STUDENT ACADEMIC MISCONDUCT POLICY

ACTION KIT

PART A

INVESTIGATIONS

This part sets out the responsibilities of the Head of School or other person conducting an investigation into cases of alleged academic misconduct by students under the Student Academic Misconduct Policy.

The proforma letters which are included in this part of the kit are available in electronic form as a Microsoft Word document. Please download this from the administration pages on the University Website.

A flowchart for this part has also been included to assist investigators. The flowchart should be used in conjunction with the other information detailed in Part A of this kit. (I would like to acknowledge the work of Dr Morgan Luck from the Faculty of Arts who constructed this flowchart.)

NICK DRENGENBERG
Academic Secretary

December 2014
INVESTIGATIONS

An investigation is usually conducted by the Head of School, or an officer authorised by the Head of School.

Confidentiality: all matters dealt with under the Student Academic Misconduct Policy are confidential to those who are directly involved with those matters. They should not be discussed with staff, students or others who are not involved.

In addition, the privacy of various individuals involved in an academic misconduct investigation should be considered. So, in reports or correspondence about an academic misconduct matter consideration should be given to de-identifying the names of other students who may become involved in an investigation and referring to members of staff by their title rather than their name. It won’t always be possible or appropriate to de-identify those involved in a matter but consideration should be given where possible.

NOTE: Academic Misconduct cases in the Faculty of Education that involve a subject containing hybrid Indigenous Australian Studies (eg EEB419) should be investigated by an appropriate staff member (Head of School or person authorised by the Head of School to conduct the investigation) from the ‘teaching’ school (as per the SAL). If the misconduct in the assessment task originates in the hybrid IAS component of the subject then the investigator should also consult with relevant staff in the School of Indigenous Australian Studies.

What the Head of School must do

1. The Head of School shall receive the signed statement from the person or persons alleging academic misconduct (clauses 9 & 10 of the Policy). An investigation should not begin under the Policy until a signed statement is obtained. (An email which identifies the person making the allegation is acceptable as a signed statement).

   Should the person that is making the allegation request that their identity not be disclosed then the original signed statement should be retained for the official University records but any copies of the statement or references to the person who made the allegation in any other documents/correspondence relating to this matter should be de-identified in order to comply with their request.

2. If you teach or supervise the student(s) suspected of misconduct or have some other conflict of interest which would prevent you dealing with the allegation (clauses 12 & 13 of the Policy) immediately refer the signed statement to the Executive Dean and advise in writing the person or persons who signed the statement (Letter A).

3. If the information in the signed statement came to light more than twenty-one days ago decide whether to investigate the allegation (clause 11 of the Policy). If you decide not to investigate it, advise in writing the person or persons who signed the statement (Letter B) and send a copy of the allegation and of the completed letter B to the Executive Dean.

4. If neither 2 nor 3 above apply acknowledge in writing receipt of the signed statement (clauses 12 & 13 of the Policy) (Letter C).

5. If you are going to authorise a person to conduct the investigation on your behalf (clauses 15-17 of the Policy) notify them of this in writing. The investigator should then conduct the investigation in accordance with items 7 – 8 below.

Note: you cannot authorise a person who teaches or supervises the student suspected of academic misconduct, or who could otherwise be in some conflict of interest, to conduct the investigation. Members of general staff should not be authorised to conduct an investigation.
6. Write to the student to advise them of the allegation and invite them to contact you (if you are going to conduct the investigation) or the person that you have authorised to conduct the investigation on your behalf so that the investigation can be conducted (Letter D). This letter can be emailed and/or mailed or you can phone the student to advise them and then send the letter to them as confirmation.

   Attach a copy of the assessment item that is the subject of the allegation to the letter (make sure that it clearly indicates those sections of the assessment that are the subject the allegation).

   If you are going to conduct the investigation yourself go to item 7 below otherwise go to item 10 below.

**What the person conducting the investigation must do**

**Note:** the Head of School can conduct the investigation or they can authorise a person to conduct the investigation on their behalf (refer to clauses 15-17)

7. Conduct the investigation and prepare the Report (see item 9 below) within fourteen days of the Head of School receiving the signed statement.

