

DOCUMENT TYPE	G	
ACADEMIC	1	
TEACHING AND LEARNING	1	
WELLBEING AND INTEGRITY	5	
NUMBER	008	
		Policy Database Document Reference Number 115008G

## ACADEMIC INTEGRITY – GUIDELINES FOR HANDLING ALLEGATIONS OF ACADEMIC MISCONDUCT

*These Guidelines do not replace any action described within the [Academic Misconduct Statute 2009](#). The Statute should be read before consulting these Guidelines.*

*In the information provided below ‘S#’ refers to the relevant Section of the [Academic Misconduct Statute 2009](#)*

<b>Table of Contents</b>	<b>Item</b>	<b>Section</b>
	<b>Academic Misconduct Offences – First Year Students</b>	<b>1</b>
	<b>Making an Allegation of Academic Misconduct</b>	<b>2</b>
	<b>University Failure to Respond to Allegation</b>	<b>3</b>
	<b>Determining if it is ‘Minor’ or ‘Serious’ Misconduct</b>	<b>4</b>
	<b>Support to Students during Hearings</b>	<b>5</b>
	<b>Interviewing the Student</b>	<b>6</b>
	<b>Conduct of the Interview</b>	<b>7</b>
	<b>Previous Academic Misconduct Allegations/Offences</b>	<b>8</b>
	<b>Responsibility for Managing Academic Misconduct in Subjects/Courses</b>	<b>9</b>
	<b>Hearings by Faculty Academic Misconduct Officers</b>	<b>10</b>
	<b>Student Submissions to Hearings</b>	<b>10a</b>
	<b>Information Provided to Student</b>	<b>10b</b>
	<b>Records of Hearings</b>	<b>10c</b>
	<b>Notices to Students</b>	<b>11</b>
	<b>Claims of Non-Receipt of Mail</b>	<b>11a</b>
	<b>Extensions of Time for Student Submissions</b>	<b>12</b>
	<b>Special Circumstances</b>	<b>13</b>
	<b>Extensions of Time to Lodge an Appeal</b>	<b>14</b>
	<b>Academic Misconduct Records</b>	<b>15</b>
<b>Reports to the Council of Legal Education</b>	<b>16</b>	
<b>Statement on Transcript</b>	<b>17</b>	
<b>Applications to Expunge Statement on Transcript</b>	<b>17a</b>	
<b>Information about Prior Academic Misconduct</b>	<b>18</b>	
<b>Privacy</b>	<b>19</b>	
<b>Penalties</b>	<b>20</b>	

<b>DOCUMENT TYPE</b>	<b>G</b>	
<b>ACADEMIC</b>	<b>1</b>	
<b>TEACHING AND LEARNING</b>	<b>1</b>	
<b>WELLBEING AND INTEGRITY</b>	<b>5</b>	
<b>NUMBER</b>	<b>008</b>	Policy Database Document Reference Number <b>115008G</b>

<p><b>1. Academic Misconduct Offences – First Year Students</b></p>	<p>Academic Misconduct offences involving first year students are often due to the student's inexperience and lack of familiarity with the University's requirements.</p> <p>When staff identify students who are not meeting academic integrity requirements, it can be an opportunity to reinforce the University's requirements rather than to commence formal proceedings.</p> <p>The academic staff member involved in such counselling should prepare a brief notice of the action and submit it to the relevant School office.</p> <p>Repeated offences may indicate that the student is choosing to ignore staff warnings and assistance and may result in the student being brought into formal academic misconduct proceedings.</p>
<p><b>2. Making an Allegation of Academic Misconduct</b></p>	<p>S10 of the <a href="#">Academic Misconduct Statute 2009</a> allows that the written report alleging academic misconduct must be completed 'as soon as practicable' – this flexibility is to allow for the preparation of any relevant materials to accompany the report.</p>
<p><b>3. University Failure to Respond to Allegation</b></p>	<p>S11(1) of the <a href="#">Academic Misconduct Statute 2009</a> allows 10 business days for the Head of academic division to decide whether there is evidence to warrant proceeding to interview and advise the student of that decision.</p> <p>S12(2)(c) of the <a href="#">Academic Misconduct Statute 2009</a> allows 10 business days after that notice for the Head of academic division to refer the matter to the next stage or to dismiss it.</p> <p>If either of these time limits expire and there is no 'reasonable' explanation for the delay, the case is considered lapsed and no further action taken.</p> <p>If the case lapses and if the student has been informed of the allegation, the Head of academic division should advise the student in writing that the issue will not proceed due to the University's failure to meet the required deadlines. See Head of academic division letter #4 in the standard letters for an example.</p>
<p><b>4. Determining if it is 'Minor' or 'Serious' Misconduct</b></p>	<p>If the Head of academic division determines that evidence of misconduct exists, he or she must also evaluate whether the alleged misconduct is considered 'minor' or 'serious'.</p> <p>Some matters to be considered when making this decision are:</p> <ul style="list-style-type: none"> <li>• blatancy,</li> <li>• magnitude,</li> <li>• student awareness,</li> <li>• opportunities provided to the student for understanding academic integrity and</li> <li>• the nature of the work.</li> </ul>
<p><b>5. Support to Students during Hearings</b></p>	<p>S11 and S16 of the <a href="#">Academic Misconduct Statute 2009</a> provide that during Hearings before a Head of an Academic Division or a Faculty Academic Misconduct Officer, a student is permitted to bring a support person with them.</p>

