

LA TROBE UNIVERSITY
ACADEMIC INTEGRITY STATUTE 2015

The Council of La Trobe University makes this Statute under Part 5 of the *La Trobe University Act 2009*.

PART 1—PRELIMINARY

1. Name and commencement

- (1) This Statute is the **Academic Integrity Statute 2015**.
- (2) This Statute comes into full force and effect at the same time as the **Future Ready (Amendments) Statute 2015**.

2. Purpose

The main purpose of this Statute is to protect the integrity of the academic programs conducted by the University by—

- (a) defining and prohibiting academic misconduct by students;
- (b) providing for the reporting of incidents of suspected or alleged academic misconduct by students; and
- (c) providing for the hearing and determination of cases involving allegations of academic misconduct.

3. Interpretation

In this Statute—

Academic Integrity Adviser for a College, means the Pro Vice-Chancellor of that College or a person authorised to act in that role by that Pro Vice-Chancellor;

academic misconduct has the meaning given in section 4;

academic misconduct (research) officer means an academic misconduct (research) officer appointed under section 30;

AIP means the Academic Integrity Policy and Procedure or its equivalent and however titled, as in force from time to time, and includes any ancillary documentation, as made by the

Academic Board;

assessment has the meaning given in section 5;

CAMC means a College Academic Misconduct Committee established under section 22;

formal examination has the meaning given in section 5;

GRP means the Graduate Research Policy and Procedures or its equivalent and however titled, as in force from time to time, and includes any ancillary documentation, as made by the Board of Graduate Research;

higher degree means a Masters Degree or a Doctoral Degree, whether by coursework or research or a combination of coursework and research;

minor academic misconduct means academic misconduct which, in all the circumstances, falls short of serious academic misconduct;

Pro Vice-Chancellor includes an acting Pro Vice-Chancellor;

section 8 report means a report received by an Academic Integrity Adviser under section 8;

section 25 report means a report received by the Board of Graduate Research under section 25;

serious academic misconduct includes academic misconduct which—

- (a) is, or appears from the available evidence to be, accompanied by a clear or demonstrable intention to flout or contravene the University's requirements for academic honesty (including those set out in this Statute and the AIP, the GRP or any other policy or procedure regarding academic misconduct);
- (b) is, or appears from the available evidence to be, carefully and deliberately planned, repetitive, organised or systematic in nature; or
- (c) is, or appears from the available evidence to be, significant in scale or scope;

student includes a person who was an enrolled student at a time when he or she is alleged to have engaged in academic misconduct;

test means an assessment that takes the form of a test or examination.

4. What is academic misconduct?

- (1) In this Statute, *academic misconduct* includes—
- (a) cheating, plagiarism or any other conduct engaged in by a student with a view to gaining for himself, herself or another person an unfair or unjustified advantage in a formal examination or assessment or in relation to or for a formal examination or assessment, whether such advantage occurs or not;
 - (b) conduct which constitutes a breach of any rules relating to a formal examination or assessment;
 - (c) conduct engaged in by a student with a view to gaining for himself, herself or another person an unfair or unjustified advantage in relation to any other requirements of a course or subject, including without limitation class attendance or participation requirements and requirements pertaining to placements, whether such advantage occurs or not; and
 - (d) any prescribed conduct.
- (2) In subsection (1)(a), *cheating* means cheating in relation to a formal examination or assessment and includes a failure to comply with any reasonable direction or instruction of an officer, employee or agent of the University relating to the conduct of the formal examination or assessment.

5. Assessments and formal examinations

- (1) An *assessment* or *formal examination* is a task to be completed by a student the results of which are used for the purposes of determining—
- (a) whether the student has passed or failed;
 - (b) whether the student's work otherwise satisfies the person assessing or examining the results; or
 - (c) what mark or grade, or mark and grade, the student is to be awarded for that work.
- (2) In this Statute, unless the context otherwise requires—
- (a) an *assessment* is any task of a kind referred to in subsection (1) that is not a formal examination; and
 - (b) a *formal examination* is any task of a kind referred to in subsection (1) which is supervised and conducted in a place and

under conditions specified by the Vice-Chancellor or the Vice-Chancellor's delegate.