   You may consult with the person(s) who signed the statement, with the student(s) suspected of academic misconduct and with any other appropriate persons (clauses 18 & 19 of the Policy).

   The student that is being investigated has a right to know what evidence is being used to make the determination so where the allegation involves an assessment item, they should be given a copy of the item which clearly indicates those sections that are the subject of the allegation & why (eg: in cases involving plagiarism the assessment item should show those sections that are alleged to have been plagiarised & indicate the source of the original work).

   All documentation relating to the case of alleged academic misconduct should be retained. This documentation will include the piece of work in which the alleged academic misconduct occurred, records of meetings and phone conversations with the student(s) and copies of correspondence, including emails, on the matter. (Note: should the student request that the piece of work be returned to them (eg. so that they can use it to prepare for an exam), a copy of the piece of work should be given to them and the original retained.)

   If you cannot contact the student (because their contact details on the University student system are incorrect or because the student fails to reply to all reasonable attempts to contact them) then you can proceed to conduct the investigation using the information and evidence that you are able to obtain. You are strongly advised to document your attempts to contact the student.

8. If you need an extension of time to complete your enquiries seek the Executive Dean's permission (clauses 18 & 19 of the Policy).

9. Upon completion of your investigation prepare a report of the investigation (Report) and forward it to the Head of School. (Note: you have fourteen days to conduct the investigation & prepare the report)
What the Head of School must do

10. Upon receipt of the report of the investigation you have seven days to take one of the following actions:

   Findings

10.1 **No Case to Answer (clause 21):**

   If you believe that the student is not guilty:

   10.1.1 Advise the Executive Dean and the person who made the allegation of the enquiries made and the outcome (letter E); and

   10.1.2 Advise the student (letter F); and

   10.1.3 Forward a copy to the DVC (Academic);

   10.1.4 Go to item 11 below.

10.2 **A Case to Answer (clause 22)**

   If you believe that the student is guilty:

   10.2.1 Advise the student (Letter G) of the nature of the allegation, the investigation conducted, the findings and recommendation that you intend making to the Executive Dean and invite the student to make a written submission, within 21 days, in relation to the finding and recommendation.

   10.2.2 Upon receipt of the written submission from the student or, where a written submission is not received, at the expiration of the 21 day period (whichever comes first), write to the Executive Dean to advise them of the nature of the allegation, the investigation conducted, the findings and recommended action (Letter H);

   10.2.3 Go to item 11 below.

10.3 **Vexatious Accusation (clause 26)**

   If you believe that the person who made the allegation did so vexatiously:

   10.3.1 Report the findings to the Executive Dean and recommend that the matter be further investigated (letter L).

   10.3.1 Go to item 11 below.
11. Forward all documents relating to the investigation to the Executive Dean who will forward them in due course to the Academic Secretary for retention and then disposal in accordance with General Disposal Authority 23 as set by State Records, NSW.

Important Notes About the Letters.

1. The letters are available electronically on the Web as Word documents but have no databases attached. This means that you cannot merge data into the fields denoted by << >>. Instead you will have to delete the << >> text and type the information directly into the letter.

2. The letters may be edited to suit particular cases but they should not be materially altered.

3. Check that you have entered information into all the fields in the letter.

4. Check that any attachments mentioned in the letter are attached before you send it.

5. Delete the letter code (eg INVESTIGATIONS LETTER A) before you send it.

Enquiries regarding procedures should be directed in the first instance to the Academic Secretary c/o the Office of Academic Governance.
CONFIDENTIAL

<<name>>
<<address>>

<<date>>

Dear <<name>>

ALLEGATION OF ACADEMIC MISCONDUCT

I acknowledge receipt of your signed statement dated <<date>> alleging academic misconduct by <<student's name and student number>> in the subject << subject code and title and session code>>.

It is likely that I would have a conflict of interest were I to investigate the allegation so, under clause 13 of the Student Academic Misconduct Policy, I have referred your allegation to the Executive Dean for investigation.

The Executive Dean shall write to you shortly advising you of the action <<he/she>> proposes to take.

Any enquiries you may have regarding this matter should be directed to the Office of the Executive Dean on <<telephone>>.

