

Extracts from various Council meetings 2019-2021 of matters relating to:

1. Staff misconduct.
 2. Bullying/harassment.
 3. Cheating.
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COU 19-3 17 June 2019

4.1 Vice Chancellor's Report

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"Federal Government Legislation against Cheating

Education Minister the Hon. Dan Tehan MP announced that the government will legislate against exam taking and essay writing services. The draft bill will be released for comment by the end of June and will make it illegal to complete work for a student in whole or part. Breaking this law will include penalties of up to two years prison and a fine of \$210,000.

COU 20-5 (21 October 2020)

*5.3 Report from Academic Board

COU 20-5/105

Council resolved to:

- .1 receive and note the report as detailed in Document 5.3 – *Report from Academic Board* and its attachments;
- .2 approve amendments to Rule G3-1(2) in relation to constitution of the Academic Board as detailed in **Attachment 1** of Document 5.3;
- .3 approve amendments to the UTS Student Rule 8.5 in relation to the supplementary assessment in final teaching period as detailed in **Attachment 2** of Document 5.3; and
- .4 note the 2019 Annual Report on Student Misconduct and Appeal Matters as detailed in **Attachment 4** of Document 5.3.

DOCUMENT 5.3, ATTACHMENT 4**2019 ANNUAL REPORT ON STUDENT MISCONDUCT AND APPEAL MATTERS****Purpose**

The Vice-Chancellor is required to report annually to Council on all student misconduct and appeal matters.

Executive summary

The 2019 Annual Report on Student Misconduct and Appeal Matters provides detailed information on the number of student misconduct matters including appeals dealt with during 2019. The data includes a breakdown of misconduct types and year to year comparisons. Information is provided on the cases considered by the University Student Conduct Committee and the Student Misconduct Appeals Committee. Also, included are details of the number of presentation and training sessions provided, as are the proposed improvements to the process.

MATTERS FOR NOTING***Background/Context***

The Student Misconduct and Appeal Rules are located in Section 16 of the Student Rules. Rules 16.8.1 requires the Vice-Chancellor to report annually to Council for noting on all student misconduct and appeal matters.

Report

In 2012, the revised SMA Rules came into effect following an extensive review in 2011. While the Rules had some minor amendments since that time, they remained substantially the same. In 2012, following the implementation of the new Rules, there were 365 misconduct cases. In 2017 the case load grew to 1,150. It was clear that the current model was not sustainable and the timelines to resolve relatively straight forward cases were getting longer and longer. Specifically, there was also some evidence to suggest that each year there appears to be an increasing number of complex cases being reported.

To assist in the delivery of a student-centred model of managing student misconduct and appeals, four recommendations of reforms were approved by Council in mid-2018. It would appear that these 2018 reforms to the SMA processes (rules) are assisting in the delivery of a student-centred model of managing student misconduct and appeals, with greater clarity, less uncertainty and reduced turnaround times. By reducing the time to process student misconduct cases it has enabled faster resolution from both the student and academic perspectives. These recommendations were the first phase with a view to identifying and implementing further reforms at a later date.

The decision-makers in the student misconduct process are the Deputy Vice-Chancellor (Education and Students) (as the Vice-Chancellor's nominee),

Responsible Academic Officers (RAOs), Director, Governance Support Unit (GSU) and the Student Misconduct Appeals Committee.