6. Students must not engage in academic misconduct

- (1) A student must not engage in academic misconduct.
 - (2) A student who engages in academic misconduct is liable to punishment under this Statute.
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PART 2—ACADEMIC MISCONDUCT RELATING TO COURSEWORK

7. Application of Part 2

This Part 2 applies in respect of academic misconduct engaged in by a student in the course of—

- (a) studying for or towards—
 - (i) a degree, diploma or other award that is not a higher degree; or
 - (ii) a higher degree by coursework;
- (b) carrying out any work required for the coursework component of a higher degree that is examined by a combination of coursework and research; or
- (c) fulfilling any of the requirements for a subject in which the student is enrolled, being a subject drawn from the course content for a higher degree by coursework (or a combination of coursework and research), a degree, diploma or other award that is not a higher degree, even if the student is not enrolled in the higher degree, degree, diploma or other award to which the subject relates.

8. Reporting suspected academic misconduct

- (1) If an employee, officer or appointee of the University has reason to suspect that a student has engaged in academic misconduct, the employee, officer or appointee of the University must report the matter to the relevant Academic Integrity Adviser in accordance with the AIP.
- (2) For the purposes of this section 8, *relevant Academic Integrity Adviser* means the Academic Integrity Adviser of the College responsible, or deemed by the Academic Board to be responsible, for the course, unit or subject to which the suspected academic misconduct relates.

9. Academic Integrity Adviser to consider section 8 report

- (1) As soon as reasonably practicable after receiving it, an Academic Integrity Adviser must examine a section 8 report and determine whether it appears to disclose evidence of academic misconduct.
- (2) If the Academic Integrity Adviser determines that the section 8 report appears to disclose evidence of academic misconduct, the Academic Integrity Adviser must—
 - (a) determine whether the academic misconduct appears to be

minor academic misconduct or serious academic misconduct;
and

- (b) if the Academic Integrity Adviser determines that the section 8 report appears to disclose evidence of minor academic misconduct, conduct a hearing in accordance with section 10;
 - (c) if the Academic Integrity Adviser determines that the section 8 report appears to disclose evidence of serious academic misconduct, refer the matter to the relevant CAMC to conduct a hearing under section 16 and give written notice to the student concerned advising him or her of the determination and of the referral to the CAMC.
- (3) If the Academic Integrity Adviser determines that the section 8 report does not appear to disclose any evidence of academic misconduct, the Academic Integrity Adviser must—
- (a) dismiss the section 8 report and determine that the student has no case to answer;
 - (b) direct that the work (if any) to which the allegation of academic misconduct related be accepted for marking; and
 - (c) give written notice to the student concerned advising him or her of these determinations and of any other action taken by the Academic Integrity Adviser under this subsection (3).

10. Academic Integrity Adviser to conduct a hearing if section 8 report appears to disclose evidence of minor academic misconduct

- (1) In a hearing under this section, a student may be accompanied by a support person who does not have a law degree or who is not a legal practitioner.
- (2) Unless permitted to do so by the Academic Integrity Adviser, a support person accompanying a student under subsection (1) is not entitled to make submissions or present arguments to the Academic Integrity Adviser on behalf of the student, or act in any other way as an advocate for the student.
- (3) When conducting a hearing under this section, an Academic Integrity Adviser—
 - (a) is bound by the rules of natural justice;
 - (b) is not bound by the rules of evidence or practices or procedures applicable to courts of record;

- (c) may inform him or herself on any matter as he or she sees fit;
- (d) must act with as little formality and technicality, and determine each matter with as much speed, as the requirements of this Statute, the regulations (if any) and a proper consideration of the matter permits; and
- (e) subject to this Statute and the regulations (if any), may regulate his or her own procedure.

11. A finding of no minor academic misconduct

If, after conducting a hearing, an Academic Integrity Adviser determines that the student did not engage in minor academic misconduct, the Academic Integrity Adviser must direct that no penalty be applied to the student.

12. A finding of minor academic misconduct

- (1) If, after conducting a hearing, an Academic Integrity Adviser determines that the student engaged in minor academic misconduct, the Academic Integrity Adviser must apply a penalty for minor academic misconduct set out in the AIP and do so in accordance with the requirements of the AIP.
- (2) For the avoidance of doubt, an Academic Integrity Adviser may impose a penalty on a student under subsection (1) even if the student is not enrolled in a unit, subject or course offered by the College to which the Academic Integrity Adviser belongs.