Yours sincerely

<<Head of School's Name>>
Head of School

Copy to:  Executive Dean, Faculty of <<Faculty>>
For prompt action under clause 14 of the Policy.
Dear <<name>>

ALLEGATION OF ACADEMIC MISCONDUCT

I acknowledge receipt of your signed statement dated <<date>> alleging academic misconduct by <<student's name and student number>> in the subject <<subject code and title and session code>>.

Given that the information upon which the allegation is based came to light a considerable time ago but has only now been reported to me, I have decided, in accordance with the provisions of clause 11 of the Student Academic Misconduct Policy not to investigate the allegation. The effect of this is that in my view <<student's name>> has no case to answer.

Any enquiries you may have regarding this matter should be directed to the Office of the Executive Dean on <<telephone>>.

Yours sincerely

<<Head of School's Name>>

Head of School

Copy to: Executive Dean, Faculty of <<Faculty>>

For your confidential information
Dear <<name>>

ALLEGATION OF ACADEMIC MISCONDUCT

I acknowledge receipt of your signed statement dated <<date>> alleging academic misconduct by <<student's name and student number>> in the subject <<subject code and title and session code>>.

Under clause 15 of the Student Academic Misconduct Policy I << insert either - am obliged – or- have authorised (name of person authorised to conduct the investigation)>> to investigate the matter and to prepare a report of the investigation. You will receive a copy of the report.

Any enquiries you may have regarding this matter should be directed to me on <<telephone>>.

Yours sincerely

<<Head of School's Name>>
Head of School

Copy to: Executive Dean, Faculty of <<Faculty>>
For your confidential information
CONFIDENTIAL

<< student number>>
<<date>>
<<student’s name>>
<<student's address>>

Dear << student’s name>>

ALLEGATION OF ACADEMIC MISCONDUCT

On <<date>> I received a signed statement alleging that you are guilty of academic misconduct because you <<describe what the student is alleged to have done (include the subject code, subject name and subject session where applicable)>>

In accordance with section 5 of the Student Academic Misconduct Policy an investigation into the allegation is to be conducted. The investigation will be conducted by << insert either - myself or (name of person you have authorised to conduct the investigation)>>.

As part of the investigation I extend to you the opportunity to respond to <<insert either - me or (name of person you have authorised to conduct the investigation)>> on this matter within seven days of the date of this letter, the due date being <<insert date student’s response is due>>. Your response can either be in writing or you can arrange to have a meeting with << insert either – me or (name of person you have authorised to conduct the investigation)>> to discuss the matter.

Any enquiries you may have regarding this matter should be directed to <<insert either - me at (insert contact details) or (name of person you have authorised to conduct the investigation & contact details)>>.

Yours sincerely

<<Head of School's Name>>
Head of School

Attachment:
<<where applicable, attach a copy of the assessment item, clearly indicating those sections that are the subject of the investigation.>>
This is the report of the investigation into alleged academic misconduct by <<student's name and student number>> in the subject <<subject code and title>> in session <<session code>>.

A signed statement alleging that the student << describe what the student is alleged to have done >> was received on <<date allegation received>>. A copy of the allegation is attached.

A copy of the assessment item that is the subject of this allegation is attached.

The following people were consulted in relation to the allegation:

<<list all people with whom you met or corresponded during the investigation of the matter and attach any relevant documentation>>.

As a consequence of the investigation, I have established that:

<<in dot point format list the facts that you have established>>.

On the basis of this investigation I << insert one of the following here >>

EITHER
(if the finding is that the student has no case to answer)

find that you have no case to answer.

In view of the above findings no further action will be taken in this matter.

OR
(if the investigation was conducted by someone other than the HOS)

recommend that the Head of School recommend to the Executive Dean of Faculty that <<he/she>> find, on the basis of probabilities, that the student:

<<list in dot point format the findings (eg: guilty of academic misconduct) and the reasons in support of the finding>>.

In view of the above findings and having considered the seriousness of the academic misconduct in this case, the experience of the student at University level, and <<insert whether or not the student has previously been found guilty of academic misconduct & if so on how many other occasions>> I recommend that the Head of School recommend to the Executive Dean of Faculty, under clause 35 of the Policy, that <<insert one of the penalties from the attached list>>.

