plagiarism

Presenting the thoughts, words, phrases or works of another as one's own, by:

- copying or paraphrasing material from any source without due acknowledgment;
- using another's expression or ideas without appropriate recognition or due acknowledgement (e.g. by failure to use an academic referencing system).

#### Self-Plagiarism

Submitting assessment work that has been assessed previously and counted towards completion of another assessment task for which a student has previously received credit.

#### Collusion

Jointly undertaking whole or part of work that is to be presented for assessment in the knowledge that each student will claim that the work is wholly their own work.

Encouraging and assisting a student in committing, or in attempting to commit, student academic misconduct by, for example:

- enabling the student to copy answers produced during an examination;
- providing the student with a copy of work which was completed by themselves or another student on the same or a similar assessment task.

#### Cheating

During an examination:

- taking unauthorised materials into an examination;
- communicating with other students undertaking the examination;
- reading or copying the answers of another student undertaking the same examination;
- failing to start or stop writing at the appropriate times, as directed by the examination supervisor or invigilator.

#### Contract Cheating

Engaging another party, whether paid or unpaid, to produce an assessment piece either in part or in full. Contract cheating could involve a student:

- purchasing an assessment item,
  - example: student places an advertisement asking for assistance with an assessment piece. The advertisement is responded to by another person or company willing to complete the assessment at an agreed price. Student agrees and submits the purchased assessment piece.
  - example: student notices an advertisement from a tutorial site or tutor on their online group. The advertisement suggests they can assist students with their assessments at a low cost. The student contacts the tutorial site or tutor and purchases an assessment piece and submits the purchased assessment piece.
- engaging a company or an individual to write a custom assessment piece,
  - example: as per above examples however, the student is promised to receive a custom assessment piece that has not previously been provided to another.
- being provided content for the assessment piece and presenting the obtained materials as one's own. Content could be provided to the student free of charge, through bartering or payment, or
  - example: a student finds an online tutorial website where there are materials available either free of charge to view or once the student uploads their own materials (bartering).
- asking an acquaintance, friend or family member to produce an assessment piece either in part or in full.

#### Academic Fraud

Falsification or fabrication of data

Altering data, or creating spurious data, obtained from experiments, interviews, surveys, or similar activities.

#### Falsifying documents

Providing a falsified document, such as a fraudulent medical certificate or a falsified bibliography, intended to give the student an unfair or dishonest advantage in their learning activities, assessment, placement or research.

#### Accessing restricted assessment-related material

Acquiring, attempting to acquire, possessing or distributing (either physically, electronically or orally) restricted assessment-related material or information, such as examination questions or an examination question paper, without the prior authorisation of the relevant Course Coordinator.

#### Misrepresentation

Falsely representing another student in an examination or other assessment activity (e.g. undertaking an examination or a work placement for another student); or making arrangements for another person(s) to falsely represent themselves as someone else for the purpose of undertaking an examination or other assessment activity, which is known as 'contract cheating'.

#### Non-compliance

Failure to comply with legal requirements or University policies and procedures, e.g. breaching code on ethical treatment of animals, surveying people without approved ethics clearance, etc.

END

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#### RELATED DOCUMENTS

- Acceptable Use of ICT Resources - Governing Policy
- Acceptable Use of ICT Resources - Procedures
- Anti-Discrimination and Freedom from Bullying and Harassment - Governing Policy
- Central Examinations - Procedures
- Conduct on University Premises - Operational Policy
- Equity, Diversity and Inclusion - Governing Policy
- Information Management Framework - Governing Policy
- Managing and Investigating Breaches of Responsible Research Conduct - Procedures
- Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Governing Policy
- Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Procedures
- Social Media - Operational Policy
- Social Media - Procedures

#### LINKED DOCUMENTS

- Student Conduct - Governing Policy

#### SUPERSEDED DOCUMENTS

- Student General Misconduct - Procedures
- Student Academic Misconduct - Procedures

#### RELATED LEGISLATION / STANDARDS

- University of the Sunshine Coast Act 1998 (Qld)
- Tertiary Education Quality and Standards Agency (TEQSA) Act 2011 (Cth)
- Higher Education Standards Framework (Threshold Standards) 2021 (Cth)
- USC Student Charter
- Human Rights Act 2019 (Qld)
- Model Code on Freedom of Speech and Academic Freedom