

## RULE CHANGES APPROVED BY COUNCIL

Pursuant to the UTS Bylaw (Part 4, division 3, clause 44), the following rule changes made by UTS Council, effective 27 February 2012.

At its meeting 11/7 on 23 November 2011, Council resolved to approve amendments to the Rules as follows:

### COU/11-7/123

Council resolved to:

- .1 receive and note the report on proposed amendments to the University Rules as detailed in Document 5.5 - *Amended Student Misconduct and Appeals Rules*; and
- .2 approve, subject to endorsement by the Academic Board, the following:
  - (1) Academic Board took executive action on 16 December 2011 to endorse:
    - (i) the revised Student and Related Rules relating to Student Misconduct and Appeals, as detailed in Attachment 3, to take effect from 27 February 2012;
    - (ii) the Guidelines for Handling Student Misconduct Involving Plagiarism, as detailed in Attachment 4, for inclusion as Schedule 6 in the Student and Related Rules, to take effect from 27 February 2012;
    - (iii) the revised Standing Delegations of Authority relating to Student Misconduct and Appeals, as detailed in Attachment 5 to take effect from 27 February 2012;
    - (iv) the amendment of any other Rule cross-references or Policy wording required to provide alignment consequent to approvals provided in Recommendations .2(i) to (iii) above;

### **Attachment 3 (resolution .2 (1) (i) above)**

[new text underlined, text to be deleted in strikethrough]

## SECTION 2 — STUDENT REQUIREMENTS

### 2.1 General conduct

2.1.9 If the Vice-Chancellor or the Vice-Chancellor's ~~delegate~~ nominee considers on the basis of past conduct, threatened conduct or other reasonable basis that the conduct of a student may prejudice the good order and government of the University or may interfere with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of the University, the Vice-Chancellor or ~~delegate~~ Vice-Chancellor's nominee may (irrespective of whether misconduct proceedings have been instituted) require the student to comply from a date specified by the Vice-Chancellor or the Vice-Chancellor's ~~delegate~~ nominee with such conditions as are notified in writing by the Vice-Chancellor or ~~delegate~~ Vice-Chancellor's nominee.

2.1.10 Failure to:

- (1) comply with the University Act, By-law, Rules, Codes of Conduct, Policies and Procedures of the University; or
- (2) maintain an acceptable standard of conduct; or
- (3) comply with conditions set by the Vice-Chancellor or the Vice-Chancellor's ~~delegate~~ nominee under Rule 2.1.9 above; or
- (4) comply with reasonable directives of an officer of the University; or
- (5) comply with any of the other requirements specified in Rule 2.1.1 to 2.1.8 above

may be considered to be an act of misconduct and may be dealt with under the provisions of Section 16 (Student Misconduct and Appeals).

## SECTION 3 – COURSE AND SUBJECT REQUIREMENTS

### 3.4 Professional experience requirements

3.4.3 While undertaking practical professional experience, a student may be summarily excluded from participating in such activities for a specified period of time as provided for in ~~Rule 16.10~~ Rule 16.9 (Exclusion from facilities and/or participation in activities).

## SECTION 9 — EXAMINATION OF COURSEWORK SUBJECTS

### 9.2 Student responsibilities

9.2.1 Official examination periods are part of the officially designated teaching periods of the University. All students undertaking coursework subjects have a responsibility to make themselves available for assessment and or examination during the official examination periods.

9.2.2 Students have responsibility for informing themselves of the examination timetable.

9.2.3 Students have responsibility for ensuring that clashes and potential clashes in their examination timetable are identified and for advising the Registrar of serious individual scheduling difficulties arising from the examination timetable.

9.2.4 Students are required to be present at examinations at the correct location and at the correct time. Students should be at the correct location at least ten (10) minutes prior to the published commencement time for each examination.

9.2.5 Not reading, misreading or misunderstanding the examination timetable will not be accepted as a valid reason for failing to attend an examination.

9.2.6 Each student is required to produce his or her valid current Student Identity Card before being permitted to enter the examination room. Students who have lost or misplaced their

Student Identity Card must obtain a replacement card prior to the examination commencement.

- 9.2.7 Material or equipment other than that specified in the subject outline and on the examination paper must not be brought into the examination room, or be in the student's possession at any time during the examination, in the examination room or in any other room or place visited by the student for any reason during the examination.
- 9.2.8 A student must not access or attempt to access during the examination any material or equipment other than that specified in the subject outline and on the examination paper.
- 9.2.9 Material or equipment shall be deemed to not be in contravention of Rule 9.2.7 above if it is left, whether in a bag or other container or otherwise, at a location specified by the Examination Supervisor for the duration of the examination and the student does not gain, or attempt to gain, access to it during the examination. Students are advised not to bring unauthorised or unnecessary items to examinations. The University does not accept any responsibility for student possessions left in any location during an examination.
- 9.2.10 A student must not communicate or attempt to communicate in any way with any person or receive or attempt to receive any communication from any person during the examination, in the examination room or in any other room or place visited by the student for any reason during the examination other than officers of the University with responsibility for the examination or other officers as approved by the Examination Supervisor. Such forms of communication include but are not limited to:
- (1) oral communication;
  - (2) written or visual communication;
  - (3) any form of electronic or telephonic communication.
- 9.2.11 A student must not send, receive or access any source of stored electronic information or attempt to send, receive or access any source of stored electronic information during the examination, in the examination room including at any place visited by the student for any reason during the examination unless specified on the examination paper and in the subject outline.
- 9.2.12 Material or equipment that is permitted in the examination room according to the subject outline and/or examination paper must not be used for any purposes other than that specified in the subject outline and/or examination paper.
- 9.2.13 Students must take notice of and comply with all directives of the Examination Supervisor.
- 9.2.14 A student must not do anything to distract or disadvantage other students during an examination.
- 9.2.15 A student must not do anything to disrupt an examination in any way and is required to behave in an orderly manner during an examination.
- 9.2.16 Students are not permitted to smoke any substance during an examination.
- 9.2.17 Students are not permitted to eat or drink during an examination unless permission has been given by the Examination Supervisor or approved for individual students as a special condition of examination in accordance with Rule 9.4.
- 9.2.18 If a student fails to observe any of the requirements specified in Rules 9.2 and 9.3, behaves in an unacceptable or disorderly manner, disrupts an examination or is suspected of ~~academic misconduct~~ any other misconduct, action may be taken by the University as provided for in Rule 9.8 and in Section 16 (Student Misconduct and Appeals).

## **9.8 Student misconduct during examinations**

### **9.8.1 General**

- (1) Student misconduct is defined in Rule 16.2 (Student Misconduct and Appeals).

### **9.8.2 ~~Academic~~ Misconduct during centrally conducted examinations**

- (1) If an Examination Supervisor suspects a student of ~~academic~~ misconduct involving cheating during an examination, the Examination Supervisor shall take prompt action

to prevent the continuance of the suspected ~~academic~~ misconduct. The student shall be allowed to complete the examination or assessment task in question.

- (2) All action taken by the Examination Supervisor will be in accordance with the principles of procedural fairness outlined in Schedule 4 (Guidelines relating to Student Misconduct and Appeals).
- (3) The Examination Supervisor shall, as soon as possible, provide a written report to the Director, Student Administration Unit (or nominee). The Director, Student Administration Unit (or nominee) shall take immediate steps to contact the Subject Coordinator and, after consultation, make a decision concerning any further action to be taken.
- ~~(4) If no further action is to be taken, the Director, Student Administration Unit (or nominee) shall notify the student and the Examination Supervisor, if possible, at the conclusion of the examination.~~
- ~~(5) If further action is considered necessary, the Examination Supervisor shall be instructed to inform the student at the conclusion of the examination or as soon as possible thereafter that an allegation of academic misconduct has been made, and shall then note on the subject listing sheet that the student's examination paper has been sent to the Director, Governance Support Unit (or nominee) because of alleged academic misconduct.~~
- (4) The Examination Supervisor shall inform the student at the conclusion of the examination or as soon as possible thereafter that an allegation of misconduct has been made, and shall then note on the subject listing sheet that the student's examination paper has been sent to the Director, Governance Support Unit (or nominee) because of alleged misconduct.
- (5) The written report of the Examination Supervisor on the alleged misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee), together with the student's examination paper or assessment task in question.
- (6) The Director, Governance Support Unit (or nominee) shall then:
  - (a) report the matter to the Registrar; and
  - (b) send a copy of the report to the ~~Dean~~ Responsible Academic Officer of the faculty responsible for the subject and the Responsible Academic Officer to provide advice to the Registrar.
- (7) The Registrar shall deal with the allegation in accordance with Rule 16.12.

### **9.8.3 ~~Academic~~ Misconduct during faculty-based examinations**

- (1) The person responsible for supervising a faculty-based examination shall be referred to as the Monitoring Staff Member.
- (2) If the Monitoring Staff Member suspects a student of misconduct involving cheating during an examination, the Monitoring Staff Member shall take prompt action to prevent the continuance of the suspected misconduct. Refer Section 16 (Student Misconduct and Appeals) for definitions of misconduct.
- (3) The student shall be allowed to complete the examination or assessment task in question.
- (4) All action taken by the Monitoring Staff Member will be in accordance with the principles of procedural fairness outlined in the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).
- (5) The Monitoring Staff Member shall, as soon as possible, provide a written report to the Responsible Academic Officer. The Responsible Academic Officer shall refer the matter to the ~~Dean~~ Registrar who shall deal with the matter in accordance with Rule 16.12.

### **9.8.4 ~~Non-academic misconduct~~ Disorderly conduct during examinations**

- (1) Any student who behaves in an unacceptable or disorderly manner or otherwise

disrupts an examination:

- (a) is liable for immediate expulsion from the examination room for the remainder of the examination; and
  - (b) must leave the examination room immediately if directed to do so; and
  - (c) is subject to such other actions and penalties as provided for in Section 16 (Student Misconduct and Appeals).
- (2) The Examination Supervisor or Monitoring Staff Member shall, as soon as possible, provide a written report on the alleged ~~non-academic~~ misconduct to the Director, Student Administration Unit (or nominee). The Director, Student Administration Unit (or nominee) shall in consultation with the Examination Supervisor or Monitoring Staff Member make a decision concerning any further action to be taken.
  - (3) The Director, Student Administration Unit (or nominee) shall notify the student and the Examination Supervisor or Monitoring Staff Member of any action to be taken.
  - (4) The written report on the alleged ~~non-academic~~ misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee) who shall then:
    - (a) report the matter to the Registrar; and
    - (b) send a copy of the report to the Dean-Responsible Academic Officer of the Faculty responsible for the subject ~~and the Responsible Academic Officer.~~
  - (5) The Registrar shall deal with the allegation in accordance with Rule 16.12.

## SECTION 16 — STUDENT MISCONDUCT AND APPEALS

### Part A — General provisions

#### 16.1 Application

- 16.1.1 The Rules in this Section apply to and in respect of all students of the University and in respect of misconduct by a person who was a student at the time of the misconduct, whether or not the person is currently enrolled (refer Rule 1.3.2 Conduct of students).
- 16.1.2 Nothing in these Rules precludes the University from initiating civil or criminal proceedings against a student or former student in respect of misconduct.

