

APPROVED RULE CHANGES

Pursuant to the UTS By-law (Part 4, clause 44), the following rule changes have been made by UTS Council.

At its 22/6 meeting on 30 November 2022, Council approved the following amendments to the UTS Rules:

COU 22-6/128

Council resolved to:

[...]

- .3 approve the amendments to the Student Rules to give effect to the replacement of the University Student Conduct Committee as detailed in Attachment 1;
- .4 approve changes to the UTS Code of Conduct as detailed in Attachment 2;
- .5 note that Academic Board supported changes to the Equity, Inclusion and Respect Policy, which are now incorporated into recommendations from the Governance Committee as detailed in Item 5.7 of this meeting; and
- .6 approve amendments to the Student Rules and Delegations consequential to the policy changes detailed in recommendations .4 and .5 above (see Attachment 2).

In December 2022 the Deputy Director, Governance Support Unit approved under Delegation 3.14.2 subsequent amendments to Section 16, Schedule 4 and Schedule 5 in the UTS Student Rules to align rule changes and correct references to changed rule numbers and processes. *[In accordance with Delegation 3.14.2, the Deputy Director, GSU has the authority to approve administrative amendments to UTS Delegations, Rules, Policies, Directives or similar instruments.]*

THE APPROVED AMENDMENTS TO THE UTS RULES ARE PROVIDED BELOW
[new text **bold underlined**, text to be deleted in **~~bold and strikethrough~~**]

UTS STUDENT RULES

Section 16 – Student Misconduct and Appeals

Part A — General provisions

[...]

16.2 Definition of misconduct

16.2.1 **Student 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 (a) or (b) or (c) in an examination, test, assignment, essay, thesis or any other assessment task 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;
- (3) using, or attempting to use, any material or equipment that is not specified on an examination paper for use in the examination;
- (4) plagiarising, i.e. taking and using someone else's ideas or manner of expressing them and passing them off as ~~his or her~~ **their** own by failing to give appropriate acknowledgement of the source to seek to gain an advantage by unfair means;
- (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) contravening any provision of the [Act](#), the [By-law](#), these Rules, and the codes of conduct, [policies](#), procedures, [directives](#), guidelines and any other form of regulation of the University;
- (7) 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;
- (8) prejudicing the good name or academic standing of the University;
- (9) prejudicing the good order and government of the University;
- (10) a breach of confidentiality or privacy requirements or obligations in respect of the University or its staff, students or other relevant parties;
- (11) unreasonably interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of the University;
- (12) 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 while that person is engaged in any activity related to ~~his or her~~ **their** 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;

- (13) intimidating or assaulting another student, officer of the University, a visitor to the University or any other person on University premises or while that person is engaged in any activity related to ~~his or her~~ their University purposes;
- (14) failing to comply with any order or direction lawfully made or given under the [Act](#), the [By-law](#), these Rules, and the codes of conduct, [policies](#), procedures, [directives](#), guidelines and any other form of regulation of the University;
- (15) refusing to identify himself or herself when asked lawfully to do so by an officer of the University;
- (16) failing to comply with any conditions set by the Vice-Chancellor or the Vice-Chancellor's nominee under [Rules 2.1.9](#) or 16.3.3;
- (17) breaching the terms or conditions of a penalty imposed for student misconduct;
- (18) 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~~ their assigned work area and/or refusing to leave such an area when instructed to do so;
- (19) 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~~ facilities or virtual spaces; or
 - (c) on any premises, ~~or~~ facilities or virtual spaces to which the student has access for ~~his or her~~ their University purposes; or
 - (d) while pursuing any activity related to ~~his or her~~ their University enrolment;
- (20) publishing material which is abusive, offensive, vilifying, harassing, discriminatory or inappropriate about the University, another student, or an officer of the University, in any forum or media, including but not limited to print, internet, social media, email, digital or electronic communications and broadcasting forums;
- (21) failing to comply with the prescribed provisions relating to the student's internship or other placement at another institution, place of learning or place of business;
- (22) acting dishonestly in relation to an application for admission to the University;
- (23) knowingly making any false or misleading representation about things that concern the student as a student of the University including but not limited to a breach of [Rule 2.1.8](#);

