

# THE AUSTRALIAN NATIONAL UNIVERSITY

*Academic Misconduct Statute 2014*

## ACADEMIC MISCONDUCT RULES 2014

The Vice-Chancellor of The Australian National University makes these Rules under section 3 of the *Academic Misconduct Statute 2014*.

Dated: 18 December 2014.

Professor Ian Young AO

**VICE-CHANCELLOR**

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## **PART 1    PRELIMINARY**

### **1    Name of Rules and commencement**

- 1.1    These Rules are the Academic Misconduct Rules 2014.
- 1.2    These Rules commence on the day after they are registered.

### **2    Application of these Rules**

- 2.1    These Rules apply to all students of the University.

### **3    The academic integrity principle**

- 3.1    The objective of these Rules is to ensure that academic integrity is respected and observed at the University.

### **4    Interpretation**

- 4.1    In these Rules, unless the contrary intention appears:

**academic integrity** has the meaning given to it in rule 5;

**academic misconduct** has the meaning given to it in rule 6;

**Act** means the *Australian National University Act 1991*;

**allegation of academic misconduct** means a report made in accordance with subrule 13.2 or a written record made under subrule 13.3;

**alleged academic misconduct** means alleged academic misconduct referred to in subrule 13.1;

**Appeals Committee** means an Appeals Committee established under the Appeals Rules ;

**assessable work** means the output of a task which is required to be performed by a student for assessment;

**assessment** includes a task that is required to be performed by a student for a judgment to be made of the student's level of performance in relation to a program or course, including:

- (a) an examination;
- (b) a task required to be performed by a student for the assessment of the student's performance;
- (c) a thesis, dissertation, minor thesis, research project, written report, assignment or essay undertaken for the assessment of the student's performance;
- (d) a task required to be performed by a person for the purpose of enabling the person to qualify for admission as a student in a program or course; cheating means the breach of rules regarding formal examinations, or dishonest practice in informal examinations, tests or other assessments;

**Examples:**

- (i) use of prohibited material or equipment for unfair advantage;
- (ii) consultation with other persons during the course of the assessment where this is prohibited.

**college** means an ANU College;

**collusion** has the meaning given to it in rule 8;

**course** means a subject of scholarly study taught:

- (a) in a connected series of classes or demonstrations; or
- (b) by means of practical work, including the production by students of essays or theses of case studies or the attendance and participation by students in seminars or workshops;

**course convenor** means the person in charge of a course (and for the ANU Medical School, means the Deputy Dean of the Medical School in the College of Medicine, Biology and Environment);

**Dean**, in relation to a student, means the Dean of the college responsible for the program in which the student is or was enrolled or is or was seeking enrolment;

**Deputy Vice-Chancellor** in relation to a matter, means the person who holds office as a Deputy Vice-Chancellor who has portfolio responsibility for the matter, including a nominee of the Deputy Vice-Chancellor appointed in accordance with rule 36;

**examination venue** means a place at which students are required to attend for the purpose of assessment under controlled conditions;

**fabrication** means the representation of data, observation or other research activity as genuine, comprehensive or original when it is not. This includes inventing the data, using data gathered by other researchers without acknowledgment, falsifying data or wilfully omitting data to obtain desired results;

**initial review** means review under Part 5 of these Rules;

***inquiry process*** means the process of investigating a report of academic misconduct, including any appeal from a decision;

***inquiry officer*** means a person who conducts an inquiry under Part 6;

***invigilator*** means any person, including a member of the academic or general staff of the University, who is employed by or acting on behalf of the University to attend examinations and/or supervise students who are undertaking examinations conducted by or on behalf of the University (including examinations conducted by other national or international educational institutions);

***member of ANU*** means a person who is a member of staff, a student or an invigilator;

***original work*** means work that is genuinely produced by a student specifically for the particular assessment task for which it is submitted;