#### 16.2 Definition of misconduct

16.2.1 **Student misconduct** includes but is not limited to ~~both academic misconduct and non-academic misconduct.~~

~~16.2.2 **Academic misconduct** includes but is not limited to:~~

- (1) (a) cheating or acting dishonestly in any way; or
- (b) assisting any other student to cheat or act dishonestly in any way; or
- (c) seeking assistance from others in order to cheat or act dishonestly; or
- (d) attempting to do (a) or (b) or (c) in an examination under the supervision of the Registrar or an examination, test, assignment, essay, thesis or any other assessment task under the supervision of a Faculty that a student undertakes as part of the educational requirements of the course in which the student is enrolled;
- (2) accessing or using another person's work by theft or other unauthorised means;
- ~~(23)~~ using, or attempting to use, any material or equipment that is not specified on an examination paper for use in the examination;
- ~~(34)~~ plagiarising, i.e. taking and using someone else's ideas or manner of expressing them and passing them off as his or her own by failing to give appropriate acknowledgement of the source to seek to gain an advantage by unfair means;
- ~~(4) contravening any provision of the Act, the By-law or a Rule dealing with student academic conduct;~~
- (5) acting in contravention of any official statement that defines acceptable academic

practice as approved by Council, Academic Board or a Faculty Board from time to time;

~~(6) engaging in any other improper academic conduct.~~

~~16.2.3 Non-academic misconduct includes but is not limited to:~~

~~(46) contravening any provision of the University Act, the By-law or a Rule;~~

~~(27) acting in contravention of any official statement that defines acceptable standards of conduct and behaviour as approved by Council, Academic Board or a Faculty Board from time to time;~~

~~(38) prejudicing the good name or academic standing of the University;~~

~~(49) prejudicing the good order and government of the University;~~

~~(510) a breach of confidentiality or privacy requirements or obligations in respect of the University or its staff, students or other relevant parties;~~

~~(611) unreasonably interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of the University;~~

~~(712) harassing or engaging in any other form of improper or discriminatory behaviour towards another student, an officer of the University, a visitor to the University, or any other person whilst pursuing any activity related to his or her University purposes; such misconduct may relate, but is not limited, to race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction or religious belief;~~

~~(813) intimidating or assaulting another student, officer of the University, a visitor to the University or any other person whilst pursuing any activity related to his or her University purposes;~~

~~(914) failing to comply with any order or direction lawfully made or given under the Act, the By-law or a Rule;~~

~~(1015) refusing to identify himself or herself when asked lawfully to do so by an officer of the University;~~

~~(1116) failing to comply with any conditions set by the Vice-Chancellor or the Vice-Chancellor's nominee under Rule 2.1.9 or under Rule 16.3.3;~~

~~(1217) breaching the terms or conditions of a penalty imposed for student misconduct;~~

~~(1318) obstructing any officer of the University in the performance of the officer's duties including preventing or attempting to prevent an officer of the University from occupying or using his or her assigned work area and/or refusing to leave such an area when instructed to do so;~~

~~(1419) behaving disgracefully, improperly or inappropriately:~~

~~(a) in a class, meeting or other activity in or under the control or supervision of the University, or~~

~~(b) on University premises, or~~

~~(c) on any other premises to which the student has access for his or her University purposes;~~

~~(1520) failing to comply with the prescribed provisions relating to the student's placement at another institution, place of learning or place of business;~~

~~(1621) acting dishonestly in relation to an application for admission to the University;~~

~~(1722) knowingly making any false or misleading representation about things that concern the student as a student of the University or including but not limited to a breaching breach of Rule 2.1.8;~~

~~(1823) altering or attempting to alter any document or record of the University, or causing or attempting to cause any unauthorised alteration of such a document or record;~~

~~(19) accessing or using another student's academic work by theft or other unauthorised means;~~

- (2024) misusing any University Facility in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- (2425) without limiting, in any way, (2024) above or the definition of 'Facility', misusing any computing or communications equipment or capacity to which the student has access at or away from University premises for his or her University purposes in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- (2226) stealing, destroying, damaging or causing loss or cost in respect of a facility or property of the University or for which the University is responsible.

### 16.3 Penalties

16.3.1 The penalty or penalties for student misconduct may be one or more of the following:

- (1) rescission of an academic award conferred by the University where the award is as a result or partly as a result of fraud or serious academic misconduct committed by the student before the award was conferred;
- (2) revocation of a recommendation to the Academic Board or the University Council that a student has satisfied the requirements for an award, effective for a period of up to twelve (12) months;
- (3) permanent exclusion from the University, in which case:
  - (a) the student's enrolment will be terminated;
  - (b) the student will be recorded as excluded from the University;
  - (c) the student will not be entitled to any benefits, advantages or privileges of the University;
  - (d) the student will not be permitted to enrol in any course of study whether for award or otherwise at the University;
  - (e) any further applications from the student for admission to any course of study at the University will not be considered;
- (4) exclusion from the University for a period of up to five (5) years in which case:
  - (a) the student's enrolment will be terminated;
  - (b) the student will be recorded as excluded from the University for the specified period of exclusion;
  - (c) the student will not be entitled to any benefits, advantages or privileges of the University for the specified period of exclusion;
  - (d) the student will not be permitted to enrol in any course of study at the University whether for award or otherwise during the period of any exclusion;
  - (e) the student may re-apply for readmission to the course at the University at the end of the period of exclusion. Readmission is not automatic (refer Rule 5.9.4). ~~and conditions~~ If a student is readmitted, conditions relating to the student's future conduct at the University may be set by the Vice-Chancellor or Vice-Chancellor's nominee (refer Rule 2.1.9);
- (5) suspension from the University for a specified period not exceeding twelve (12) months in which case:
  - (a) the student will not be entitled to any benefits, advantages or privileges of the University during the period of suspension;
  - (b) the student will not be permitted to enrol in any course of study whether for award or otherwise at the University during the period of suspension;
  - (c) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;
- (6) suspension from a course of the University for a period not exceeding twelve (12) months in which case:
  - (a) the student will not be entitled to any course-related benefits, advantages or privileges of the University during the period of suspension;

- (b) the student will not be permitted to enrol in the course from which the student has been suspended during the period of suspension;
- (c) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;
- (7) withholding of academic results for the relevant teaching period, and/or official academic records, including deferral or withdrawal of permission to graduate, for a specified period not exceeding twelve (12) months;
- (8) imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding twelve (12) months, in which case if there is a further act of misconduct during the specified period the Vice-Chancellor or Vice-Chancellor's nominee ~~or the Dean~~ shall refer the matter to the University Student Conduct Committee ~~or the relevant Faculty Student Conduct Committee, as the case may be~~, for a recommendation on the imposition of a more severe penalty;
- (9) if the misconduct ~~constitutes academic misconduct in relation~~ relates to a subject in which the student is enrolled:
  - (a) a zero mark and 'Fail' result for any part or parts of the assessment of the subject;
  - (b) a requirement that the student re-do and re-submit a specific assessment task, with a reduction in marks to no more than a specified percentage, normally 50%, of the maximum possible mark in the assessment task;
  - (c) a requirement that the student must undertake another alternative assessment task ~~for the whole subject~~, for which the maximum possible mark can be no greater than a specified percentage, normally 50%, of the ~~total value of the assessment~~ maximum possible mark in the assessment task;
  - (d) a zero mark and 'Fail' result for the total assessment in the subject, in which case the zero mark and 'Fail' result will be denoted on the official record of the student in the same way as a 'Fail' result awarded in the usual way;
- (10) exclusion from attendance at specified classes or subjects for a specified period not exceeding twelve (12) months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled;
- (11) exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding twelve (12) months;
- (12) payment to the University or a third party by a specified date of a specified amount not exceeding the amount of any loss or damage where an act of misconduct involves loss of or damage to property or facilities of the University or a third party, in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non payment of charges as are provided for in the Section 4 (Fees, Charges and Other Financial Obligations);
- (13) payment to the University by a specified date of a specified amount for its costs, not exceeding the amount of any costs incurred where an act of misconduct involves lengthy inquiries and proceedings, in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non payment of charges as are provided for in Section 4 (Fees, Charges and Other Financial Obligations);
- (14) payment to the University by a specified date of a fine up to \$5,000, with maximum fines for particular types of offences determined in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5), in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non payment of charges as are provided for in Section 4 (Fees, Charges and Other Financial Obligations);
- (15) imposition of specified conditions on attendance at specified classes or use of specified facilities of the University;



- (16) a reprimand or caution.
- 16.3.2 Matters which may be taken into account in recommending or imposing a penalty in respect of instances of misconduct under these Rules include but are not limited to:
- (1) the nature and seriousness of the misconduct;
  - (2) a student's previous record of misconduct;
  - (3) previous penalties imposed for student misconduct including any penalty deferred in accordance with Rule 16.3.3;
  - (4) the fact that a student has admitted an alleged act of misconduct;
  - (5) the fact that a student came forward on the student's own initiative and admitted an act of misconduct.

Regard should also be had to the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct which are set out in Schedule 5 of the Rules, and which can be amended by the Vice-Chancellor or Vice-Chancellor's nominee from time to time, subject to notification of any change to Academic Board and Council.

- 16.3.3 The operation of a penalty may be deferred by the authority imposing the penalty for a period that will not normally exceed two (2) years, but may in appropriate cases continue for the duration of a student's enrolment in the course. During the period in which a penalty is deferred, as a condition of continued enrolment, the student must comply with any conditions prescribed by the Vice-Chancellor or Vice-Chancellor's nominee.

#### **16.4 Designation**

- 16.4.1 The Vice-Chancellor may at any time designate a nominee including ~~to~~ the Senior Deputy Vice-Chancellor or a Deputy Vice-Chancellor with appropriate portfolio responsibilities, to exercise all or part of the Vice-Chancellor's powers, duties and responsibilities under this Section of the Rules.
- 16.4.2 The Vice-Chancellor must advise Council of any such designation.

#### **16.5 Procedural fairness**

- 16.5.1 A student is entitled to procedural fairness in the handling of an allegation of student misconduct including any appeal.
- 16.5.2 Guidelines relating to Student Misconduct and Appeals which are set out in Schedule 4 of the Rules provide general guidance on procedural fairness and ~~should usually~~ will be followed unless a Conduct Committee, ~~or a Dean~~ Responsible Academic Officer, ~~or the Vice-Chancellor, the Vice-Chancellor's nominee or the Registrar~~ may determine that there are sufficiently compelling circumstances to require different procedures in particular proceedings in order to ensure procedural fairness.
- 16.5.3 A student or an officer of the University including the Vice-Chancellor or Vice-Chancellor's nominee, ~~Deans~~ Responsible Academic Officer or member of a Conduct Committee must not hear or determine an allegation of student misconduct if he or she is personally involved in any aspect of the allegation.
- 16.5.4 For the purposes of Rule 16.5.3 a student or an officer of the University is not personally involved in any aspect of an allegation by reason only of the fact that he or she hears or deals with the allegation under these Rules.
- 16.5.5 In the event that the Vice-Chancellor or Vice-Chancellor's nominee, a Responsible Academic Officer, or a member of a Conduct Committee believes that his or her involvement in a matter would lead to a conflict of interest, he or she must consult with the Registrar. The Registrar will determine an appropriate person to deal with the matter.

#### **16.6 Allegation of misconduct**

- 16.6.1 An allegation of student misconduct must specify each individual act of alleged misconduct.
- 16.6.2 An allegation of student misconduct involving plagiarism occurring within a faculty in relation to the teaching and conduct of courses and subjects within that faculty must be referred to the ~~Dean~~ Responsible Academic Officer of the relevant faculty and handled in accordance with Rule 16.10 below and in accordance with the Guidelines for Handling

Student Misconduct Involving Plagiarism (refer Schedule 6), or at the discretion of the Responsible Academic Officer referred to the Registrar to be handled in accordance with Rule 16.12 below.

16.6.3 All other allegations of ~~serious~~ student misconduct must be referred to the Registrar and handled in accordance with Rule 16.12 below.

16.6.4 Allegations involving both plagiarism and other misconduct must be referred to the Registrar and handled in accordance with Rule 16.12 below.

### **16.7 Admission of misconduct**

16.7.1 A student may admit an act of misconduct at any time.

16.7.2 When a student admits both the occurrence and the substance of an act of misconduct:

- (1) any enquiry being undertaken by a relevant officer of the University or Committee in relation to that act of misconduct ~~will~~ may cease;
- (2) the relevant officer of the University or Committee will make recommendations only as to the penalty or penalties in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5).

### ~~16.8 Faculty policy~~

~~16.8.1 A Faculty Board may determine a policy for dealing with allegations of student misconduct other than those considered to be serious non-academic misconduct and dealt with under Rule 16.11.3. Any such policy must be consistent with University Rules and must be approved by Academic Board.~~

~~16.8.2 In dealing with an allegation of student misconduct the Dean has authority to determine whether in the first instance to deal with the matter in accordance with the approved faculty policy or to handle the matter under the procedures specified in these Rules.~~

### **16.8 Annual report of matters related to student misconduct and appeals**

~~16.9.1 Each year the Dean Responsible Academic Officer of each Faculty will provide the Registrar with a written report on the recommendations of the Faculty Student Conduct Committees and on all actions he or she has taken in relation to student misconduct.~~

16.8.1 Each year the Registrar will provide the Vice-Chancellor, for the information of Academic Board and Council, with a report on all student misconduct and appeal matters, including decisions made in relation to the recommendations of the University Student Conduct Committee and the ~~Faculty Student Conduct Committees~~ Student Misconduct Appeals Committee.

16.8.2 The Vice-Chancellor or Vice-Chancellor's nominee will take whatever action he or she considers necessary to ensure reasonable consistency in respect of the handling of student misconduct matters between the faculties and in respect of the penalties imposed.

