

REGULATION 16.2
STUDENT DISCIPLINE AND MISCONDUCT
ACADEMIC MISCONDUCT

R16.2

1. **INTERPRETATION**

Definitions set out in section 1 of Statute 16 apply to this Regulation, unless a contrary intention appears. The following definitions also apply to this Regulation, unless a contrary intention appears:

“Academic Organisational Unit” means a Program, Department or School (if it is not formalised into Departments) as determined by the Faculty Board, or the equivalent to a School as determined by the University Council, as appropriate for this regulation.

2. **COMPOSITION OF FACULTY ACADEMIC MISCONDUCT COMMITTEE**

- (1) The Faculty Board in each Faculty will establish a Faculty Academic Misconduct Committee comprising the following representatives or their nominated alternates:
 - (a) the Chair of the Faculty Academic Committee or, on the Dean’s recommendation, a senior member of the academic staff nominated by the Dean to act as Chair of the Faculty Academic Misconduct Committee;
 - (b) three members of the academic staff of the Faculty to which the Committee relates whose appointments will be for three years each with overlapping terms; and
 - (c) a member from the Faculty Academic Misconduct Committee of another Faculty at the University.
- (2) No person will sit as a member of a Faculty Academic Misconduct Committee at a hearing concerning an allegation of academic misconduct if that person is a member of the Academic Organisational Unit to which the charge of academic misconduct relates, or if that person referred the matter to the Faculty Academic Misconduct Committee or has taken part in any proceedings relating to that matter prior to the reference.
- (3) The Faculty Academic Misconduct Committee must elect a person to act as Deputy Chair of the Committee from among its members.
- (4) If the Chair of the Faculty Academic Misconduct Committee is unable to sit at a hearing of the Committee (whether for reason of ineligibility pursuant to Section 2(2) or otherwise), the Deputy Chair will serve as acting Chair for the duration of that hearing.

- (5) Each Faculty Academic Misconduct Committee will advise the University Academic Committee of any action taken under this Regulation and of any penalties imposed. This shall be done by May of each year through the Director, Academic Services, copied to the Chair, Higher Degrees (Coursework) Committee as appropriate.

3. **HEARINGS OF THE FACULTY ACADEMIC MISCONDUCT COMMITTEE**

- (1) Each Faculty Academic Misconduct Committee constituted under Section 2 will meet to hear and determine:
 - (a) matters referred to it by a Head of School pursuant to Regulation 21.12 Examinations and Assessment; and
 - (b) appeals against a decision of a Head of School brought in accordance with Regulation 21.12 Examinations and Assessment.
- (2) A minimum of three members of the Faculty Academic Misconduct Committee must be present at any hearing of the Faculty Academic Misconduct Committee. Subject to Section 3(8), the Committee members who commence to hear a matter must remain for the duration of that hearing.
- (3) Determinations of the Faculty Academic Misconduct Committee will be made on the basis of a majority decision of its members present. In the case of an equality of opinion the Chairperson will have a casting vote.
- (4) A Faculty Academic Misconduct Committee will not be bound by rules of practice as to evidence imposed in a court of law and may follow any procedure it thinks fit in inquiring into any matter but it must:
 - (a) act fairly;
 - (b) conduct its hearings as expeditiously as possible consistent with the need to act fairly;
 - (c) subject to Section 3(7), give the student concerned an opportunity to be heard; and
 - (d) satisfy itself that the student concerned has been given no fewer than 7 working days' written notice of the date, time and place of the hearing, and in the case of referred matters, the allegations made against the student.
- (5) Proceedings of the Faculty Academic Misconduct Committee may, at the request of the student concerned, be held in camera.
- (6) The standard of proof required of a Faculty Academic Misconduct Committee under this Section will be the balance of probabilities, due regard being taken of the gravity of the accusations and the consequences of an adverse finding to the student against whom the allegation of academic misconduct has been made.
- (7) At the discretion of the Chair or acting Chair a student may be accompanied by

a person, other than a legal practitioner or person with a law degree, to assist the student.