OR
(if the investigation was conducted by the HOS)

recommend to the Executive Dean of Faculty that <<he/she>> find, on the balance of probabilities, that the student:
In view of the above findings and having considered the seriousness of the academic misconduct in this case, the experience of the student at University level, and <<insert whether or not the student has previously been found guilty of academic misconduct & if so on how many other occasions>> I recommend to the Executive Dean of Faculty, under clause 35 of the Policy, that <<insert one of the penalties from the attached list>>.

<<As a result of this investigation I became aware of <<specify the problems or issues relating to the academic policy or practice>> and therefore further recommend <<list recommendations>>.

<< name of Investigator>>
<<date>>

<<List all attachments here>>
(1) no action be taken against the student.

(2) the student be counselled* by <<person's name>>.

(3) the student receive a letter from the Executive Dean cautioning <<him/her>> against such behaviour in the future.

(4) the student receive a letter from the Executive Dean reprimanding <<him/her>> for <<his/her>> behaviour.

(5) the student be invited to <<resubmit the assignment, essay, project or other work or resit the test or examination >> under the conditions set out in clause 36 of the Student Academic Misconduct Policy and receive <<counselling and/or be cautioned and/or be reprimanded >> against such behaviour in the future.

(6) the student <<be awarded zero marks for that part of the assignment/test/etc in which the academic misconduct occurred >> and receive <<counselling and/or be cautioned and/or be reprimanded >>against such behaviour in the future.

(7) the student be awarded zero marks in the <<assignment/test/etc>> and receive <<counselling and/or be cautioned and/or be reprimanded >>against such behaviour in the future.

(8) you recommend to the Deputy Vice-Chancellor (Academic) that the student be failed in the subject <<code and title>> under the conditions set out in clause 37 of the Student Academic Misconduct Policy and receive <<counselling and/or be cautioned and/or be reprimanded >> against such behaviour in the future.

(9) you recommend to the Deputy Vice-Chancellor (Academic) that the student be failed in the subject <<code and title>> under the conditions set out in clause 37 of the Student Academic Misconduct Policy and be fined <<$amount*>>.

(10) you recommend to the Deputy Vice-Chancellor (Academic) that the student be failed in the subject <<code and title>> under the conditions set out in clause 37 of the Student Academic Misconduct Policy and be suspended from enrolment in the University under the conditions set out in clauses 38-40 of the Student Academic Misconduct Policy for a period of <<number of years***>> years effective <<immediately/from the start of ___ session 20__>>.

(11) you recommend to the Deputy Vice-Chancellor (Academic) that the student be failed in the subject <<code and title>> under the conditions set out in clause 37 of the Student Academic Misconduct Policy and be suspended from enrolment in the University under the conditions set out in clauses 38-40 of the Student Academic Misconduct Policy for a period of <<number of years***>> years effective <<immediately/from the start of ___ session 20__>>.

(12) you recommend to the Deputy Vice-Chancellor (Academic) that the student be failed in the subject <<code and title>> under the conditions set out in clause 37 of the Student Academic Misconduct Policy and be excluded from the University under the conditions set out in clauses 41-43 of the Student Academic Misconduct Policy for a period of <<number of years***>> years effective <<immediately/from the start of ___ session 20__>>.
Notes (do not include this box in the letter)

* Counselling may include a requirement for the student to undertake a remedial skills activity on student academic misconduct.

** The maximum fine is specified in the schedule of fees and charges published in the University Handbooks. In 2008 the maximum fine was $1,000.

*** The maximum period of suspension is two years from the date of notification.

**** The MINIMUM period of exclusion is two years from the date of notification.
Dear <<name>>,  

ALLEGATION OF ACADEMIC MISCONDUCT  
REPORT OF INVESTIGATION  

I write concerning the allegation of academic misconduct you made against <<student’s name and student number>> which related to <<describe what the student is alleged to have done (include the subject code, subject name and subject session where applicable)>>  

In accordance with section 5 of the Student Academic Misconduct Policy << insert either – I or (name of the person you authorised to conduct the investigation)>> conducted an investigation into this matter. A copy of the report of the investigation is attached.  