## **Part B — Temporary exclusion**

### **16.9 Exclusion from facilities and/or participation in activities**

16.9.1 An officer of the University may summarily exclude a student from facilities and/or participation in activities under this Rule for up to fourteen (14) days in circumstances in which it is appropriate to do so. Such circumstances include, but are not limited to, where the officer reasonably believes:

- (1) the student is suspected of having committed an act of misconduct in, or in relation to use of facilities and/or participation in an activity; or
- (2) the student's behaviour is disrupting use of the facilities by others or participation in activities by others or likely to disrupt them; or
- (3) the student's behaviour is causing or encouraging others to disrupt use of the facilities and/or participation in activities; or
- (4) there is or may be a threat to the safety of persons or property.

16.9.2 For the purpose of Rule 16.9 facilities and participation in activities includes but is not

limited to classes, laboratories, computer laboratories, Library, practicums, clinical practice, fieldwork excursions, practical experience or workplace placements.

- 16.9.3 Guidelines on Exclusion of Students from Facilities and/or Participation in Activities consistent with this Rule should be approved by Academic Board from time to time for the purpose of providing guidance to students and officers of the University on the application of Rule 16.9 in various circumstances and situations.
- 16.9.4 Unless sooner revoked, an exclusion from Facilities and/or participation in activities ceases to have effect:
- (1) in the case of the exclusion of a student from a class, at the end of the session of the class during which the student was excluded; or where appropriate, for a period up to ~~seven (7)~~ fourteen (14) days from the day on which the alleged incident occurred;
  - (2) in the case of the exclusion of a student from a fieldwork excursion, at the end of the excursion;
  - (3) in any other case, at the expiration of ~~seven (7)~~ fourteen (14) days from the day on which the alleged incident occurred.
- 16.9.5 An officer of the University who excludes a student from Facilities and/or participation in activities under this Rule must notify the relevant ~~Dean~~ Responsible Academic Officer, the Librarian or the Registrar of the exclusion not later than ~~seven (7)~~ five (5) working days after the exclusion takes place and at the same time send a copy of the notice to the student.
- 16.9.6 If the incident occurs in a classroom, or during a practicum, clinical practice, fieldwork excursion, practical experience or workplace placement, or in a faculty facility, the ~~Dean~~ Responsible Academic Officer will decide whether the notified incident should be treated as an allegation of student misconduct ~~and for referral to the Registrar~~ to be handled in accordance with Rule ~~16.11~~ 16.12.
- 16.9.7 If the incident occurs in the Library, the Librarian will decide whether the notified incident should be treated as an allegation of student misconduct for referral to the Registrar to be handled in accordance with Rule 16.12.
- 16.9.8 If the ~~Dean~~ Responsible Academic Officer or the Librarian decides to treat the notified incident in another way, the notification and details of the subsequent action by the ~~Dean~~ Responsible Academic Officer or Librarian will be placed on the student's file and may be used at some future time in determination of a penalty should further instances of misconduct occur in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5).
- 16.9.9 In all other cases, the Registrar will determine the appropriate action in accordance with ~~the Rules~~ Rule 16.12.
- 16.9.10 The student will be notified of all decisions and action taken.

### **Part C — Allegations of misconduct handled at the Faculty level**

#### **16.10 Allegations referred to the ~~Dean~~ Responsible Academic Officer**

- 16.10.1 Where the ~~Dean~~ Responsible Academic Officer receives an allegation of misconduct involving plagiarism, the ~~Dean~~ Responsible Academic Officer may, in accordance with the Guidelines for Handling Student Misconduct Involving Plagiarism (refer Schedule 6), obtain further details of the allegation of misconduct and make such other enquiries as he or she believes necessary.
- 16.10.2 If after considering all the information, the ~~Dean~~ Responsible Academic Officer is of the view that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the ~~Dean~~ Responsible Academic Officer may determine not to take further action in relation to the allegation in which case the ~~Dean~~ Responsible Academic Officer must notify the Registrar and provide sufficient information on the allegation to be retained by the Registrar on a confidential file.

16.10.3 Where the ~~Dean~~ Responsible Academic Officer believes an alleged act of student misconduct within the Faculty involves ~~serious non-academic~~ any form of misconduct other than plagiarism, the ~~Dean~~ Responsible Academic Officer shall refer the allegation to the Registrar to be handled in accordance with Rule 16.125. Before doing so, in cases where the allegation is made by an officer of the University, the ~~Dean~~ Responsible Academic Officer shall consult with that officer.

~~16.11.4~~ If the ~~Dean~~ decides to deal with the matter in accordance with a Faculty policy determined in accordance with Rule 16.8.1, the student must agree in writing to it being so dealt with prior to the commencement of any proceedings. If the student does not so agree, the matter is to be handled in accordance with Rule 16.11.5.

16.10.4 The ~~Dean~~ Responsible Academic Officer must, in writing and as soon as possible:

- (1) notify the student of the allegation; and
- (2) provide the student with a copy of the relevant Rules, and Guidelines; and
- ~~(3) draw the attention of the student to the student's right to admit the alleged misconduct; and~~
- ~~(4) draw the attention of the student to any relevant approved Faculty Policy that the Dean has determined may be applied to the matter and invite the student to consider having the matter dealt with in accordance with the Faculty Policy as provided for in Rule 16.8 above; and~~
- (3) give the student a reasonable period, being a period of not less than ~~seven (7) five (5)~~ working days, to seek advice about available options notice to respond in writing and, if the Responsible Academic Officer considers it necessary, attend a meeting; ~~and~~
- ~~(6) ask whether the student admits or denies any or all of the allegations.~~

16.10.5 Where the student admits the allegation, the ~~Dean~~ The Responsible Academic Officer must:

- ~~(1) deal with the matter in accordance with the Faculty Policy in those cases where the student has agreed to the matter being handled in this manner; or~~
- (1) deal with the matter in accordance with the Rules, and the Guidelines for Handling Student Misconduct Involving Plagiarism (refer Schedule 6), and as follows:
  - ~~(a) where the Dean believes the alleged misconduct to involve serious academic misconduct refer the matter to a Faculty Student Conduct Committee for recommendation as to the penalty or penalties it considers appropriate;~~
  - (a) impose no penalty because the Responsible Academic Officer believes no penalty is warranted; or
  - (b) impose one or more of the penalties set out in Rule 16.3.1(7) to Rule 16.3.1(16) 16.3.1(9), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5); or
  - (c) impose no penalty because the Dean believes no penalty is warranted where the Responsible Academic Officer believes the misconduct warrants any other penalty, refer a recommendation to the Registrar to be handled in accordance with Rule 16.12 below;
- (2) advise the student in writing of the ~~Dean's~~ Responsible Academic Officer's decision and the student's right of appeal in cases where the ~~Dean~~ Responsible Academic Officer has imposed a penalty.

~~16.11.7~~ Where the student denies the allegation of misconduct, or neither admits nor denies the allegation of misconduct by the time specified, the ~~Dean~~ Responsible Academic Officer must refer the allegation to the relevant Faculty Student Conduct Committee to make appropriate recommendations to the ~~Dean~~ following the meeting with the student, in consultation with appropriate staff, make a decision on a penalty, from Rule 16.3.1(9), if any-

## **16.12 Faculty Student Conduct Committee**

### **16.12.1 Composition**

- (1) ~~A Faculty Student Conduct Committee will comprise four members:~~
  - (a) ~~two members of the University staff drawn from a panel of staff approved by the relevant Faculty Board; and~~
  - (b) ~~two members who are students of the University drawn from a panel of student members approved by the relevant Faculty Board from a panel nominated by the relevant Faculty Board, and who~~
    - (i) ~~have attended a university for at least one year; and~~
    - (ii) ~~are not full-time (continuing or fixed term) members of the University staff.~~

### **16.12.2 Conduct of meetings**

- (1) ~~One staff member will be appointed by the relevant Faculty Board to chair meetings of a Faculty Student Conduct Committee.~~
- (2) ~~An alternate Chair may be appointed by Faculty Board from the approved panel of staff to act where the designated Chair is unavailable. In such a case the alternate Chair will assume the role of Chair and has a casting vote.~~
- (3) ~~All members of a Faculty Student Conduct Committee must be present at all of its meetings.~~
- (4) ~~A decision of a Faculty Student Conduct Committee requires a simple majority. In the case where the vote is tied, the Chair has an additional casting vote.~~

### **16.12.3 Role**

- (1) ~~Where an alleged act of misconduct has been referred by the Dean to the Faculty Student Conduct Committee the Committee must:~~
  - (a) ~~inquire into any alleged act of misconduct; and~~
  - (b) ~~make recommendations to the Dean as to as to whether there has been an act of misconduct and if there has been, the penalty or penalties it considers to be appropriate in accordance with Rule 16.3.1.~~
- (2) ~~Where a student has admitted an act of misconduct and the matter has been referred to the Faculty Student Conduct Committee the Committee must make recommendations to the Dean as to the penalty or penalties it considers appropriate for the admitted act of misconduct, in accordance with Rule 16.3.1.~~

### **16.12.4 Procedures**

- (1) ~~A Faculty Student Conduct Committee will determine its own procedures consistent with Rule 16.5.~~
- (2) ~~The Responsible Academic Officer (or nominee) will present to a Faculty Student Conduct Committee evidence on which the allegation of misconduct is based, outline the concerns the Faculty has about the alleged misconduct and make submission as to the nature and extent of any appropriate penalty.~~
- (3) ~~The student may present evidence in support of his or her case and in response to any of the matters presented by the Responsible Academic Officer (or nominee).~~
- (4) ~~A Faculty Student Conduct Committee may at any time ask the Responsible Academic Officer (or nominee) or the student to present additional evidence or address specific issues.~~
- (5) ~~In preparing its recommendations, a Faculty Student Conduct Committee must have due regard for the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5).~~
- (6) ~~In appropriate cases the Committee may also consider any other precedent case of student misconduct that the Committee believes is similar to the case under consideration. When it does so the Committee will provide the student with sufficient~~

general information on the precedent cases to enable the student to make representations as to the relevance and appropriateness of any such precedent, and to refer to any others.

#### **16.12.5 Committee report**

- ~~(1) A Faculty Student Conduct Committee must prepare a written report containing its factual findings on any inquiry, its recommendations and its reasons.~~
- ~~(2) A Faculty Student Conduct Committee must provide its written report to the Dean and the student.~~
- ~~(3) The student may, within seven (7) days of receiving the report, make written representations to the Dean about the recommendations of the Faculty Student Conduct Committee.~~

#### **16.11 Dean's Responsible Academic Officer's decision**

16.11.1 In coming to a decision the ~~Dean~~ Responsible Academic Officer must consider:

- ~~(1) the written report of a Faculty Student Conduct Committee;~~
- (1) the student's written representations and/or representations at a meeting under Rule 16.12.5(3) (if any); and
- (2) any other previous case of student misconduct which the ~~Dean~~ Responsible Academic Officer believes is similar to the case he or she is considering, to assist with consistency in decision-making.

~~16.13.2 The Dean may rely on the findings of fact of a Faculty Student Conduct Committee.~~

~~16.13.3 The Dean may accept any or all of a Faculty Student Conduct Committee's recommendations, or take a different view as to whether there has been an act of misconduct or the appropriate penalty or penalties.~~

~~16.13.4 If the Dean is considering a penalty that is more severe than that recommended by the Faculty Student Conduct Committee, the Dean shall, before imposing the penalty, notify the student in writing and provide the student with the opportunity to make representations concerning the appropriateness of the penalty.~~

~~16.13.5 The student must make any such representation within seven (7) days of receiving the details from the Dean.~~

16.11.2 Where the ~~Dean~~ Responsible Academic Officer believes one or more of the penalties specified in ~~Rules 16.3.1(7) to 16.3.1(16)~~ Rule 16.3.1(9) is appropriate, the ~~Dean~~ Responsible Academic Officer:

- (1) must make the decision as to penalty;
- (2) must in writing and as soon as possible notify the student of the decision; and give reasons for the decision;
  - ~~(a) if the Dean has accepted all the recommendations of a Faculty Student Conduct Committee, the Dean need only tell the student that this was so; or~~
  - ~~(b) give reasons for the decision;~~
- (3) must provide the Registrar with a report and a copy of the notification to the student;
- (4) may notify any other person of the decision and reasons in accordance with the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).