***poor academic practice*** has the meaning given to it in rule 9;

***plagiarism*** has the meaning given to it in rule 7;

***Registrar*** includes a nominee of the Registrar appointed under rule 36;

***research misconduct*** includes:

- (a) fabrication of data;
- (b) plagiarism;
- (c) other conduct that:
  - (i) improperly appropriates the intellectual property or contributions of others;
  - (ii) intentionally impedes the progress of research; or
  - (iii) risks corrupting the research record or compromising the integrity of research practices;

***review officer*** means a person who conducts an initial review under Part 5;

***serious research misconduct*** means research misconduct where:

- (a) there is recurrence or continuation of conduct that has previously been found to be research misconduct by the student;
- (b) there is failure to follow research protocols approved by research ethics committees or statutory licence conditions, where that failure has resulted in harm, or unreasonable risk of harm, to humans, animals or the environment;
- (c) there is deliberate publishing of false research results that become part of the public record;
- (d) serious harm to the University, or to other students, staff or visitors occurs as a result of reckless and wilful disregard for the consequences of the conduct;

***student*** means a person who is or was enrolled in, or seeking enrolment in, a program or a course offered by the University, or who is or was given permission by the University to audit a program or course offered by the University;

***supervisor*** means a person:

- (a) appointed to supervise the candidature of a research student under the Research Awards Rules; or
- (b) appointed to supervise a student's thesis or research project for coursework students;

***Vice Chancellor*** includes a nominee of the Vice-Chancellor appointed under rule 36;

***work*** includes written, oral, numerical, audio, visual or other material that is submitted for assessment;

***working day*** means a day other than a weekend, public holiday or University holiday.

## **PART 2 STUDENT ACADEMIC CONDUCT**

### **5 The academic integrity principle**

- 5.1 The academic integrity principle is the principle that a student's work is genuine and original, completed only with the assistance allowed according to the rules, policies and guidelines of the University.
- 5.2 In particular:
- (a) the academic integrity principle requires the words, ideas, scholarship and intellectual property of others used in the work to be appropriately acknowledged;
  - (b) a person is in breach of the academic integrity principle if he or she engages in collusion.

### **6 Academic misconduct**

- 6.1 It is academic misconduct if a student:
- (a) in relation to an assessment:
    - (i) cheats;
    - (ii) engages in plagiarism;
    - (iii) improperly colludes with another person;
    - (iv) acts, or assists another person to act, dishonestly or unfairly in or in connection with an examination;
    - (v) takes a prohibited document into an examination venue;
    - (vi) fails to comply with examination or assessment rules or directions;
    - (vii) engages in other conduct with a view to gaining unfair or unjustified advantage; or
    - (viii) submits work that is not original; or
  - (b) in relation to research, commits research misconduct.

### **7 Plagiarism**

- 7.1 For the purposes of these Rules, a person engages in plagiarism if he or she uses another person's work as though it is his or her own work.
- 7.2 Without limiting subrule 7.1, a person uses another person's work as though it is his or her own work if he or she uses the other person's work without appropriate attribution.
- 7.3 A student is responsible for ensuring that he or she is fully informed about the appropriate methods of acknowledgement for any assessable work that he or she submits.

### **8 Collusion**

- 8.1 For the purposes of these Rules, "collusion" means the involvement of more than one person in an instance of academic dishonesty.
- 8.2 However, it is not collusion if:
- (a) a person's involvement is unintentional;
  - (b) if a person collaborates by undertaking work jointly, in accordance with course requirements.

## **9 Poor academic practice**

- 9.1 For the purposes of these Rules, it is not academic misconduct if a person's behaviour constitutes only poor academic practice.
- 9.2 Subject to subrule 9.3, it is poor academic practice to fail to conform to the academic integrity principle where that failure is:
- (a) excusable due to mitigating circumstances (including personal, emotional, or health-related circumstances);
  - (b) due to unintended, careless, inadvertent or uninformed behaviour which is excusable.
- 9.3 Subrule 9.2 does not apply where:
- (a) the failure to conform to the academic integrity principle is severe; or
  - (b) there has been repeated similar behaviour.

