This part sets out the responsibilities of the Executive Dean of Faculty in dealing with 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.

NICK DRENGENBERG
Academic Secretary

December 2014
EXECUTIVE DEAN OF THE FACULTY

The Executive Dean may become involved in an investigation of alleged academic misconduct at a number of different stages in the process.

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 enquiry 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.

1. CONFLICT OF INTEREST

An allegation of academic misconduct will normally be made to a Head of School (clause 9). However if the Head of School teaches or supervises the student alleged to have committed academic misconduct or could have some other conflict of interest if he or she investigated the matter (clauses 15-17) the Head of School will refer the allegation to the Executive Dean.

1.1 Immediately decide whether you wish to conduct the investigation yourself, otherwise appoint another member of the Faculty to conduct the investigation (clauses 15-17 of the Policy).

1.2 Acknowledge receipt of the allegation and advise the person making the allegation of the name of the person who will conduct the investigation (Letter A).

1.3 If you decide to conduct the investigation yourself use Part A of this Kit.

2. FINDINGS - NO CASE TO ANSWER

Following the conduct of an investigation the Head of School may find that the student has no case to answer (clause 21). In such cases he or she shall so advise the person who made the allegation. You will be sent a copy of that advice. You do not need to take any other action other than to forward the documentation onto the Academic Secretary in accordance with section 6 below.

3. FINDINGS – A CASE TO ANSWER

If after receiving the report of the investigation the Head of School believes that the student has a case to answer (clause 22) he or she will recommend to you the finding that they believe should be made and a course of action from among the possible penalties (which are listed in clause 35 of the Policy). The Head of School will also invite the student to provide a written submission in relation to the finding and recommended penalty which will be forwarded to you with the report of the investigation.

You have seven days to review the report of the investigation and the written submission from the student (if the student submits one), conduct any further enquiries that you may feel are necessary and decide what action needs to be taken (clauses 27-29 of the Policy).

NOTES:

1 If, as a result of reviewing the report of the investigation, the student’s submission and any other documentation provided in relation to the matter, you believe that the finding and/or the recommended penalty are not appropriate you can vary them. The invitation to the student to provide a written submission indicates to them that the finding or penalty that you determine may be different from that recommended by the Head of School.
2. Having made a determination that a student is guilty of academic misconduct you should have regard to the following when imposing a penalty:

- 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.

(Clauses 27-29 of the Student Academic Misconduct Policy refers).

If you decide:

(i) to declare the student not guilty of academic misconduct (clause 27a), then advise the student of this decision (Letter B), and

also advise each of the following of the finding, and provide each with a copy of the report of the investigation, the student’s written submission and the report of any additional enquiries made by the Executive Dean under this clause:

- the person who provided the signed statement;
- the relevant Head of School; and
- the Deputy Vice-Chancellor (Academic).

Then go to item 6. Record, below.

NOTE: Refer to clause 35 of the Policy – ‘Counselling’ may include a requirement for the student to undertake a compulsory remedial skills activity on student academic misconduct or ‘Counselling’ can be provided by an appropriate member of staff such as the Executive Dean, Head of School, Course Coordinator or a Learning Skills Advisor in Office of Students.

OR

(ii) to declare the student guilty of academic misconduct and take no action or counsel (Where such counselling may include a requirement for the student to undertake a compulsory remedial skills activity on student academic misconduct), caution and/or reprimand the student (clause 27b of the Policy), then advise the student of this decision;

a) take no action (Letter C),
b) counsel and/or caution and/or reprimand (Letter D),

OR

(iii) to declare the student guilty of academic misconduct and invite them to resubmit the assessment item, or award zero marks for the assessment item, or Fail the subject and/or counsel and/or caution and/or reprimand the student (clause 27b of the Policy), then advise the student of this decision;

c) resubmit assessment item or resit exam (note: the student can only achieve a maximum mark if 50%) and/or counsel and/or caution and/or reprimand (Letter E),
d) award zero marks in the assignment, essay etc or award zero marks in that part of the assignment, essay etc in which the academic misconduct occurred and counsel and/or caution and/or reprimand (Letter F), or
e) Fail the subject and counsel and/or cautioned and/or reprimanded (Letter G),

and
also advise each of the following of the finding, the penalty imposed and provide each with a copy of the report of the investigation, the student’s written submission and the report of any additional enquiries made by the Executive Dean under this clause:

- the person who provided the signed statement;
- the relevant Head of School; and
- the Deputy Vice-Chancellor (Academic).