On the basis of these enquiries I find under clause 21 of the Policy that <<student’s name>> no case to answer.  

Any enquiries you may have regarding this matter should be directed to me on <<telephone>>.  

Yours sincerely  

<<Head of School's Name>>  
Head of School  

Attachment  
Report of Investigation, dated <<date>>  

Copy to: Executive Dean, Faculty of <<Faculty>>  
For your confidential information
Dear <<student’s name>>

ALLEGATION OF ACADEMIC MISCONDUCT
REPORT OF INVESTIGATION

On <<date>> I received a signed statement alleging that you were guilty of academic misconduct because you had <<describe what the student is alleged to have done (include the subject code, subject name and subject session where applicable)>>

In accordance with section 5 of the Student Academic Misconduct Policy <<insert either - I conducted or I authorised (insert name of investigator) to conduct>> the investigation into this matter. A copy of the report of the investigation is attached.

On the basis of these enquiries I find under clause 21 of the Policy that you have no case to answer and no further action will be taken in this matter.

The documents held by the University relating to this matter are confidential and will be held separately to your student file. They will be retained by the Academic Secretary and then destroyed in accordance with General Disposal Authority 23 as set by State Records, NSW.

Any enquiries you may have regarding this matter should be directed to me on <<telephone>>.

Yours sincerely

<<Head of School's Name>>
Head of School

Attachment
Report of Investigation, dated <<date>>

Copy to: Executive Dean, Faculty of <<Faculty>>
For your confidential information
Dear <<student's name>>

ALLEGATION OF ACADEMIC MISCONDUCT
REPORT OF INVESTIGATION

Further to my recent correspondence with you concerning the allegation that you are guilty of academic misconduct because you <<describe what the student is alleged to have done (include the subject code, subject name and subject session where applicable)>>

A copy of the report of the investigation into this matter is attached.

On the basis of the investigation I intend to recommend to the Executive Dean, <<Faculty>> under clause 22 of the Student Academic Misconduct Policy that you be found guilty of <<insert finding>> and that <<insert the penalty that you wish to recommend that the Executive Dean impose upon the student>>.

I hereby grant you 21 days from the date of this letter, the due date being <<insert date student’s response is due>>, to make written submission to me as to the recommended finding and penalty contained in the report.

When received, your written submission and the report of the investigation will be forwarded to the Executive Dean who will make a determination in relation to the matter.

In the event of the Executive Dean making a determination that you are guilty of academic misconduct, clause 27 of the Student Academic Misconduct Policy authorises the Executive Dean to take one of the following courses of action:

(a) that no action be taken against the student; or

(b) that the student be counselled (where such counselling may include a requirement for the student to undertake a remedial skills activity on student academic misconduct) and/or be cautioned and/or reprimanded; or

(c) that the student be invited to resubmit the assignment, essay, project or other work or resit the test or examination in respect of which academic misconduct has occurred under the conditions set out in clause 36 of the Student Academic Misconduct Policy and be counselled, cautioned or reprimanded;

(d) that the student be awarded zero marks in the assignment, essay, project, test, examination or other work or be awarded zero marks for that part of the assignment, essay, project, test, examination or other work in respect of which academic misconduct has occurred and be counselled, cautioned or reprimanded; or

(e) that the student be failed in the subject under the conditions set out in clause 37 of the Student Academic Misconduct Policy and be counselled, cautioned or reprimanded;
or that the Executive Dean recommend to the Deputy Vice-Chancellor (Academic) that he take one of the following courses of action:

(f) that the student be failed in the subject under the conditions set out in clause 37 of the Student Academic Misconduct Policy and be fined an amount not exceeding the maximum fine published each year in the University’s schedule of fees and charges; or

(g) that the student be failed in the subject under the conditions set out in clause 37 of the Student Academic Misconduct Policy and be suspended from enrolment in the University under the conditions set out in clauses 38-40 of the Policy; or

(h) a combination of (f) and (g) above; or

(i) that the student be failed in the subject under the conditions set out in clause 37 of the Student Academic Misconduct Policy and be excluded from the University under the conditions set out in clauses 41-43 of the Policy.

