

THE AUSTRALIAN NATIONAL UNIVERSITY

ACADEMIC MISCONDUCT RULE 2015

I, Professor Ian Young AO, Vice-Chancellor of the Australian National University, make the following rule.

Dated: 11 December 2015

Professor Ian Young AO

VICE-CHANCELLOR

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PART 1 PRELIMINARY

1 Name, commencement and authority

- (1) This is the *Academic Misconduct Rule 2015*.
- (2) This instrument commences on the day after it is registered.
- (3) This instrument is made under section 3 of the *Academic Misconduct Statute 2014*.

2 Application of instrument

This instrument applies to all students of the University.

3 The academic integrity principle

The objective of this instrument is to ensure that academic integrity is respected and observed at the University.

4 Definitions

In this instrument:

academic integrity principle has the meaning given to it in section 5.

academic misconduct has the meaning given to it in section 6.

allegation of academic misconduct means a report made in accordance with section 13(2) or a written record made under section 13(3).

alleged academic misconduct means alleged academic misconduct referred to in section 13(1).

Appeals Committee means an Appeals Committee established under the Appeals Rule.

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 judgement to be made of the student's level of performance in relation to a program or course, including:

- (a) an examination; or
- (b) a task required to be performed by a student for the assessment of the student's performance; or
- (c) a thesis, dissertation, minor thesis, research project, written report, assignment or essay undertaken for the assessment of the student's performance; or
- (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.

Associate Dean, for a college, means an Associate Dean appointed under the ANU College Governance Rules by the College Dean for the college.

cheating means the breach of rules regarding formal examinations, or dishonest practice in informal examinations, tests or other assessments.

Examples

- 1 use of prohibited material or equipment for unfair advantage
- 2 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 section 8.

course means a subject of scholarly study, whether it is taught:

- (a) in a connected series of classes or demonstrations; or
- (b) by means of practical work, including, for example, the production by students of essays, theses or case studies or the attendance and participation by students in seminars or workshops; or
- (c) by clinical or professional practice; or
- (d) in another way or in a combination of ways.

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 College Dean of the college responsible for the program in which the student is or was enrolled or is or was seeking enrolment.

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

exercise a function includes perform the function.

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 acknowledgement, falsifying data or wilfully omitting data to obtain desired results.

function includes duty and power.

initial review means review under Part 5.

inquiry officer means a person who conducts an inquiry under Part 6.

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

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 section 9.

plagiarism has the meaning given to it in section 7.

research misconduct includes:

- (a) fabrication of data; and
- (b) plagiarism; and
- (c) other conduct that:
 - (i) improperly appropriates the intellectual property or contributions of others; or
 - (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; or
- (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; or
- (c) there is deliberate publishing of false research results that become part of the public record; or
- (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, in relation to a student, means a person who is:

- (a) a supervisor of the student under the Research Awards Rule; or
- (b) for a coursework student—appointed to supervise the student's thesis or research project.

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

working day means a day that is not a Saturday, a Sunday, a public holiday in the Australian Capital Territory, or a University holiday.

PART 2 STUDENT ACADEMIC CONDUCT

5 The academic integrity principle

(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.

(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; and
- (b) a person is in breach of the academic integrity principle if the person engages in collusion.

6 Academic misconduct

It is academic misconduct if a student:

- (a) in relation to an assessment:
 - (i) cheats; or
 - (ii) engages in plagiarism; or
 - (iii) improperly colludes with another person; or
 - (iv) acts, or assists another person to act, dishonestly or unfairly in or in connection with an examination; or
 - (v) takes a prohibited document into an examination venue; or
 - (vi) fails to comply with examination or assessment rules or directions; or
 - (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

(1) For the purposes of this instrument, a person engages in plagiarism if the person uses another person's work as though it were the person's own work.

(2) Without limiting subsection (1), a person uses another person's work as though it were the person's own work if the person uses the other person's work without appropriate attribution.

(3) A student is responsible for ensuring that the student is fully informed about the appropriate methods of acknowledgement for any assessable work that the student submits.

8 Collusion

(1) For the purposes of this instrument, **collusion** means the involvement of more than one person in an instance of academic dishonesty.