13. Notice of determination under section 12

- (1) An Academic Integrity Adviser must give written notice of a determination under section 12 to the student concerned as soon as practicable.
- (2) A written notice under this section must—
 - (a) clearly state the details of and reasons for the determination; and
 - (b) advise the student that he or she may, within 10 business days of the date of the notice, lodge an appeal with the University Appeals Committee challenging the determination; and
 - (c) describe the requirements set out in section 14 for making an appeal to the University Appeals Committee; and

- (d) provide contact details and such other information as may be necessary to enable the student to lodge the appeal.

14. Application for review of determination of Academic Integrity Adviser

- (1) A student to whom a determination of an Academic Integrity Adviser under section 12 relates may, within 10 business days of receiving notice of the determination, apply to the University Appeals Committee for a review of the determination, including any penalty set as part of the determination, on the grounds set out for that purpose in the AIP.
- (2) An application under this section for review must—
 - (a) comply with any requirements set out in the AIP that relate to making such an application;
 - (b) be in writing; and
 - (c) specify the grounds on which the review is sought and provide particulars in support of those grounds.

Note:

If a student lodges an application for review under section 14, the determination in respect of which the review is sought is suspended and no action may be taken to implement the determination pending the outcome of the review: see section 9 of the **University Appeals Committee Statute 2009**.

15. University Appeals Committee to conduct review

The University Appeals Committee must hear and determine any application for review lodged in accordance with the requirements of section 14.

16. CAMC to conduct a hearing if section 8 report appears to disclose evidence of serious academic misconduct

- (1) A CAMC to which a matter is referred under section 9 regarding an allegation of serious academic misconduct must conduct a hearing to determine the matter.
- (2) In a hearing under subsection (1), a student may be accompanied by a support person who does not have a law degree or who is not a legal practitioner.
- (3) Unless permitted to do so by the CAMC, a support person accompanying a student under subsection (3) is not entitled to make submissions or present arguments to CAMC on behalf of the student, or act in any other way as an advocate for the student.

- (4) When conducting a hearing under this section, a CAMC—
 - (a) has a quorum of 3;
 - (b) is bound by the rules of natural justice;
 - (c) is not bound by the rules of evidence or practices or procedures applicable to courts of record;
 - (d) may inform itself on any matter as it sees fit;
 - (e) must act with as little formality and technicality, and determine each matter with as much speed, as the requirements of this Statute, the regulations (if any) and a proper consideration of the matter permits; and
 - (f) subject to this Statute and the regulations (if any), may regulate its own procedure.

17. A finding of no serious academic misconduct

If, after conducting a hearing, the CAMC determines that the student did not engage in serious academic misconduct, the CAMC must direct that no penalty be applied to the student.

18. A finding of serious academic misconduct

- (1) If, after conducting a hearing, the CAMC determines that the student engaged in serious academic misconduct, the CAMC must apply a penalty for serious academic misconduct set out in the AIP and do so in accordance with the requirements of the AIP.
- (2) For the avoidance of doubt, a CAMC may impose a penalty on a student under subsection (1) even if the student is not enrolled in a unit, subject or course offered by the College to which the CAMC belongs.

19. Notice of determination under section 18

- (1) A CAMC must give written notice of a determination under section 18 to the student concerned as soon as practicable.
- (2) A written notice under this section must—
 - (a) clearly state the details of and reasons for the determination; and
 - (b) advise the student that he or she may, within 10 business days

of the date of the notice, lodge an appeal with the University Appeals Committee challenging the determination; and

- (c) describe the requirements set out in section 20 for making an appeal to the University Appeals Committee; and
- (d) provide contact details and such other information as may be necessary to enable the student to lodge the appeal.

20. Application for review of determination of CAMC

- (1) A student to whom a determination of a CAMC under section 18 relates may, within 10 business days of receiving notice of the determination, apply to the University Appeals Committee for a review of the determination, including any penalty set as part of the determination, on the grounds set out for that purpose in the AIP.
- (2) An application under this section for review must—
 - (a) comply with any requirements set out in the AIP that relate to making such an application;
 - (b) be in writing; and
 - (c) specify the grounds on which the review is sought and provide particulars in support of those grounds.

Note:

If a student lodges an application for review under section 20, the determination in respect of which the review is sought is suspended and no action may be taken to implement the determination pending the outcome of the review: see section 9 of the **University Appeals Committee Statute 2009**.

21. University Appeals Committee to conduct review

The University Appeals Committee must hear and determine any application for review lodged in accordance with the requirements of section 20.