Then go to item 5, below.

OR

(iv) that the student should be declared guilty of academic misconduct and that the penalty to be imposed should be failure in the subject and a fine or failure in the subject and suspension or a combination of these or failure in the subject and exclusion (clause 27c) then recommend accordingly to the Deputy Vice-Chancellor (Academic) (Letter H). No further action is required.

4. VEXATIOUS ALLEGATIONS

The Head of School may report to you that the person who made the allegation did so vexatiously (clause 26 of the Policy).

4.1 Review the report and determine in your own mind whether or not the allegation was vexatious. You may make additional enquiries if you need to.

4.2 If you believe the allegation is not vexatious arrange for the allegation to be properly investigated in accordance with the Policy.

4.3 If you believe the allegation is vexatious and the person making the allegation is a student you should have the student dealt with under the Student General Misconduct Rule (Letter I). If you believe the allegation is vexatious and the person making the allegation is a member of staff, refer the matter to the Executive Director, Division of Human Resources. (Letter J).

5. WHAT HAPPENS AFTER THE STUDENT IS NOTIFIED OF YOUR DETERMINATION

You need to ensure that the penalty is enforced.
6. RECORDS

In those cases where the Executive Dean has determined not to take any action in relation to the matter or has made a finding and imposed a penalty (e.g., as in letters A-G) forward all documents relating to the matter to the Academic Secretary who will retain and then destroy them in accordance with General Disposal Authority 23 as set by State Records, NSW.

In those cases where the Executive Director has recommended to the Deputy Vice-Chancellor (Academic) that the student be found guilty and either fined, suspended or excluded (e.g., letter H) forward all documents relating to the matter to the Deputy Vice-Chancellor (Academic) who will, in due course, forward them to the Academic Secretary for retention and destruction in accordance with General Disposal Authority 23 as set by State Records, NSW.

In those cases where the Executive Dean has found that the allegation was vexatious (e.g., letter I or J) forward all documents relating to the matter to either the relevant Head of Campus or Executive Director, Division of Human Resources for investigation in accordance with the relevant University Policy.

**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 (e.g., EXECUTIVE DEAN OF FACULTY LETTER A) before you send it.**

Enquiries regarding procedures should be directed in the first instance to the Academic Secretary.
CONFIDENTIAL

<<name>>
<<address>>
<<date>>

Dear <<name>>

ALLEGATION OF ACADEMIC MISCONDUCT

Further to the letter you received from <<Head of School's name>>, Head, School of <<School>> regarding your allegation of academic misconduct by <<student's name and student number>> in the subject <<subject code and title and session code>> I am writing to advise that I have asked <<investigator's name and position>> to conduct the investigation into the matter in accordance with clauses 18-19 of the Student Academic Misconduct Policy.

Any enquiries you may have regarding this matter should be directed to <<investigator's name>> on <<telephone>>.

Yours sincerely

<<Executive Dean's name>>
Executive Dean, Faculty of <<Faculty>>

Copy to: <<Investigator's name>>
Will you please conduct the investigation into this allegation and report to me within fourteen days of the date of this letter.

<<Head of School's name>>
For your confidential information.
CONFIDENTIAL

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

Dear <<student’s name>>

ALLEGATION OF ACADEMIC MISCONDUCT

I have now received a report (copy attached) of an investigation into the allegation that you <<specify what the student was alleged to have done (include subject code, subject name and subject session where applicable)>> and <<insert either - your written submission in relation to the matter or (if no written submission received) - I note that you have not provided a written submission by close of business on (insert date when submission was due)>>.

The Report recommends that I find that you not guilty of academic misconduct and has recommended accordingly that no further action be taken in the matter.

Under clause 27a of the Student Academic Misconduct Policy I have endorsed the Report’s finding and recommendation(s). I wish to advise that no further action will be taken in relation to this matter.

The documents held by the University relating to the allegation and the investigation are confidential and will be held separately to your student file. They will be destroyed in accordance with General Disposal Authority 23 as set by State Records NSW.