(2) However, it is not **collusion** if:

- (a) a person's involvement is unintentional; or
- (b) a person collaborates by undertaking work jointly, in accordance with course requirements.

9 Poor academic practice

(1) For the purposes of this instrument, it is not academic misconduct if a person's behaviour constitutes only poor academic practice.

(2) Subject to subsection (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); or
- (b) due to unintended, careless, inadvertent or uninformed behaviour which is excusable.

(3) Subsection (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

(1) Subject to subsection (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.

(2) The Deputy Vice-Chancellor must not deny a student access under subsection (1) unless the Deputy Vice-Chancellor considers that the alleged academic misconduct is of a serious nature.

(3) A denial of access under this section is in force for the period specified in the notice, or until the conclusion of the inquiry process, whichever first occurs.

(4) If the Deputy Vice-Chancellor exercises powers under this section, the Deputy Vice-Chancellor 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 the student has a right to apply for review of the decision under the Appeals Rule.

11 Exclusion of student from attendance at an examination venue

(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.

(2) The power conferred by this section 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.

(3) In this section:

responsible person, in relation to assessment, means:

- (a) if the conduct occurs at an examination venue, the invigilator; or
- (b) the course convenor; or
- (c) the Registrar.

(4) If a responsible person exercises powers under this section in relation to a student, the responsible person 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.

(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 subsection (1).

12 Enrolment not terminated by interim action

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

PART 4 REPORT OF ACADEMIC MISCONDUCT

13 Alleged academic misconduct

(1) For the purposes this instrument, there is alleged academic misconduct if:

- (a) in accordance with subsection (2), a person reports a belief that a student may have engaged in academic misconduct; or
- (b) in accordance with subsection (3), a course convenor makes a written record of a belief that a student may have engaged in academic misconduct.

(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.

(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

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

(2) A course convenor may refer any other allegation of academic misconduct to the Registrar.

(3) 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

(1) Subject to subsection (2) and section 16, a course convenor must carry out an initial review of an allegation of academic misconduct.

(2) A course convenor is not required to carry out an initial review of an allegation of academic misconduct if the course convenor has referred it to the Registrar under section 14.

(3) Subject to section 16, if the Registrar receives an allegation of academic misconduct, the Registrar must appoint an appropriate review officer to carry out an initial review of the alleged academic misconduct.

(4) Subsection (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 section 14.

(5) In this section:

appropriate review officer means:

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

16 Power of Registrar to initiate inquiry without initial review

(1) This section applies if it appears to the Registrar that an allegation of academic misconduct may not relate only to poor academic practice.

(2) Without limiting subsection (1), this section applies if it appears to the Registrar that an allegation of academic misconduct may relate to alleged serious research misconduct.

(3) The Registrar may refer the alleged academic misconduct for inquiry under Part 6 without an initial review being conducted.

(4) The Registrar is not required to provide a hearing before forming the view that this section applies to an allegation of academic misconduct or referring the alleged misconduct for inquiry under Part 6 without an initial review being conducted.

17 Decision by review officer to terminate the process

(1) A review officer may decide not to 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; or
- (b) the review officer considers that it is appropriate that the alleged academic misconduct should be treated as a very minor breach of the academic integrity principle; or
- (c) the allegation is frivolous, vexatious or not made in good faith; or
- (d) in the circumstances, it is not appropriate to take further action.

(2) The review officer may decide that the alleged academic misconduct should be treated as a very minor breach of the academic integrity principle only if:

- (a) the course in relation to which the allegation is made is an introductory or transitional course taken in the first year of the student's undergraduate degree or the first semester of the student's graduate coursework award; and
- (b) the course outline provides information on academic integrity and states that very minor breaches of the academic integrity principle may result in a reduction of marks of up to 10% of the total marks available for the assessment; and
- (c) the breach of the academic integrity principle is a very minor mistake in referencing; and
- (d) as part of the course or feedback in relation to the course, an opportunity is provided to learn appropriate academic integrity techniques through individual or group sessions or written educative information.

(3) In making a decision under this section, the review officer is not required to conduct a hearing.