The Policy also notes that, having found a student guilty of academic misconduct, when imposing a penalty, the Executive Dean should have regard to:

• the seriousness of the academic misconduct;
• the experience of the student at University level (i.e. more leniency would be shown in the case of a first year student); and
• whether or not the student has previously been found guilty of academic misconduct.

<<insert sentence here if student has previously been found guilty of academic misconduct & if so on how many occasions>>.

The Policy also notes that the Executive Dean shall not be bound by any determination of another Executive Dean whether given in a similar case or not.

You should also note that that the Executive Dean and Deputy Vice-Chancellor (Academic) are not bound to apply the penalty that has been recommended in the Report of the Investigation and may determine to apply a lesser or more severe penalty upon you from amongst the range of penalties permitted in the Policy. Your submission on penalty should therefore focus upon the full range of possible penalties that might apply, not just upon my recommendation to the Executive Dean.

If you require assistance with the preparation of your submission, assistance is available through the Office of Students or you may ask another person to assist you to prepare your submission.

The documents held by the University relating to this matter are confidential and will be held separately to your student file. They will be retained by the Academic Secretary and then destroyed in accordance with General Disposal Authority 23 as set by State Records, NSW.

Any enquiries you may have regarding this matter should be directed to me on <<telephone>>.

Yours sincerely

<<Head of School's Name>>
Head of School

Attachment
Report of Investigation, dated <<date>>
Memo to: Executive Dean, Faculty of <<Faculty>>

From: Head, School of <<School>>

Date: <<date>>

Subject: Alleged Academic Misconduct - Report of Investigation
<<student>> <<student number>>

I received a signed statement dated <<date>> << from person's name or if person does not wish to be identified then do not include>> alleging that <<student's name>> had <<describe what the student is alleged to have done (include the subject code, subject name and subject session where applicable)>>. A copy of which is attached.

In accordance with the Student Academic Misconduct Policy << insert either - I conducted or I authorised (name of investigator) to conduct>> the investigation into the matter. A copy of the report of the investigation is attached.

Upon completion of the investigation I invited the student to make a written submission in relation to the findings and recommendation contained in the Report. <<insert either - A copy of the student’s written submission is attached or - As at the end of the 21 day period granted to the student a written submission has not been received>>.

Accordingly, I am recommending to you under clause 23 of the Policy that you find the student guilty of academic misconduct and that you <<insert the penalty that you are recommending be imposed>>.

<<Head of School's Name>>

Attachments
List all documents that are attached to the memo here. This will include -
Copy of statement from person alleging academic misconduct the student
Copy of the report of the investigation (& documents attached to it)
Copy of the student’s written submission
Memo to: Executive Dean, Faculty of <<Faculty>>
From: Head, School of <<School>>
Date: <<date>>
Subject: Academic Misconduct - Report of Preliminary Enquiries
   <<student>>  <<student number>>

I received a signed statement dated <<date>> << from << insert person's name>> alleging that <<student's name>> had <<describe what the student is alleged to have done (include subject code, subject name and subject session where applicable)>>.

In accordance with the Student Academic Misconduct Policy <<insert either - I conducted or I authorised (name of investigator) to conduct>> the investigation into the matter. A copy of the report of the investigation is attached.

The student denies the allegation and I believe he/she has no case to answer because in my view the allegation is vexatious.

<<insert one of the following>>

Accordingly, given that <<person's name>> is also a student, I am recommending to you under clause 26 of the Student Academic Misconduct Policy that you refer the matter to the Head of the Campus for investigation under the Student General Misconduct Rule.

Accordingly, given that <<person's name>> is a staff member, I am recommending to you under clause 26 of the Student Academic Misconduct Policy that you refer the matter to the Executive Director, Division of Human Resources for further appropriate action.

<<Head of School's Name>>

Attachment
List all documents that are attached to the memo here. This will include –
Copy of statement from person alleging academic misconduct the student
Copy of the report of the investigation (& documents attached to it)
Copy of the student’s written submission