16.11.3 Where the ~~Dean~~ Responsible Academic Officer believes one or more of the penalties specified in ~~Rules 16.3.1(1) to 16.3.1(6)~~ Rule 16.3, other than 16.3.1(9), is appropriate, the ~~Dean~~ Responsible Academic Officer must:

- (1) refer the matter to the ~~Vice-Chancellor Registrar~~ Registrar for ~~decision on the appropriate penalty~~ to be handled in accordance with Rule 16.12 below;
- (2) provide the ~~Vice-Chancellor Registrar~~ Registrar with a written report, which includes the ~~Faculty Student Conduct Committee's report and the Dean's Responsible Academic Officer's~~ recommendations;
- (3) provide a copy of his or her report to the student at the same time.

16.11.4 Where the matter has been referred to the ~~Vice-Chancellor~~ Registrar in accordance with Rule 16.11.3, the student may, within ~~seven (7)~~ five (5) working days of receiving the ~~Dean's Responsible Academic Officer's~~ report, make written representations to the ~~Vice-Chancellor~~ Registrar about the recommendations of the ~~Faculty Student Conduct Committee~~ and/or the ~~Dean~~ Responsible Academic Officer.

#### ~~16.14 Vice-Chancellor's decision~~

~~16.14.1 The Vice-Chancellor may impose any of the penalties in Rule 16.3.1 or no penalty.~~

~~16.14.2 The Registrar must, in writing and as soon as possible, notify the student of the Vice-Chancellor's decision and give reasons.~~

~~16.14.3 The Registrar may notify any other person of the decision and reasons in accordance with the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).~~

### **Part D — Allegations of misconduct handled centrally**

#### **16.12 Allegations referred to the Registrar**

16.12.1 Where a matter has been referred from a Responsible Academic Officer under Rule 16.11.3, the Registrar must refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for decision under Rule 16.12.6

16.12.2 In all other cases where the Registrar receives an allegation of misconduct, the Registrar may obtain further details of the allegation of misconduct and make such other enquiries as he or she believes necessary.

16.12.3 If after considering all the information, the Registrar is of the view that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Registrar may determine not to take further action in relation to the allegation in which case the Registrar will retain sufficient information on the allegation on a confidential file.

16.12.4 Where the alleged misconduct involves ~~academic~~ academic misconduct during a centrally conducted examination, the Registrar will:

- (1) inquire into the alleged misconduct;
- (2) in consultation with the Subject Coordinator consider the evidence including the student's response, if any;
- (3) decide on the appropriate course of action, as follows:
  - (a) dismiss the allegation of ~~academic~~ academic misconduct; or
  - (b) issue a formal warning; or
  - (c) where the student admits the misconduct and the nature of the misconduct is sufficiently serious to warrant consideration of a formal penalty under Rule 16.3, refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6; or
  - (d) refer the allegation to the University Student Conduct Committee;
- (4) advise the student in writing of the decision under (3)(a),(b),(c) above.
- (5) If 3(d) applies:
  - (a) notify the student of the allegation in writing; and
  - (b) provide the student with a copy of the relevant Rules and Guidelines; and
  - (c) draw the attention of the student to the student's right to admit the alleged misconduct; and
  - (d) give the student a reasonable period, being a period of not less than five (5) working days, to seek advice about available options; and
  - (e) ask whether the student admits or denies any or all of the allegations.

16.12.5 Where the alleged misconduct involves ~~non-academic~~ non-academic misconduct not covered by Rule 16.12.4, the Registrar will:

- (1) inquire into the alleged misconduct;

- (2) consider the evidence;
- (3) decide on the appropriate course of action, as follows:
  - (a) dismiss the allegation of misconduct; or
  - (b) issue a formal warning; or
  - (c) issue a formal notice of an allegation of misconduct.
- (4) If 3(c) applies:
  - (a) notify the student of the allegation in writing; and
  - (b) provide the student with a copy of the relevant Rules and Guidelines; and
  - (c) draw the attention of the student to the student's right to admit the alleged misconduct; and
  - (d) give the student a reasonable period, being a period of not less than five (5) working days, to seek advice about available options; and
  - (e) ask whether the student admits or denies any or all of the allegations; and
  - ~~(e)~~(f) where the student admits the misconduct and the nature of the misconduct is sufficiently serious to warrant consideration of a formal penalty under Rule 16.3, refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6; or
  - ~~(d)~~(g) refer the allegation to the University Student Conduct Committee;
- ~~(4)~~(5) advise the student in writing of the decision under (3) above.

~~16.15.5~~ ~~Where an allegation is to be referred to the University Student Conduct Committee, the Registrar must in writing and as soon as possible:~~

- ~~(1) — notify the student of the allegation; and~~
- ~~(2) — provide the student with a copy of the relevant Rules and Guidelines; and~~
- ~~(3) — draw the attention of the student to the student's right to admit the alleged misconduct;~~
- ~~(4) — ask whether the student admits or denies any or all of the allegations; and~~
- ~~(5) — give the student a reasonable period, being a period of not less than seven (7) days, to seek advice about available options and reply to the allegation.~~

16.12.6 Where the student admits the allegation, or the matter has been referred from a Responsible Academic Officer under Rule 16.11.3, the Registrar must refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee who must:

- (1) where the Vice-Chancellor or Vice-Chancellor's nominee believes the misconduct could be sufficiently serious to warrant the penalty specified in Rules 16.3.1(1) to 16.3.1(6) refer the matter to a University Student Conduct Committee for recommendation as to the penalty or penalties it considers appropriate; or
- (2) impose one or more of the penalties set out in Rules 16.3.1(7) to 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5); or
- (3) impose no penalty because the Vice-Chancellor or Vice-Chancellor's nominee believes no penalty is warranted.

16.12.7 Where the student denies the allegation, or neither admits nor denies the allegation of misconduct by the time specified, the Registrar must refer the allegation to a University Student Conduct Committee.

## **16.13 University Student Conduct Committee**

### **16.13.1 Composition**

- (1) A University Student Conduct Committee will comprise four members:
  - (a) A person with a legal qualification, normally but not necessarily a member of the University staff, as the Chair of the Committee; and
  - (b) A member of the University staff; and
  - (c) Two members who are students of the University nominated by the Faculty Boards, and who



- (i) have attended a university for at least one year; and
  - (ii) are not full-time (continuing or fixed term) members of the University staff.
- (2) The Academic Board will from time to time approve panels of persons, nominated by the Registrar following consultation with the Deans and Directors, in each of the above categories who can be appointed to a University Student Conduct Committee.
- (3) When a meeting of the University Student Conduct Committee is required, the Registrar will appoint panels to constitute a committee.

#### **16.13.2 Conduct of meetings**

- (1) All members of a University Student Conduct Committee must be present at all its meetings.
- (2) A University Student Conduct Committee is not bound by the rules of evidence and may inform itself on any matter it thinks fit consistent with Rule 16.5.
- (3) A decision of a University Student Conduct Committee requires a simple majority. In the case where the vote is tied, the Chair has an additional casting vote.

#### **16.13.3 Role**

- (1) Where an alleged act of misconduct has been referred by the Registrar to the University Student Conduct Committee the Committee must:
  - (a) inquire into any alleged act of misconduct, and
  - (b) make recommendations to the Vice-Chancellor or Vice-Chancellor's nominee as to as to whether there has been an act of misconduct and if there has been, the penalty or penalties it considers to be appropriate in accordance with Rule 16.3.1.
- (2) Where a student has admitted an act of misconduct and the matter has been referred to the University Student Conduct Committee the Committee must:
  - (a) make recommendations to the Vice-Chancellor or Vice-Chancellor's nominee as to the penalty or penalties it considers appropriate for the admitted act of misconduct, in accordance with Rule 16.3.1.

#### **16.13.4 Procedures**

- (1) A University Student Conduct Committee will determine its own procedures consistent with Rule 16.5.
- (2) The Registrar (or nominee) will present to a University Student Conduct Committee evidence on which the allegation of misconduct is based, outline the University's concerns about the alleged misconduct and make submission as to the nature and extent of any appropriate penalty.
- (3) The student may present evidence in support of his or her case and in response to any of the matters presented by the Registrar (or nominee).
- (4) A University Student Conduct Committee may at any time ask the Registrar (or nominee) or the student to present additional evidence or address specific issues.
- (5) In preparing its recommendations, a University Student Conduct Committee must have due regard for Rule 16.3.2.
- (6) In appropriate cases the Committee may also consider any other precedent case of student misconduct that the Committee believes is similar to the case under consideration. When it does so the Committee will provide the student with sufficient general information on the precedent cases to enable the student to make representations as to the relevance and appropriateness of any such precedent, and refer to any others.

#### **16.13.5 Committee report**

- (1) A University Student Conduct Committee must prepare a written report containing its factual findings on any inquiry, its reasons and its recommendations.
- (2) A University Student Conduct Committee must provide its written report to the Vice-

Chancellor or Vice-Chancellor's nominee and the student.

- (3) ~~The student may, within seven (7) five (5) working days of receiving the report, make written representations to the Vice-Chancellor's nominee about the recommendations of the University Student Conduct Committee.~~

#### **16.14 Vice-Chancellor or Vice-Chancellor's Nominee's decision**

16.14.1 In coming to a decision the Vice-Chancellor or Vice-Chancellor's nominee must consider:

- (1) the written report of a University Student Conduct Committee;
- ~~(2) the student's written representations under Rule 16.16.5(3) (if any); and~~
- (2) any other previous case of student misconduct which the Vice-Chancellor or Vice-Chancellor's nominee believes is similar to the case he or she is considering, to assist with consistency in decision-making.

16.14.2 The Vice-Chancellor or Vice-Chancellor's nominee may rely on the findings of fact of a University Student Conduct Committee.

16.14.3 The Vice-Chancellor or Vice-Chancellor's nominee may accept any or all of a University Student Conduct Committee's recommendations, or take a different view as to whether there has been an act of misconduct or the appropriate penalty or penalties.

16.14.4 If the Vice-Chancellor or Vice-Chancellor's nominee is considering a penalty which is more severe than that recommended by the University Student Conduct Committee, the Vice-Chancellor or Vice-Chancellor's nominee shall, before imposing the penalty, notify the student in writing and provide the student with the opportunity to make representations concerning the appropriateness of the penalty.

16.14.5 The student must make any such representations within ~~seven (7) five (5) working days~~ of receiving the details from the Vice-Chancellor or Vice-Chancellor's nominee.

16.14.6 The Registrar must, in writing and as soon as possible, notify the student of the Vice-Chancellor or Vice-Chancellor's nominee's decision, and

- (1) if the Vice-Chancellor or Vice-Chancellor's nominee has accepted all the recommendations of a University Student Conduct Committee, need only tell the student that this was so; or
- (2) advise the student of the Vice-Chancellor or Vice-Chancellor's nominee's reasons for the decision.

16.14.7 The Registrar may notify any other person of the decision and reasons in accordance with the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).

### **Part E — Student misconduct appeals**

#### **16.15 Basis for appeals**

16.15.1 A student has a right of appeal to a Student Misconduct Appeals Committee in respect of a decision of the Vice-Chancellor or Vice-Chancellor's nominee under Rules ~~16.14, 16.12.6(2) or 16.14~~ or of the ~~Dean~~ Responsible Academic Officer under Rule 16.11.2.

16.15.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Registrar within ~~thirty (30) twenty (20) working~~ days after notice of the decision is provided to the student.

16.15.3 The grounds on which a student may appeal against a decision of the Vice-Chancellor or Vice-Chancellor's nominee or of a ~~Dean~~ Responsible Academic Officer in response to the findings and recommendations of a ~~Faculty Student Conduct Committee~~ Responsible Academic Officer or University Student Conduct Committee or to the penalty or penalties imposed are:

- (1) that the decision was based on a ~~serious~~ material misunderstanding of these Rules;
- (2) that the decision was based on a ~~serious~~ material mistake as to the facts;
- (3) that a failure of procedural fairness occurred including failure to follow specified procedural requirements which would be likely to have had an impact on the decisions or outcomes of the proceedings;

- (4) that fresh relevant evidence has become available to the student, being evidence that was not available or known to the student at the time of the hearing and which would be likely to have affected the outcome of the proceedings;
- (5) that the penalty or penalties imposed on the student were manifestly excessive or inappropriate.

16.15.4 The Vice-Chancellor or Vice-Chancellor's nominee may, on the application of the student concerned or otherwise, direct that any action to be taken as a consequence of a decision to impose any penalty be stayed:

- (1) until the time for making an appeal against a decision has expired; or
- (2) if an appeal against a decision is made within that time, until the appeal has been finally determined.