Yours sincerely

<<name of Executive Dean>>
Executive Dean, Faculty of <<Faculty>>

Attachment:

Report of investigation from <<name and title of person who conducted the investigation>>, dated <<date of report>>
Copy of students written submission, where received

Copy to: <<person who provided the signed statement>>
<<Head of School>>
Academic Secretary

For your confidential information.
CONFIDENTIAL

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

<<date>>

Dear <<student's name>>

ALLEGATION OF ACADEMIC MISCONDUCT

I have now received a report (copy attached) of an investigation into the allegation that you <<specify what the student was alleged to have done (include subject code, subject name and subject session where applicable)>> and <<insert either your written submission in relation to the matter or (if no written submission received) I note that you have not provided a written submission by close of business on (insert date when submission was due)>>.

Having considered the recommendations contained in the report << and your written submission in relation to the recommendation>> I find you guilty of <<specify misconduct>> but given the particular circumstances of the case I have decided that no penalty should be imposed.

The documents held by the University relating to the allegation and the investigation are confidential and will be held separately to your student file. They will be destroyed in accordance with General Disposal Authority 23 as set by the State Records NSW.

Yours sincerely

<<name of Executive Dean>>
Executive Dean, Faculty of <<Faculty>>

Attachment:

Attach & list:
Report of investigation from <<name and title of person who conducted investigation>>, dated <<date of report>>
Copy of student’s written submission, where received

Copy to: Academic Secretary
<<person who provided the signed statement>>
<<Head of School>>

For your confidential information.

8
EXECUTIVE DEAN OF FACULTY
LETTER D

CONFIDENTIAL

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

<<date>>

Dear <<student's name>>

ALLEGATION OF ACADEMIC MISCONDUCT

I have now received a report (copy attached) of an investigation into the allegation that you <<specify what the student was alleged to have done (include subject code, subject name and subject session where applicable)>> and <<insert either your written submission in relation to the matter or (if no written submission received) I note that you have not provided a written submission by close of business on (insert date when submission was due)>>.

Having considered the recommendations contained in the report << and your written submission in relation to the recommendation>> I find you guilty of <<specify the misconduct>> and under clause 27b of the Student Academic Misconduct Policy I have decided that you <<insert one of the following>>

- should be counselled <<describe the counselling the student is to undertake>>.
- should be cautioned against committing any further academic misconduct. This letter constitutes the caution.
- should be reprimanded for your academic misconduct. This letter constitutes that reprimand.

The documents held by the University relating to the allegation and the investigation are confidential and will be held separately to your student file. They will be destroyed in accordance with General Disposal Authority 23 as set by State Records NSW.

Yours sincerely

<<Executive Dean's name>>
Executive Dean, Faculty of <<Faculty>>

Attachment:

Attach & list:
Report of investigation from <<name and title of person who conducted investigation>>, dated <<date of report>>
Copy of student’s written submission, where received

Copy to: Academic Secretary
<<Head of School>>
<<person who provided the signed statement>>
<<person appointed to counsel student>> - please contact the student to arrange appropriate counselling

For your confidential information.

NOTE: (do not include this on the letter)
Refer to clause 35 of the Policy – the student may be required to undertake a combination of counselling and/or caution and/or a reprimand so the relevant section of the letter may need to be amended to reflect the combination.
CONFIDENTIAL

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

Dear <<student’s name>>

ALLEGATION OF ACADEMIC MISCONDUCT

I have now received a report (copy attached) of an investigation into the allegation that you <<specify what the student was alleged to have done (include subject code, subject name and subject session where applicable)>> and <<insert either your written submission in relation to the matter or (if no written submission received) I note that you have not provided a written submission by close of business on (insert date when submission was due)>>.