22. Establishment of CAMCs

- (1) In each College, the Pro Vice-Chancellor must establish a CAMC for that College and appoint at least 3 members of the senior academic staff of the College as members of the CAMC of that College.
- (2) An appointment under this section cannot exceed 2 years.
- (3) In each College, the Pro Vice-Chancellor must conduct an annual review of the membership of the CAMC of that College.

23. Delegation

- (1) A Pro Vice-Chancellor may delegate any his or her powers, duties and functions under this Part 2 to any Associate Pro Vice-Chancellor of the Pro Vice-Chancellor's College.

 - (2) A delegation by a Pro Vice-Chancellor under subsection (1) does not prevent the exercise of the delegated power, duty or function by the Pro Vice-Chancellor.
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PART 3—ACADEMIC MISCONDUCT RELATING TO RESEARCH

24. Application of Part 3

This Part 3 applies in respect of academic misconduct by a student in the course of—

- (a) studying for or towards a higher degree by research; or
- (b) carrying out any work required for the research component of a higher degree that is examined by a combination of coursework and research.

25. Reporting suspected academic misconduct

- (1) If a supervisor or examiner has reason to suspect that academic misconduct may have been engaged in by a candidate for a higher degree by research or a higher degree by coursework and research, the supervisor or examiner must report the matter to the Board of Graduate Research in accordance with the GRP.

- (2) In subsection (1) —

examiner, in relation to a candidate for a higher degree by research or a higher degree by coursework and research, means a person appointed by the University to examine the candidate's thesis; and

supervisor, in relation to a candidate for a higher degree by research or a higher degree by coursework and research, means a person appointed by the University to supervise the candidate in his or her thesis.

26. Board of Graduate Research to refer cases of suspected academic misconduct

- (1) As soon as reasonably practicable after receiving it, the Board of Graduate Research must examine a section 25 report and determine whether it appears to disclose evidence of academic misconduct.
- (2) If the Board of Graduate Research determines that the section 25 report appears to disclose evidence of academic misconduct, the Board of Graduate Research must refer the matter to an academic misconduct (research) officer.
- (3) A referral under subsection (2) must—
 - (a) be in writing; and

- (b) include as much information regarding the suspected academic misconduct as the Board of Graduate Research has in its possession.
- (4) The Board of Graduate Research must notify the relevant student in writing that it suspects that academic misconduct may have occurred and that it has referred the matter to an academic misconduct (research) officer for consideration.
- (5) A notice under subsection (4) must—
 - (a) be given to the relevant student at the same time the matter is referred to an academic misconduct (research) officer or as soon as practicable thereafter; and
 - (b) enclose a copy of the referral.

Note:

A report may need to have personal information relating to third parties removed before being given to the student in order to comply with the requirements of the **Information Privacy Act 2000**.

27. Functions and powers of academic misconduct (research) officers

- (1) An academic misconduct (research) officer must hear and determine all allegations of academic misconduct that are referred to him or her under section 26.
- (2) In a hearing under subsection (1), a student may be accompanied by a support person, other than a legal practitioner or person with a law degree.
- (3) Unless permitted to do so by the academic misconduct (research) officer, a support person accompanying a student under subsection (2) is not entitled to make submissions or present arguments to the academic misconduct (research) officer on behalf of the student, or act in any other way as an advocate for the student.
- (4) If, after conducting a hearing, an academic misconduct (research) officer determines that the student did not engage in academic misconduct, the academic misconduct (research) officer must direct that no penalty be applied to the student.
- (5) If, after conducting a hearing, an academic misconduct (research) officer determines that the student did engage in academic misconduct, the academic misconduct (research) officer must apply a penalty for academic misconduct set out in the GRP and do so in accordance with the requirements of the GRP.

- (6) An academic misconduct (research) officer must give written notice of a decision under subsection (5) to the student concerned as soon as practicable.
- (7) A written notice under subsection (6) must—
 - (a) state clearly the details of the decision; and
 - (b) give reasons for the decision; and
 - (c) advise the student that he or she may, within 10 business days of the date of the notice, lodge an appeal with the University Appeals Committee challenging the decision; and
 - (d) describe the requirements set out in section 28 for making an appeal to the University Appeals Committee; and
 - (e) provide contact details and such other information as may be necessary to enable the student to lodge the appeal.
- (8) When conducting a hearing under this section, an academic misconduct (research) officer—
 - (a) is bound by the rules of natural justice;
 - (b) is not bound by the rules of evidence or practices or procedures applicable to courts of record;
 - (c) may inform himself or herself on any matter as he or she sees fit;
 - (d) must act with as little formality and technicality, and determine each matter with as much speed, as the requirements of this Statute, the regulations (if any) and a proper consideration of the matter permits; and
 - (e) subject to this Statute and the regulations (if any), may regulate his or her own procedure.

