

Academic Misconduct Administrative Guidelines

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1. Academic Misconduct Offences

1.1 Academic Misconduct Offences minor and serious offences - differences

1.1.1 Academic Misconduct Offences - first year students

Minor Offences are small breaches in referencing/ collaboration which in the case of first year students are normally due to inexperience/ lack of understanding and could be seen as being predictable. In respect of later year students, the actions or omissions would typically be isolated and not systematic.

Serious Offences are those where the extent, magnitude, repetitiveness and/or blatancy of the referencing/ collaboration are significant and there is:

- a clear intention to obtain an unfair academic advantage whether the advantage occurs or not; or
- a clear disregard of the University's requirements for academic honesty; or
- negligence in respect of submitted work which is inconsistent with the experience of the student.

1.1.2 Academic Misconduct Offences - students in later years

The issue of minor versus serious offence is determined by the capacity to comprehend the nature and implications of the action taken and/or the commitment shown by the student to become informed of the University's requirements. The question of seriousness differs from case to case having regard to the action or omission, its extent, blatancy, magnitude, student awareness, the nature of the work.

A particular incident in a School will be dealt with having regard to all the circumstances. It would be extremely difficult and indeed undesirable to be prescriptive by way of an all encompassing definition.

Cases/circumstances/capacity/intent will differ. Nevertheless practice will identify similarities in cases which will assist in categorising over a period of time

It is recommended that Heads of Schools retain records of previous cases. It is normal practice for Heads of Schools and FAMC's to report the incidence of academic misconduct cases and their outcomes to the Director, Academic Services for inclusion in the Academic Misconduct Database on the student system. Requests for information concerning previous cases may be made to Academic Services. Heads of Schools may also contact the Secretary, of the relevant Faculty Academic Misconduct Committee for information about previous cases.

1.2 Academic Misconduct - Previous Offences

1.2.1 Academic Misconduct Offences - consideration of previous offences

FAMC's are not to circulate information regarding a student's Academic Misconduct past records with the Committee agenda/papers prior to a decision being made about a serious offence.

Regulation 16.2.3(12) provides for an FAMC to have regard to any previous findings of academic misconduct by a student before imposing a penalty.

Each allegation of Academic Misconduct must be considered independently on merit by the Head of School or the FAMC and a student's previous history regarding Academic Misconduct should only be taken into account when deciding an appropriate penalty. It must not be used in deciding whether the student has breached the Academic Misconduct Policy.

A student's previous history regarding academic misconduct must be collected by Academic Services and only presented to the Head of School or the FAMC in the meeting once a decision has been made which requires the application of a penalty. If the student is deemed to have not breached the Academic Misconduct policy then the information should not be circulated to the FAMC and be destroyed. See also Section 1.1.2.

Heads of Schools and FAMC's may be leaving themselves open to appeal for being 'biased' or on procedural grounds if they do not ensure the above process is followed. This may lead eventually to the Academic Misconduct Review Committee rehearing the case.

2. Head of School – Procedural Guidelines

2.1 Head of School Powers

2.1.1 Head of School - delegation of powers to Head of Department – Regulation 11.4.10(1)

A Head of School is able to delegate any powers, functions or responsibilities pursuant to Regulation 11.4 (section 10.1) (excepting the power of delegation itself). The Head of Department could only adopt the Head of School's function under Regulation 16.2 if the Head of School made an explicit delegation in the appropriate circumstances (or made an explicit "general" delegation to Heads of Departments to apply in certain generic circumstances). The delegation by the Head of School should be for a specified period of time.

If a Head of School wishes to delegate their responsibility to a Head of Department to administer issues associated with Academic Misconduct they may do so under Regulation 11.4 (section 10.1).

2.2 Head of School – Roles and Responsibilities

2.2.1 Head of School - time limit for action – Regulation 21.12.6(1)

Where an allegation of Academic Misconduct has been lodged, within 10 working days of receiving a report, the Head of School must either dismiss the case or notify the student of the allegation and request a response. Note that the 10 working days limit commences from the time that the Head of School receives the report of misconduct. There is flexibility in the time needed to prepare the case before notifying the Head of School. Regulation 21.12 Section 5 (1) (b) (for central examinations) and Section 5 (2) for other examinations and other assessable work, require that the report be made to the Head of School “as soon as reasonably practicable”.