- (8) Where a Faculty Academic Misconduct Committee has commenced to hear a matter and a member becomes ill or is otherwise unable to sit, the hearing may continue despite the absence of that member unless the parties affected by the hearing object to such continuation. In the event of such objection the hearing shall terminate and the matter shall be adjourned to the earliest possible date to be fixed by the Faculty Academic Misconduct Committee.
- (9) Where a matter has been adjourned under Section 3(8), the Faculty Academic Misconduct Committee shall at the resumption of the hearing have regard to any evidence received by it prior to the adjournment.
- (10) A Faculty Academic Misconduct Committee may after hearing an appeal referred to it in accordance with Section 9 of Regulation 21.12:
- (a) if the appeal concerns the severity of a penalty imposed by a Head of School under Regulation 21.12:
 - (i) dismiss the appeal and confirm or increase the penalty; or
 - (ii) uphold the appeal and revoke or decrease the penalty;
 and
 - (b) if the appeal concerns a finding of academic misconduct by a Head of School under Regulation 21.12:
 - (i) dismiss the appeal and confirm or vary:
 - 1. the finding of the Head of School ; and/or
 - 2. the penalty imposed by the Head of School;
 or
 - (ii) uphold the appeal and revoke the penalty imposed by the Head of School and direct that the work submitted by the student be assessed or that the student be given an additional examination or be allowed to submit further work for assessment.
- (11) A Faculty Academic Misconduct Committee may after hearing a matter referred to it in accordance with Sections 6(3)(c) or 24(12) of Regulation 21.12 and taking into account all relevant considerations in accordance with the Academic Misconduct Policy and the Statutes and Regulations decide:
- (a) that the allegation of academic misconduct has not been substantiated and direct that the work submitted by the student be assessed or that the student be given an additional examination or be allowed to submit further work for assessment; or
 - (b) that the allegation of academic misconduct is substantiated and direct that any one or more of the following penalties be imposed on the student:
 - (i) a penalty available to a Head of School under Regulation 21.12

- be imposed on the student in accordance with that Regulation;
- (ii) some or all of the work submitted by the student in the unit be disallowed;
 - (iii) a zero grade be recorded in respect of the unit; and/or
 - (iv) the student be suspended from the University for a duration specified by the Faculty Academic Misconduct Committee.
- (12) Before imposing a penalty in respect of a finding of academic misconduct or varying a penalty in respect of an upheld appeal, Faculty Academic Misconduct Committees must have regard to any previous findings of academic misconduct made against the student concerned pursuant to the Regulations.
- (13) A Faculty Academic Misconduct Committee shall advise the student of its decision in writing within 5 working days of the date upon which its decision is made and shall also notify the Director, Academic Services, the Head of School and the Chair of the relevant Masters Degree (Coursework) Committee if a penalty is imposed.
- (14) Any term of suspension imposed on a student pursuant to these Regulations will be recorded on that student's academic transcript. A student may apply to the Director, Academic Services to have that annotation removed but not until the student has qualified for admission to the relevant degree, diploma or other award.

4. **APPEAL TO THE ACADEMIC MISCONDUCT REVIEW COMMITTEE AGAINST DECISION OF FACULTY ACADEMIC MISCONDUCT COMMITTEE**

Where, in respect of a referral under Regulation 21.12, the Faculty Academic Misconduct Committee imposes a penalty on a student, the student may appeal against that decision to the Academic Misconduct Review Committee in accordance with Section 9.

5. **COMPOSITION OF HIGHER DEGREES ACADEMIC MISCONDUCT COMMITTEE**

- (1) The Higher Degrees Committee (Research) will in each year appoint three persons from that Committee to be members of the Higher Degrees Academic Misconduct Committee. A Chair will be appointed from amongst the Committee members, on the recommendation of the Vice-Chancellor (or delegate of the Vice-Chancellor).
- (2) No person shall sit as a member of the Higher Degrees Academic Misconduct Committee on any matter where that person has referred the matter to the Higher Degrees Academic Misconduct Committee, has taken part in any proceedings relating to the matter prior to that reference or who has been a supervisor or otherwise involved in the matter which is the subject of the reference.

- (3) If a member of the Higher Degrees Academic Misconduct Committee is unable to sit on a matter because of ill health, absence from the University or due to Section 5(2), the Higher Degrees Committee (Research) may nominate a person from that Committee as an acting member of the Higher Degrees Academic Misconduct Committee for this period.