## **16.16 Student Misconduct Appeals Committee**

### **16.16.1 Composition**

- (1) A Student Misconduct Appeals Committee will consist of:
  - (a) a person with legal qualifications as the Chair of the Committee; and
  - (b) a student of the University who has attended a university for at least two years and who is not a full-time (continuing or fixed term) member of the University staff; and
  - (c) a person with expertise in academic matters and knowledge of the University or universities.
- (2) The Council will from time to time approve panels of persons, nominated by the Registrar following consultation with the Deans and Directors, in each of the above categories who can be appointed to a Student Misconduct Appeals Committee.
- (3) No person may serve on a Student Misconduct Appeals Committee considering a case in which the person was a member of the original inquiry body (Responsible Academic Officer, University or Faculty Student Conduct Committees) or involved previously in any capacity in the case before the Student Misconduct Appeals Committee.
- (4) When an appeal is lodged, the Registrar will nominate three persons from the approved panels to constitute the Student Misconduct Appeals Committee.
- (5) The Registrar will notify the student of the three persons who have been nominated.
- (6) Within ~~seven (7)~~ five (5) working days of the date of notification, the student may in accordance with Rule 16.6.2 notify the Registrar in writing that she or he exercise his or her right to object to the inclusion of any of these persons.
- (7) If the student does object and if the Registrar in his or her absolute discretion is satisfied that cause exists, the Registrar will nominate another person or persons. Should the approved panel for a category be exhausted, the Registrar may nominate a person in the category who is not on the approved panel. This process will continue until a Committee can be convened.

### **16.16.2 Objection to membership**

- (1) A student has a right to object to the inclusion of a person on a Student Misconduct Appeals Committee with cause, where 'cause' is defined as:
  - (a) not having the requisite qualifications; or
  - (b) being incapable of discharging his or her duty; or
  - (c) not being impartial; or
  - (d) reasonably perceived as not being impartial.

### **16.16.3 Conduct of appeals proceedings**

- (1) All members of a Student Misconduct Appeals Committee must be present at all its meetings.
- (2) The Chair must determine any question relating to the admissibility of evidence and

any other matter relating to procedural fairness question of law.

- (3) Subject to (2) above, a decision of a Student Misconduct Appeals Committee requires a simple majority.
- (4) If a member of a Student Misconduct Appeals Committee ceases to be a member at a point when the remaining members have reached a decision and that decision is unanimous, the decision of the remaining members will be the decision of the Appeals Committee.

#### **16.16.4 Role**

- (1) In normal circumstances a Student Misconduct Appeals Committee will limit the inquiry to:
  - (a) the grounds of appeal specified in the notice of appeal submitted by the student, consistent with Rule 16.15.3; and
  - (b) ensuring that the penalty or penalties imposed for the student misconduct are consistent with case precedents and comparable to penalties imposed across the University for similar acts of misconduct.
- (2) In exceptional circumstances where there are substantial grounds to believe that it is necessary in the interests of justice and procedural fairness, the Student Misconduct Appeals Committee will consider the matter afresh according to the merits of the case.
- (3) The Student Misconduct Appeals Committee will make a determination in each individual case as to whether to consider the matter in accordance with (1) or (2) above.

#### **16.16.5 Procedures**

- (1) A Student Misconduct Appeals Committee will determine its own procedures consistent with these Rules, including Rule 16.5 and Rule 16.16.3. This includes whether or not to hear all or any part of a matter afresh.
- (2) Unless there are exceptional circumstances, a Student Misconduct Appeals Committee will not consider any material that has not first been considered by the ~~Dean Responsible Academic Officer and the relevant Faculty Student Conduct Committee~~, or by the Vice-Chancellor or Vice-Chancellor's nominee and University Student Conduct Committee.
- (3) If new evidence is presented to a Student Misconduct Appeals Committee, being evidence that was not initially considered by the ~~Dean Responsible Academic Officer~~ or the Vice-Chancellor or Vice-Chancellor's nominee or the ~~relevant University Student Conduct Committee~~, the Appeals Committee ~~should in normal circumstances~~ will refer the matter back for re-consideration in light of the new evidence.
- (4) A Student Misconduct Appeals Committee is not bound by the rules of evidence and may inform itself on any matter it thinks fit consistent with Rule 16.5.
- (5) A Student Misconduct Appeals Committee will normally conclude its inquiry and prepare its report within six (6) weeks of the day upon which the appeal was referred to it.
- (6) Notwithstanding the provisions of Rule 16.16.5(5), and subject to the approval of the Chancellor, Vice-Chancellor and Registrar, in an individual case the time within which the report of a Student Misconduct Appeals Committee must be made may be extended to not more than six (6) months from the day on which the appeal was referred to it or such other period, as may be warranted in exceptional circumstances.

#### **16.16.6 Dissolution of Committee**

- (1) Where, in the opinion of the Registrar, a Student Misconduct Appeals Committee is not progressing an appeal expeditiously, the Registrar may, after consultation with the Chair of the Student Misconduct Appeals Committee, by notice in writing served on the members of the Student Misconduct Appeals Committee and the student, dissolve

that Committee.

- (2) Where the Registrar dissolves a Student Misconduct Appeals Committee under Rule 16.16.6(1), another Committee will be constituted in accordance with Rules 16.16.1, to inquire into the appeal, provided that no person who was a member of the dissolved Student Misconduct Appeals Committee may be a member of the newly constituted Student Misconduct Appeals Committee unless the Registrar so determines.

#### **16.16.7 Decision**

- (1) A Student Misconduct Appeals Committee may:
  - (a) for any reason, refer a matter back to the Vice-Chancellor or Vice-Chancellor's nominee, Dean Responsible Academic Officer, or the University Student Conduct Committee ~~or the relevant Faculty Student Conduct Committee~~ as appropriate for further consideration and recommendations;
  - (b) uphold or dismiss an appeal against a finding that the student has committed an act of misconduct or against the penalty or penalties imposed;
  - (c) affirm, vary or nullify a penalty in accordance with the decision reached under 16.16.7(1)(b).
- (2) A decision of a Student Misconduct Appeals Committee is final, except where further misconduct has occurred as part of the appeals process including, but not limited to submission of fraudulent documentation or misleading conduct, in such cases a matter may be reopened.

#### **16.16.8 Report**

- (1) A Student Misconduct Appeals Committee must prepare a written report containing its factual findings, reasons and decision and provide its report to the Registrar within six (6) weeks from the date of referral of the matter to the Committee or such other time as has been approved in accordance with Rule 16.16.5(6).
- (2) The Registrar will notify the student of the Committee's decision and provide the student with a copy of the Student Misconduct Appeals Committee's report.
- (3) The Student Misconduct Appeals Committee may request the Registrar to notify any other person of the decision and reasons in accordance with the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).
- (4) The Registrar will provide the Vice-Chancellor for the information of Academic Board and Council, with an annual report on all student misconduct and appeal matters ~~will provide a report to Council each year of the appeals that have been heard and of the outcomes and will make available to Council any particular decisions and reports that Council may request.~~

### **SECTION 18 — USE OF THE UNIVERSITY LIBRARY**

#### **18.7 Offences and breaches of the Rules**

18.7.2 Where a student of the University breaches the Rules relating to Use of the University Library, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence the University Librarian may:

- (1) exclude the student from the Library or facilities in accordance with Rule 16.9 (Exclusion from facilities and/or participation in activities); and/or
- (2) refer the matter to the Registrar to be handled in accordance with Rule 16.12 (Student Misconduct and Appeals).

## SCHEDULE 1 — DEFINITIONS

**centrally conducted examination** means an examination scheduled and conducted under the authority of the Registrar by the Student Administration Unit ~~in the official examination periods as approved by Academic Board.~~

**examination periods** means:

- (a) the official examination periods as approved by Academic Board for centrally conducted examinations, or ~~and which are to be displayed in the University Calendar and other relevant official publications~~
- (b) examination periods approved by the Registrar for centrally conducted examinations to be held at other times as required, and published in accordance with Rule 9.1.

**plagiarism** See Rule ~~16.2.2(3)~~ 16.2.1(4) (Student Misconduct and Appeals) for specific definition.

## **SCHEDULE 4 — GUIDELINES RELATING TO STUDENT MISCONDUCT AND APPEALS**

### **1. Introduction**

- 1.1 These guidelines have been prepared for the benefit of all people involved in the processes established by UTS to deal with allegations of misconduct made against students and with appeals lodged by students against decisions arising from such allegations.
- 1.2 The guidelines are divided into four sections: this Introduction, General Principles, Guidelines for Inquiry Bodies and Guidelines for Student Misconduct Appeals Committees.
- 1.3 The term ‘inquiry bodies’ refers to the University Student Conduct Committees, ~~Faculty Student Conduct Committees~~ and Student Misconduct Appeals Committees, but also extends, as necessary, to the Vice-Chancellor, Vice-Chancellor’s nominee, Senior Deputy Vice-Chancellor, ~~Deans~~, Responsible Academic Officer and the Registrar.
- 1.4 Notwithstanding these sectional headings, the guidelines are designed for use by all who play some role in these processes and should be freely distributed to students and their advisers and academic and support staff who have a need for knowledge of student misconduct and appeal matters. In particular, they are to be given to all students at the time formal allegations of misconduct are made against them.
- 1.5 The guidelines take into account the University’s Rules and procedures and the principles of procedural fairness.

### **2. General principles**

- 2.1 All persons who are the subject of recommendations or decisions of others are entitled to be treated fairly, with dignity and with due regard to their privacy.
- 2.2 Persons are entitled to be regarded as not having behaved in an alleged manner until and unless they admit that behaviour or a fair and proper inquiry leads to a reasonable conclusion that they have so behaved.
- 2.3 Knowledge that a person has behaved in a particular way in the past is not evidence that the person has behaved in the same manner again. Such knowledge may be evidence that the person is aware that the behaviour is an act of misconduct (or it may be relevant to the level of penalty).
- 2.4 Each case must be dealt with on its own terms and merits and in accordance with its own circumstances.

### **3. Guidelines for inquiry bodies**

- 3.1 Before any conclusion is reached in an inquiry into alleged misconduct by a student, the student must be:
  - given the precise terms of and any reasons for the allegation;
  - given an outline or summary of all details intended to be given to the inquiry body;
  - given access to or a copy of documentation intended to be given to the inquiry body, and;
  - given an opportunity to address all the information supplied.
- 3.2 The inquiry body must ensure that the student has a clear understanding of the allegation, of the nature of the evidence in its support and of the process which the inquiry body intends to follow and of the student’s rights with respect to that process. A copy of these guidelines is to be given to the student at the time the student is formally made aware of the allegation.
- 3.3 The amount of detail that is given to the student is dependent upon the circumstances; generally, a student’s request for details and access to documents relating to allegations about that student should be met, except where the information being sought:
  - is an infringement upon the privacy of others
  - may cause the safety of others to be at risk
  - is irrelevant and/or excessive in amount.
- 3.4 The student must be given adequate time to prepare for the inquiry and to deal with the

- information provided; what is adequate depends upon the nature of the matter and the volume and complexity of the information.
- 3.5 The student must have an opportunity to seek advice; in some circumstances it may be appropriate for the University to make arrangements for advice to be given. The Registrar may seek advice on the University's behalf at any stage. There may be a need for translating and/or interpreting services to be provided.
  - 3.6 If the student fails to respond to reasonable attempts by the Committee to communicate or does not provide the Committee with acceptable reasons for not attending a hearing, the Committee will make its own determination as to whether it will adjourn or proceed in the absence of the student.
  - 3.7 The student's opportunity to address the information should be in person, in writing or both. The student should always have the option of having a friend or adviser present during any questioning or hearing. The inquiry body may place limitations on the role of a friend or adviser — for example, in some circumstances it may be appropriate for the student's friend or adviser to assist the investigating body by answering questions or addressing raised issues on the student's behalf. In most University circumstances, a friend or adviser present is not permitted by the inquiry body to act as an advocate or legal representative. Only in exceptional circumstances need legal representation be allowed.
  - 3.8 The student may admit or deny the allegation, correct information as presented, provide an explanation, disclose mitigating factors or address the matters in other ways which the inquiry body, allowing some latitude if necessary, finds relevant.
  - 3.9 The student must be given the opportunity of calling other persons to provide evidence in support of the student's defence against the allegation and the student should be allowed to lead any such witnesses through their evidence.
  - 3.10 During the course of a hearing, the student should be given an opportunity of questioning any witness or other person who has supplied information to the inquiry body. A right to question does not imply a right to harass.
  - 3.11 A person whose evidence provided to the inquiry body is questioned should be given an opportunity to respond to such questions.
  - 3.12 During the course of inquiry, neither the fact that there is an inquiry nor any information relating to it or to the student should be disclosed to people who do not have a legitimate reason to have such information. Accordingly, hearings are normally held in camera.
  - 3.13 Without compromising the thoroughness of an inquiry it should take place without any unnecessary delays, taking into account the reasonable needs of the student to be properly prepared.
  - 3.14 The inquiry body should take into account all of the relevant information it has before it except any information which the student has not had an opportunity of addressing.
  - 3.15 Knowledge which the inquiry body has of any past offences or other misconduct committed by the student may be taken into account only:
    - as evidence that the student was aware that certain actions constitute misconduct; and
    - as one factor in the consideration of the level of penalty, if the inquiry body finds that the present allegation of misconduct is proven.
  - 3.16 The student is entitled to be given the reasons for the decision and/or recommendation at the time it is made known to the student.
  - 3.17 The inquiry body is responsible for determining who, in addition to the student against whom the allegation was made, should receive formal notification of the decision and/or recommendation and the reasons for it. In making this determination, the inquiry body will take into account potentially conflicting needs of the student for privacy and of others who participated in the process and who may have ongoing responsibility for University courses or facilities. In circumstances where an alleged victim of a crime of violence or a nonforcible sex offence makes a written request, the University will disclose to the alleged victim any decision and/or recommendation and the reasons for it with respect to any



disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offence with respect to such crime or offence. The inquiry body may impose conditions of confidentiality on any person who is so notified.