## **PART 3 INTERIM ACTION**

### **10 Interim exclusion by the Deputy Vice-Chancellor**

- 10.1 Subject to sub-rule 10.2, the Deputy Vice-Chancellor may, by written notice, deny a student in relation to whom an allegation of academic misconduct has been made access to all or any of the facilities of the University, or to any part of the University premises or to any activities conducted by or on behalf of the University.
- 10.2 The Deputy Vice-Chancellor must not deny a student access under subrule 10.1 unless he or she considers that the alleged academic misconduct is of a serious nature.
- 10.3 A denial of access under this rule is in force for the period specified in the notice, or until the conclusion of the inquiry process, whichever first occurs.
- 10.4 If the Deputy Vice-Chancellor exercises his or her powers under this rule, he or she must, as soon as is practicable, give to the student:
- (a) a copy of the notice; and
  - (b) a written statement setting out the reasons for the action and advising the student that he or she has a right to apply for review of the decision under the Appeals Rules.

### **11 Exclusion of student from attendance at an examination venue**

- 11.1 If it appears to a responsible person that the academic misconduct has occurred during, or in respect of, an assessment, the responsible person may exclude the student from attendance at that examination venue.
- 11.2 The power conferred by this rule must not be exercised unless, in the opinion of the responsible person, the exclusion is necessary to preserve order and decorum in an examination venue or to preserve the integrity of the conduct of the assessment.
- 11.3 In this rule, "responsible person", in relation to assessment, means:
- (a) if the conduct occurs at an examination venue, the invigilator;
  - (b) the course convenor;
  - (c) the Registrar.
- 11.4 If a responsible person exercises his or her powers under this rule in relation to a student, he or she must, as soon as possible after the action is taken:
- (a) make a report of the decision and the circumstances relating to it; and

- (b) if the decision is made by a person other than the Registrar, forward the report to the Registrar.

11.5 The student must be advised in writing of the decision and the reasons for the action as soon as possible after any decision or action is taken in accordance with subrule 11.1

## **12 Enrolment not terminated by interim action**

12.1 A student's enrolment is not terminated by action taken under this Part.

## **PART 4 REPORT OF ACADEMIC MISCONDUCT**

### **13 Alleged academic misconduct**

13.1 For the purposes these rules, there is alleged academic misconduct if:

- (a) in accordance with subrule 13.2, a person reports a belief that a student may have engaged in academic misconduct; or
- (b) in accordance with subrule 13.3, a course convenor makes a written record of his or her belief that a student may have engaged in academic misconduct.

13.2 A person (whether or not a member of ANU) who believes that a student may have engaged in academic misconduct must report that belief to the course convenor, supervisor or the Registrar.

13.3 A course convenor or supervisor who believes that a student may have engaged in academic misconduct must make a written record of that belief.

### **14 Reference of alleged academic misconduct to the Registrar**

14.1 A course convenor must refer an allegation of academic misconduct to the Registrar if it appears to be an allegation of:

- (a) academic misconduct in research;
- (b) academic misconduct in another college;
- (c) academic misconduct involving more than one college.

14.2 A supervisor must refer an allegation of academic misconduct to the Registrar in all circumstances

## **PART 5 INITIAL REVIEW**

### **15 Allegations of academic misconduct to be reviewed**

15.1 Subject to subrule 15.2 and rule 16, a course convenor must carry out an initial review of an allegation of academic misconduct.

15.2 A course convenor is not required to carry out an initial review of an allegation of academic misconduct if he or she has referred it to the Registrar under rule 14.

15.3 Subject to rule 16, if the Registrar receives an allegation of academic misconduct he or she must appoint an appropriate review officer to carry out an initial review of the alleged academic misconduct.

15.4 Subrule 15.3 applies whether:

- (a) the Registrar receives the allegation of academic misconduct directly; or

- (b) the allegation of academic misconduct is referred to the Registrar under rule 14.

15.5 In this rule, “appropriate review officer” means:

- (a) the associate dean, in the case of:
  - (i) a report of academic misconduct across colleges;
  - (ii) a report of academic misconduct in relation to research;
- (b) in any other case, the course convenor.