Within 10 working days from receiving the student’s response or after 10 working days have elapsed from the request to the student and no response has been received (whichever is the earlier), if the Head of School has not formed an opinion as prescribed in the Regulation 21.12.6(3) where an allegation of Academic Misconduct has been lodged and there is no ‘reasonable’ explanation for failing to comply, then the case should lapse. In such an event, no further action needs to be taken.

However, where the student has been made aware that an allegation has been submitted for example in the case of examinations misconduct, the Head of School should write to the student informing him or her that there has been an allegation of academic misconduct and describing the details of the allegation but notifying the student that that the issue will not be proceeded with due to the failure to meet the deadlines required by Regulation 21.12.6(3).

An example of the letter by the Head of School in this event is shown at Head of School letter #4 in the standard draft letters.

2.2.2 Head of School - opinion and action - Regulation 21.12.6(3)

Following the receipt of a student’s response (or the time to submit a response has elapsed) and the Head of School has formed an opinion on whether the allegation appears to be substantiated, the Head will write to a student within 10 working days and inform the student that the case is not substantiated or in the Head of School’s opinion, the allegation constitutes a minor offence and award an appropriate penalty. There is an option under Regulation 21.12.6(3) (c) to change the determination to a serious offence based on new evidence which may appear in the student’s written response.

2.3 Head of School – Guidelines for the Conduct of Student Interviews

2.3.1 Purpose of the Interview

Regulation 21.12 Section 6(3) provides for the Head of School to form an opinion concerning an allegation of academic misconduct on the basis of a report and also by conducting an interview with the student should the Head of School so wish. The interview may include an examiner/ staff member at the discretion of the Head of School.

The purpose of the interview with the student is to clarify any issues regarding the allegation of academic misconduct. It is not meant to be a hearing or even a preliminary to a hearing but rather an informal discussion to clarify certain points which have arisen from the report and to gather information. The information so obtained may assist the Head of School in forming an opinion as to whether to proceed.

2.3.2 Conduct of the interview

The arrangements for the interview should include:

- Providing notice to the student of the time, date and place of the interview;
- Providing notice to the student of the purpose of the interview and any material to be discussed;
- Typed notes of the conduct of the interview should be made by the Head of School and filed securely. Such notes may be made available to the student at the discretion of the Head of School.
- An indication to the student that the points to be discussed and clarified may have a bearing on any future process.

2.3.3 After the interview

Following the interview or where the student declines to attend the interview (which is their right) the Head of School should move to form an opinion on receiving the student's written explanation or the expiry of 10 working days whichever is the earlier, on whether the allegation appears to be substantiated and thence follow the approved formal procedures. It may be that the interview clarifies matters to the extent that the Head of School may dismiss the case and no further action is taken.

2.3.4 Witness and support

In the event that a Head of School deems it necessary under the circumstances, a witness from the academic staff may be invited to attend the interview. Further, the student may wish to bring someone for support (not a person with legal training).

2.3.5 Caution – Interview not a hearing

Great care should be taken however that the purpose of the interview is preserved – that it is an informal discussion to clarify issues and is not a formal hearing and must not have the appearance of one.

3. Schools

3.1 Schools' Academic Misconduct Administration

3.1.1 Schools Academic Misconduct Administration - responsibility for proceedings - Regulation 21.12.6(1)

There may be occasions where an allegation of Academic Misconduct is made against a student whilst undertaking activities within a unit which is administered by a Faculty other than the Faculty which administers the course in which the student is enrolled.

In such cases, the Head of the School which administers the unit in which the student is enrolled will be responsible for the action prescribed in Regulation 21.12.6. In the case of an allegation considered to be a serious offence, the Head of School will refer the matter to the FAMC of the Faculty which administers the course in which the student is enrolled.

4. Faculty Academic Misconduct Committees

4.1 FAMC Membership - Regulation 16.2.2

4.1.1 FAMC - membership pool not allowed - Regulation 16.2.2(1)

The Regulation requires that Faculty Boards “establish” a Committee with the prescribed composition (four staff from the faculty and one from another Faculty Academic Misconduct Committee). These Committees may need to convene at short notice if an allegation of misconduct is referred to them for consideration.

