

# Misconduct Policy

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## Purpose

Sydney Institute of Higher Education (SI) acknowledges that academic misconduct is a serious breach of policy, threatens scholarship, and presents a serious risk to SI. SI has developed a framework for identifying and addressing instances of academic misconduct in a manner that is proportionate to the incident and, where possible, educates students on academic integrity.

This *Misconduct Policy* establishes the principles underpinning SI's response to academic and general misconduct and defines the forms of academic misconduct as a guide for both staff and students. It outlines the procedures for identifying, investigating, and penalising students for instances of academic misconduct in a manner proportionate to the severity of the incident. Finally, the policy outlines avenues for appeal, specific obligations of SI towards international students, and responses to academic staff misconduct.

## Scope

This policy applies to all staff and students at SI.

## Principles

The overriding purpose of having a policy framework addressing academic misconduct is so that SI preserves and protects academic integrity. Refer to the *Academic and Professional Integrity Policy* for the definitions and principles of academic integrity and how SI educates its staff and students on the importance of academic integrity.

SI will provide academic staff with the necessary support to monitor and detect academic misconduct.

SI will provide students with the necessary support and information to prevent instances of academic misconduct, and prevent repeat instances should they engage in academic misconduct.

All instances of academic misconduct will be fairly, equitably and confidentially investigated, and no record of misconduct will be associated with a student until the investigation is complete.

SI will act in accordance with the *ESOS Act* in handling cases of academic misconduct involving international students.

SI will ensure that students are aware of the disciplinary measures that may be employed in response to

academic misconduct, as well as the mechanism for appeals available to students to dispute decisions on academic misconduct cases.

### ***Student rights***

During any investigation of allegations of academic misconduct, SI will ensure the following rights of the student(s) involved:

- Fair, equitable, and confidential treatment
- The right to have their case heard and their evidence seriously considered
- The right to be accompanied by the support person
- The right to remain enrolled in their program until the outcome of the investigation process is determined
- The right to appeal any outcome of the process.

### ***Examples of Academic misconduct***

The following actions are considered academic misconduct:

- Engaging in plagiarism
- Engaging in collusion
- Submitting an assessment task that is not the student's original work
- Cheating in an examination
- Non-compliance with examination rules
- Contracting someone else to write an assessment task
- Fabricating research data.

The work of others may be published and unpublished intellectual property including, but not limited to:

- Any form of written text
- Research data and scholarship
- Web material and software
- Artworks and visual material
- Audio material.

SI has the following definitions of academic misconduct:

#### ***Plagiarism***

Plagiarism is the act of presenting another's work as one's own. It involves adapting any part or the whole of another's work and submitting it for assessment without referencing the original work through citations and a reference list. The work could be derived from another student, the web, or any other source. Plagiarism includes:

- Direct copying and paraphrasing
- Superficially rewording the original work while the ideas and concepts are retained
- Re-using the work of other students for the same or similar assessment task
- Re-using previously submitted work of the same student.

Incorrect referencing is not considered plagiarism. Students' work will not be classified as

plagiarism if the student has made a genuine attempt to indicate where they have drawn from another's work. Incorrect referencing will be treated as a minor instance of academic misconduct (see 'Procedures' below).

### *Collusion*

Collusion is a form of cheating in which one or more students work together to submit an assessment task, when they were required to work individually. If students were asked to work together in pairs or groups, their work is not considered collusion unless pairs or groups collude where each pair or group should have worked alone.

Collusion is detected by finding overt similarities between the work submitted.

Students are permitted to work and study together for an assessment task, but should ensure that the work they submit is solely their own.

## Procedures

### *Preventing student academic misconduct*

Students and staff will be given information, training, and support that will ensure they are aware of appropriate academic conduct. Assessments will be designed to promote academic integrity, reducing the risk of incidents of academic misconduct.

Refer also to the *Academic and Professional Integrity Policy*.

### *Identifying academic misconduct*

Academic staff involved in learning and teaching at SI will monitor student work for academic misconduct throughout the term, but particularly during the assessment moderation process.

Types of academic misconduct, or breaches of academic integrity, fall under the following two categories:

- Minor breaches, which are inadvertent, or as a result of inexperience or ignorance.
- Serious breaches, which are premeditated and committed with dishonest intentions.