#### **4. Guidelines for Student Misconduct Appeals Committees**

- 4.1 Each Student Misconduct Appeals Committee will determine its own procedures consistent with these guidelines.
- 4.2 Where a student does not dispute a finding of an inquiry body but appeals against the severity of a penalty imposed, the Student Misconduct Appeals Committee may decide to re-hear the matter in full or to limit its work to a consideration of the penalty.
- 4.3 Where the Student Misconduct Appeals Committee finds it cannot discharge its responsibilities unless it re-hears the matter (i.e. treats it as a fresh investigation) in full, it shall do so. There may be circumstances that make it acceptable for a Committee to confine itself to dealing afresh with points raised by the student in any stated grounds for the appeal.
- 4.4 The student is free to raise questions of process and/or merit with respect to the original inquiry. The student may repeat, correct or otherwise amend points made at the original inquiry, provide further explanation, disclose additional mitigating factors or address the matters in other ways which the Committee, allowing some latitude if necessary, finds relevant. If the student advances new evidence, the Committee may hear the appeal or refer the matter to the original inquiry body.
- 4.5 The student must be given adequate time to prepare an appeal based upon stated reasons for the original decision.
- 4.6 The student must have an opportunity to seek advice; in some circumstances it may be appropriate for the University to make arrangements for advice to be given. There may be a need for translating and/or interpreting services to be provided.
- 4.7 The student's opportunity to address the information should be in person, in writing or both. The student should always have the option of having a friend or adviser present during any hearing. The Committee may determine any limitations that may be placed on the role of a friend or adviser present at a hearing. For example, in some circumstances it may be appropriate for the student's friend or adviser to assist the Committee by answering questions or addressing raised issues on the student's behalf. In most University circumstances, any friend or adviser present need not be permitted by the Committee to act as an advocate or legal representative. Only in exceptional circumstances need legal representation be allowed.
- 4.8 If the Committee considers that a student has an acceptable reason for being unable to attend a hearing (e.g. an international student who has returned home during a vacation period), the Committee may permit the student to nominate a representative to attend. The Committee may permit the student to use telecommunication facilities to participate in all or part of a hearing, if such facilities are readily available at reasonable cost, or may adjourn for a reasonable time until the student is available.
- 4.9 If the student fails to respond to reasonable attempts by the Committee to communicate or does not provide the Committee with acceptable reasons for not attending a hearing, the Committee will make its own determination as to whether it will adjourn or proceed in the absence of the student.
- 4.10 The Student Misconduct Appeals Committee determines the order of presentation, i.e. whether the student should open (by presenting a case for the overturning of the original finding and/or penalty) or whether the University should commence the appeal proceedings (by defending the decision of the inquiry body). The nature of the appeal and its circumstances are the determining factors.
- 4.11 In presenting the appeal case, the student is normally given the opportunity of calling other persons to provide evidence in support of the appeal and the student should be allowed to lead any such witnesses through their evidence in which case the appeal may proceed by way of rehearing afresh.

- 4.12 During the course of a hearing, the student should be given an opportunity of questioning any witness or other person who is giving evidence to the Committee. A right to question does not imply a right to harass.
- 4.13 The recommendation or decision against which the appeal is being made will be supported by the Registrar (or nominee). The person providing this support must also be given adequate time to prepare.
- 4.14 Provided it is relevant to the approach taken by the Committee, a person whose information, given at the earlier inquiry, is being questioned at the appeal, should be given an opportunity to respond to such questions.
- 4.15 The Committee may appoint advisers as it deems appropriate but it will not commit itself to expenditure without the Registrar's agreement. The Registrar may also seek advice on the University's behalf at any stage of an appeal process.
- 4.16 During the course of an appeal, neither the fact that there has been an inquiry and there is now an appeal, nor any information relating to them or to the student should be disclosed to people who do not have a legitimate reason to have such information. Accordingly, hearings are normally held in camera.
- 4.17 Without compromising the appeal's thoroughness, it should take place without any unnecessary delays, taking into account the reasonable needs of people involved to be properly prepared.
- 4.18 The Student Misconduct Appeals Committee should take into account all of the relevant information it has before it except any information which the student has not had an opportunity of addressing.
- 4.19 Knowledge that the Student Misconduct Appeals Committee has of any past offences or other misconduct committed by the student may be taken into account only:
- as evidence that the student was aware that certain actions constitute misconduct, and
  - as one factor in the consideration of the level of penalty, if the Student Misconduct Appeals Committee finds that the allegation of misconduct, the decision on which is currently under appeal, is proven.
- 4.20 The Student Misconduct Appeals Committee has the following options:
- 4.20.1 it may, for any reason, refer a matter back to the inquiry body for further inquiry and decision;
- 4.20.2 it may uphold an appeal against a finding that the student has committed an act of misconduct, in which case any penalty imposed shall be nullified;
- 4.20.3 it may uphold an appeal against the severity of a penalty and reduce it to a lesser penalty from among those provided in the Rules;
- 4.20.4 it may dismiss an appeal against a finding that the student has committed an act of misconduct but determine that the penalty should be reduced to a lesser one from among those provided in the Rules;
- 4.20.5 it may dismiss the appeal.
- If the Student Misconduct Appeals Committee chooses 4.20.1, the Registrar will notify the Student Misconduct Appeals Committee Chair of the result of the inquiry body's re-consideration and whether or not it has been accepted by the student. If the student requests it, the Student Misconduct Appeals Committee will reconvene to hear the appeal.
- 4.21 The student is entitled to be given the reasons for the appeal decision at the time the decision is made known to the student.
- 4.22 The Student Misconduct Appeals Committee is responsible for determining who, in addition to the appellant student, should receive formal notification of the result of the appeal and the reasons for it. In making this determination, the Committee will take into account potentially conflicting needs — of the student for privacy and of others who participated in the process and who may have ongoing responsibility for University courses or facilities. The Student Misconduct Appeals Committee may impose conditions of confidentiality on any person

who is so notified.

## **SCHEDULE 5 — GUIDELINES ON DETERMINING AN APPROPRIATE PENALTY FOR INSTANCES OF STUDENT MISCONDUCT**

These guidelines have been prepared to assist all those involved in recommending, imposing and reviewing penalties for instances of misconduct, including the Vice-Chancellor, Vice-Chancellor's nominee, ~~Deans~~, Responsible Academic Officers, ~~Faculty Student Conduct Committees~~, University Student Conduct Committee, and Student Misconduct Appeals Committee.

The information contained in these guidelines may also be useful for academic and administrative staff dealing generally with cases of misconduct, as well as for any student subject to an allegation of misconduct.

The guidelines are structured as follows:

1. Principles
2. Scale of penalties
3. Issues specific to each type of penalty
4. Differential effects of penalties
5. Admissions of wrongdoing/level of contrition of student
6. Intent
7. Start/end dates of penalties
8. Status of student pending appeal outcomes
9. Timing of decisions
10. Records of misconduct on transcripts

Whilst these guidelines provide general parameters for determining penalties, the appropriate penalty for an instance of misconduct ultimately must depend on the facts found in each case, and a body is free to depart from the principles set out in these guidelines where the facts indicate that such a course is appropriate. The appropriate penalty remains at the discretion of the body imposing it given that the circumstances of an instance of misconduct and the student present an almost infinite variety from case to case.

### **1. Principles**

In recommending and/or determining an appropriate penalty for a proven instance of misconduct, an inquiry body and/or decision-maker must take into account:

1. the nature and context of the misconduct, including:
  - the objective circumstances of the misconduct (the facts in relation to the gravity of the misconduct itself) in order to gauge an appreciation of the seriousness of the misconduct;
  - the subjective circumstances of the student (aggravating and mitigating factors relating to the student rather than to the misconduct);
2. whether a student has admitted the misconduct, and/or has come forward of his or her own accord;
3. whether intent can be proven;
4. the student's expression of remorse or apology (where relevant);
5. the student's past conduct (see 3.15 Schedule 4 Guidelines relating to Student Misconduct and Appeals). The nature and extent of a student's previous record of misconduct should be considered in all cases; ~~whether academic or non-academic misconduct;~~
6. penalties imposed for previous similar cases to ensure consistency in decision-making;
7. the consequences of the penalty for the individual student (see section 4 below Differential effects of penalties).

### **2. Scale of penalties**

This scale provides a guide as to the normal, minimum and maximum penalties for specific cases of misconduct and the circumstances in which specific penalties are appropriate. This scale is not intended to be prescriptive and the Vice-Chancellor or Vice-Chancellor's

nominee, ~~Deans~~ Responsible Academic Officers or committees may need to adjust the penalty in individual cases according to the circumstances of that particular case. The penalties are generally graded according to severity, although it should be noted that some penalties are only appropriate for specific types of misconduct (e.g. fines ~~can only~~ may apply to ~~non-academic~~ some forms of misconduct).

Penalty	Rule	Examples of types of instances of misconduct
Rescission of an academic award conferred by the University where the award is as a result of fraud or serious <del>academic</del> misconduct committed by the student before the award was conferred	16.3.1(1)	<ul style="list-style-type: none"> <li>• very serious instances of <del>academic</del> misconduct, including fraud and which may involve serious criminal behaviour</li> <li>• extensive plagiarism in a research thesis or major project found proven after the award has been conferred</li> </ul>
Revocation of a recommendation to the Academic Board or the University Council that a student has component of a course found proven after a for a period of up to twelve (12) months	16.3.1(2)	<ul style="list-style-type: none"> <li>• fraud</li> <li>• major plagiarism in a subject or major satisfied the requirements for an award, effective student has been determined to have satisfied requirements for the relevant award</li> </ul>
Permanent exclusion from the University	16.3.1(3)	Extremely serious instances of misconduct, may involve serious criminal behaviour and serious repeat instances of misconduct.
Exclusion from the University for a period of up to five (5) years	16.3.1(4)	<ul style="list-style-type: none"> <li>• fraud</li> <li>• alteration of any document or record of the University</li> <li>• serious damage to University property or misuse of University facilities</li> <li>• serious disruption to University activities</li> <li>• serious <del>academic</del> misconduct including extensive plagiarism, exam malpractice</li> <li>• repeat cases of <del>academic and/or non-academic</del> misconduct</li> <li>• failure to comply with any penalty imposed for an instance of misconduct or failure to comply with any condition agreed with the Vice-Chancellor under Rule 2.1.9</li> </ul>