- (24) knowingly making any false or misleading representation in relation to funding, prizes, grants and/or scholarships;
- (25) fabrication, falsification or misleading representation of data or results;
- (26) wilful concealment or a facilitation of research misconduct by others;
- (27) 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;
- (28) altering or falsifying any document that the University requires of the student (e.g. medical certificate, professional authority form or other supporting documentation);
- (29) impersonating another student, or arranging for anyone to impersonate a student, in an examination, assessment task, an assessment requirement or in any other University related activity;
- (30) misusing any University facility in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- (31) without limiting, in any way, 16.2.1(30), 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~~ their University purposes in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- (32) 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, or any other property of any other person within the University premises;
- (33) making an unauthorised disclosure of and/or misusing Student Security Identification (SSI);
- ~~(34) sexual harassment, which for the purposes of these Rules is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature;~~**
- ~~(35) indecent assault, which for the purposes of these Rules is any assault that has a sexual connotation; and/or~~**
- ~~(36) sexual assault as defined under the Crimes Act 1900 (NSW).~~**

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 misconduct committed by the student before the award was conferred;

(2) revocation of a recommendation to Academic Board that a student has satisfied the requirements for an award, effective for a period of up to 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 whether for award or otherwise at the University;
- (e) any further applications from the student for admission to any course at the University will not be considered;

(4) exclusion from the University for a period of up to five 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 at the University whether for award or otherwise during the period of any exclusion;
- (e) the student may reapply for readmission to the course at the University at the end of the period of exclusion. Readmission is not automatic (refer [Rule 5.9.3](#)). 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 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 be recorded as suspended from the University for the specified period of suspension;
- (c) the student will not be permitted to enrol in any course whether for award or otherwise at the University during the period of suspension;
- (d) 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 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 be recorded as suspended from the course for the specified period of suspension;
- (c) the student will not be permitted to enrol in the course from which the student has been suspended during the period of suspension;
- (d) 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 of official academic records, including deferral or withdrawal of permission to graduate;

(8) imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding 12 months, in which case if there is a **further act of misconduct** breach of the imposed conditions during the specified period the Vice-Chancellor, the Vice-Chancellor's nominee or **Manager, Student Misconduct and Appeals (SMA)** may impose ~~the Director, Governance Support Unit. shall refer the matter to the University Student Conduct Committee for a recommendation on the imposition~~ of a more severe penalty;

....

16.3.3 The operation of a penalty may be:

(1) deferred by the person imposing the penalty for a period that will not normally exceed two years, but may in appropriate cases continue for the duration of a student's enrolment. 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, the Vice-Chancellor's nominee, ~~or~~ the Director, Governance Support Unit or the Manager, Student Misconduct and Appeals.

(2) suspended by the person imposing the penalty for a period that will not normally exceed two years, but may in appropriate cases continue for the duration of a student's enrolment. If there is a further act of misconduct during the specified period, the penalty will be imposed immediately.

[...]

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 (refer [Schedule 3](#)) provide general guidance on procedural fairness and will be followed unless the **Student Misconduct Appeals a Conduct** Committee, Responsible Academic Officer, the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit or **Manager, Student Misconduct and Appeals** determines 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, the Vice-Chancellor's nominee, the Director, Governance Support Unit, Responsible Academic Officer, **Manager, Student Misconduct and Appeals** or member of **the Student Misconduct Appeals a Conduct** Committee must not hear or determine an allegation of student misconduct if ~~he or she~~**they** ~~is~~**are** 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 **considered** personally involved in any aspect of an allegation by reason only of the fact that ~~he or she~~**they** ~~hears~~ or ~~deals~~ with the allegation under these Rules.

16.5.5 In the event that the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit, a Responsible Academic Officer ~~or the~~ **Manager, Student Misconduct and Appeals**, or a member of **the Student Misconduct Appeals a Conduct** Committee believes that ~~his or her~~ **their** involvement in a matter would lead to a conflict of interest, ~~he or she~~**they** must consult with the Director, Governance Support Unit. The Director, Governance Support Unit will determine an appropriate person to deal with the matter. In the event that the Director, Governance Support Unit believes that ~~his or her~~ **their** involvement in determining a matter (under Rule 16.12.6A) would lead to a conflict of interest, the matter will be dealt with by the Vice-Chancellor or Vice-Chancellor's nominee.

[...]

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 inquiry being undertaken by a relevant officer of the University ~~or committee~~ in relation to that act of misconduct 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 4](#)).

16.8 Annual report of matters related to student misconduct and appeals

16.8.1 Each year the Director, Governance Support Unit 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~~ Student Misconduct Appeals Committee.

16.8.2 The Vice-Chancellor or Vice-Chancellor's nominee will take whatever action ~~he or she~~they 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 C — Allegations of misconduct handled at the faculty level

[...]

16.10.2 Where the Responsible Academic Officer receives an allegation of misconduct involving plagiarism, the Responsible Academic Officer may, in accordance with the Guidelines for Handling Student Misconduct Involving Plagiarism (refer Schedule 5), obtain further details of the allegation of misconduct and make such other enquiries as ~~he or she~~they believes necessary.