28. Applications for review of determinations of academic misconduct (research) officers

- (1) A student to whom a determination of an academic misconduct (research) officer under section 27(5) relates may, within 10 business days of receiving notice of the determination, apply to the University Appeals Committee for a review of the determination, including any penalty set as part of the determination, on the grounds set out for that purpose in the GRP.

- (2) An application under this section for review must—
 - (a) comply with any requirements set out in the GRP that relate to making such an application;
 - (b) be in writing; and
 - (c) specify the grounds on which the review is sought and provide particulars in support of those grounds.

Note:

If a student lodges an application for review under section 28, the determination in respect of which the review is sought is suspended and no action may be taken to implement the determination pending the outcome of the review: see section 9 of the **University Appeals Committee Statute 2009**.

29. University Appeals Committee to conduct review

The University Appeals Committee must hear and determine any application for review lodged in accordance with the requirements of section 28.

30. Appointment of academic misconduct (research) officers

- (1) The Dean of Graduate Studies must appoint at least 1 member of the senior academic staff working in a College as an academic misconduct (research) officer for that College.
- (2) In subsection (1), *Dean of Graduate Studies* means the person appointed to, acting in or performing the duties of, that position from time to time.

PART 4—GENERAL

31. University Appeals Committee may hear applications for review lodged outside specified time for lodging

Despite anything to the contrary in Part 2 or Part 3, the University Appeals Committee may hear and determine an application for review that is not lodged within the relevant time period specified in that Part for lodging such an application if the University Appeals Committee is reasonably satisfied that there are compelling reasons for doing so.

32. Regulations

- (1) The Academic Board may make regulations—
 - (a) for or with respect to or providing for any other matter or thing required to be regulated for the purposes of this Statute; and
 - (b) amending or revoking any regulations made under this Statute.
- (2) The Academic Board must ensure that regulations made under this Statute are promulgated by having the regulations displayed on a website maintained by the University for a period of at least 14 days.
- (3) For the purposes of determining when regulations made under this Statute come into operation within the meaning of section 32(2) of the Act, the regulations are taken to have been promulgated in accordance with subsection (2) at the start of the first day on which they are displayed on the website referred to in that subsection.

33. Revocation and transitional

- (1) The Old Statute is **revoked**.
- (2) A proceeding under the Old Statute which, immediately before the commencement date, had been commenced but not completed, shall, on and from the commencement date, be dealt with under this Statute as if it had been commenced on or after the commencement date and, for that purpose, anything which, prior to the commencement date, had been done in the proceeding—
 - (a) by the head of an academic division of a Faculty is to be regarded as having been done by an Academic Integrity Adviser of the relevant College;
 - (b) by an academic misconduct (coursework) officer is to be regarded as having been done by the College Academic Misconduct Committee of the relevant College; and

- (c) by the Higher Degrees Committee (Research) is to be regarded as having been done by the Board of Graduate Research.
- (3) In subsection (2), *proceeding* means—
 - (a) the head of an academic division acting under Division 2 or Division 3 of Part 2 of the Old Statute;
 - (b) an academic misconduct (coursework) officer acting under Division 4 of Part 2 of the Old Statute; or
 - (c) an academic misconduct (research) officer acting under Division 3 of Part 3 of the Old Statute.
- (4) A proceeding brought before the University Appeals Committee under section 15 or 17 of the Old Statute which, immediately before the commencement date, had been commenced but not completed, shall be dealt with by the University Appeals Committee under this Statute as if it had been brought before the University Appeals Committee on or after the commencement date.
- (5) In this section, *commencement date* means the date on which this Statute comes into full force and effect, and *Old Statute* means the **Academic Misconduct Statute 2009** and, in subsections (2) to (4), it means that Statute as in force immediately before the commencement date.

Approved by the Council of La Trobe University on 21 January 2015.

Approved by the Minister on 8 April 2015.