## **16 Power of Registrar to initiate inquiry without initial review**

16.1 This rule applies if it appears to the Registrar that an allegation of academic misconduct relates to alleged serious research misconduct.

16.2 Where this rule applies, the Registrar may refer the alleged academic misconduct for inquiry under Part 6 without an initial review being conducted.

## **17 Decision by review officer to terminate the process**

17.1 A review officer may decide that he or she will not conduct an initial review for the reason that:

- (a) there are not adequate grounds for deciding that the student has engaged in the alleged academic misconduct;
- (b) the allegation is frivolous, vexatious or not made in good faith; or
- (c) in the circumstances, it is not appropriate to take further action.

17.2 In making a decision under this rule, the review officer is not required to conduct a hearing.

17.3 If a review officer makes a decision under this rule, the review officer must, within 5 working days after the decision:

- (a) notify the Registrar; and
- (b) give to the student a written notice that:
  - (i) sets out the alleged misconduct and contains copies of any substantive material on which the allegations were made; and
  - (ii) informs the student that the allegations have been considered by the review officer, who has decided that he or she has decided to terminate the review process, setting out the reasons for that decision.

## **18 Notification of initial review**

18.1 If the review officer has not terminated the process under rule 17, the review officer must give written notification to the student that an initial review is to be conducted.

18.2 The notification must:

- (a) provide the substance of the alleged misconduct;
- (b) offer the student the opportunity to be heard;
- (c) be accompanied by:
  - (i) a copy of these rules; and
  - (ii) a copy of any information provided to support the allegation.
- (d) be given to the student:
  - (i) if the investigation is to be conducted as a result of an allegation being made, within 10 working days after the allegation is made;

- (ii) in any case, as soon as is practicable.

18.3 The review officer must also notify the Registrar that an initial review is to be conducted.

## **19 Meeting with the review officer**

- 19.1 If the student wishes to be heard, the student must advise the review officer within working 5 days after the day on which the student is given the notice.
- 19.2 If the review officer is advised in accordance with sub-rule 19.1 that the student wishes to be heard, the review officer must arrange a meeting with the student, to be held within 5 working days after receiving that advice.
- 19.3 The purpose of the meeting is to assist the review officer to decide:
- (a) whether there is substance to the allegation; and
  - (b) if there is substance, whether the alleged conduct constitutes poor academic practice or academic misconduct.
- 19.4 The review officer must act fairly and give the student a reasonable opportunity to be heard in relation to the allegation.
- 19.5 At the meeting, the student may be accompanied by another person who may:
- (a) observe the proceedings;
  - (b) with the express approval of the review officer, act as an advocate.
- 19.6 If the student does not advise that he or she wishes to be heard, the review officer may determine the matter without further communication with the student and in the absence of any evidence or representation from the student.

## **20 Decision by the review officer**

- 20.1 If, after conducting the review, the review officer decides that there is no substance to the allegation, the matter is concluded and he or she must inform the student and the Registrar in writing within 3 working days after making the decision.
- 20.2 If the review officer decides that the student's conduct constitutes poor academic practice, the review officer must take action under rule 21.
- 20.3 If the review officer decides that the student's conduct may constitute academic misconduct the investigation officer must refer the matter to the Registrar.
- 20.4 The review officer must, within 5 working days, notify the student and the Registrar in writing of a decision under this rule.

## **21 Action to be taken if poor academic practice is found**

- 21.1 If a review officer decides that a student's conduct constitutes poor academic practice, the review officer must, after giving the student opportunity to be heard in relation to penalty, take one or more of the following actions:
- (a) direct the student to resubmit one or more assessment items;
  - (b) counsel the student;
  - (c) request that the student make an undertaking to attend academic or other counselling;
  - (d) reprimand the student;
  - (e) direct that the student's marks or grade be changed for the assessment.
- 21.2 The review officer must, within 5 working days, notify the student and the Registrar in writing of a decision under this rule.