2019 Student misconducts

Table 1: Annual comparison of total case numbers 2013 – 2019

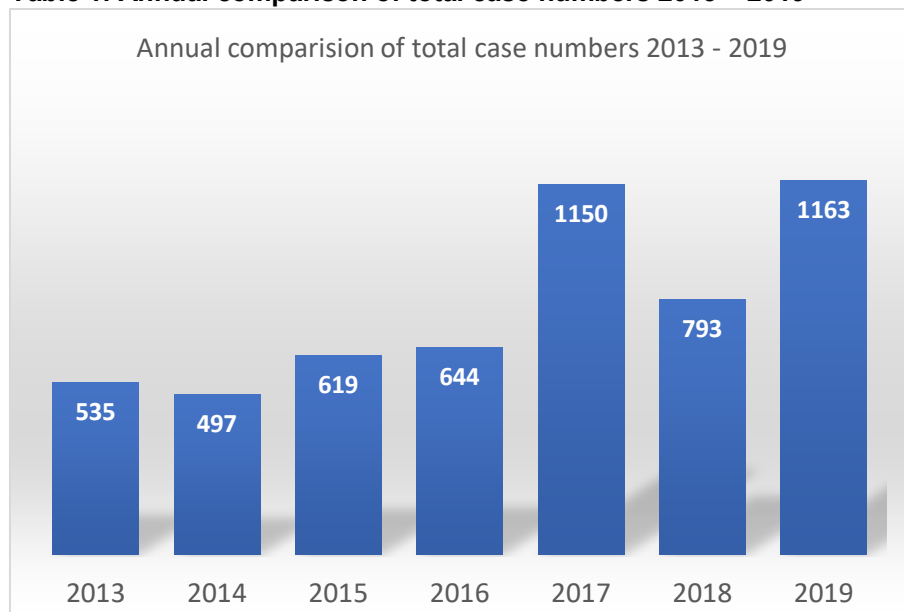


Table 1 shows the annual comparison of total case numbers. It should be noted that the student population has increased from 37,673 in 2013 to 46,259 in 2019, an increase of 8,586 students.