(4) If the review officer makes a decision under subsection (1)(b) in relation to a student, the only penalty that may be imposed on the student in relation to the breach of the academic

integrity principle is a reduction of marks for the relevant assessment of up to 10% of the total marks available for the assessment.

(5) If the review officer makes a decision under subsection (1)(a), (c) or (d), the review officer must tell the Registrar within 5 working days after the day the review officer makes the decision.

(6) If the review officer makes a decision under subsection (1)(b), the review office must tell the Registrar within 5 working days after the end of the semester in which the review officer makes the decision.

18 Notification of initial review

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

(2) The notification must:

- (a) provide the substance of the alleged misconduct; and
- (b) offer the student the opportunity to be heard; and
- (c) be accompanied by:
 - (i) a copy of this instrument; and
 - (ii) a copy of any information provided to support the allegation; and
- (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; and
 - (ii) in any case, as soon as is practicable.

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

19 Meeting with the review officer

(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.

(2) If the review officer is advised in accordance with subsection (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.

(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.

(4) The review officer must act fairly and give the student a reasonable opportunity to be heard in relation to the allegation.

(5) At the meeting, the student may be accompanied by another person who may:

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

(6) If the student does not advise that the student 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

- (1) If, after conducting the review, the review officer decides that there is no substance to the allegation, the matter is concluded and the review officer must inform the student and the Registrar in writing within 3 working days after making the decision.
- (2) If the review officer decides that the student's conduct constitutes poor academic practice, the review officer must take action under section 21.
- (3) If the review officer decides that the student's conduct may constitute academic misconduct, the review officer must refer the matter to the Registrar.
- (4) The review officer must, within 5 working days, notify the student and the Registrar in writing of a decision under this section.

21 Action to be taken if poor academic practice is found

- (1) If a review officer decides that a student's conduct constitutes poor academic practice, the review officer must, after giving the student the 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.
- (2) The review officer must, within 5 working days, notify the student and the Registrar in writing of a decision under this section.

PART 6 INQUIRY

22 Registrar to refer matter to an inquiry officer

- (1) This Part applies if:
 - (a) the Registrar decides, under section 16, to refer alleged academic misconduct for inquiry under this Part without an initial review being conducted; or
 - (b) a review officer refers a matter to the Registrar under section 20(3); or
 - (c) the Deputy Vice-Chancellor transfers the matter to the Registrar under section 25; or
 - (d) an inquiry officer refers the matter to the Registrar under section 30.
- (2) If this Part applies, the Registrar must, within 5 working days, refer the matter to the relevant inquiry officer.
- (3) In this section:

relevant inquiry officer means:

 - (a) the Deputy Vice-Chancellor, if:
 - (i) the matter has been referred to the Registrar under section 30; or
 - (ii) it appears to the Registrar that the alleged academic misconduct may relate to serious research misconduct (except where the Deputy Vice-Chancellor has transferred the matter to the Registrar under section 25); or
 - (b) the Dean, if the review officer was the Associate Dean; or
 - (c) 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; or
 - (d) in any other case, the Associate Dean of the college.

(4) The Registrar is not required to provide a hearing before forming the view that the alleged academic misconduct may relate to serious research misconduct.

23 Decision by the inquiry officer not to conduct an inquiry

(1) An inquiry officer to whom an allegation of academic misconduct is referred may decide not to 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; or
- (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.

(2) In making a decision under this section, an inquiry officer is not required to conduct a hearing.

(3) If an inquiry officer makes a decision under this section, 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.

(4) An inquiry officer must not make a decision under this section if it appears that there may have been serious research misconduct.

24 Options available to the inquiry officer

Unless a decision has been made under section 23(1), an inquiry officer to whom an allegation of academic misconduct is referred must:

- (a) decide to take no action; or
- (b) decide to meet with the student, if it appears that the student has engaged in poor academic practice; or
- (c) decide to hold an inquiry; or
- (d) transfer the matter in accordance with section 25.

25 Transfer by an inquiry officer

(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.

(2) The Deputy Vice-Chancellor may transfer a matter to the Registrar if it appears that the matter does not involve serious research misconduct.