Faculty Boards will therefore need to establish a Committee with a clear, identifiable composition – not merely provide a list of available members. There is however, no restriction on Faculty Boards' ability to alter the appointments to the FAMC as they see fit.

However, Regulation 16.2.2(1) allows for the members of an FAMC to appoint alternates. This will provide more flexibility when appointed members are unable to attend. The total number of FAMC members is shown in the table below:

Members	Alternates	Potential Numbers Available
One senior member of Academic staff - Chair	1	2
3 members of academic staff	3	6
1 FAMC member from another Faculty	1	2
Total	5	10

The total persons upon which to draw for FAMC hearings is therefore potentially ten.

Nevertheless, the intention of the Regulation is to have staff who would serve on a Faculty Academic Misconduct Committee for a period to obtain some sort of continuity.

Note the requirement in Regulation 16.2.2(b) to appoint FAMC members with overlapping terms. Under the same section, there is no requirement for the three members of the academic staff appointed to be of senior classification

4.1.2 FAMC - members who belong to the same Academic Unit as the student

Where an allegation of academic misconduct or an appeal against a finding of academic misconduct is heard by a Faculty Academic Misconduct Committee, and a member of the FAMC is also a member of the same Academic Unit defined as a Program/Department or School as the student concerned in the hearing, that member is not permitted to sit in the hearing (Regulation 16.2.2(2)).

Where a FAMC member is not permitted to participate in the hearing because he or she is a member of the same academic unit as the student, the member may nominate an alternate under Regulation 16.2.2(1) which would solve this problem. In the case of the Chair being unable to participate in these circumstances, the Deputy Chair would be expected to preside.

4.2 FAMC hearings - Regulation 16.2.3

4.2.1 FAMC - appearance by student - Regulation 16.2.3.4(c)

The Committee must provide students with an opportunity to be heard. "Heard" in this context does not necessarily mean "appear in person". Students may wish to make a written submission to the Committee, or may wish to participate in Committee proceedings by means of teleconferencing or videoconferencing facilities. The Regulations do not place any limitations on the Committee's ability to govern their own proceedings in this manner.

Students from regional campuses may be content to participate through teleconferencing or videoconferencing. However, it may be more appropriate for the Committee to relocate to the relevant regional campus for the duration of its hearing. Whether relocation is appropriate should be considered by each Faculty on a case-by-case basis.

In the case of off-shore international students, relocating the Committee is clearly impractical. While the provision of tele - or video-conferencing facilities for students at international campuses might be costly and could be frustrated by time-differences between countries, in the circumstances this would be the most appropriate course of action.

Where direct communication with an international student imposes difficulties on that student, then Heads of Schools and relevant Committees should be flexible in employing whatever mixture of communication facilities (telephone, e-mail, written submissions, video-conferencing) which will protect the student's right to defend against the allegations and the Heads of Schools or relevant Committees duty to act in accordance with the regulations (see also section 4.2.4).

4.2.2 FAMC - information to be provided to student

Natural justice requires that the person about whom a decision is made should know the details of the case to be answered. When communicating to the student in writing the substance of any relevant material that is adverse to the person about whom the decision is to be made, the initiator must ensure that the person has a reasonable opportunity to respond to that material before a decision is made. Any material which directly impacts on the student's defence against the allegations raised in their case must be provided to the student.

4.2.3 FAMC - members' attendance at FAMC hearings in person

As noted above, Committees are free to govern their own proceedings. The FAMC may "follow any procedure it thinks fit" consistent with the need to "act fairly". The Regulations impose a range of procedural matters, but they do not limit a Committee's ability to convene in "non-traditional" ways (for example, a Committee member from a regional campus could attend by means of videoconferencing facilities). Faculties could use this flexibility to enable the appointment of regional campus members to their Committee. However a member must be in attendance either in person or by electronic means as determined by the FAMC in the particular case.

4.2.4 FAMC - tele – or video-conferencing facilities at FAMC hearings

In some cases it may not be appropriate to use teleconferencing facilities (i.e. – mere telephone facilities without video hook-up). Where the case concerns allegations of serious misconduct (possibly warranting suspension of a student) and where the credibility of a student is in issue (i.e. whether or not the student's version of events can be believed), the Committee should regard seeing the student in person or arranging videoconferencing (if the student so desires) as the most desirable options. It would be inappropriate in such circumstances for the Committee to reach a decision based on a mere teleconference with the student where other opportunities exist.