<b>DOCUMENT TYPE</b>	<b>G</b>	
<b>ACADEMIC</b>	<b>1</b>	
<b>TEACHING AND LEARNING</b>	<b>1</b>	
<b>WELLBEING AND INTEGRITY</b>	<b>5</b>	
<b>NUMBER</b>	<b>008</b>	Policy Database Document Reference Number <b>115008G</b>

	<p>This person must not be a lawyer nor have a law degree, and is there solely as a support, not as an advocate for the student. The support person may not make any submission or argument on behalf of the student.</p>
<p><b>6. Interviewing the Student</b></p>	<p>The purpose of an interview (S11 of the <a href="#">Academic Misconduct Statute 2009</a>) between the Head of academic division and the student is to clarify any issues and gather additional information regarding the allegation of academic dishonesty.</p> <p>It is an informal discussion, <b>not</b> a formal hearing. Care should be taken to preserve this purpose.</p> <p>Information from the interview may assist the Head of academic division in forming an opinion concerning the case.</p>
<p><b>7. Conduct of the Interview</b></p>	<p>The arrangements for the interview should include notice to the student of the time, date, place and purpose of the interview and any material to be discussed.</p> <p>Failure to ensure that the student is aware of the points to be discussed and clarified may have a bearing on any future process.</p> <p>Notes of the interview should be made and filed securely. These must be made available to the student on request.</p>
<p><b>8. Previous Academic Misconduct Allegations/ Offences</b></p>	<p>Heads of academic division and Faculty Academic Misconduct Officers must not be made aware of prior allegations of academic misconduct before deciding whether the student has breached the Academic Integrity Policy in the incident before them.</p> <p>Prior unsubstantiated allegations should not be drawn to the attention of the Head of academic division or Faculty Academic Misconduct Officer at any time.</p> <p>Prior substantiated academic misconduct should be drawn to the attention of the Head of academic division or Faculty Academic Misconduct Officer before that person imposes a penalty.</p>
<p><b>9. Responsibility for Managing Academic Misconduct in Subjects and Courses</b></p>	<p>If a student enrolled in a course in one faculty is facing an allegation of academic misconduct in a subject administered by another faculty:</p> <ul style="list-style-type: none"> <li>• Minor offences are managed by the Head of the academic division that administers the subject in which the misconduct is alleged</li> <li>• Serious offences are referred to the Faculty Academic Misconduct Officer of the student's enrolled (course) faculty. The Faculty that administers the subject in which the misconduct is alleged should be consulted during the process.</li> </ul>
<p><b>10. Hearings by Faculty Academic Misconduct Officers</b></p>	<p>S16 of the <a href="#">Academic Misconduct Statute 2009</a> explains the Hearing by a Faculty Academic Misconduct Officer.</p>

<b>DOCUMENT TYPE</b>	<b>G</b>	
<b>ACADEMIC</b>	<b>1</b>	
<b>TEACHING AND LEARNING</b>	<b>1</b>	
<b>WELLBEING AND INTEGRITY</b>	<b>5</b>	
<b>NUMBER</b>	<b>008</b>	Policy Database Document Reference Number <b>115008G</b>