(3) If a matter is transferred to the Registrar under this instrument, the Registrar must allocate the matter to the appropriate inquiry officer in accordance with section 22.

26 Meeting with the student

(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; and
- (b) sets out the details of the alleged academic misconduct and includes a copy of this instrument and of any materials on which the allegations are based; and
- (c) advises the student that the inquiry officer has decided to meet with the student to discuss poor academic practice; and
- (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 the student needs to arrange an alternative time.

(2) If, after giving the student the opportunity of meeting with the inquiry officer, the inquiry officer decides that the student's conduct constitutes poor academic practice, the inquiry officer must, after giving the student opportunity to be heard in relation to penalty, take 1 or more of the following actions:

- (a) direct the student to resubmit 1 or more assessment items;
- (b) counsel the student;
- (c) request the student to 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.

(3) If the inquiry officer decides to take action in relation to the student for poor academic practice, the inquiry officer must, within 5 working days after the day the decision is made, notify the student and the Registrar in writing of the decision.

(4) To remove any doubt, if, after giving the student the opportunity of meeting with the inquiry officer, the inquiry officer decides that the student's conduct does not constitute poor academic practice, but the inquiry officer believes that the student may have otherwise engaged in academic misconduct, the inquiry officer must report the belief to the Registrar under section 13(2).

27 Notice of inquiry by inquiry officer

(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; and
- (b) sets out the details of the alleged academic misconduct and includes a copy of this instrument and of any materials on which the allegations are based; and
- (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 paragraph (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.

(2) The inquiry officer must ensure that all documents that are to be relied on at the inquiry are made available to the student.

28 Procedure at an inquiry

(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 conduct the inquiries, and have regard to anything, that the inquiry officer considers appropriate; and
 - (ii) is bound by the rules of procedural fairness, but is not bound by rules of evidence; and
 - (iii) must take into consideration any submission made by the student.

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

(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.

(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

(1) At an inquiry, a student may:

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

(2) At the hearing, the student may be accompanied by another person who may:

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

(3) A person nominated and approved under subsection (2) may advise the student in relation to the inquiry and may address the inquiry officer and assist the student in the conduct of the inquiry.

(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

- (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; or
 - (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 section 21; or
 - (c) decide that the student's conduct amounts to academic misconduct and impose a penalty set out in section 31; or
 - (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.
- (2) In imposing a penalty, the inquiry officer may take into consideration penalties imposed previously in the University in similar circumstances.
- (3) The inquiry officer must give notification of the decision and the reasons for it within 5 working days to the student and, if the inquiry officer is not the Registrar, the Registrar.
- (4) A notification to the student must include information about the student's right to apply for review of the decision.
- (5) The Registrar, at the direction of the inquiry officer or of the Registrar's own motion, may, if it appears to be appropriate to do so:
 - (a) publish the decision; and
 - (b) notify any relevant professional, government or other organisation or agency of the decision.
- (6) A publication or notification may include the reasons for the decision.

31 Penalty for academic misconduct

- (1) An inquiry officer who finds, in accordance with this instrument, 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 this instrument does not affect the student's academic progress;
 - (c) reprimand the student;
 - (d) award a reduced mark for any piece of assessment;
 - (e) award a fail mark for any piece of assessment;
 - (f) record a fail ('0') mark for the entire course;
 - (g) determine the conditions under which the student may attend classes or lessons or use any facility or otherwise continue in the student's studies or research program of the University;
 - (h) require the student to undertake relevant research integrity training;
 - (i) request an undertaking from the student to attend relevant academic or other counselling;
 - (j) require the student to make the relevant corrections to the student's research findings or publications;

- (k) require the student to apologise or take other action the inquiry officer thinks appropriate with a view to mitigating the effect of the misconduct;
- (l) 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;
- (m) accept an undertaking from the student;
- (n) 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.

(2) If the Deputy Vice-Chancellor is the inquiry officer, or if a matter has been referred to the Deputy Vice-Chancellor under subsection (1)(n), the Deputy Vice-Chancellor may take one or more of the following actions (in addition to, or instead of, any action taken under subsection (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 the student 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.