## **PART 6 INQUIRY**

### **22 Registrar to refer matter to an inquiry officer**

22.1 This Part applies if:

- (a) the Registrar decides, under subrule 16.2 to refer alleged academic misconduct for inquiry under this Part without an initial review being conducted;
- (b) a review officer refers a matter to the Registrar under subrule 20.3;
- (c) the Deputy Vice-Chancellor transfers the matter to the Registrar under rule 25;
- (d) an inquiry officer refers the matter to the Registrar under rule 30.

22.2 If this Part applies, the Registrar must, within 5 working days, refer the matter to the relevant inquiry officer.

22.3 In this rule, "relevant inquiry officer" means:

- (a) the Deputy Vice-Chancellor, if:
  - (i) the matter has been referred to the Registrar under rule 30; or
  - (ii) it appears to the Registrar that there may have been serious research misconduct (except where the Deputy Vice-Chancellor has transferred the matter to the Registrar under rule 25);
- (b) if it appears to the Registrar that there may have been academic misconduct across more than one college, the Associate Dean of one of the affected colleges;;
- (c) in any other case, the Associate Dean of the college.

22.4 The Registrar is not required to provide a hearing before forming the view that there may have been serious research misconduct.

### **23 Decision by the inquiry officer not to conduct an inquiry**

23.1 An inquiry officer to whom an allegation of academic misconduct is referred may decide that he or she will not conduct an inquiry for the reason that:

- (a) there are not adequate grounds for deciding that the student has engaged in the alleged academic misconduct;
- (b) the allegation is frivolous, vexatious or not made in good faith; or
- (c) in the circumstances, it is not appropriate to take further action.

23.2 In making a decision under this rule, an inquiry officer is not required to conduct a hearing.

23.3 If an inquiry officer makes a decision under this rule, the inquiry officer must within 5 working days after making the decision:

- (a) notify the Registrar; and
- (b) give to the student a written notice that:
  - (i) sets out the alleged misconduct, and contains copies of any substantive material on which the allegations were made; and
  - (ii) informs the student that the allegations have been considered by the inquiry officer, who has determined that there are not adequate grounds believing that the student has engaged in academic misconduct, or (as the case may be) has determined that the allegation is frivolous, vexatious or not made in good faith.

23.4 An inquiry officer must not make a decision under this rule if it appears that there may have been serious research misconduct.

## **24 Options available to the inquiry officer**

- 24.1 Unless a decision has been made under rule 23.1, an inquiry officer to whom an allegation of academic misconduct is referred must:
- (a) decide to take no action;
  - (b) decide to meet with the student, if it appears that the student has engaged in poor academic practice;
  - (c) decide to hold an inquiry; or
  - (d) transfer the matter, in accordance with rule 25.

## **25 Transfer by an inquiry officer**

- 25.1 An inquiry officer (other than the Deputy Vice-Chancellor) who is considering an allegation of academic misconduct must transfer the matter to the Deputy Vice-Chancellor if it appears that there may have been serious research misconduct.
- 25.2 The Deputy Vice-Chancellor may transfer a matter to the Registrar if it appears that the matter does not involve serious research misconduct.
- 25.3 If a matter is transferred to the Registrar under this Rule, the Registrar must allocate the matter to the appropriate inquiry officer in accordance with rule 22.

## **26 Meeting with the student**

- 26.1 If an inquiry officer decides to meet with a student to discuss poor academic practice, the inquiry officer must first give the student a written notice that:
- (a) advises the student of the name of the inquiry officer;
  - (b) sets out the details of the alleged academic misconduct and includes a copy of these rules and of any materials on which the allegations are based;
  - (c) advises the student that the inquiry officer has decided to meet with him or her to discuss poor academic practice;
  - (d) advises the student of the date, time and place for the meeting (which must be not less than 5 working days after the date of service of the notice); and
  - (e) advises the student who to contact if they need to arrange an alternative time.