[...]

16.11 Responsible Academic Officer's decision on misconduct involving plagiarism

[...]

16.11.1 In coming to a decision on misconduct involving plagiarism the Responsible Academic Officer must consider:

(1) the student's written representations and/or representations at a meeting (if any); and

(2) any other previous case of student misconduct which the Responsible Academic Officer believes is similar to the case ~~he or she~~they ~~is~~are considering, to assist with consistency in decision-making.

[...]

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

- (1) refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12;
- (2) provide the Director, Governance Support Unit with a written report, which includes the Responsible Academic Officer's recommendations;
- (3) provide a copy of ~~his or her~~ their report to the student at the same time.

[...]

Part D — Allegations of misconduct handled centrally

16.12 Allegations referred to the Director, Governance Support Unit

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

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

16.12.3 If after considering all the information, the Director, Governance Support Unit 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 Director, Governance Support Unit may determine not to take further action in relation to the allegation in which case the Director, Governance Support Unit will retain sufficient information on the allegation on a confidential file.

16.12.4 Where the alleged misconduct involves misconduct during a centrally conducted examination, the Director, Governance Support Unit 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 misconduct; or
 - (b) issue a formal warning; or
 - (c) issue a formal notice of an allegation of misconduct.
- (4) If 16.12.4(3)(c) applies:
 - (a) notify the student of the allegation in writing;

- (b) provide the student with a copy of, or an electronic link to, the relevant Rules and Guidelines;
- (c) draw the attention of the student to the student's right to admit the alleged misconduct;
- (d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and
- (e) ask whether the student admits or denies any or all of the allegations.

(5) If 16.12.4(3)(c) applies and:

- (a) the matter is classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student admits, then Rule 16.12.6A applies; or
- (b) the matter is not classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student admits, then the Director, Governance Support Unit will refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or
- (c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the **Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C; or University Student Conduct Committee.**
- (d) the matter is classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or
- (e) the matter is not classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student neither admits or denies the allegation within the specified time period, the Director, Governance Support Unit will refer the allegation to the **Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C.**
University Student Conduct Committee.

(6) advise the student in writing of the decision under Rule 16.12.4(3)(a–b) or 16.12.5(5).

16.12.5 Where the alleged misconduct involves misconduct not covered by Rule 16.12.4, the Director, Governance Support Unit 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 16.12.5(3)(c) applies:
- (a) notify the student of the allegation in writing;
 - (b) provide the student with a copy of, or an electronic link to, the relevant Rules and guidelines;
 - (c) draw the attention of the student to the student's right to admit the alleged misconduct;
 - (d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and
 - (e) ask whether the student admits or denies any or all of the allegations.
- (5) If 16.12.5(3)(c) applies and:
- (a) the matter is classified as an approved precedent penalty, (refer [Schedule 4 \(section 2A\)](#)) and the student admits, Rule 16.12.6A applies; or
 - (b) the matter is not classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student admits, then the matter will be referred to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or
 - (c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the **Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C; or University Student Conduct Committee;**
 - (d) the matter is classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or
 - (e) the matter is not classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student neither admits or denies the allegation, the Director, Governance Support Unit will refer the allegation to the **Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C University Student Conduct Committee.**
- (6) advise the student in writing of the decision under 16.12.5(3)(a–b) or 16.12.5(5).

16.12.6A Where the student admits the allegation, the Director, Governance Support Unit will impose one or more penalties in accordance with the Vice-Chancellor or

Vice-Chancellor's nominee approved precedent penalties (refer [Schedule 4 \(section 2A\)](#)).

16.12.6B If no Vice-Chancellor or Vice-Chancellor's nominee approved precedent penalty exists or the matter has been referred from a Responsible Academic Officer under Rule 16.11.3, the Director, Governance Support Unit 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~~

~~(12)~~ impose one or more of the penalties set out in Rules 16.3.1(1) ~~(7)~~ to 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer [Schedule 4](#)); or

~~(23)~~ impose no penalty because the Vice-Chancellor or Vice-Chancellor's nominee believes no penalty is warranted.

~~(3) advise the student in writing of the decision.~~

16.12.6C Where a matter is referred to the Manager, Student Misconduct and Appeals they must:

~~(1) impose one or more of the penalties set out in Rules 16.3.1(1) to 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer [Schedule 4](#)); or~~

~~(2) impose no penalty because they believe no penalty is warranted; and~~

~~(3) advise the student in writing of the decision.~~

16.12.7 The Director, Governance Support Unit may, on behalf of the University, withdraw an allegation of misconduct at any stage.