(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

(1) If an inquiry officer accepts a student's undertaking under section 31(1)(m):

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

(2) In imposing a penalty under this section, 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

A person whose enrolment as a student has been suspended may not re-enrol until the person pays any fees owed by the person under the Fees Rule (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

For the purposes of the Appeals Rule, the following are reviewable decisions:

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

[Note: The Appeals Rule, provides 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

- (1) A student may apply to the Dean for review of a decision under this instrument that the student has engaged in poor academic practice.
- (2) An application must be made within 5 working days after the student is notified of the decision.
- (3) After receiving an application:
 - (a) the Dean must provide to the student the opportunity to make submissions, either in writing or, if agreed by the Dean, orally; and
 - (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); and
 - (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.
- (4) A decision, if modified by the Dean, takes effect in the modified form.
- (5) The decision of the Dean is final.

PART 8 MISCELLANEOUS

36 Nominees

- (1) A University official may, in writing, appoint a member of the staff of the University (the ***nominee***) to exercise all or any of the official's functions under this instrument (other than this section).
- (2) A function exercised by the nominee under the appointment is taken to have been exercised by the University official.
- (3) This section does not prevent the University official from exercising a function in relation which the nominee has been appointed.
- (4) In this section:

University official means:

- (a) the Deputy Vice-Chancellor; or
- (b) the Dean; or
- (c) the Associate Dean; or
- (d) the Registrar; or
- (e) a course convenor.

37 Action where there may be a serious health issue

(1) This section 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.

(2) In this section:

serious health condition has the same meaning as in the Medical Leave Rules.

(3) Where this section applies, the review officer or inquiry officer must refer the matter to the Deputy Vice-Chancellor for consideration.

(4) If a matter has been referred to the Deputy Vice-Chancellor under this section, the Deputy Vice-Chancellor may:

- (a) if the Deputy Vice-Chancellor considers that the student may have a serious health condition, suspend further proceedings under this instrument and refer the student to the Registrar to be assessed in accordance with the Medical Leave Rules; or
- (b) whether or not the Deputy Vice-Chancellor 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 section did not apply.

38 Multiple processes

(1) This section 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 Rule.

(2) Where this section applies, to enable the discipline process under the Discipline Rule to proceed:

- (a) a review officer conducting a review under this instrument may suspend that review; or
- (b) an inquiry officer conducting an inquiry under this instrument may suspend that inquiry; or
- (c) the Registrar or the Deputy Vice-Chancellor may suspend a process under this instrument.

(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

(1) The Registrar may extend a time limit under this instrument.

(2) In deciding whether to extend a time limit, the Registrar must take into consideration:

- (a) the reason why the extension is sought; and
- (b) the period of the extension; and
- (c) the prejudice, if any, which will be caused by the granting of the extension.

(3) An extension must be for no longer than is reasonably necessary.

(4) The power to extend a time limit may be exercised notwithstanding that the time limit is expired.

40 Service of notices etc.

(1) This section applies to a notice or other document that is required or permitted to be served on an individual under this instrument (whether the word 'give', 'notify', 'send', 'tell' or another word is used).

(2) The document may be served on an individual:

- (a) by giving it to the individual; or
- (b) by sending it by prepaid post, addressed to the individual, to an address shown in the University's records as the individual's semester address, work address or permanent home address; or
- (c) by emailing it to:
 - (i) if the individual is a student at the University—an email address provided by the University to the individual; or
 - (ii) if the individual is not a student at the University—an email address otherwise recorded by the University as the individual's email address.

(3) A document served by post on an individual under subsection (2)(b) is taken to have been served on the day it would have been delivered in the ordinary course of post.

(4) A document served by email on an individual under subsection (2)(c) is taken to have been served on the day it would have been received in the ordinary course of email transmission.

41 Repeal etc.

(1) The *Academic Misconduct Rules 2014* are repealed.

(2) To remove any doubt, a reference in a rule, order or other document of the University to the **Academic Misconduct Rules** (whether with or without the year of its making or the year and number of the year of its making) includes a reference to this instrument.