## **27 Notice of inquiry by inquiry officer**

- 27.1 If an inquiry officer decides to hold an inquiry into alleged academic misconduct, the inquiry officer must give the student a written notice that:
- (a) advises the student of the name of the inquiry officer;
  - (b) sets out the details of the alleged academic misconduct and includes a copy of these rules and of any materials on which the allegations are based;
  - (c) advises the student that the inquiry officer has decided to hold an inquiry into the alleged misconduct; and
  - (d) advises the student of the date, time and place for the hearing of the inquiry (which must not, without the written consent of the student, be less than 7 working days after the date of service of the notice) and
  - (e) contains a statement to the effect that:
    - (i) the purpose of the inquiry is to determine whether there has been academic misconduct by the student and that the inquiry officer may make a finding that there has been academic misconduct; and
    - (ii) the inquiry will be conducted in an informal manner; and

- (iii) the student is entitled to attend in person at the inquiry; and
- (iv) if student does not attend at the time and place specified under subrule 27.1(d) the inquiry may proceed in the absence of the student; and
- (v) the student is entitled to present oral statements to the inquiry; and
- (vi) the student may, in addition to or instead of appearing in person at the inquiry, present to the inquiry written statements in relation to the alleged misconduct (whether made by the student or any other person); and
- (vii) the student is entitled to be accompanied at the inquiry by another person who may observe the proceedings, but that person must not act as an advocate unless expressly invited to do so by the inquiry officer; and
- (viii) the inquiry officer is not bound by rules of evidence.

27.2 The inquiry officer must make sure that all documents that are to be relied on at the inquiry are made available to the student.

## **28 Procedure at an inquiry**

28.1 At an inquiry by an inquiry officer:

- (a) the procedure to be followed is at the discretion of the inquiry officer; and
- (b) the inquiry officer:
  - (i) may inform himself or herself on any matter in relation to the inquiry in any manner he or she thinks appropriate;
  - (ii) is bound by the rules of procedural fairness, but is not bound by rules of evidence;
  - (iii) must take into consideration any submission made by the student.

28.2 The hearing of evidence by the inquiry officer may be adjourned from time to time and from place to place.

28.3 Unless the inquiry officer otherwise directs, a person is not entitled to be present at the hearing unless the person is:

- (a) the student or the person (if any) accompanying the student; or
- (b) an administrative assistant to the inquiry officer; or
- (c) a person giving evidence.

28.4 An inquiry is not ineffective by reason only of a formal defect or irregularity in the convening or conduct of the inquiry.

## **29 Student's rights at an inquiry**

29.1 At an inquiry, a student may:

- (a) appear in person;
- (b) call and question witnesses; and
- (c) make oral or written statements.

29.2 At the hearing, the student may be accompanied by another person who may:

- (a) observe the proceedings;
- (b) with the express approval of the inquiry officer, act as an advocate.

29.3 A person nominated and approved under subrule 29.2 may advise the student in relation to the appeal and may address the inquiry officer and assist the student in the conduct of the inquiry.

- 29.4 If the student fails to attend, the inquiry officer may conduct the inquiry in the absence of the student.

### **30 Decision by the inquiry officer**

- 30.1 After conducting an inquiry, the inquiry officer may:
- (a) decide that the student's conduct does not amount to academic misconduct and conclude the matter without further action;
  - (b) decide that the student's conduct does not amount to academic misconduct but does amount to poor academic practice, and take any action referred to in rule 21;
  - (c) decide that the student's conduct amounts to academic misconduct and impose a penalty set out in rule 31;
  - (d) decide that the student's conduct amounts to academic misconduct of a serious nature, and refer the matter to the Deputy Vice-Chancellor; or
  - (e) if the misconduct involved so warrants, refer the matter to the Registrar for transfer to the Deputy Vice-Chancellor.
- 30.2 In imposing a penalty, the inquiry officer may take into consideration penalties imposed previously in the University in similar circumstances.
- 30.3 The inquiry officer must give notification of his or her decision and the reasons for it within 5 working days to:
- (a) the student;
  - (b) in the case of an inquiry officer other than the Registrar, the Registrar; and
  - (c) the Vice-Chancellor.
- 30.4 A notification to the student must include information about the student's right to apply for review of the decision.
- 30.5 The Registrar, at the direction of the inquiry officer or of his or her own motion, may, if it appears to be appropriate to do so:
- (a) publish the decision;
  - (b) notify any relevant professional, government or other organisation or agency of the decision.
- 30.6 A publication or notification may include the reasons for the decision.