~~16.13 University Student Conduct Committee~~

~~16.13.1 Composition~~

~~(1) A University Student Conduct Committee will comprise four members:~~

~~(a) a person who may but need not be 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 the University for at least one year; and~~

~~(ii) are not full-time (continuing or fixed-term) members of the University staff.~~

~~(2) The Chair of Academic Board will from time to time approve panels of persons in each of the above categories who can be appointed to a University Student Conduct Committee. Persons are nominated by the Director, Governance Support Unit following consultation with the Provost, Deputy Vice-Chancellors, Deans and Directors.~~

~~(3) When a meeting of the University Student Conduct Committee is required, the Director, Governance Support Unit will appoint four persons from the approved 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 the 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 Director, Governance Support Unit to the University Student Conduct Committee, the committee they must:~~

~~(a) inquire into any alleged act of misconduct; and~~

~~(b) make a decision or recommendations to the Vice-Chancellor or Vice-Chancellor's nominee 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 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 Director, Governance Support Unit (or nominee) will present to a University Student Conduct Committee evidence on which the allegation of misconduct is based and outline the University's concerns about the alleged misconduct.~~

~~(3) The student may present evidence in support of his or her case and in response to any of the matters presented by the Director, Governance Support Unit (or nominee).~~

~~(4) A University Student Conduct Committee may at any time ask the Director, Governance Support Unit (or nominee) or the student to present additional evidence or address specific issues.~~

~~(5) At the conclusion of hearing the evidence and or other specific issues, the Director, Governance Support Unit (or nominee) will make submissions 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.~~

~~(6) In preparing its decision or recommendations, the University Student Conduct Committee must have due regard to Rule 16.3.2.~~

~~(7) The University Student Conduct Committee can accept or not accept the Director, Governance Support (or nominee) submissions 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.~~

~~(a) If the University Student Conduct Committee accepts the Director, Governance Support (or nominee) submissions, the University Student Conduct Committee will advise the student of its decision; or~~

~~(b) If the University Student Conduct Committee does not accept the Director, Governance Support (or nominee) submission, the matter will be referred to the Vice-Chancellor or Vice-Chancellor's nominee.~~

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 decision or recommendations.~~

~~(2) If Rule 16.13.4 (7)(a) applies the University Student Conduct Committee must provide its written report and decision to the student; or~~

~~(3) If Rule 16.13.4 (7)(b) applies a University Student Conduct Committee must provide its written report to the Vice-Chancellor or Vice-Chancellor's nominee and the student.~~

16.14 Vice-Chancellor's or Vice-Chancellor's nominee 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) 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 five working days of receiving the details from the Vice-Chancellor or Vice-Chancellor's nominee.~~

~~16.14.6 The Director, Governance Support Unit 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 Director, Governance Support Unit may notify any other person of the decision and reasons in accordance with the Guidelines Relating to Student Misconduct and Appeals (refer [Schedule 3](#)).~~

Part E — Student misconduct appeals

16.1513 Basis for appeals

~~16.1513.1~~ A student has a right of appeal to a Student Misconduct Appeals Committee in respect of a decision of the Vice-Chancellor, the Vice-Chancellor's nominee, the **Manager, Student Misconduct and Appeals University Student Conduct Committee** or the Director, Governance Support Unit under Rules

16.12.6B(2), ~~16.13.4(7a) or 16.14~~, or of the Responsible Academic Officer under Rule 16.11.2.

16.~~15~~**13**.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Director, Governance Support Unit within 20 working days after notice of the decision is provided to the student.

16.~~15~~**13**.3 The grounds on which a student may appeal against a decision of the Vice-Chancellor, the Vice-Chancellor's nominee, the Manager, Student Misconduct and Appeals ~~University Student Conduct Committee~~, the Director, Governance Support Unit or a Responsible Academic Officer, in response to the findings or to the penalty or penalties imposed, are:

- (1) that the decision was based on a material misunderstanding of these Rules;
- (2) that the decision was based on a 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 decision 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~~**13**.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~~**16.14** Student Misconduct Appeals Committee

~~16.16~~**16.14.1** Composition

- (1) A Student Misconduct Appeals Committee will consist of:
 - (a) a person with legal qualifications as the Chair of the committee;
 - (b) a person with expertise in academic matters and knowledge of the University or universities; and
 - (c) a student of the University who has attended the University for at least two years and who is not a full-time (continuing or fixed-term) member of the University staff.

(2) Council will from time to time approve panels of persons in each of the above categories who can be appointed to a Student Misconduct Appeals Committee. Persons are nominated by the Director, Governance Support Unit following consultation with the Provost, Deputy Vice-Chancellors, Deans and Directors.