<b>10a. Student Submissions to Hearings</b>	<p>Students must be given an opportunity to be heard during the Hearings process. Students may wish to appear in person, make a written submission, or participate in proceedings through other means (including teleconference, videoconference or e-mail).</p> <p>Heads of academic divisions and Faculty Academic Misconduct Officers should be flexible in using a mix of communication facilities as appropriate. Tele-conferences or video-conferences may be more appropriate for some cases (due to travel being impractical or too costly), for example:</p> <ul style="list-style-type: none"> <li>• students from regional campuses or interstate</li> <li>• off-shore international students</li> <li>• local student where there may be special availability circumstances</li> <li>• timing (eg vacation periods, relevant international timing differences)</li> </ul> <p>Faculty Academic Misconduct Officers approve the means by which hearings are conducted and should consider the student's preferences when determining the location and date of the hearing.</p>
<b>10b. Information Provided to Student</b>	<p>It is a principle of natural justice that the person about whom an allegation is made should know the details of the case to be answered.</p> <p>Any material which impacts on the student's defence against the allegations raised must be provided to the student. The student must be given a reasonable opportunity to respond to the material.</p>
<b>10c. Records of Hearings</b>	<p>The Hearing records should be signed by the Faculty Academic Misconduct Officers and filed together with all relevant documents in the central TRIM repository managed by Student Records, Academic Services.</p> <p>At a minimum, the record must be in writing and include:</p> <ul style="list-style-type: none"> <li>• the date of the hearing;</li> <li>• the student's name and student identification number;</li> <li>• a summary of the allegation of academic misconduct;</li> <li>• a summary of the submission by the student;</li> <li>• the decision and the penalty (if applicable); and</li> <li>• a rationale for the decision.</li> </ul>
<b>11. Notices to students</b>	<p>Notices provided to students should be in writing, and as significant communications under the University's Electronic Communications Policy, sent by both e-mail and surface mail.</p> <p>Surface mail includes ordinary, registered or express mail sent to the student's latest correspondence address (as recorded in the University's Student Information System). The area initiating the mail decides which mail type to use.</p> <p>Receipts of registered or express mail and a copy of the notice should be placed in the student's records for evidence that the University has fulfilled its obligations. For normal mail, a record must be kept of the date and time the mail was sent to the student.</p> <p>The use of registered/express mail ensures that the University can prove that</p>

DOCUMENT TYPE	G	
ACADEMIC	1	
TEACHING AND LEARNING	1	
WELLBEING AND INTEGRITY	5	
NUMBER	008	

	<p>the notice was posted, which legal advice has indicated may have an impact in an appeal. It does not prove that the student received the correspondence. Sending a letter as described above is deemed to satisfy the notice required in the <a href="#">Academic Misconduct Statute 2009</a>.</p>
<p><b>11a. Claims of Non - Receipt of Mail</b></p>	<p>If the student's official correspondence address recorded in the Student Information System was used to send notice(s), the University's obligations have been met.</p> <p>Where the student has attempted to notify the University of a change of address (and this has apparently crossed in the mail with the University notice to the student) or there is doubt regarding the accuracy of the address used to notify the student, special circumstances may apply.</p>
<p><b>12. Extensions of Time for Student Submissions</b></p>	<p>Where the student demonstrates that his or her failure to make a submission is due to special circumstances, the student may be given an extension of time to make a submission to a Hearing.</p> <p>If the student has failed to maintain a current address or failed or refused to answer their mail the Hearing should proceed without the student submission.</p>
<p><b>13. Special Circumstances</b></p>	<p>Special circumstances can include, but are not limited to one or a combination of the following:</p> <ul style="list-style-type: none"> <li>• family issues</li> <li>• bereavement</li> <li>• personal health</li> <li>• student on placement</li> <li>• housemate(s)/family failed to notify or forward mail</li> <li>• Australia Post system failure</li> <li>• change of address provided by student but not yet recorded (ie mail was sent to an incorrect address by the University)</li> <li>• other University system failure</li> <li>• act of chance</li> </ul>
<p><b>14. Extensions of time to lodge an appeal</b></p>	<p>The Appeals process is described in S15, 17 and 18 of the <a href="#">Academic Misconduct Statute 2009</a>. Students are permitted 20 business days to lodge an appeal. This time may be extended under special circumstances as indicated above.</p>
<p><b>15. Academic Misconduct Records</b></p>	<p>Where a Head of an academic division or a Faculty Academic Misconduct Officer</p> <ul style="list-style-type: none"> <li>• <b>confirms</b> an allegation of academic misconduct, records of this decision must be referred to the Director, Academic Services for inclusion in a separate database within the University's Student Information System.</li> <li>• <b>dismisses</b> an allegation of academic misconduct, records of this decision must be referred to the Director, Academic Services for inclusion</li> </ul>

<b>DOCUMENT TYPE</b>	<b>G</b>	 <b>LA TROBE UNIVERSITY</b>
<b>ACADEMIC</b>	<b>1</b>	
<b>TEACHING AND LEARNING</b>	<b>1</b>	
<b>WELLBEING AND INTEGRITY</b>	<b>5</b>	
<b>NUMBER</b>	<b>008</b>	Policy Database Document Reference Number <b>115008G</b>