Penalty	Rule	Examples of types of instances of misconduct
		<ul style="list-style-type: none"> <li>dishonesty in relation to admission to the University</li> <li>inappropriate behaviour including harassment, intimidation or interference with the freedom of other persons at the University</li> </ul>
Suspension from the University for a specified period not exceeding twelve (12) months	16.3.1(5)	<ul style="list-style-type: none"> <li>damage to University property or misuse of University facilities</li> <li>disruption to University activities and/or freedom of other persons</li> <li>academic misconduct including plagiarism, exam malpractice</li> <li>repeat cases of academic and/or non-academic misconduct</li> <li>failure to comply with any penalty imposed for an instance of misconduct</li> </ul>
Suspension from a course of the University for a specified period not exceeding twelve (12) months	16.3.1(6)	<ul style="list-style-type: none"> <li>academic misconduct including plagiarism, exam malpractice, repeated cheating in assessment</li> <li>repeat cases of academic misconduct</li> </ul>
Withholding of academic results for the relevant teaching period, and/or official academic records, including deferral or withdrawal of permission to graduate for a specified period not exceeding twelve (12) months	16.3.1(7)	Imposed when instance of misconduct occurs in the student's final teaching period before graduation, usually imposed in conjunction with suspension, or results are withheld until fines or costs are paid.
Imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding twelve (12) months; during which time if there is a further instance of misconduct, the Vice-Chancellor or Vice-Chancellor's nominee or the Dean shall refer the matter to the University Student Conduct Committee or the Faculty Student Conduct Committee, as	16.3.1(8)	<ul style="list-style-type: none"> <li>inappropriate behaviour</li> <li>misuse of facilities</li> </ul>

Penalty	Rule	Examples of types of instances of misconduct
<p><del>the case may be</del>, for a recommendation on the imposition of a more severe penalty.</p>		
<p>If the misconduct <del>constitutes academic misconduct in relation</del> <u>relates</u> to a subject in which the student is admitted or enrolled:</p> <ul style="list-style-type: none"> <li>• a zero mark/fail result for the results of any form or forms of assessment in the subject</li> <li>• a requirement that the student <del>re-do and re-submit</del> a specific assessment task, with a reduction in marks to no more than a specified percentage, normally 50%, of the maximum possible mark in the assessment task</li> <li>• a requirement that the student must undertake <u>another</u> alternative assessment <del>for the whole subject</del>, for which the maximum possible mark can be no greater than a specified percentage <del>of the total value of the assessment</del>, <u>normally 50%, of the maximum possible mark in the assessment task</u></li> <li>• a zero mark/fail result for the results of the total assessment in the subject.</li> </ul>	16.3.1(9)	<p><del>Academic Misconduct</del> (e.g. plagiarism, cheating) in relation to a subject in which the student is enrolled.</p> <p>May be appropriate for first offence of <del>academic misconduct</del>, plagiarism if deemed unintentional (e.g. student has not understood academic requirements).</p> <p>Should take into account:</p> <ul style="list-style-type: none"> <li>• extent of plagiarism</li> <li>• advice to student on referencing</li> <li>• stage of course (students in second or subsequent years will be expected to have more understanding of what constitutes plagiarism compared to students in first year).</li> </ul>
<p>Exclusion from attendance at specified classes or subjects for a specified period not exceeding twelve (12) months, provided that these do not include the entirety of classes or subjects for</p>	16.3.1(10)	<p>Inappropriate behaviour in classes or subjects, meetings or other activities.</p>

Penalty	Rule	Examples of types of instances of misconduct
which the student is enrolled or is eligible to be enrolled		
Exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding twelve (12) months	16.3.1(11)	Misuse of facilities on University premises, such as the Library or IT labs, or any other premises to which the student has access for his or her University purposes.
Where the misconduct involves loss of or damage to property or facilities of the University or a third party, payment to the University or the third party of a specified amount not exceeding the amount of the loss or damage	16.3.1(12)	Misconduct involving loss of/or damage to property or facilities of University or to a third party. Payment for loss or damages is not a fine. The amount sought as restitution cannot exceed the amount of the loss or damages.
Where the misconduct involves lengthy inquiries and proceedings, payment to the University of a specified amount for its costs, not exceeding the amount of the costs incurred	16.3.1(13)	Misconduct involving lengthy inquiries and proceedings. Payment is required to cover the costs of the expense incurred by the University during lengthy inquiries and proceedings in relation to misconduct. The amount sought is not a fine — it cannot exceed the costs incurred by the University in relation to the inquiries and proceedings.
A fine of up to \$5,000 with maximum fines for particular types of offences	16.3.1(14)	<del>Non-academic</del> Misconduct including: <ul style="list-style-type: none"> <li>• inappropriate behaviour</li> <li>• misuse of facilities</li> <li>• wilfully disobeying direction</li> <li>• library offences</li> </ul> (see 3.6 below for notes on Monetary penalties)
Imposition of specified conditions on attendance at specified classes or use of specified facilities of the University	16.3.1(15)	Inappropriate behaviour in a class, meeting or other activity, and/or misuse of facilities on University premises or any other premises to which the student has access for his or her University purposes.



Penalty	Rule	Examples of types of instances of misconduct
Reprimand or caution	16.3.1 (16)	<ul style="list-style-type: none"> <li>• first minor instance of misconduct</li> <li>• usually imposed with other penalties</li> <li>• a caution is a formal warning to the student that any future instance of misconduct will be treated most seriously and will result in a more severe penalty</li> <li>• a formal reprimand by the Vice-Chancellor or Vice-Chancellor's nominee for misconduct is communicated to the student in a letter. The letter of reprimand is placed on the student's confidential file and remains confidential. It does not appear on a student's official <u>external</u> academic records <del>either internal or external.</del></li> </ul>

### 3. Issues specific to each type of penalty

#### 3.1 Exclusion from the University

See Rule 16.3.1(4)

If a student is re-admitted to a course following a period of exclusion from the University, the student may be required to apply for subject exemptions in recognition of prior learning, i.e. for the subjects completed prior to the period of exclusion.

#### 3.2 Exclusion from specified class/specified facility

See Rules 16.3.1(10) and (11)

A student who is excluded from specified classes or facilities may not be able to complete certain assessment tasks and this may impact on their final result for the subject.

#### 3.3 Suspension from the University

See Rule 16.3.1(5)

Students who are suspended from the University for a specified period not exceeding twelve (12) months will retain any credit points gained prior to the period of suspension.

#### 3.4 Suspension from a course of the University

See Rule 16.3.1(6)

Students who are suspended from a course of the University will retain any credit points gained prior to the period of suspension. They may apply for admission to another course of the University during the period of suspension, except for non-award study in subjects that could be subsequently counted as exemptions towards the course from which they have been suspended.

#### 3.5 Withholding of results/academic transcript/ permission to graduate

See Rule 16.3.1(7)

Students whose results are withheld may not be able to proceed to the next stage of their course and it may impact on their employment situation or applications for admission to courses at other institutions. Students whose official academic records are withheld or who

are not permitted to graduate may not be able to apply for admission to other courses, or may be limited in their employment opportunities. These penalties usually apply when a student is in, or has completed, their final teaching period before graduation. The penalties are usually imposed in conjunction with suspension, and/or the withholding of results until fines or costs are paid.

### **3.6 Monetary penalties**

Rules 16.3.1(12) and (13)

These Rules enable the University to seek restitution for costs incurred in lengthy inquiries or proceedings or costs associated with loss and/or damage. These penalties are not fines. Fines are penalties imposed for the act of misconduct itself.

Rule 16.3.1(14)

This Rule enables a reasonable monetary fine to be assessed. This penalty could be applied in conjunction with others such as Rules 16.3.1(12) and (13).

Fines may be appropriate for incidents such as:

- inappropriate and/or disruptive behaviour on campus (up to \$1,000 maximum);
- contravening prescribed standards of acceptable conduct (up to \$1,000 maximum);
- endangering the safety and/or security of people and/or property (up to \$2,000 maximum);
- ignoring or disobeying a directive from a University Officer (up to \$500 maximum);
- refusing to identify oneself (up to \$100 maximum);
- allowing another person access to UTS email or computer account and facilities (up to \$500 maximum with increase to \$1,000 for repeat offences);
- damage and destruction where the costs cannot be adequately measured for the purposes of cost recovery (e.g. destruction of intellectual property through hacking or destroying a computer which has other persons' work on it) (up to \$5,000 on recommendation of the University Student Conduct Committee);
- library offences (up to \$150 per offence with upper limit of \$250 for repeat offence).

When considering fines as an effective and appropriate penalty for instances of misconduct, the following factors should be taken into account:

- a fine can only be imposed for ~~non-academic~~ certain forms of misconduct. A fine cannot be imposed for ~~academic~~ misconduct involving plagiarism;
- a student's financial capability must be considered in imposing a fine; and where appropriate extensions of time to pay may be granted by the Registrar;
- fines of less than \$2,000 can be imposed by the Vice-Chancellor or Vice-Chancellor's nominee for proven or admitted misconduct, without reference to the University Student Conduct Committee;
- fines of greater than \$2,000 can only be imposed by the Vice-Chancellor or Vice-Chancellor's nominee for extremely serious misconduct, on the recommendation of the University Student Conduct Committee.

### **3.7 Awarding of zero marks**

See Rule 16.3.1(9)

When considering a penalty under Rule 16.3.1(9), it should be noted that if a student is awarded zero for any assessment item, it is unlikely that the student will be able to satisfactorily complete the subject for which the assessment task is set.

### **3.8 Conditions on enrolment**

See Rule 16.3.1(8)

If conditions are imposed upon a student's enrolment and participation in specified subjects,

this may impact on the student's ability to complete the course within a specified time period. This penalty may impose conditions on enrolment in certain subjects involving use of a laboratory, for example, or enrolment in subjects involving use of other facilities.

#### **4. Differential effects of penalties**

When imposing penalties, it is important that each student's individual circumstances, stage of enrolment, and any relevant mitigating factors are taken into account. Conduct Committees, the Vice-Chancellor or Vice-Chancellor's nominee and ~~Deans~~ Responsible Academic Officers may encourage students to make representation or submit evidence on the detrimental impacts of specific penalties in individual cases.

Some examples of situations in which penalties may impact more harshly include:

- **Penalties of suspension or exclusion for international students**

A penalty of suspension or exclusion may impact more severely on an international student because of visa requirements which stipulate that a student must leave the country if not enrolled. There are also additional financial costs involved for international students who must re-apply for a visa following a period of suspension or exclusion and pay additional course fees. In appropriate circumstances, an alternative may be to consider penalties under Rules 16.3.1(6) and (7) where an international student can complete course requirements prior to the penalty coming into effect. As an example, a student facing a period of suspension (to take effect at a specified time in the future) would be able to complete the course requirements, but at the end of their course, the period of suspension would take effect and the student would be prevented from graduating, unable to access any academic results and official academic records.

- **Stage of enrolment**

Most penalties will have a greater impact on students in their final teaching period when they are applying for jobs or for admission to graduate courses.

- **Financial penalties**

Severe monetary penalties will have a greater impact on some international students and on students from economically disadvantaged groups.

#### **5. Admissions of wrongdoing/level of contrition of student**

If a student has admitted the misconduct and/or displays a high and genuine level of contrition for the misconduct, in the form of submission of a formal letter of apology to the Vice-Chancellor or Vice-Chancellor's nominee, this should be taken into account where appropriate.

1. The notice of penalty, the reasons and committee reports should explicitly state that the admission of wrongdoing and/or statement of contrition have been taken into account. Failure to do so would generally be taken to indicate that the admission or level of contrition was not given weight.
2. The effect of admission or level of contrition on the penalty should be stated insofar as it is appropriate to do so. This effect could encompass any or all of the matters to which the admission or level of contrition may be relevant. Where other matters are regarded as relevant in a particular case, e.g. assistance to authorities, this should be included in the report or notice of decision and penalty.
3. An admission of wrongdoing or statement of contrition should generally be assessed in relation to the seriousness of the misconduct. One consideration is the timing of the admission or statement of contrition. Another factor is the potential time saved by University staff to undertake investigations and attend hearings. The relevance of an early admission will vary according to the circumstances of the case.
4. In some cases the admission or statement of contrition, in combination with other relevant factors, could lead to a degree of leniency in relation to the type of the penalties imposed. In some cases the weight given to the admission or statement of

contrition will be significant in assessing parity between other students involved in the misconduct.

**6. Intent**

If a student is found to have acted with intent when committing an act of misconduct, the penalty imposed on that student should be more severe than in a case where intent cannot be proven. ~~In determining whether a student acted intentionally in committing an act of misconduct, any subsequent demonstration of contrition on the part of the student should also be considered (see point 5 above).~~

**7. Start/end dates of penalties**

Penalties usually come into effect from the date of notification of the penalty to the student and last until the last day of the relevant teaching period. In determining penalties, it is preferable that start and end dates are specified on a teaching period basis (e.g. first day of teaching period to the last day of teaching period). It is important to consider the effective dates of penalties, as a penalty specified by dates as opposed to teaching periods may have the unintended consequence of preventing a student enrolling in the teaching period following the period of penalty.