(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 (a Responsible Academic Officer or **the Manager, Student Misconduct and Appeals University 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 Director, Governance Support Unit will nominate three persons from the approved panels to constitute the Student Misconduct Appeals Committee.

(5) The Director, Governance Support Unit will notify the student of the three persons who have been nominated.

(6) Within five days of the date of notification, the student may in accordance with Rule ~~16.16~~**16.14.2** notify the Director, Governance Support Unit in writing that ~~he or she~~**they** objects to the inclusion of any of these persons.

(7) If the student does object and if the Director, Governance Support Unit in ~~his or her~~ **their** absolute discretion is satisfied that cause exists (refer Rule ~~16.16~~**16.14.2**), the Director, Governance Support Unit will nominate another person or persons. Should the approved panel for a category be exhausted, the Director, Governance Support Unit may nominate a person in the category who is not on the approved panel. This process will continue until a committee can be convened.

16.1616.14.2 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~~ **their** duty; or
- (c) not being impartial; or
- (d) reasonably perceived as not being impartial.

16.1616.14.3 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 or questions of law.

(3) Subject to ~~16.16~~16.14.3(2), 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 Student Misconduct Appeals Committee.

~~16.16~~16.14.4 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~~13.3; and
- (b) ensuring, as far as reasonably possible, 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 ~~16.16~~16.14.4(1) or ~~16.16~~16.14.4(2).

~~16.16~~16.14.5 Procedures

(1) A Student Misconduct Appeals Committee will determine its own procedures consistent with these Rules, including Rules 16.5 and ~~16.16~~16.14.3. 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 Responsible Academic Officer, the Director, Governance Support Unit, the Vice-Chancellor, the Vice-Chancellor's nominee and **the Manager, Student Misconduct and Appeals 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 Responsible Academic Officer, the Director, Governance Support Unit, the Vice-Chancellor, the Vice-Chancellor's nominee or the **Manager, Student Misconduct and Appeals**

~~University Student Conduct Committee~~, the Student Misconduct Appeals Committee will refer the matter back for reconsideration 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 weeks of the conclusion of the committee's first meeting.

(6) Notwithstanding the provisions of Rule ~~16.16~~16.14.5(5), and subject to the approval of the Chancellor, Vice-Chancellor and Director, Governance Support Unit, 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 months from the conclusion of the committee's first meeting or such other period as may be warranted in exceptional circumstances.

~~16.16~~16.14.6 Dissolution of Committee

(1) Where, in the opinion of the Director, Governance Support Unit, a Student Misconduct Appeals Committee is not progressing an appeal expeditiously, the Director, Governance Support Unit 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 Director, Governance Support Unit dissolves a Student Misconduct Appeals Committee under Rule ~~16.16~~16.14.6(1), another committee will be constituted in accordance with Rule ~~16.16~~16.14.1 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 Director, Governance Support Unit so determines.

~~16.16~~16.14.7 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, the Director, Governance Support Unit, Responsible Academic Officer or the **Manager, Student Misconduct and Appeals** ~~University 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 Rule ~~16.16~~**16.14**.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~~**16.14.8 Report**

(1) A Student Misconduct Appeals Committee must prepare a written report containing its factual findings (where applicable), reasons and decision and provide its report to the Director, Governance Support Unit within six weeks from the conclusion of the committee's first meeting or such other time as has been approved in accordance with Rule ~~16.16~~**16.14**.5(6).

(2) The Director, Governance Support Unit 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 Director, Governance Support Unit to notify any other person of the decision and reasons in accordance with the Guidelines Relating to Student Misconduct and Appeals (refer [Schedule 3](#)).

(4) The Director, Governance Support Unit will provide the Vice-Chancellor for the information of Academic Board and Council with an annual report on all student misconduct and appeal matters.

Schedule 3 — 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 the University 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 ~~the s~~**Student m**~~Misconduct a~~**Appeals c**~~Committees~~.

1.3 The term 'inquiry bodies' refers to the ~~University Student Conduct Committees~~ **and** Student Misconduct Appeals Committees, but also extends, as necessary, to the Vice-Chancellor, Vice-Chancellor's nominee, Provost, Responsible Academic Officer, **Manager, Student Misconduct and Appeals** and the Director, Governance Support Unit.

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 students** 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 Students** 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 student** has behaved in a particular way in the past is not evidence that the **person student** has behaved in the same manner again. Such knowledge may be evidence that the **person student** 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 **Students must be provided with the allegation, reasons for the allegation and information that supports the allegation. 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 understands 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, or an electronic link to, 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 ~~4~~ 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 Director, Governance Support Unit (or Nominee) 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 will legal representation be allowed.~~

3.8 ~~5~~ 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 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 3.6 The inquiry body should **consider** all of the relevant information it has **received**, except any information which the student has not had an opportunity of addressing.