6. **HEARINGS OF HIGHER DEGREES ACADEMIC MISCONDUCT COMMITTEE**

- (1) The Higher Degrees Academic Misconduct Committee shall meet as required to hear matters referred to it under Part III or Part IV of Regulation 21.12 Examinations and Assessment.
- (2) The Higher Degrees Academic Misconduct Committee shall not be bound by the rules of practice as to evidence imposed in a court of law but may follow any procedure it thinks fit in inquiring into any matter but it must:
 - (a) act fairly;
 - (b) subject to Section 6(4), give the student concerned an opportunity to be heard; and
 - (c) satisfy itself that the student concerned has been given no fewer than 7 working days' written notice of the allegations and the date, time and place of the hearing.
- (3) The standard of proof required of the Higher Degrees Academic Misconduct Committee under this Section shall be the balance of probabilities, due regard being taken of the gravity of the accusations and the consequences of an adverse finding to the person against whom the allegation of academic misconduct has been made.
- (4) At the discretion of the Chairperson a student may be accompanied by a person, other than a legal practitioner or person with a law degree, to assist the student.
- (5) Proceedings of the Higher Degrees Academic Misconduct Committee may, at the request of the student concerned, be held in camera.
- (6) Where the Higher Degrees Academic Misconduct Committee has commenced to hear a matter and a member becomes ill or is otherwise unable to sit, the hearing may continue despite the absence of that member unless the parties affected by the hearing object to such continuation. In the event of such objection the hearing shall terminate and the matter shall be adjourned to the earliest possible date to be fixed by the Higher Degrees Academic Misconduct Committee.
- (7) Where a matter has been adjourned under Section 6(6), the Higher Degrees Academic Misconduct Committee shall at the resumption of the hearing have regard to any evidence received by it prior to the adjournment.

- (8) The Higher Degrees Academic Misconduct Committee after hearing a referred matter may:
- (a) make a determination that the allegation of academic misconduct has not been substantiated and direct that the thesis submitted by the student be examined; or
 - (b) make a determination that:
 - (i) the allegation of misconduct is substantiated but the academic misconduct is minor and direct that the thesis submitted by the student be examined; or
 - (ii) the allegation of misconduct is substantiated and direct that the thesis submitted by the student be disallowed and a fail grade recorded.
- (8A) If the Higher Degrees Academic Misconduct Committee makes a determination under subsection (8)(b)(ii), the Higher Degrees Academic Misconduct Committee may also suspend the student's candidature for a duration specified by the Higher Degrees Academic Misconduct Committee or exclude the student from the University.
- (9) The Higher Degrees Academic Misconduct Committee will advise the student and the Higher Degrees Committee (Research) of its decision in writing within 5 working days of the date upon which the decision is made and shall also notify the Director, Academic Services if a penalty is imposed.

7. APPEAL TO ACADEMIC MISCONDUCT REVIEW COMMITTEE AGAINST DECISIONS OF HIGHER DEGREES ACADEMIC MISCONDUCT COMMITTEE

Where the Higher Degrees Academic Misconduct Committee imposes a penalty on a student, the student may appeal against that decision to the Academic Misconduct Review Committee in accordance with Section 9.

8. COMPOSITION OF ACADEMIC MISCONDUCT REVIEW COMMITTEE

- (1) The Academic Board will establish an Academic Misconduct Review Committee comprising:
- (a) a Chair appointed by the Academic Board on the recommendation of the Vice-Chancellor (or delegate of the Vice-Chancellor) for a term of not less than three years;
 - (b) a nominee of the Vice-Chancellor; and
 - (c) a representative from each Faculty Academic Misconduct Committee nominated by the Dean of the relevant Faculty.
- (2) In cases concerning an appeal from the Higher Degrees Academic Misconduct Committee, the composition of the Academic Misconduct Review Committee

will be modified for the duration of that hearing. The Vice-Chancellor (or delegate of the Vice-Chancellor) will, upon receiving notice of an appeal from the Academic Misconduct Review Committee pursuant to Section 9, specify a provisional composition comprising:

- (a) a Chair appointed on the recommendation of the Vice-Chancellor (or delegate of the Vice-Chancellor);
 - (b) the Vice-Chancellor's nominee appointed to the Academic Misconduct Review Committee under section 8(1); and
 - (c) a senior member of the academic staff who has expertise in the discipline area of the thesis, appointed on the recommendation of the Chair of the Higher Degrees Committee (Research).
- (3) No person will sit as a member of the Academic Misconduct Review Committee at a hearing of the Committee if:
- (a) in respect of hearings concerning an appeal from a Faculty Academic Misconduct Committee, that person is a member of the Academic Organisational Unit to which the charge of academic misconduct relates, has referred the matter to the Academic Misconduct Review Committee or has taken part in any proceedings relating to that matter prior to the reference; or
 - (b) in respect of hearings concerning an appeal from the Higher Degrees Academic Misconduct Committee, that person has referred the matter to the Academic Misconduct Review Committee or has taken part in any proceedings relating to that matter prior to the reference.
- (4) If a person holding the office of Chair of the Academic Misconduct Review Committee is unable to sit at a hearing of the Committee for reason of ineligibility pursuant to Section 8(3) or otherwise the Vice-Chancellor (or delegate of the Vice-Chancellor) may appoint an acting Chair from amongst the members of the Committee who will act as acting Chair for the duration of that hearing.

9. APPEAL PROCEDURE

- (1) A student affected by a decision of a Faculty Academic Misconduct Committee or the Higher Degrees Academic Misconduct Committee to impose a penalty on a student may appeal the decision to the Academic Misconduct Review Committee by:
- (a) submitting a written notice of appeal to the Director, Academic Services within 10 working days of the date on which the notice of the relevant decision was provided to the student; and
 - (b) specifying in the written notice whether the appeal is being made:
 - (i) in respect of the severity of a penalty imposed by the relevant Committee; and/or
 - (ii) the finding of academic misconduct by the relevant Committee;

- and/or
- (iii) in respect of the process, as set out in Section 3(4) when appealing from the Faculty Academic Misconduct Committee or as set out in Section 6(2) when appealing from the Higher Degrees Academic Misconduct Committee.
- (2) A student who lodges a notice of appeal against any decision involving suspension pursuant to section 9(1) may in that notice of appeal request that the suspension be suspended until the appeal has been decided and the Vice-Chancellor (or delegate of the Vice Chancellor) may grant that request.
- (3) A student affected by a decision of the Higher Degrees Academic Misconduct Committee to disallow work of the student, record a fail grade and/or to suspend candidature may appeal the decision to the Academic Misconduct Review Committee by:
- (a) submitting a written notice of appeal to the Director, Research and Graduate Studies Office within 10 working days of the date on which notice of the decision was provided to the student; and
- (b) identifying the ground or grounds in sub-section (1) upon which the student is seeking review and detailing the student's case for review on each such ground.
- (4) A student who lodges a notice of appeal against any decision involving suspension pursuant to Section 9(3) may in that notice of appeal request that the suspension be suspended until the appeal has been decided, and the Vice-Chancellor (or delegate of the Vice Chancellor) may grant that request.

10. HEARINGS OF ACADEMIC MISCONDUCT REVIEW COMMITTEE

- (1) The Academic Misconduct Review Committee will meet as required to hear and determine appeals lodged with the Director, Academic Services and the Director, Research and Graduate Studies Office pursuant to Section 9 and:
- (a) if the appeal is against a finding of academic misconduct by the relevant Committee, will determine the appeal by rehearing the allegation; or
- (b) if the appeal is against the severity of a penalty imposed by the relevant Committee, will confine its determination to the question of penalty and will not rehear the allegation.
- (2) A minimum of three Academic Misconduct Review Committee members must be present at any hearings of the Academic Misconduct Review Committee. Subject to Section 10(8), the Committee members who commence to hear a matter must remain for the duration of that hearing.
- (3) Determinations of the Academic Misconduct Review Committee will be made on the basis of a majority decision of its members. In the case of an equality of

opinion the Chairperson will have a casting vote.