Table 2: Student Misconduct by Type 2013 – 2019

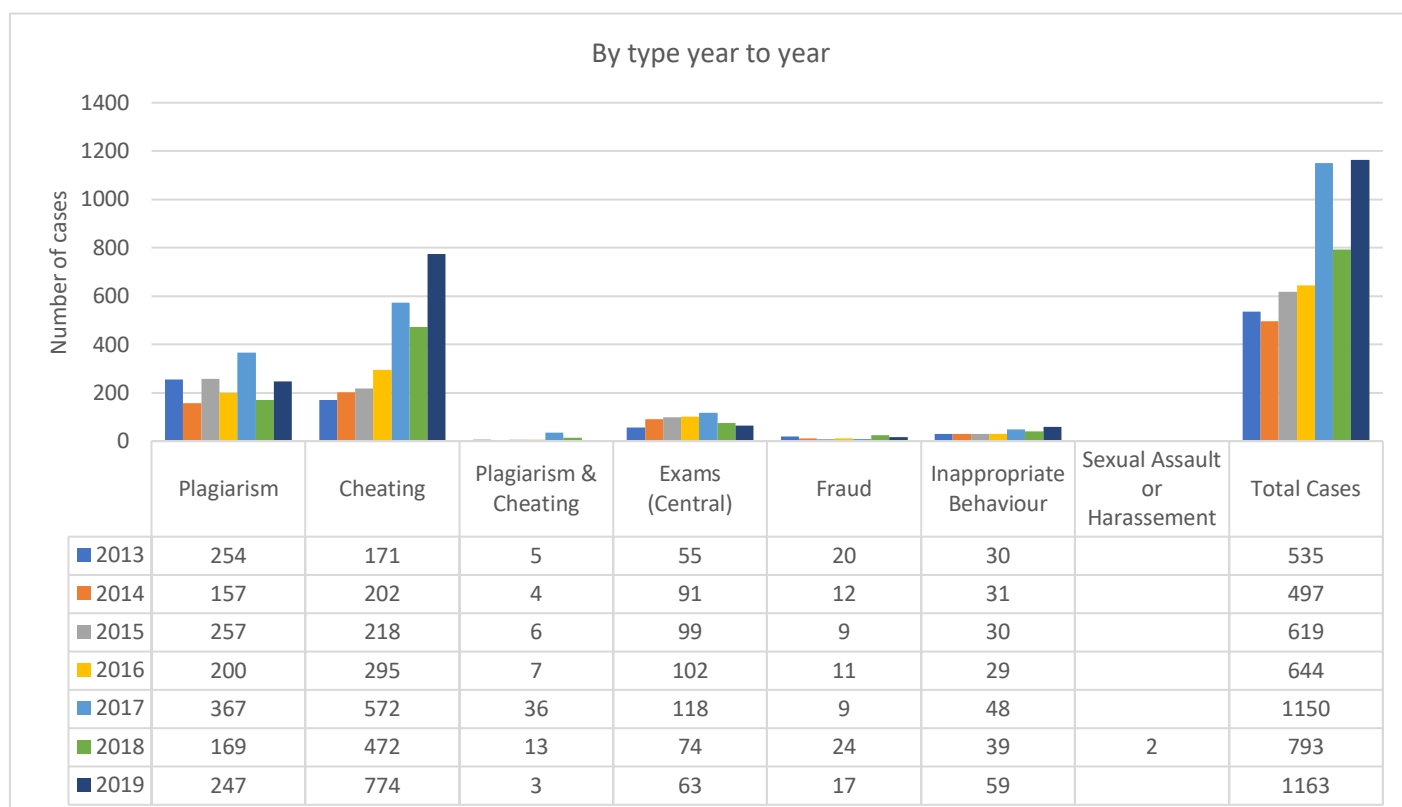


Table 2 shows in 2019 there were 1,163 cases whereas in 2018 there were 793 cases, an increase of 370 cases.

62 cases of the 1,163 cases were dismissed due to insufficient evidence or the others involved in the misconduct made an admission or inaccurate information on UTSONline. The number of student misconduct cases of 1,163 represents 2.51 per cent of our 2019 student population of 46,259 (EFTSL of 36,034).

In 2018, there were 74 centrally conducted examination misconduct cases. In 2019, this figure reduced to 63 cases, with 49 of these cases were students having unauthorised material in the centrally conducted examinations. The 63 cases, represents a percentage of 0.048 per cent of the total number of centrally conducted examination sittings of 130,210 in 2019.

The reduction in the number of centrally conducted examination misconduct cases is likely attributable to the work of the Teaching and Learning Committee's Coursework Assessment Policy Implementation Working Group where on their advice a number of centrally conducted examinations are now open book or restricted open book examinations (where appropriate).

Table 3: Numbers of Undergraduate and Postgraduate involved in Student Misconduct

	2013	2014	2015	2016	2017	2018	2019
Undergraduate	376	340	333	461	810	629	914
Postgraduate	159	157	286	204	340	164	249
Total	535	497	619	665	1150	793	1163

From 2018 to 2019 there has been an increase in both undergraduate and postgraduate student misconduct cases. Academic board is currently implementing the new approach to academic integrity which deals holistically with culture, learning methodologies as well as processes and policies aimed at creating an environment and expectation of academic integrity.

Penalties

The changes in SMA rules in 2018 introduced the concept of approved precedent penalties whereby students are advised of the proposed precedent penalty in the letter of allegation. This reform for selected misconducts provides greater clarity and reduces the turnaround time for students and academics.

Student misconduct committees' meetings

Student misconduct cases are considered by two UTS committees – the University Student Conduct Committee (USCC) or the Student Misconduct Appeals Committee (SMAC).