	<p>in a separate database within the University's Student Information System.</p> <ul style="list-style-type: none"> <li>finds that a student has <b>no case to answer</b> regarding an allegation of academic misconduct, a record will not be maintained in the Student Information System, but hard-copy records will be filed together with all relevant documents in the central TRIM repository managed by Student Records, Academic Services.</li> </ul>
<b>16. Reports to the Council of Legal Education</b>	<p>Under Victoria's <a href="#">Legal Profession Act 2004</a>, all graduates seeking admission to legal practice must obtain from the University a report disclosing any academic or general misconduct on their part while undertaking their studies (see <a href="#">Council of Legal Education – Board of Examiners Practice Direction No 3 of 2009 - 3 April 2009</a>).</p> <p>The University is required to provide a report disclosing any incident of misconduct where the University holds a record (including those not proven). The University is not required to disclose matters in respect of which no record has been maintained. Matters where the student was found to have no case to answer are not to be disclosed.</p> <p>The report is normally prepared by Academic Services Division following an application by the student and a signed authority to release the information.</p> <p>The following information will be provided to the Board of Examiners:</p> <ul style="list-style-type: none"> <li>the date of the incident;</li> <li>a brief description of the incident;</li> <li>the outcome of the investigation or disciplinary proceedings; and</li> <li>any penalties imposed or disciplinary action taken.</li> </ul> <p>A copy of the report will be forwarded to the student and a further copy filed by the Academic Services Division.</p>
<b>17. Statement on Transcript</b>	<p>In proven instances of serious academic misconduct resulting in a student's suspension from the University for a specified period, the academic transcript of the student shall state that the student has been suspended from the University for that period by the relevant decision making authority.</p> <p>This annotation will remain present in the academic transcript until the student has qualified for the relevant qualification. After qualifying, the student may apply (in writing) to have the statement expunged.</p>
<b>17a. Applications to Expunge the Statement on Transcript</b>	<p>The Director, Academic Services may authorise that the statement be suppressed before a student completes his or her course in special circumstances. The student must apply in writing to have this statement suppressed providing a reason why they wish this to happen. Special circumstances can include applying for employment or for admission to another institution.</p>
<b>18. Information about Prior Academic</b>	<p>Requests for information about records of previous academic misconduct for a particular student may be made to <a href="mailto:Academic.Policy@latrobe.edu.au">Academic.Policy@latrobe.edu.au</a></p> <p>Information from the database will normally be available to Heads of</p>

<b>DOCUMENT TYPE</b>	<b>G</b>	
<b>ACADEMIC</b>	<b>1</b>	
<b>TEACHING AND LEARNING</b>	<b>1</b>	
<b>WELLBEING AND INTEGRITY</b>	<b>5</b>	
<b>NUMBER</b>	<b>008</b>	Policy Database Document Reference Number <b>115008G</b>

<b>Misconduct</b>	academic divisions, Faculty Academic Misconduct Officers and the University Appeals Committee only after a case or appeal has been determined but prior to imposing a penalty.
<b>19. Privacy</b>	<p>Information contained in the database must be collected, maintained and used in accordance with applicable privacy legislation.</p> <p>A summary of academic misconduct information is produced annually, as indicated in S26 of the <a href="#">Academic Misconduct Statute 2009</a>.</p> <p>The summary information must be presented so that no individual may be identified.</p>
<b>20. Penalties</b>	<p>Penalties imposed by Heads of academic divisions and Faculty Academic Misconduct Officers must consider all of the facts and circumstances of individual cases.</p> <p>Penalties must be aligned with the type and degree of academic dishonesty and the circumstances involved.</p> <p>Flexibility and individual discretion in imposing penalties is encouraged. Examples of penalties are available in a separate document.</p> <p>Educational and corrective action should be applied in cases involving first and/or minor occurrences where a reasonable assessment indicates there has been no deliberate intention to deceive.</p> <p>A deliberate intention to deceive should be punished severely.</p>
<b>Status</b>	written March 2010
<b>Review</b>	March 2013
<b>Keywords</b>	Academic integrity, academic misconduct, academic dishonesty, cheating, academic misconduct officers, fraud, minor offences, serious offences, penalties, plagiarism
<b>Contact person</b>	<a href="mailto:Academic_Policy@latrobe.edu.au">Academic_Policy@latrobe.edu.au</a>