Serious academic misconduct includes, but is not limited to:

- Large scale plagiarism Cheating in an examination (refer to *Examinations Policy*)
- Collusion
- Contracting another person to complete an assessment task.

If a student appears to have inadvertently engaged in academic misconduct, the academic staff member will provide feedback to the student on how to correct their behaviour, refer the student to the Academic Skills Advisor and notify the incident as a minor incident in the *Integrity Register*.

If following this, a student continues to engage in academic misconduct, it will be treated as a serious incident (see the section below).

If serious academic misconduct is detected, the staff member will report it to the Program Director along with evidence to support their claim. Evidence may include:

- A copy of the student's work and the work from which they have plagiarised, or work by a student with whom they appear to have colluded.
- A plagiarism report from the plagiarism detection software linked with the Learning Management System (LMS).

The Program Director will review the evidence provided by the academic staff member and determine the appropriate response.

### ***Investigation of academic misconduct***

The following process will be applied in the event that a student engages in serious academic misconduct, or repeatedly engages in minor academic misconduct despite the educative approach taken by academic staff.

The Program Director will issue an email notification of the allegation of academic misconduct. The email notification will include:

- Information about the allegation including supporting evidence
- Information about the investigation process and avenues for appealing the decision made
- A request for the student to attend a meeting with the Program Director to discuss the allegation
- The date, time, and location of the meeting
- Advice that the student has the right to bring a support person to the meeting
- A request that the student confirms their receipt of the email notification and their attendance at the meeting.

A copy of the email notification and details of when it was sent will be kept in the student's record and in the *Integrity Register*.

If the academic misconduct involved more than one student, the students will be notified individually and confidentially. The support person for the meeting with the Program Director will not be another student involved in the case.

The meeting with the Program Director will be carried out fairly, impartially, and confidentially, with two academic staff members in attendance. The student will be given the opportunity to review and respond to the evidence supporting the allegation of academic misconduct.

The Program Director will ensure that meeting minutes are recorded and stored appropriately.

Following this meeting, the Program Director will decide on a proportionate response as per the section below. The student in question will be notified within 10 working days of the meeting.

Confirmed incidents will be recorded in the *Integrity Register* and on the student's file.

Records and de-identified reports of outcomes in academic misconduct cases will be provided to the *Learning and Teaching Committee*, *Academic Board*, and *Corporate Governance Board* as required for monitoring and improvement activities, in accordance with the *Compliance Calendar*

### ***Penalties for academic misconduct***

Penalties for academic misconduct will be determined based on the form and extent of the misconduct, the level of knowledge expected of the student, and whether the student has engaged in misconduct previously.

In any term, serious academic misconduct will result in zero marks for the assessment task in question. Second instances of serious academic misconduct by the same student will result in a fail grade for the relevant unit, and further instances will result in suspension or termination of enrolment.

Minor instances of academic misconduct are handled differently based on the student's term of study, as outlined below.

#### ***First term of study***

SI ensures that responses to minor academic misconduct in the first term of study focus on educating the student.

For minor instances of academic misconduct in the first term of study:

- The student's grades will not be affected unless the assessment criteria specifies so.
- A relevant academic staff member will inform the student of how their work constituted academic misconduct, and how to avoid similar instances in future
- The student will have one opportunity to revise the resubmit their work in accordance with the advice given
- The student will be referred to the [Academic Skills Advisor](#) and will be required to attend a workshop or information session on academic integrity.
- The student will be informed of what penalties may be applied if they engage in academic misconduct again in future.

For minor instances of collusion in the first term of a programme of study:

- The works of the students involved will be given no more than passing grade
- A relevant academic staff member will inform the students involved of how their work constituted academic misconduct, and how to avoid similar instances in future
- The students will have one opportunity to revise the resubmit their work in accordance with the advice given
- The students will be informed of what penalties may be applied if they engage in academic misconduct again in future.

#### ***After the first term of study***

- Minor instances of academic misconduct, including collusion, after the first term of study:
- The student's grade for the work will be marked down
- The student may revise and resubmit the assessment task in order to pass the unit, but their original mark will not be modified
- The student will be referred to the [Academic Skills Advisor](#) and will be required to attend a workshop or information session on academic integrity.