- (4) The Academic Misconduct Review Committee will not be bound by rules of practice as to evidence imposed in a court of law and may follow any procedure it thinks fit in inquiring into any matter but it must:
 - (e) act fairly;
 - (f) conduct its hearings as expeditiously as possible consistent with the need to act fairly;
 - (g) give the student concerned an opportunity to be heard; and
 - (h) satisfy itself that the student concerned has been given no fewer than 7 working days' written notice of the date, time and place of the hearing.
- (5) The standard of proof required of the Academic Misconduct Review Committee under this Section will be the balance of probabilities, due regard being taken of the gravity of the accusations and the consequences of an adverse finding to the student against whom the allegation of academic misconduct has been made.
- (6) At the discretion of the Chairperson a student may be accompanied by a person, other than a legal practitioner or person with a law degree, to assist the student.
- (7) Proceedings of the Academic Misconduct Review Committee may, at the request of the student concerned, be held in camera.
- (8) Where the Academic Misconduct Review Committee has commenced to hear a matter and a member becomes ill or is otherwise unable to sit, the hearing may continue despite the absence of that member unless the parties affected by the hearing object to such continuation. In the event of such objection the hearing shall terminate and the matter shall be adjourned to a date to be fixed by the Academic Misconduct Review Committee.
- (9) Where a matter has been adjourned under Section 10(8), the Academic Misconduct Review Committee will at the resumption of the hearing have regard to any evidence received by it prior to the adjournment.
- (10) The Academic Misconduct Review Committee may after hearing an appeal:
 - (a) if the appeal concerns the severity of a penalty imposed by a committee under this Regulation:
 - (i) dismiss the appeal and confirm or increase the penalty; or
 - (ii) uphold the appeal and revoke or decrease the penalty in accordance with Section 10(11);

and
 - (b) if the appeal concerns a finding of academic misconduct by a

Committee under this Regulation:

- (i) dismiss the appeal and:
 - 1. confirm the decision of the Faculty Academic Misconduct Committee or the Higher Degrees Academic Misconduct Committee; or
 - 2. confirm or increase the penalty imposed by the Faculty Academic Misconduct Committee or the Higher Degrees Academic Misconduct Committee.
 - (ii) uphold the appeal and revoke or decrease the penalty imposed by the Faculty Academic Misconduct Committee or the Higher Degrees Academic Misconduct Committee and direct that the work submitted by the student be assessed.
- (c) if the appeal concerns the process of a relevant Committee under this Regulation:
- (i) dismiss the appeal; or
 - (ii) uphold the appeal and:
 - 1. hear the case and, for cases appealed from the Faculty Academic Misconduct Committee, determine the case by making a finding that is available to the Faculty Academic Misconduct Committee under Section 3(10)(a) and (b), or, for cases appealed from the Higher Degrees Academic Misconduct Committee, determine the case by making a finding that is available to the Higher Degrees Academic Misconduct Committee under Section 6(8); or
 - 2. return the case to the relevant Committee to be re-heard.
- (11) In imposing or varying a penalty pursuant to Section 10(10) the Academic Misconduct Review Committee will have the power to impose any penalty available to a Faculty Academic Misconduct Committee or the Higher Degrees Academic Misconduct Committee under the Statutes or Regulations.
- (12) Before varying or imposing a penalty the Academic Misconduct Review Committee must have regard to any previous findings of academic misconduct made against the student concerned pursuant to the Regulations.
- (13) The Academic Misconduct Review Committee will advise the student concerned of its decision in writing within 5 working days of the date upon which its decision is made and shall also notify the Director, Academic Services, the Head of School and the Chair of the relevant Committee if a penalty is imposed.

11. REPORTING BY THE DIRECTOR, ACADEMIC SERVICES

The Director, Academic Services will provide a consolidated report in June of each year on academic misconduct hearings and appeals outcomes to the University Academic Committee including any recommendations on academic misconduct, procedures and the effectiveness in respect of:

- (1) the Faculty Academic Misconduct Committees;
- (2) the Higher Degrees Academic Misconduct Committee; and
- (3) the Academic Misconduct Review Committee.

Approved by Council – 4 June 2007

Promulgated this 5 day of June 2007 by direction of the Vice-Principal (Resources and Administration)

Amendment No.1 approved by Council – 2 February 2009

Promulgated on the 19th of March 2009 by direction of the Council