The choice of the method used should depend upon the circumstances in each case where appropriate. These could include:

- Regional issues for the student and/or FAMC members;
- Student availability;
- Overseas students;
- Timing (eg vacation periods, relevant international timing differences);
- Student's preference.

Where distance (eg overseas) is a consideration or where there is no other appropriate technology available, teleconferencing facilities may be the only practicable means open to the Committee for its hearing. This would have to be agreed by the student and there is a strong case for such proceedings to be done in conjunction with a written submission. Nevertheless, Heads of Schools and relevant Committees should be flexible in employing whatever mixture of communication facilities and opportunities which will protect the student's right to defend against the allegations and it is the Heads of Schools or relevant Committees duty to act in accordance with the regulations (see also section 4.2.1).

Whatever the student's choice (including a written submission), the FAMC must convene.

4.2.5 FAMC - record of proceedings

Decisions of a FAMC hearing should be properly recorded. The minutes on the hearing should record the persons present, the decision made and the material which was considered by the FAMC in reaching its decision.

5. Academic Misconduct Review Committee

5.1 Hearings of AMRC

5.1.1 Hearings may be held in camera – Regulation 16.2.10(7)

At the request of a student, hearings of AMRC may be held in private. Normally “in camera” hearings are recorded. However, depending on the circumstances, at the decision of the Chair and with the agreement of the student proceedings may not be recorded.

5.1.2 Feedback on AMRC Decisions

The Secretary, AMRC should advise Heads of School, Faculties and FAMC’s and the Higher Degrees Academic Misconduct Committee of the outcomes of AMRC hearings as appropriate. Where there are serious issues which guided the AMRC hearing(s), the Chair of AMRC may provide verbal feedback to the relevant Committee(s).

6. Academic Misconduct Administration

6.1 Notices to students

6.1.1 Wherever notices are to be provided to students who are the subject of academic misconduct proceedings, they should be in writing. The University’s preferred means for the transmission of notices to students is by electronic mail to the student’s La Trobe University e-mail account.

6.1.2 A conservative approach has been taken at this stage by the University’s Electronic Communications Policy. That is where the communication with the student is significant, the University will send communications both as e-mail and surface mail. “Significant” for this purpose is defined as where:

- the University sends communications as part of a process directed by law or prescribed under a Statute or Regulation of the University; and
- a non-response is likely to have a significant impact on the student concerned.

6.1.3 Surface mail includes ordinary mail, registered mail or express mail sent to the address of the student recorded within the University’s Student System. The choice of which method will be the responsibility of the sending unit within the University. When using registered mail, receipts should be retained and placed in the student’s file appended to a copy of the notice. This serves as evidence that the University has fulfilled its obligations. For normal mail, the sending unit needs consider using a register or certificate to record that the mail was sent at a particular time to the student at the latest address recorded in the student system as advised by the student.

The reason for using registered/express mail is to ensure that the University can prove that the notification was posted - not that the student received the letter. Legal Services have indicated that this was a significant problem in respect of appeals as University staff needed to prove that they sent the mail in the first place when they used the University's internal mail system.

As long as the letter was sent to the student's correspondence address then the Head of School or relevant committee is deemed to have provided the notice as per the regulations.

Where there is a claim by the student that a notice was not received. A check needs to be done as to the student's official correspondence address on SIS at the time the notice was sent. If there is a match with the address on the notice, then the Head of School or relevant committee has done all they can do. A reasonable response to such a request for appeal therefore would be to consider accepting a submission outside the regulatory time for an appeal.

6.1.4 Where the student has demonstrated that non-response may have been due to some special circumstances and the student could not respond to a notification within time, then the subsequent response may be accepted. Where a student has just failed to answer, failed to maintain a current address or refused to answer their mail there is justification in proceeding with the relevant actions.