Having considered the recommendations contained in the report << and your written submission in relation to the recommendation>> I find you guilty of <<specify the misconduct (include subject code, subject title and subject session where applicable)>>, which is a breach of the Student Academic Misconduct Policy, and under clause 27b of the Policy I have decided that you be invited to

<<insert one of the following>>

| resubmit the assignment, essay, project or other work under the conditions set out in clause 36 of the Student Academic Misconduct Policy, or |
| resit the test or examination under the conditions set out in clause 36 of the Student Academic Misconduct Policy, |

and that you should be should be

<<insert one of the following>>

| counselled <<describe the counselling the student is to undertake>>, |
| cautioned against committing any further academic misconduct. This letter constitutes the caution. |
| should be reprimanded for your academic misconduct. This letter constitutes that reprimand. |

Clause 36 of the Student Academic Misconduct Policy prescribe that the following conditions apply to your resubmission of the assignment, essay, project or other work or the resit of the test or examination:

• the maximum marks that can be awarded for an assessment item that is completed by the prescribed date and attains the required standard shall be fifty percent (50%) of the marks available for that assessment item.

You will be contacted shortly by the School in relation to the arrangements for the resubmission of the assessment item or for resitting the test or examination.
The documents held by the University relating to the allegation and the investigation are confidential and will be held separately to your student file. They will be destroyed in accordance with General Disposal Authority 23 as set by State Records NSW.

Yours sincerely

Attachment:

- Report of investigation from <<name and title of person who conducted investigation>>, dated <<date of report>>
- Copy of student’s written submission, where received

Copy to: Academic Secretary
<<Head of School>> - please make arrangements for resubmission or resit of exam & notify the student accordingly as soon as possible.
<<person who provided the signed statement>>

For your confidential information.

NOTE: (do not include this on the letter)
Refer to clause 35 of the Policy – the student may be required to undertake a combination of counselling and/or caution and/or a reprimand so the relevant section of the letter may need to be amended to reflect the combination.
CONFIDENTIAL

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

<<date>>

Dear <<student's name>>

ALLEGATION OF ACADEMIC MISCONDUCT

I have now received a report (copy attached) of an investigation into the allegation that you <<specify what the student was alleged to have done (include subject code, subject name and subject session where applicable)>> and <<insert either your written submission in relation to the matter or (if no written submission received) I note that you have not provided a written submission by close of business on (insert date when submission was due)>>.

Having considered the recommendations contained in the report << and your written submission in relation to the recommendation>> I find you guilty of <<specify the misconduct>> and under clause 27b of the Student Academic Misconduct Policy I have decided that you

<<insert one of the following>>

shall receive zero marks in the <<assignment, examination etc>> in which the academic misconduct occurred

shall receive zero marks for that part of the <<assignment, examination etc>> in which the academic misconduct occurred

and that you should be

<<insert one of the following>>

counselling <<describe the counselling the student is to undertake>>.

cautioned against committing any further academic misconduct. This letter constitutes the caution.

reprimanded for your academic misconduct. This letter constitutes that reprimand.

The documents held by the University relating to the allegation and the investigation are confidential and will be held separately to your student file. They will be destroyed in accordance with General Disposal Authority 23 as set by State Records NSW.

Yours sincerely

Attachment:

Attach & list:
Report of investigation from <<name and title of person who conducted investigation>>, dated <<date of report>>
Copy of student’s written submission, where received
Copy to: Academic Secretary
<<Head of School>> - please ensure marks are adjusted.
<<person who provided the signed statement>>

For your confidential information.

NOTE: (do not include this on the letter)
Refer to clause 35 of the Policy – the student may be required to undertake a combination of counselling and/or caution and/or a reprimand so the relevant section of the letter may need to be amended to reflect the combination.
CONFIDENTIAL

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

Dear <<student's name>>

ALLEGATION OF ACADEMIC MISCONDUCT

I have now received a report (copy attached) of an investigation into the allegation that you <<specify what the student was alleged to have done (include subject code, subject name and subject session where applicable)>> and <<insert either your written submission in relation to the matter or (if no written submission received) I note that you have not provided a written submission by close of business on (insert date when submission was due)>>.

Having considered the recommendations contained in the report << and your written submission in relation to the recommendation>> I find you guilty of <<specify the misconduct>> and under clause 27b of the Student Academic Misconduct Policy I have decided that you should be failed in the subject <<insert subject code, subject title and session code>> under the conditions set out in clause 37 of the Student Academic Misconduct Policy and that you should be

<<insert one of the following>>

c counselled << describe the counselling that the student is to undertake>>.
c cautioned against committing any further academic misconduct. This letter constitutes the caution.
c reprimanded for your academic misconduct. This letter constitutes that reprimand.