### ***Appeals***

Students may appeal decisions made in the academic misconduct procedures as per the *Student Complaints and Appeals Policy*.

The appeals are to be submitted within 21 working days from notification of the outcomes of the investigation process.

Students who wish to appeal a decision should specify one of the following grounds for appeal, and provide evidence:

- The decision was made in breach of procedural fairness
- The allegation and resulting decision was based on incorrect information and evidence
- New evidence has arisen since the conclusion of the investigation that should be considered by the Dean in order to make a decision.

When an appeal is made on legitimate grounds, the Dean will arrange a meeting with the student within 10 days of receiving the appeal.

If the matter is still not resolved, students have the right to external complaint and appeal as per the *Student Complaints and Appeals Policy*.

### ***International students***

International students are subject to the same processes for all students described above, with additional academic language and learning support services available. However, SI has specific obligations in the case that the enrolment or program progression of an international student will be affected, SI shall:

- Notify international students of the intention to alter their enrolment in any way and advise them of their avenues for appeal
- Give the student 20 business days to lodge an appeal with the *Overseas Student Ombudsman*
- Maintain the students' enrolment until the investigation and appeals processes are complete
- Notify the Department of Education of changes to the student's enrolment via the *Provider Registration and International Student Management System (PRISMS)*.

### ***Staff misconduct***

Misconduct by staff includes, but is not limited to:

- Falsifying qualifications and experience to obtain a position or a promotion at SI
- Plagiarising or falsifying data in teaching and learning or research and publication contexts
- Accepting bribes from students for admission or grades
- Falsifying student results

SI staff that engage in academic misconduct will receive a warning, demotion, or have their contract terminated, depending on the severity of the incident.

## Policy Implementation and Monitoring

The *Academic Board* delegates responsibility for the day-to-day implementation of this policy to the Dean.

The *Academic Board* will review all periodic reports from relevant committees and staff members, in accordance with the *Compliance Calendar*.

Additionally, the *Academic Board* will review all relevant student complaints, concerns raised by staff members, and instances of student or staff misconduct on an ongoing basis.

Based on these monitoring activities, the *Academic Board*, in accordance with the *Compliance Calendar*, will provide advice to the *Corporate Governance Board* and ensure that findings are taken into account in planning, quality assurance and improvement processes.

## Definitions

**Academic Board:** the governing body responsible for academic matters, including learning and teaching, program approval, workforce planning, academic staff appointments, research and professional development, academic policies and procedures, overseeing student grievances and appeals processes. The *Academic Board* advises the *Corporate Governance Board* on academic matters.

**Academic integrity:** the set of values relating to academic standards that an institution is expected to observe, uphold and promote to staff and students. These include fairness, transparency, honesty, and respect for other scholars and ethical scholarship.

**Academic misconduct:** behaviour that compromises or undermines the academic integrity of SI.

**Academic staff:** staff employed at SI in a teaching and learning or research capacity.

**Program Director:** the most senior academic staff member responsible for the delivery of a program of study at SI.

**Education Services for Overseas Students Act 2000 (ESOS Act):** Australian federal legislation establishing legislative requirements and standards for the quality assurance of education and training institutions offering programs to international students who are in Australia on a student visa.

**International student:** an individual enrolled in a program at SI who is not a citizen of Australia or New Zealand, or an Australian Permanent Resident, and has been granted a student visa by the Department of Home Affairs to study full-time in Australia.

## Review schedule

This policy will be reviewed by the *Academic Board* every three years.

Version History
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1	Academic Board	3/8/2018		3/8/2021

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## Related Documents

		<a href="#">Academic and Professional Integrity Policy</a>
		<a href="#">Academic Language and Learning Support Policy</a>
		<a href="#">Assessment Policy</a>
		<a href="#">Examinations Policy</a>
		<a href="#">International Student Services Policy</a>
		<a href="#">Misconduct Policy</a>
		<a href="#">Student Complaints and Appeals Policy</a>
		<a href="#">Academic Board - Terms of Reference</a>
		<a href="#">Corporate Governance Board - Terms of Reference</a>
		<a href="#">Learning and Teaching Committee - Terms of Reference</a>
		<a href="#">Academic Skills Advisor</a>
		<a href="#">Program Director - Business</a>
		<a href="#">Program Director - ICT</a>