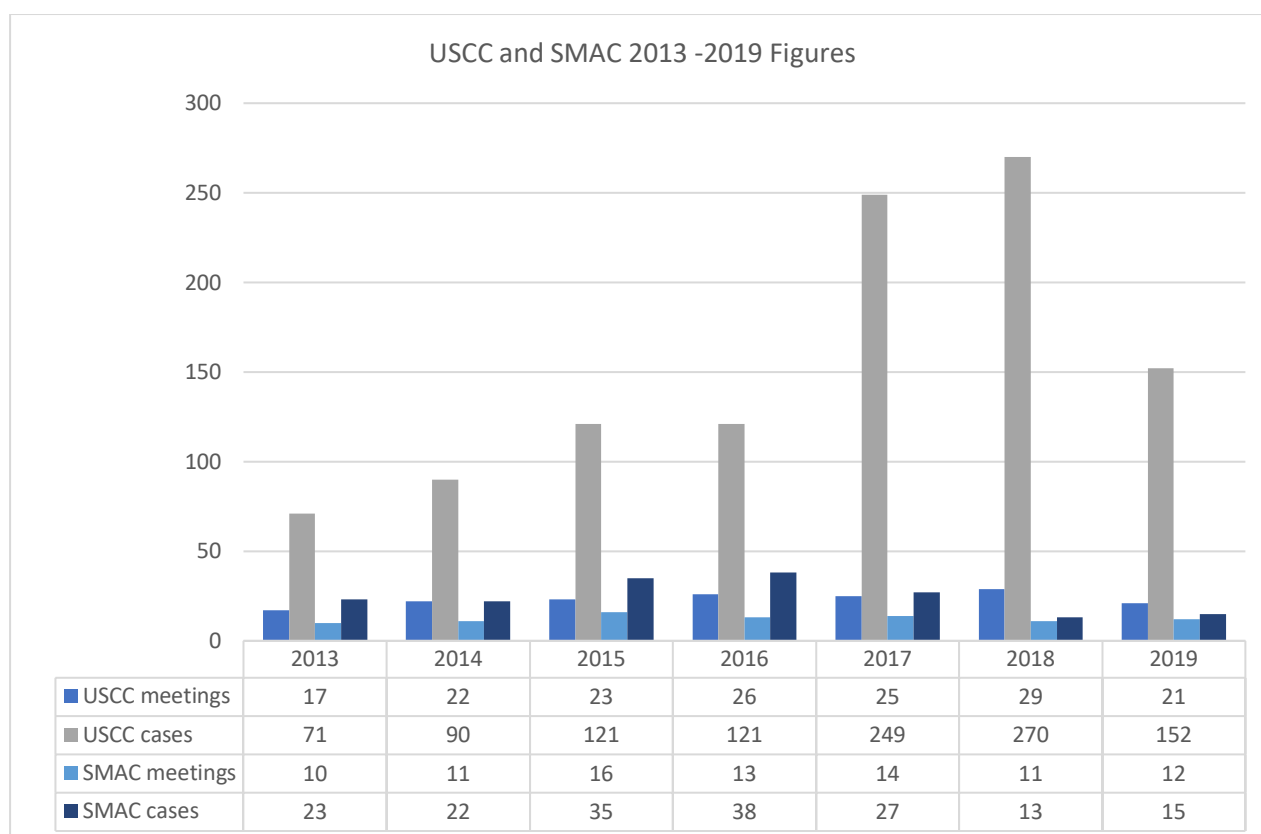
Student misconduct committees are unlike other UTS committees, which generally have the same committee members at each meeting. Student misconduct committees' members are drawn from panels of students and staff from across UTS for each meeting.

The difference between the two misconduct committees is that the USCC inquires into an allegation of student misconduct where the student denies the allegation (excluding plagiarism) or if the decision-maker is seeking a suspension or exclusion penalty. The USCC makes recommendations on findings and if relevant, an appropriate penalty to the DVC (Education and Students) (as the Vice-Chancellor's nominee). The SMAC makes determinations in relation to appeals and the decision of the SMAC is the final decision of UTS.

[Table 4](#) shows in 2019, 21 USCC meetings were held which inquired into 152 cases and 12 SMAC meetings held which determined 25 appeals. As anticipated, the number of USCC meetings has reduced to 21 meetings in 2019 compared to 29 meetings in 2018. The number of USCC cases heard in 2019 reduced to 152, whereas 270 cases were heard in 2018. This reduction of 118 cases is a consequence of the rules reforms that were introduced in late 2018.

There has been an increase in the number of appeal cases heard from 13 cases in 2018 to 25 in 2019.

Table 4: USCC and SMAC 2013-2019 Figures



Student Misconduct Appeals Committee decisions

As outlined in Table 5, 25 students appealed their student misconduct decisions. Of these appeals, 10 students appealed the decision of the RAOs, and 15 students appealed the decision of the DVC (Education and Students).