3.15 3.7 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 3.8 The student ~~is entitled to~~ **will** be provided with the decision and ~~given the reasons for the decision and/or recommendation at the time it is made known to the student.~~

3.17 3.9 The inquiry body is responsible for determining who, in addition to the student and any other **person student** as provided for in the Rules 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 student** 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 rehear 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 rehears the matter in full (i.e. treats it as a fresh investigation), 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 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 reasonable 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 will 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 to be 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 Director, Governance Support Unit (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** **student** 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 Director, Governance Support Unit's agreement. The Director, Governance Support Unit 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 **consider** all of the relevant information it has **received**, except any information which the student has not been given 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 the option in Rule 4.20.1, the Director, Governance Support Unit will notify the Student Misconduct Appeals Committee Chair of the result of the inquiry body's reconsideration 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 4 — 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, Director, Governance Support Unit, Responsible Academic Officers, ~~University Student Conduct Committee,~~ **Manager, Student Misconduct and Appeals (SMA)** and ~~the~~ Student Misconduct Appeals Committee **(collectively referred to as inquiry bodies)**.

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](#)

[2A. Precedent 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](#)

While 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 an **inquiry** 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 **inquiry** 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~~ **their** 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 (refer [3.15](#) [3.7](#) in Schedule 3 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;
- (6) penalties imposed for previous similar cases to ensure consistency in decision-making;
- (7) the consequences of the penalty for the individual student (refer [Section 4](#) (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, Director, Governance Support Unit, Responsible Academic Officers, ~~or committees~~ **Manager, SMA or the Student Misconduct Appeals Committee** 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 apply to some forms of misconduct).

Penalty	Rule	Examples of types of misconduct
Rescission of an academic award conferred by the University where the award is as a result of fraud or serious misconduct committed by the student before the award was conferred	16.3.1(1)	<ul style="list-style-type: none"> serious instances of misconduct, including fraud and which may or may not involve serious criminal behaviour violent acts, sexual harassment, indecent assault, sexual assault <u>disgraceful, improper or inappropriate behaviour</u> extensive plagiarism in a research thesis or major project found proven after the award has been conferred

Revocation of a recommendation to Academic Board that a student has satisfied the requirements for an award	16.3.1(2)	<ul style="list-style-type: none"> • fraud • major plagiarism or misconduct in a subject that has been determined to have satisfied requirements for the relevant award • violent acts, sexual harassment, indecent assault, sexual assault <u>Serious instances of misconduct, including fraud and which may or may not involve serious criminal behaviour</u>
Permanent exclusion from the University	16.3.1(3)	<ul style="list-style-type: none"> • serious instances of misconduct, which may involve serious criminal behaviour or violence, violent acts, sexual harassment, indecent assault, sexual assault • disgraceful, improper or inappropriate behaviour • repeated instances of misconduct
Exclusion from the University for a period of up to five years	16.3.1(4)	<ul style="list-style-type: none"> • fraud • impersonation • alteration of any document or record of the University • serious damage to University property or misuse of University facilities • serious disruption to University activities • serious misconduct including extensive plagiarism, exam misconduct • repeat cases of misconduct

		<ul style="list-style-type: none"> • 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 • dishonesty in relation to admission to the University • <u>disgraceful, improper or inappropriate behaviour</u> including harassment, intimidation or interference with the freedom of other persons at the University • sexual harassment, indecent assault • repeated instances of misconduct
Suspension from the University for a specified period not exceeding 12 months	16.3.1(5)	<ul style="list-style-type: none"> • fraud • damage to University property or misuse of University facilities • disruption to University activities and/or freedom of other persons • misconduct including plagiarism, exam misconduct • repeat cases of misconduct • failure to comply with any penalty imposed for an instance of misconduct • sexual harassment, indecent assault • <u>disgraceful, improper or inappropriate behaviour</u>
Suspension from a course of the University for a specified period not exceeding 12 months	16.3.1(6)	<ul style="list-style-type: none"> • misconduct including plagiarism, exam misconduct, repeated cheating in assessment