Clause 37 of the Student Academic Misconduct Policy prescribes that the following conditions apply to your failure in the subject:

(a) the grade fail (FL) or unsatisfactory (US) will be recorded for any subject in which a student is failed for academic misconduct;
(b) a student failed in a subject for academic misconduct shall not be permitted to apply for approved withdrawal (AW) from that subject;
(c) a student who has been granted AW in a subject and is subsequently failed in the subject for academic misconduct shall have the AW grade changed to FL or US;
(d) a student failed in a subject for academic misconduct shall not be entitled to a refund of fees nor the cancellation of the Commonwealth Student Contribution liability in respect of that subject.

The documents held by the University relating to the allegation and the investigation are confidential and will be held separately to your student file. They will be destroyed in accordance with General Disposal Authority 23 as set by State Records NSW.

Yours sincerely
Attachment:

Attach & list:
Report of investigation from <<name and title of person who conducted investigation>>, dated <<date of report>>
Copy of student’s written submission, where received

Copy to: Academic Secretary
<<Head of School>> - please ensure FL or US grade is entered
<<person who provided the signed statement>>

For your confidential information.

NOTE: (do not include this on the letter)
Refer to clause 35 of the Policy – the student may be required to undertake a combination of counselling and/or caution and/or a reprimand so the relevant section of the letter may need to be amended to reflect the combination.
CONFIDENTIAL

Memo to: Deputy Vice-Chancellor (Academic)
From: Executive Dean, Faculty of <<Faculty>>
Date: <<date>>

Subject: <<student's name>>  <<student number>>
Academic Misconduct

I attach a report of an investigation into alleged academic misconduct by the above student and <<insert either - the student’s written submission in relation to the findings and recommendation contained in the report or (where no written submission received) - and wish to advise that as at <<date>> the student has not provided a written submission in relation to the findings and recommendation contained in the report.>>

I recommend that you find the student guilty of academic misconduct as specified in the report and in accordance with clause 27c of the Student Academic Misconduct Policy and that <<insert one of the following>>

| 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__>>. |
| 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*>> 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__>>. |
| 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__>>. |

<<Executive Dean's name>>

Attachment:
Attach & list:
Report of investigation from <<name and title of person who conducted investigation>>, dated <<date of report>>.
Copy of student’s written submission, where received.

NOTE: (do not include this on the letter)
| ** The MAXIMUM fine is specified in the schedule of fees and charges published in the University Handbooks. In 2014 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. |
CONFIDENTIAL

Memo to: Head, <<relevant campus*>>
From: Executive Dean, Faculty of <<Faculty>>
Date: <<date>>
Subject: <<student's name>> <<student number>>

Vexatious Allegation of Academic Misconduct

<<student's name and student number>> made an allegation of academic misconduct against a student and the allegation was investigated as described in the attached report.

On the basis of the report I find that the student against whom the allegation was made has no case to answer but that the allegation was vexatious. Accordingly under clause 26 of the Student Academic Misconduct Policy I am referring the matter to you for appropriate action.

Will you please regard this letter as a complaint under clause 17 of the Student General Misconduct Policy.

<<Executive Dean's name>>

Attachment:

Attach & list:
Report of investigation from <<name and title of person who conducted investigation>>, dated <<date of report>>
Copy of student’s written submission, where received
Any other documentation involved in the investigation (eg the assessment item & any other notes or emails relating to the matter)
CONFIDENTIAL

Memo to: Executive Director, Division of Human Resources
From: Executive Dean, Faculty of <<Faculty>>
Date: <<date>>
Subject: <<staff member's name>>
Vexatious Allegation of Academic Misconduct

<<staff member's name>> made an allegation of academic misconduct against a student and the allegation was investigated as described in the attached report.

On the basis of the report I find that the student has no case to answer but that the allegation was vexatious. Accordingly, under clause 26 of the Student Academic Misconduct Policy I am referring the matter to you for appropriate action.

<<Executive Dean's name>>

Attachment:
Attach & list:
Report of investigation from <<name and title of person who conducted investigation>>, dated <<date of report>>
Copy of student’s written submission, where received
Any other documentation involved in the investigation (eg the assessment item & any other notes or emails relating to the matter)