Table 5: Outcome of appeals

	No. of Appeals	Dismissed	Varied¹	Upheld	Refer²
RAOs	10	6	3	0	1
DVC (Education and Students)	15	11	1	1	2

Students can appeal the decision of the decision-maker on five grounds only. The SMAC role can determine to uphold, dismiss, vary or refer an appeal back to the decision-maker.

Presentations and training

215 students and staff attended eight Student Misconduct and Appeals (SMA) presentation and training sessions. The sessions were RAO; Student Misconduct Committee Members; Examination Supervisor Training; and School/Faculty Meetings.

Improvements

Currently, SMA is identifying further process reforms including using the software Salesforce which could provide further improvements to the student experience within the SMA process and reducing unnecessary administrative burden and delays. These reforms will be the subject of the next phase of the SMA Rules review. Council will be kept abreast of the progress through this next phase.

Consultation

Academic Board
Governance Support Unit
University Secretary.

Links to Strategic Plan/Rules/Academic Standards Framework

UTS 2027 initiative: 3.2 Personal learning experience
Student Rules – Section 16
Academic Standards Framework: academic quality and academic risk.

¹ 'Varied' means the penalty was varied by SMAC.

² 'Refer' means that the matter has been referred back to the original decision maker, as the student has presented new evidence that was not available at the time when the decision maker determined the penalty.

Staff misconduct and staff bullying/harassment case summary data

Reports between 1/1/2019 to 1/2/2021.

First contact with HRU	Type of matter	Subcategory	Bullying alleged?	Bullying substantiated?	Summary
2019	Conduct	Serious Misconduct	No	N/A	Incorrectly approved payment without correctly disclosing conflict of interest. Referred to DVC as possible fraud issue. Reported externally.
2019	Discrimination / harassment		Yes	No	Discrimination and bullying claim against another staff member and supervisor. Alleging discrimination on the basis of disability. Allegation withdrawn.
2019	Grievance		Yes	No	Staff member complained supervisor has ganged up on him/her. Considered mediation. Complainant had resigned.
2019	Grievance	Dispute with colleague/Unreasonable treatment	Yes	No	Staff member has raised a grievance against supervisor - inflexible approach to working hours, confusion over reporting lines, location of work, not sharing relevant information, wanting a probation even though staff member has met previously and unrealistic expectations. Matter has been resolved locally.
2019	Conduct	Serious Misconduct	Yes	Yes	Several complaints against a supervisor, includes very authoritarian management, rudeness, inappropriate management directions, putting a lot of stress on everyone. Investigated and bullying was substantiated. Further concern identified re hiring practices of supervisor; allegedly did not consult the rest of the panel and did not follow UTS procedures when hiring. Supervisor suspended on pay, has since left UTS.
2019	Conduct	Serious Misconduct	No	N/A	Allegation of theft by staff member. Referred to Police who are investigating. Staff member resigned.
2019	Grievance		Yes	No	Complaint received alleging bullying in 2016. Complaint has been investigated and bullying was not substantiated.
2019	Unprofessional behaviour		No	N/A	Staff member has been observed removing UTS property without authorisation and bringing unauthorised persons on site, who have assisted in taking UTS property. Disciplinary process conducted. Staff member resigned.
2019	Conduct	Misconduct	Yes	Yes	Issues raised against staff member re behaviour and bullying. Most of allegations denied but sufficient evidence to substantiate some. Staff member has left UTS.
2019	Unprofessional behaviour		No	N/A	Complaint relating to various actions by supervisor inc breaches of policy, and allegation of acting inappropriately in email to complainant. Resulted in a verbal reprimand.
2019	Grievance	Dispute with colleague/Unreasonable treatment	Yes	No	Staff member claim of bullying against supervisor arising from performance discussions in a work planning meeting. Allegations unsubstantiated.
2019	Grievance	Discrimination	Yes	No	Staff member alleged racial discrimination by manager in meeting. Manager lodged complaint about staff member, staff member also lodged complaint against manager. Investigated, no finding of racism.
2019	Grievance		Yes	No	Staff member has claimed that colleague has been unprofessional and bordering on bullying behaviour. HRU met with supervisor given the advice. Will be handled locally.
2019	Grievance		No	N/A	Concern raised over staff member falsifying financial records. It was found that the staff member was not familiar with the process.
2019	Conduct	Misconduct	No	N/A	Student complaints staff member shouted at them. Evidence inconclusive. Staff member provided a verbal warning.