		<ul style="list-style-type: none"> • <u>disgraceful, improper or inappropriate behaviour</u> • repeat cases of misconduct
Withholding of academic results for the relevant teaching period, and/or official academic records, including deferral or withdrawal of permission to graduate	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.
(8) imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding 12 months, in which case if there is a <u>further act of misconduct breach of the imposed conditions</u> during the specified period the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit or <u>Manager, SMA may impose</u> , shall refer the matter to the University Student Conduct Committee for a recommendation on the imposition of a more severe penalty;	16.3.1(8)	<ul style="list-style-type: none"> • inappropriate behaviour • damage to University property • misuse of facilities
If the misconduct relates to a subject in which the student is enrolled: a reduction in marks for any part or parts of the assessment a zero mark/fail result for the results of any form or forms of assessment in the subject a requirement that the student re-do and submit a specific assessment task,	16.3.1(9)	<p>Misconduct (e.g. plagiarism, cheating) in relation to a subject in which the student is enrolled.</p> <p>Should take into account:</p> <ul style="list-style-type: none"> • extent of plagiarism • advice to student on referencing • stage of course (students in second or subsequent years will be expected to have

<p>with a reduction in marks to no more than a specified percentage of the maximum possible mark in the assessment task</p> <p>a requirement that the student must undertake another alternative assessment, for which the maximum possible mark can be no greater than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task</p> <p>a zero mark/fail result for subject.</p>		<p>more understanding of what constitutes plagiarism compared to students in first year).</p>
<p>Exclusion from attendance at specified classes or subjects for a specified period not exceeding 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</p>	16.3.1(10)	<p>Inappropriate behaviour including harassment, intimidation or interference with the freedom of other persons in classes or subjects, meetings or other activities.</p>
<p>Exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding 12 months</p>	16.3.1(11)	<p>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 <u>their</u> University purposes.</p>
<p>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</p>	16.3.1(12)	<p>Misconduct involving loss of or damage to property or facilities of the University or to a third party.</p> <p>Payment for loss or damages is not a fine. The amount sought as restitution cannot exceed the amount of the loss or damages.</p>
<p>Where the misconduct involves lengthy inquiries</p>	16.3.1(13)	<p>Misconduct involving lengthy inquiries and proceedings.</p>

and proceedings, payment to the University of a specified amount for its costs, not exceeding the amount of the costs incurred		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 \$5000 with maximum fines for particular types of offences	16.3.1(14)	Misconduct including: <ul style="list-style-type: none"> • inappropriate behaviour • damage to University property • misuse of facilities • wilfully disobeying direction • library offences • (refer 3.6 Monetary penalties)
Imposition of specified conditions on attendance at specified classes or use of specified facilities or services 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 <u>their</u> University purposes.
Reprimand	16.3.1(16)	<ul style="list-style-type: none"> • first minor instance of misconduct • usually imposed with other penalties • any future instance of misconduct will be treated most seriously and will result in a more severe penalty

2A. Precedent penalties

The following precedent penalties approved by the Vice-Chancellor or Vice-Chancellor's nominee will apply in Rules 16.12.4(5)(d), 16.12.5(5)(d) and 16.12.6A.

Penalty	Rule	Examples of types of misconduct
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Reprimand	16.3.1(16)	Assisting any other student to cheat by sharing their work with another UTS student (Rule 16.2.1(1)(b))
A zero for the assessment (first offence)	16.3.1(9)(b)	a student copies and/or reworks another UTS student's work (Rules 16.2.1(1)(a), 16.2.1(1)(d)) a student copies and/or reworks another UTS student's work and plagiarised material (Rules 16.2.1(1)(a), 16.2.1(1)(d), 16.2.1(4)) a student has access to unauthorised material or a mobile phone in an examination (Rules 16.2.1(a), 16.2.1(d), 16.2.1(3))
Fail subject and a reprimand (second offence or a more severe first offence as determined by the Director, Governance Support Unit)	16.3.1(9)(e), 16.3.1(16)	a student copies and/or reworks another UTS student's work (Rules 16.2.1(1)(a), 16.2.1(1)(d)) a student copies and/or reworks another UTS student's work and plagiarised material (Rules 16.2.1(1)(a), 16.2.1(1)(d), 16.2.1(4)) a student has access to unauthorised material or a mobile phone in an examination (Rules 16.2.1(a), 16.2.1(d), 16.2.1(3))

3. Issues specific to each type of penalty

3.1 Exclusion from the University

Refer [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 credit recognition, i.e. for the subjects completed prior to the period of exclusion.

3.2 Exclusion from specified class/specified facility

Refer [Rules 16.3.1\(10\) and 16.3.1\(11\)](#)

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

Refer [Rule 16.3.1\(5\)](#)

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

3.4 Suspension from a course of the University

Refer [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

Refer [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 16.3.1\(13\)](#)
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 16.3.1(13).