**8. Status of student pending appeal outcomes**

Under Rule 16.15.4, a student may apply to the Vice-Chancellor or Vice-Chancellor's nominee for a stay of decision. The Vice-Chancellor or Vice-Chancellor's nominee may direct that a decision be stayed until the time for making an appeal has expired or, if an appeal is made within the permitted time, until the appeal has been determined.

In such cases the Vice-Chancellor or Vice-Chancellor's nominee will determine the status of the student during the appeal process; in other words, whether the student is to be on a restricted or conditional provisional program. This may include provisional class attendance, restricted attendance on campus, conditional use of University facilities, enrolment in online subjects, leave of absence and so on.

The following criteria are considered in determining whether to grant a stay of decision and the student's status during the appeal process:

- student's reasoning for requesting the stay of decision
- whether it is appropriate given the nature and seriousness of the misconduct to approve a stay of decision
- whether there is a need to implement the penalty immediately to ensure the protection of other person(s) and/or facilities and property of University
- an assessment of the likelihood of a successful appeal against the finding of misconduct and the penalty, and if the penalty includes payment of compensation to a third party under Rule 16.3.1(12), the capacity of the third party to repay the student if the penalty is nullified on appeal.

**9. Timing of decisions**

It is most important that decisions regarding penalties for misconduct and subsequent appeals are handled as expeditiously as possible to prevent lengthy delays and consequent applications by students for special consideration due to potential disadvantage. As a general guide, reports of the University Student Conduct Committee or Student Misconduct Appeals Committee can be expected within six (6) weeks from the date of referral of the matter to the Committee.

**10. Records of misconduct on transcripts**

- For suspensions and exclusions from a course or from the University the official academic records shows the period of suspension or exclusion.
- A penalty of zero mark for a subject is shown on official academic records in the same way as other results.
- All other penalties are recorded on the student system as internal comments and will

only be shown on internal academic records.

- In cases where an appeal against suspension, exclusion, or zero mark is lodged, the external academic transcript will show 'appeal pending' under the relevant course and teaching.

## **Attachment 4 (resolution .2 (1) (ii) above)**

[new text underlined, text to be deleted in strikethrough]

### **SCHEDULE 6 — GUIDELINES FOR HANDLING STUDENT MISCONDUCT INVOLVING PLAGIARISM**

These guidelines have been prepared for the benefit of all people involved in the processes established by UTS to deal with allegations of student misconduct involving plagiarism pursuant to Rule 16.6.2 and Rule 16.10

The guidelines have been prepared with a view to providing consistency in process and outcome.

#### **1. Definitions**

**Academic judgment** is the process by which a students' performance is measured in an assessment task, taking into account the stated learning outcomes and assessment criteria set for that assessment and based on the professional judgment of the academic staff member concerned<sup>1</sup>

**Plagiarism** taking and using someone else's ideas or manner of expressing them and passing them off as his or her own by failing to give appropriate acknowledgement of the source to seek to gain an advantage by unfair means (Rule 16.2.1(4))

**Responsible Academic Officer** means a person appointed as such by the Vice-Chancellor or the Senior Deputy Vice-Chancellor on the advice of the Dean and such other persons as the Vice-Chancellor approves. (Schedule 1 Definitions, the current list of RAOs is published online at <http://www.gsu.uts.edu.au/academicboard/raos/responsibleacademicofficers.html>)

#### **2. Principles**

- (1) All actions taken under these guidelines must be fair and reasonable, implemented in a timely fashion, and with due regard to privacy of all involved in the matters under consideration.
- (2) Each case must be dealt with on its own terms and merits and in accordance with its own circumstances.
- (3) The Responsible Academic Officer must be supplied with all relevant information by the relevant staff members upon which to base a decision.
- (4) Students must be informed of their rights with respect to appeal under Rule 16.15.
- (5) No person involved may divulge to any unauthorised person any information related to an individual student's personal information, circumstances, marks/results/grades or any other matters relating to an allegation of misconduct.

#### **3. Conflict of interest**

- 3.1 A Responsible Academic Officer must not deal with or determine an allegation of student misconduct if he or she is personally involved in any aspect of the allegation (see Rule 16.5)
- 3.2 In the event that a Responsible Academic Officer, an officer of the University, or a student believes that the involvement of a Responsible Academic Officer in a matter would lead to a conflict of interest, he or she must consult with the Dean. The Dean will determine another appropriate Responsible Academic Officer to deal with the matter.

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<sup>1</sup> Definition from Australian Learning and Teaching Council (ALTC) Good Practice Guide for Handling Student Grievances and Discipline Matters 2009.

3.3 A Responsible Academic Officer is not personally involved in any aspect of an allegation by reason only of the fact that he or she hears or deals with the allegation under the Rules.

#### **4. Notification of an allegation**

4.1 When an academic staff member, in his or her academic judgement, identifies a possible incident of plagiarism (see section 4.6 Policy for the Assessment of Coursework Subjects) the matter may be referred as an allegation of misconduct to the Subject Coordinator (if applicable).

4.2 The academic staff member and/or the Subject Coordinator will obtain and collate all information relevant to the allegation of plagiarism (Supporting Evidence) and submit this to the Responsible Academic Officer.

4.3 The Responsible Academic Officer may make such other inquiries as he or she considers necessary in order to consider the allegation.

4.4 If, after considering the Supporting Evidence and any other relevant information, the Responsible Academic Officer determines that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Responsible Academic Officer may determine not to take further action in relation to the allegation.

4.5 In all other cases, the Responsible Academic Officer must, in writing, and as soon as possible:

- (1) notify the student of the allegation and provide a copy of the Supporting Evidence, or if it is not appropriate for the student to receive a copy of the whole of the Supporting Evidence (for reasons including but not limited to privacy issues) provide a redacted copy of the Supporting Evidence but which includes all of the information on which the Responsible Academic Officer's decision will be based; and
- (2) provide the student with a copy of, or an electronic link to, the relevant Rules and guidelines;
- (3) give the student a reasonable period, being a period of not less than five working days, to respond in writing,
- (4) if the Responsible Academic Officer considers it necessary, request the student to attend a meeting with the Responsible Academic Officer and the Subject Coordinator at least 5 working days after the date of notification; and
- (5) in the event that the student is requested to attend a meeting, advise the student that her or she is entitled to bring a support person to the meeting.

4.6 The Responsible Academic Officer may place limitations on the role of any such support person. For example, in some circumstances it may be appropriate for such support person to assist by answering questions, or addressing issues raised, on the student's behalf. A support person will not be permitted by to act as an advocate or legal representative on behalf of the student unless the Responsible Academic Officer determines that this is warranted by exceptional circumstances.

#### **5. Meeting with the student (if required)**

5.1 If the student has been requested to attend a meeting with the Responsible Academic Advisor, he or she must:

- (1) explain the nature of the allegation of plagiarism;
- (2) provide an explanation of plagiarism and the reasons why the student's work appears to constitute plagiarism;
- (3) inform the student that the University views plagiarism as serious misconduct and that a record of the meeting and the outcome will be placed on the student's confidential file; and
- (4) invite the student to provide an explanation about the allegation.

5.2 At the conclusion of the meeting the student will be requested to sign a statement about good academic practice.

## **6. Matters to be referred to the Registrar**

6.1 If at any time during his or her consideration of the allegation the Responsible Academic Officer believes the alleged misconduct involves:

- (a) misconduct *other* than plagiarism; or
- (b) plagiarism *and* any other form of misconduct

the Responsible Academic Officer must refer the matter to the Registrar to be handled in accordance with Rule 16.12.

## **7. Responsible Academic Officer's decision**

7.1 If a student fails to respond to reasonable attempts by the Responsible Academic Officer for the student to provide a written response to the allegation of plagiarism, or fails to provide acceptable reasons for not complying with a request to attend a meeting, the Responsible Academic Officer must proceed to handle the matter in accordance with these guidelines and based on the Supporting Evidence.

7.2 In determining what penalty, if any, to impose, the Responsible Academic Officer may have regard to :

- (1) the extent of the alleged plagiarism as it relates to the work being assessed;
- (2) the proportion of the overall mark for the subject represented by the assessment item;
- (3) any conventions associated with the discipline to which the subject relates and the academic discipline overall;
- (4) whether the student has a previous record of plagiarism;
- (5) whether the student is inexperienced or demonstrates a genuine lack of understanding of academic integrity and honesty;
- (6) whether the circumstances reveal confusion among students enrolled in a subject about assessment (for instance, confusion about acceptable levels of cooperation among students involved in collaborative group work); and
- (7) in relation to group work, if a particular student responsible for part of an assignment or project submits plagiarised work, another individual in the group should not be penalised unless that other individual in the group has knowingly participated in the submission of the plagiarised work.

7.3 In coming to a decision, the Responsible Academic Officer must have regard to:

- (a) The student's written representation or representations at the meeting (if any); and
- (b) Any previous case of student misconduct which the Responsive Academic Officer believes is similar to the case that he or she is considering.

7.4 In cases where there is no record of previous misconduct involving plagiarism or the matter is found not to have involved a deliberate attempt to deceive or to gain an unfair advantage, or a clear disregard of assessment requirements including but not limited to situations where:

- (a) the student is inexperienced or demonstrates a genuine lack of understanding of academic integrity and honesty; or
- (b) the circumstances reveal confusion among students enrolled in a subject about assessment (for instance, confusion about acceptable levels of cooperation among students involved in collaborative group work)

the Responsible Academic officer may do one or more of the following:

- (i) issue the student with a formal warning;
- (ii) permit the student to re-do and submit the assessment item with appropriate acknowledgment of source material included with a reduced



- mark to no more than a specified percentage, normally 50%, of the maximum possible mark in the assessment task;
- (iii) allow further work to be submitted (normally a revised submission of the original work). The revised assignment or further work can only be awarded a specified percentage, normally 50%, of the total possible marks for the assessment item. For subjects where the submission of a revised assessment item is not practical, the Responsible Academic Officer may determine another penalty below as appropriate.

7.5 If the Responsible Academic Officer finds that there has been misconduct involving plagiarism, the Responsible Academic Officer must also inform the student that any similar incident occurring at any time in the future may result in a further penalty such as zero mark, suspension or exclusion.

7.6 If there is a record of previous misconduct involving plagiarism, and/or there is clear evidence of an attempt to deceive, gain an unfair advantage, or a clear disregard of assessment requirements, the Responsible Academic Officer may impose any of the penalties below as appropriate, as provided in Rule 16.3.1(9):

- (i) a zero mark and 'Fail' result for any part or parts of the assessment of the subject;
- (ii) a requirement that the student re-write and submit a specific assessment task, with a reduction in marks to no more than a specified percentage, normally 50%, of the maximum possible mark in the assessment task;
- (iii) a requirement that the student must undertake another alternative assessment task, for which the maximum possible mark can be no greater than a specified percentage, normally 50%, of the maximum possible mark in the assessment task;
- (iv) a zero mark and 'Fail' result for the total assessment in the subject, in which case the zero mark and 'Fail' result will be denoted on the official record of the student in the same way as a 'Fail' result awarded in the usual way.

7.7 Where one of the above penalties has been imposed, the Responsible Academic Officer must notify the student in writing of the decision and the student's right of appeal under Rule 16.15.

7.8 If the Responsible Academic Officer determines that a more serious penalty is appropriate, such as suspension or exclusion from the course or the University, the Responsible Academic Officer must refer the matter to the Registrar to be handled in accordance with Rule 16.12. The Responsible Academic Officer must notify the student in writing that the matter has been referred to the Registrar and that the student may within 5 working days make written representations to the Registrar about the recommendation.

7.9 A copy of all relevant documentation must be sent to the Student Misconduct and Appeals Team, Governance Support Unit, or as directed by the Registrar, for relevant details to be entered on the Student System as appropriate and to file the documentation on the student's confidential file. Where a zero mark for the subject has been imposed an Authority to Vary Results (AVR) form must be submitted with the documentation.

## **8. Records**

8.1 A copy of all records must be sent from Student Misconduct and Appeals, Governance Support Unit to Student Administration Records to be scanned.

8.2 Records of previous misconduct involving plagiarism may be accessed via Student Administration Records by a Responsible Academic Officer and taken into account in determining an appropriate penalty under section 7 above.