2019	Grievance		Yes	No	Complaints have been lodged about staff member verbally abusing others in front of other people to the point where they resign. Dealt with at the local level.
2019	Grievance		Yes	No	Staff member has resigned because a colleague has allegedly been bullying him/her. Fact finding identified half the allegations raised were substantiated but were not bullying. Case closed and to be dealt with at the local level.
2019	Conduct	Misconduct	No	N/A	Staff member made racist comment about colleague in front of other staff members and sent racist meme to supervisor about colleague. Allegations letter sent and staff member responded. Provided advice to DVC re disciplinary action. Sent FWW.
2019	Conduct	Misconduct	No	N/A	Staff member sent racist meme to colleagues. Allegation admitted. Sent FWW.
2019	Grievance		Yes	No	Staff member has raised another complaint about a colleague. HRU met with staff member and supervisor to sort out informally. Confirmed this had been dealt with previously.
2019	Conduct	Misconduct	Yes	No	Staff member previously reprimanded for not following mgt instructions. Has refused to respond to emails. Supervisor met with staff member to discuss the issues and sent staff member things to rectify. Staff member made a FWC Stop Bullying claim which was resolved in conciliation; Commissioner agreed that moving her reporting line was sufficient. Staff member was given a written warning.
2019	Conduct	Misconduct	No	N/A	Staff member in private chat colleague engaged in racists comments about another colleague. Allegations letter sent and staff member responded. Provided advice to DVC re disciplinary action. Sent FWW.
2019	Conduct	Misconduct	No	N/A	Staff member allegedly engaging in outside work without the approval of faculty. Also allegedly associated with an overseas company and also on PEP in same overseas location. Staff member denied allegation. PEP revoked. Investigation identified staff member was involved in company. Misconduct substantiated. Staff member resigned.
2019	Grievance		Yes	No	Contractor has allegedly been bullying another contractor. This is being dealt with on the local level at this stage - either contractor apologises or contract ends. Has apologised and colleague was happy with this.
2019	Conduct	Misconduct	No	N/A	Staff member attended conference while on official sick leave. Some allegation substantiated. Staff member resigned.
2019	Conduct	Serious Misconduct	No	N/A	Staff member came to the office intoxicated. A suspension letter was provided. Staff member resigned.
2019	Grievance	Dispute with colleague/Unreasonable treatment	Yes	No	Discussion between staff member and manager following staff member's leave sparked a broken relationship between the two with unprofessional behaviour from the staff member in emails. Staff member resigned.
2019	Grievance	Dispute with colleague/Unreasonable treatment	Yes	No	Staff member has made a complaint relating to bullying and harassment however has been off work since. Supervisor to complete training and staff member provided assistance to move to different role.
2019	Unprofessional behaviour		Yes	Yes	Staff member was said to have bullied and intimidated some colleagues. One allegation was confirmed and staff member was provided with a verbal warning.
2019	Unprofessional behaviour		No	N/A	Concerns raised re staff member asking student to work a casual contract for the purpose of then using the wages to pay a keynote speaker. Staff member resigned.
2019	Misuse of Technology		No	N/A	Staff member let a non-UTS staff member into the office without permission to show them a confidential report (not done to harm the university, but to get help fixing the report). At this stage it is a misconduct allegation, not serious misconduct. The supervisor decided that it was best to move staff member and give a verbal warning about it.
2019	Unprofessional behaviour		Yes	Yes	Staff member claimed ongoing bullying. Claim substantiated but identified as minor in nature. Verbal warning, and training required as outcome.