Fines may be appropriate for incidents such as:

- inappropriate and/or disruptive behaviour on campus (up to \$1000 maximum);
- contravening prescribed standards of acceptable conduct (up to \$1000 maximum);
- endangering the safety and/or security of people and/or property (up to \$2000 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 \$1000 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 \$5000);
- 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 certain forms of misconduct. A fine cannot be imposed for misconduct involving only 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 Director, Governance Support Unit.

3.7 Awarding of zero marks

Refer [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

Refer [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. ~~University Student Conduct Committees, The~~ Student Misconduct Appeals Committees, the Vice-Chancellor, the Vice-Chancellor's nominee, Director, Governance Support Unit, **Manager, SMA** and 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 reapply 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 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 or registration/admission to professional bodies.
- **Financial penalties**
Severe monetary penalties will have a greater impact on some international students and on students from economically disadvantaged groups.
- **Professional bodies**
Certain penalties will have an impact on students who may wish to apply for registration/admission to professional bodies.

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, this may 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.

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 16.4513.4](#), 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 will be 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 weeks from the date of the conclusion of the committee's first meeting.

10. Records of misconduct on transcripts

- For suspensions and exclusions from a course or from the University the official academic transcript 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 period.

Schedule 5 — Guidelines for Handling Student Misconduct Involving Plagiarism

These guidelines have been prepared for the benefit of all people involved in the processes established by the University to deal with allegations of student misconduct involving plagiarism pursuant to [Rules 16.6.2](#) and [16.10](#).

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

1. Definitions

Academic judgment is the process by which a student's 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.¹

Plagiarism is taking and using someone else's ideas or manner of expressing them and passing them off as ~~his or her~~ **their** 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 Provost on the advice of the Dean and such other persons as the Vice-Chancellor approves ([Schedule 1](#) (Definitions)). (Also see the current list of [Responsible Academic Officers](#).)

2. Principles

2.1 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.

2.2 Each case must be dealt with on its own terms and merits and in accordance with its own circumstances.

2.3 The Responsible Academic Officer must be supplied with all relevant information by the relevant staff members upon which to base a decision.

2.4 Students must be informed of their rights with respect to appeal under ~~Rule 16.15~~ **Rule 16.13**.

2.5 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~~they ~~is~~are personally involved in any aspect of the allegation ([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~~they must consult with the Dean. The Dean will determine another appropriate Responsible Academic Officer to deal with the matter.

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~~they ~~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~~their academic judgment, identifies a possible incident of plagiarism 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~~they ~~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 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; and
- (3) give the student a reasonable period, being a period of not less than five working days, to respond in writing; and

(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 five 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 ~~he or she~~they ~~is~~are 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 a support person to assist by answering questions, or addressing issues raised, on the student's behalf. A support person will not be permitted 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 Officer, ~~he or she~~they 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 Director, Governance Support Unit

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

- (1) misconduct other than plagiarism; or
- (2) plagiarism and any other form of misconduct the Responsible Academic Officer must refer the matter to the Director, Governance Support Unit 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:

- (1) the student's written representation or representations at the meeting (if any); and
- (2) any previous case of student misconduct which the Responsible Academic Officer believes is similar to the case that ~~he or she~~they ~~is~~are considering.

7.4 In cases where there is no record of previous misconduct involving plagiarism and 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:

- (1) the student is inexperienced or demonstrates a genuine lack of understanding of academic integrity and honesty; or
- (2) 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:
 - (a) impose no penalty;
 - (b) issue the student with a formal warning;

(c) permit the student to re-do and submit the assessment item with appropriate acknowledgement of source material included with a reduced mark to no more than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task;

(d) 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 per cent, 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 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 a 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\(9\)](#):

- (1) a reduction in marks for any part or parts of the assessment;
- (2) a zero mark and 'Fail' result for any part or parts of the assessment of the subject;
- (3) 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 per cent, of the maximum possible mark in the assessment task;
- (4) 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 per cent, of the maximum possible mark in the assessment task;
- (5) a zero mark and 'Fail' result for 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~~ **Rule 16.13**.

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 Director, Governance Support Unit to be handled in accordance with [Rule 16.12](#). **In accordance with Rule 16.11.4**, ~~the~~ the Responsible Academic Officer must notify the student in writing that the matter has been referred to the Director, Governance Support Unit and that the

student may within five working days make written representations to the Director, Governance Support Unit 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 Director, Governance Support Unit, 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 Team, Governance Support Unit to Student Administration Records to be scanned.~~

8.2 1 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 in Schedule 5.

Footnote 1. Definition from Australian Learning and Teaching Council (ALTC) *Good Practice Guide for Handling Student Grievances and Discipline Matters* 2009.