### **31 Penalty for academic misconduct**

- 31.1 An inquiry officer who finds, in accordance with these Rules, that a student has committed academic misconduct may take one or more of the following actions:
- (a) order a re-assessment in a program or course to which the alleged misconduct is related (which may include, for example, requiring the student to re-sit an examination for a maximum pass grade of 50% or determining that an alternative form of examination be completed by the student);
  - (b) order that a denial of access imposed under these Rules does not affect the student's academic progress;
  - (c) reprimand the student;
  - (d) cancel, adjust or award a passing grade for any examination, test or other assessment of the student's academic work or standing;
  - (e) record a fail ("0") mark for the entire course;
  - (f) determine the conditions under which the student may attend classes or lessons or use any facility or otherwise continue in their studies or research program of the University;

- (g) require the student to undertake relevant research integrity training;
- (h) request an undertaking from the student to attend relevant academic or other counselling;
- (i) require the student to make the relevant corrections to the student's research findings or publications;
- (j) require the student to apologise or take other action the inquiry officer thinks appropriate with a view to mitigating the effect of the misconduct;
- (k) suspend the candidature or enrolment of the student in a program of study or course in which the student is admitted or enrolled and prohibit resumption of candidature or enrolment for a period not exceeding 12 months;
- (l) accept an undertaking from the student;
- (m) refer the matter to the Deputy Vice-Chancellor for action if it appears to the inquiry officer that the student has previously been found to have committed academic misconduct.

31.2 If the Deputy Vice-Chancellor is the inquiry officer, or if a matter has been referred to the Deputy Vice-Chancellor under subrule 31.1(m), he or she may take one or more of the following actions (in addition to, or instead of, any action taken under subrule 31.1):

- (a) deny the student access to all or any of the facilities of the University or to all or any part of the University premises for a specified period, or to any activities conducted by or on behalf of the University;
- (b) terminate the candidature or enrolment of the student in a program of study or course in which the student is admitted or enrolled and prohibit the resumption of candidature or enrolment;
- (c) determine that the student should not be granted the relevant award for the program he or she is studying;
- (d) recommend to the Council that an award of the University (within the meaning of the *Programs and Awards Statute*) gained by the student be revoked;
- (e) exclude the student from the University.

31.3 An inquiry officer may, in determining any penalty to be imposed on a student, take into account any other finding of misconduct or poor academic practice made in respect of the student and any penalty imposed in relation to that finding.

## **32 Student undertakings**

32.1 If an inquiry officer accepts a student's undertaking under subrule 31.1(l):

- (a) the inquiry officer must ensure that a written copy of the undertaking is provided to the student and the Registrar;
- (b) if the student fails to comply with the undertaking, an inquiry officer may impose a further penalty for the academic misconduct.

32.2 In imposing a penalty under this rule, an inquiry officer may take into consideration the failure of the student to comply with the undertaking and the reasons for that failure.

## **33 Re-enrolment following suspension**

33.1 A person whose enrolment as a student has been suspended may not re-enrol until he or she pays any fees owed by the person under the *Fees Rules* (including late fees) and agrees to comply with any conditions that the Vice-Chancellor may impose in relation to the revived enrolment.

## **PART 7 APPEALS AND REVIEW**

### **34 Review by the Appeals Committee**

34.1 For the purposes of the *Appeals Rules*, the following are reviewable decisions:

- (a) an interim decision to exclude a student under rule 10;
- (b) a decision that a student has committed academic misconduct;
- (c) a decision to impose a penalty for academic misconduct.

**Note:** The *Appeals Rules*, , provide that a person who is affected by a reviewable decision may, within specified time limits, apply for review of that decision.