2019	Grievance		Yes	No	Employee claimed that her supervisor had bullied her. Currently being managed at a local level.
2019	Unprofessional behaviour		Yes	Yes	Student complained about supervisor's bullying behaviours. Head of School met with staff member to discuss this and close it off informally. Student asked what they wanted done. Student had a change of supervisor.
2019	Conduct	Serious Misconduct	No	N/A	Staff member has said a series of offensive/racist comments to students/staff members. Staff member denied allegations. HRU is investigating further with witnesses. Evidence inconclusive. No further action taken.
2019	Grievance	Dispute with colleague/Unreasonable treatment	Yes	Yes	Staff member complaint that supervisor is rude, aggressive, disregard for staff members position, as well as the safety of his staff. HRU met with supervisors and the resolution is that it will be dealt with locally.
2019	Grievance		No	N/a	Allegation staff member forged colleague's signature, although identified as potential misunderstanding. Resulting in a warning.
2020	Conduct	Misconduct	No	N/A	Misconduct allegations for inappropriate behaviour to other staff. Was given a verbal warning and has since apologised for behaviour.
2020	Conduct	Misconduct	No	N/A	Staff member was asked to complete routine tasks. Staff member responded in a rude and unprofessional manner. Was reprimanded and requested to apologise, which he/she did.
2020	Conduct	Misconduct	No	N/A	After a health and safety related incident, staff member failed to escalate or lodge a HIRO report. Allegations sent to DVC. Given a verbal warning.
2020	Conduct	Misconduct	No	N/A	After a health and safety related incident, staff member failed to take action when advised by junior colleague, escalate or lodge a HIRO report. Allegations sent to DVC. Given a verbal warning.
2020	Conduct	Misconduct	No	N/A	Allegations of bullying style of teaching. Provided verbal warning.
2020	Conduct	Misconduct	No	N/A	Staff member travelled overseas while on sick leave and allegedly undertook work while there; failed to submit an application for outside work given there appears to be some evidence that is undertaking work. It was determined that the allegations were substantiated, however he was given a caution.
2020	Conduct	Misconduct	No	N/A	Allegedly sold a UTS vehicle without permission and put money towards their research fund. [case still active]
2020	Conduct	Serious Misconduct	No	N/A	Allegation from member of public about staff member's conduct on a flight; staff member allegedly sexually harassed complainant, made inappropriate advances including unsolicited touching. Investigation but the only thing that could be substantiated was that staff member showed complainant his/her payslip. Therefore no further action was taken.
2020	Grievance	Dispute with colleague/Unreasonable treatment	Yes	No	Staff member in conflict with supervisor, wants reclassification. Have responded formally to FWA request. Have come to agreement re FWA.
2020	Conduct	Misconduct	No	N/A	Staff member refused to work on project that was within his/her job role. Given informal warning.
2021	Conduct	Misconduct	No	N/A	Staff member took HDR students to do fieldwork without going through the proper processes. [case still active]
2021	Conduct	Misconduct	No	N/A	Staff member and supervisor in dispute. Issues when changing the methodology of a study without authorisation. [case still active]

Student cheating case summary data - 1/1/2019 to 1/2/2021.

[Data as at 1/3/2021]

Notes:

- Cheating does not include plagiarism or exam misconduct cases.
- The majority of cheating cases are where students represent another student's work to be their own.
- Students that share their work and if proven, generally receive a penalty in the form of a reprimand.
- A reprimand can also be imposed with other penalties.

Penalty	2019 [774 Cheating]	2020 [Cheating 969]
Cases not finalised		261
Data check	107	
Formal Warning	10	2
Reprimand	118	51
No Penalty	1	1
Other	5	0
Dismissed	73	34
Referred back to the Faculty	6	10
Withdrawn	3	0
No Further Action	3	26
Reduction in marks	0	3
Alternative assessment with reduction in marks	12	5
Resubmission with reduction in marks	10	7
Zero for the assessment task	393	565
Fail Subject	22	2
Suspension suspended	4	1
Suspension (up to 12 months)	5	
Exclusion (up to 5 years)	1	1
Exclusion suspended	1	
Total	774	969
Penalty	2019 [3 Cheating & plagiarism]	2020 [0 Cheating & plagiarism]
No further action	1	0
Reprimand	1	0
Zero for the assessment	1	0