Special circumstances can include, but are not limited to one or a combination of (see definition):

<ul style="list-style-type: none"> ▪ family issues 	<ul style="list-style-type: none"> ▪ student on placement – known to the faculty
<ul style="list-style-type: none"> ▪ family bereavement 	<ul style="list-style-type: none"> ▪ housemate(s)/family failed to notify or forward mail
<ul style="list-style-type: none"> ▪ personal health 	<ul style="list-style-type: none"> ▪ Australia Post system failure
<ul style="list-style-type: none"> ▪ change of address provided by student but not yet recorded 	<ul style="list-style-type: none"> ▪ University system failure
<ul style="list-style-type: none"> ▪ period not sufficient for change of address to be submitted but mail arrangements made 	<ul style="list-style-type: none"> ▪ act of chance

7. Penalties

7.1 General intention

Cases of Academic Misconduct differ in degree from quite minor in impact to those serious cases which are extreme. The penalties imposed by Heads of Schools and relevant Academic Misconduct Committees must consider all of the facts and circumstances relating to individual cases. Penalties must be aligned with the type of academic misconduct and the circumstances involved. It is the intention of University Policy that flexibility in imposing penalties is retained. The examples published in the tables below indicate a range of suggested options for a sample of scenarios allowing for discretion in the imposition of penalties.

However, it is a principle of University Policy that an emphasis on educational and corrective action should be applied in the cases involving first and/or minor occurrences where a reasonable assessment indicates there has been no deliberate intention to deceive. It is also a principle of University Policy that a deliberate intention to deceive should be punished severely.

7.2 Examples of Outcomes - Academic Misconduct (For guidance only)

Type of Academic Misconduct	Issues to Consider / Range of possible reasons	Suggested Range of Penalties
<p>Plagiarism (first offence, first-year students)</p>		
<p>Example 1.</p> <p>Poor referencing</p>	<ul style="list-style-type: none"> • Clear indication of inexperience, lack of understanding, honest/ accidental mistake • Intention to deceive 	<ul style="list-style-type: none"> • If due to inexperience <ul style="list-style-type: none"> - Emphasis on educational corrective action - Academic Counselling No further action • If due to intentional deception <ul style="list-style-type: none"> - Academic Counselling and/or; - Reprimand and/or; - Resubmit work

Type of Academic Misconduct	Issues to Consider / Range of possible reasons	Suggested Range of Penalties
<p>Example 2.</p> <p>Student's work contains some short extracts copied from documents without acknowledgement</p>	<ul style="list-style-type: none"> Student's level of training, understanding and experience in referencing; mistake; Different cultural, educational practices re accepted referencing, language background. <p>*Note: Such students in later years/postgraduate entry may be considered equivalent to first year undergraduate entry (especially from the above groups) – circumstances to be assessed</p> <ul style="list-style-type: none"> Intention to deceive and/or to obtain an academic benefit 	<ul style="list-style-type: none"> If due to different background or not intentional <ul style="list-style-type: none"> - Emphasis on educational corrective action - Academic Counselling <p>No further action</p> <ul style="list-style-type: none"> If not wholly accidental <ul style="list-style-type: none"> - Warning or; - Reprimand and/or; - Resubmit work
<p>Plagiarism (later-year students or repeat offences)</p>		
<p>Example 3.</p> <p>Student's work contains poor referencing or a few short extracts copied without acknowledgement</p>	<ul style="list-style-type: none"> Student's level of training, understanding and experience in referencing; mistake; <p>Intention to deceive and/or to obtain an academic benefit</p>	<ul style="list-style-type: none"> If student has not had adequate training <ul style="list-style-type: none"> - Academic Counselling - Emphasis on educational corrective action or; - Warning - Resubmit work <p>No further action</p> <ul style="list-style-type: none"> If student has had training <ul style="list-style-type: none"> - Reduce mark for work (% variable -marking criterion)