### **35 Review by the Dean of a finding of poor academic practice**

35.1 A student may apply to the Dean for review of a decision under these Rules that the student has engaged in poor academic practice.

35.2 An application must be made within 5 working days after the student is notified of the decision.

35.3 After receiving an application:

- (a) the Dean must provide to the student opportunity to make submissions, either in writing or, if agreed by the Dean, orally;
- (b) the Dean must consider a report from the decision-maker, and may consider other relevant material (in which case, a copy of the other relevant must be given to the student, and the student given opportunity to comment on it);
- (c) the Dean must, as soon as is practicable, decide whether to:
  - (i) dismiss the application and confirm the decision; or
  - (ii) allow the application, and modify or set aside the decision.

35.4 A decision, if modified by the Dean, takes effect in the modified form.

35.5 The decision of the Dean is final.

## **PART 8 MISCELLANEOUS**

### **36 Nominees for Deputy Vice-Chancellor, Dean, Associate Dean and Registrar**

36.1 The Deputy Vice-Chancellor may appoint, in writing, a nominee to exercise the powers and perform the functions of the Deputy Vice-Chancellor under these Rules.

36.2 The Dean may appoint, in writing, a nominee to exercise the powers and perform the functions of the Dean under these Rules.

36.3 The Associate Dean may appoint, in writing, a nominee to exercise the powers and perform the functions of the Associate Dean under these Rules.

36.4 The Registrar may appoint, in writing, a nominee to exercise the powers and perform the functions of the Registrar under these Rules.

### **37 Action where there may be a serious health issue**

37.1 This rule applies where an allegation of academic misconduct has been made in respect of a student and the review officer or inquiry officer considers that the student may have a serious health condition.

- 37.2 In this rule, "serious health condition" has the same meaning as in the *Medical Leave Rules*.
- 37.3 Where this rule applies, the review officer or inquiry officer must refer the matter to the Deputy Vice-Chancellor for consideration.
- 37.4 If a matter has been referred to the Deputy Vice-Chancellor under this rule, the Deputy Vice-Chancellor may:
- (a) if he or she considers that the student may have a serious health condition, suspend further proceedings under these Rules and refer the student to the Registrar to be assessed in accordance with the *Medical Leave Rules*; or
  - (b) whether or not he or she considers that the student may have a serious health condition, refer the matter back to the review officer or inquiry officer to be dealt with as if this rule did not apply.

### **38 Multiple processes**

- 38.1 This rule applies where it appears that a student has engaged in conduct that:
- (a) may be academic misconduct; and
  - (b) may be misconduct within the meaning of the *Discipline Rules*.
- 38.2 Where this rule applies, to enable the discipline process under the *Discipline Rules* to proceed:
- (a) a review officer conducting a review under these Rules may suspend that review;
  - (b) an inquiry officer conducting an inquiry under these Rules may suspend that inquiry;
  - (c) the Registrar or the Deputy Vice-Chancellor may suspend a process under these Rules.
- 38.3 A review officer, an inquiry officer, the Registrar or the Deputy Vice-Chancellor may recommence the process if the discipline process is completed or if it appears that, in the circumstances, the suspension is not appropriate.

### **39 Extension of time**

- 39.1 The Registrar may extend a time limit under these Rules.
- 39.2 In deciding whether to extend a time limit, the Registrar must take into consideration:
- (a) the reason why the extension is sought;
  - (b) the period of the extension;
  - (c) the prejudice, if any, which will be caused by the granting of the extension.
- 39.3 An extension must be for no longer than is reasonably necessary.
- 39.4 The power to extend a time limit may be exercised notwithstanding that the time limit is expired.

### **40 Notices**

- 40.1 For the purposes of these Rules, a notice or communication that is delivered by hand or otherwise sent by email or post to a student in accordance with section 9 of the *Interpretation Statute*, is regarded as having been given to the student on the date on which the notice was delivered by hand or, if sent by email or post, on the date that it would, in the ordinary course of email or post, have been delivered to the student.