Type of Academic Misconduct	Issues to Consider / Range of possible reasons	Suggested Range of Penalties
<p>Example 4.</p> <p>Repeated instances of minor plagiarism</p>	<ul style="list-style-type: none"> • Lack of care/ negligence. Not heeding previous corrective action. • Intention to deceive and/or to obtain an academic benefit 	<ul style="list-style-type: none"> • If student has had adequate training, but is still displaying lack of care and/or understanding - Zero mark for work or - Zero mark for unit • If in opinion of HoS it is a serious offence – refer to Faculty Academic Misconduct Committee – penalties any of the above plus possible suspension 6 months to 1 year
<p>Example 5.</p> <p>Student's work contains substantial number of short extracts copied without acknowledgement</p>	<ul style="list-style-type: none"> • Student's level of training, understanding and experience in referencing; mistake <p>OR</p> <p>Cultural, educational practices re accepted referencing, language background *Note: (Such students in later years/postgraduate entry may be considered equivalent to first year undergraduate entry – (circumstances to be assessed);</p> <ul style="list-style-type: none"> • Lack of care, not heeding previous corrective action • Intention to deceive and/or to obtain an academic benefit 	<ul style="list-style-type: none"> • If the offence relates solely to different background - Emphasis on educational corrective action - Academic Counselling - Resubmit work <p>No further action</p> <ul style="list-style-type: none"> • In other minor cases or for minor pieces of work - Zero mark for work - Zero mark for unit • If in opinion of HoS it is a serious offence – refer to Faculty Academic Misconduct Committee – penalties any of the above plus possible suspension 6 months to 1 year

Type of Academic Misconduct	Issues to Consider / Range of possible reasons	Suggested Range of Penalties
<p>Example 6.</p> <p>Student's work contains a large amount copied from one or more documents</p>	<ul style="list-style-type: none"> • Nature of work; Level of student awareness; blatant attempt to copy; repeat offence • Obvious intention to deceive and/or to obtain an academic benefit 	<ul style="list-style-type: none"> • In minor cases - Reduced mark for work (can be zero) - Zero mark for Unit • If in opinion of HoS it is a serious offence – refer to Faculty Academic Misconduct Committee – penalties any of the above plus possible suspension 6 months to 1 year
<p>Example 7.</p> <p>Inappropriate collaboration</p>	<ul style="list-style-type: none"> • Nature of work; Low level of student awareness; blatant attempt to copy; repeat offence • Obvious intention to deceive and/or to obtain an academic benefit 	<ul style="list-style-type: none"> • In minor cases - Reduced mark for work (normally zero) - Zero mark for Unit • If in opinion of HoS it is a serious offence – refer to Faculty Academic Misconduct Committee – penalties any of the above plus possible suspension 6 months to 1 year

Type of Academic Misconduct	Issues to Consider / Range of possible reasons	Suggested Range of Penalties
<p>Example 8.</p> <p>Copying from another student's work</p>	<p>Nature of work; Low level of student awareness; Blatant attempt to copy; Repeat offence;</p> <ul style="list-style-type: none"> • Obvious intention to deceive and/or to obtain an academic benefit 	<ul style="list-style-type: none"> • In minor cases - Reduced mark for work (normally zero) Or For copying a significant amount in a major assignment Zero mark for Unit • If in opinion of HoS it is a serious offence – refer to Faculty Academic Misconduct Committee – penalties any of the above plus possible suspension 6 months to 1 year
Examinations (All Year Levels)		
<p>Example 9.</p> <p>Possession of unauthorized material in formal examination</p> <p>Infringements can range from placing chapter 'tabs' in an allowed text book at an open book examination (unmarked text); through to a candidate being in possession of substantial notes that relate directly to the examination paper.</p>	<ul style="list-style-type: none"> • Clear intention is to deceive and/or obtain an academic benefit <p>Take into account the examination instructions and information provided to the candidate regarding allowable materials</p>	<ul style="list-style-type: none"> • For minor infringements with established intent to obtain minimal academic benefit - Zero for the examination (This would need to be referenced to the specific circumstances of the case being reviewed) • If in opinion of HoS it is a serious offence – refer to Faculty Academic Misconduct Committee – penalties any of the above plus possible suspension 6 months to 1 year

Type of Academic Misconduct	Issues to Consider / Range of possible reasons	Suggested Range of Penalties
<p>Example 10.</p> <p>Copying from another student in a formal examination</p>	<ul style="list-style-type: none"> • Clear intention is to deceive and/or obtain an academic benefit 	<ul style="list-style-type: none"> • Normally zero for the unit / Referral to Faculty Academic Misconduct Committee – penalties any of the above plus possible suspension 6 months to 1 year

Note: If a student is found guilty of any of examples 4 to 8 more than twice, they should be referred to FAMC and should be suspended