Section 6 - Rules and Regulations

STUDENT ACADEMIC MISCONDUCT RULE

1. PREAMBLE

1.1 Scope
This Rule applies to academic misconduct as defined in clause 2 below allegedly committed by students enrolled in subjects or undertaking research at the University.

The Rule does not apply to general (i.e. non-academic) misconduct by students which is dealt with under the Student General Misconduct Rule. The falsification of University records such as transcripts or testamurs pertaining to the student will be dealt with under the Student General Misconduct Rule.

1.2 Definitions
1.2.1 Dean
Unless specified otherwise, ‘Dean’ means Dean of the Faculty responsible for the subject or research in which academic misconduct is alleged to have occurred; or the Executive Director, for subjects or research undertaken with the Australian Graduate School of Police Management.

1.2.2 Head of School
Unless specified otherwise, ‘Head of School’ means the Head of the School responsible for teaching the subject in which academic misconduct is alleged to have occurred.

1.2.3 Student
‘Student’ means a person who at the time the alleged academic misconduct occurred was enrolled in a research program or was enrolled in a subject offered by the University which is a component of a course leading to an award of the University, irrespective of whether the student is enrolled in a course.

1.2.4 University
‘University’ means Charles Sturt University or an institution affiliated with Charles Sturt University.

1.3 External Authorities
Nothing in this Rule abrogates a person’s right or the University’s right to refer at any stage alleged academic misconduct to authorities external to the University.

1.4 Precedence
This Rule takes precedence over any other regulations or rules dealing with academic misconduct by students made in pursuance of the Charles Sturt University Act, 1989.

1.5 Right of Enrolment
A student alleged to have committed academic misconduct shall be entitled to remain enrolled at the University during the preliminary enquiries conducted in accordance with clause 4 below; during investigation by an Academic Misconduct Panel conducted in accordance with clause 5 below; and during an appeal to the Academic Misconduct Appeals Committee conducted in accordance with clause 6 below.

1.6 Academic Misconduct and Graduation
Where a student has received an award of the University for which the subject in which the academic misconduct occurred was a component and as a consequence of that misconduct the student is failed in the subject, then the award shall be rescinded, the student's name shall be deleted from the Register of Graduates and the student shall be required to return the testamur and final transcript to the University.

1.7 Time
Where an extension of time is required for any stage of the misconduct process, and this extension is not allowed for already in the Rule, an application for this extension must be made to the Deputy Vice-Chancellor (Academic).

2. ACADEMIC MISCONDUCT

2.1 Definition
Academic misconduct is acting in a way, or attempting to act in a way, or assisting another student to act in a way which could reasonably be expected to defeat the purpose of a learning experience or an item of assessment or an examination. Academic misconduct will normally be evidenced by plagiarism, cheating or collusion.

a) Plagiarism
A student plagiarises if he or she gives the impression that the ideas, words or work of another person are the ideas, words or work of the student. Plagiarism will include:
(i) copying any material from books, journals, study notes or tapes, the web, the work of other students, or any other source without indicating this by quotation marks or by indentation, italics or spacing and without acknowledging that source by footnote or citation; or
(ii) rephrasing ideas from books, journals, study notes or tapes, the web, the work of other students, or any other source without acknowledging the source of those ideas by footnotes or citations. This could include material copied from a source and acknowledged, but presented as the student’s own paraphrasing.

Plagiarism is to be distinguished from inadequate and/or inappropriate attempts to acknowledge the words, works or ideas of someone else, as for example when a student makes a genuine attempt to reference their work, but has very poor referencing skills.
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Plagiarism includes, but is not limited to:
• copying unacknowledged passages from textbooks;
• reusing in whole or in part the work of another student;
• obtaining materials from the web and submitting them, modified or otherwise, as one’s own work;
• submitting work which is derived in whole or in part from the work of another person but which has been changed in superficial respects possibly by mechanical means.

b) Cheating
A student cheats if he or she does not abide by the conditions set for a particular learning experience, item of assessment or examination.

Cheating includes, but is not limited to:
• falsifying data obtained from experiments, surveys, or similar activities;
• copying the answers of another student in an examination or allowing another student to copy answers in an examination;
• taking unauthorised materials into an examination;
• sitting an examination for another student or having another person at an examination on behalf of a student;
• removing an examination question paper from an examination room where this is contrary to instructions;
• improperly obtaining and using information about an examination before an examination;
• making changes to an assignment that has been marked then returning it for re-marking claiming that it was not correctly marked.

c) Collusion
A student colludes when he or she works without permission with another person or persons to produce work which is then presented as work completed independently by the student.

Collusion includes, but is not limited to:
• writing the whole or part of an assignment with another person;
• using the notes of another person to prepare an assignment;
• using for an assignment the resource materials of another person that have been annotated or parts of the text highlighted or underlined by that person;
• allowing another student, who has to submit an assignment on the same topic, access to one’s own assignment under conditions which would give that other student an advantage in submitting his or her assignment.

3. ALLEGATIONS OF ACADEMIC MISCONDUCT

3.1 Reporting Academic Misconduct
Where a person has reason to believe that a student has engaged in academic misconduct of sufficient seriousness to warrant investigation, the person shall provide a signed statement which sets out the information and/or evidence relating to the suspected academic misconduct to the Head of School or to the Dean if the Head of School is implicated in the matter. Where the Head of School discovers the misconduct, they shall refer their statement and evidence to the Dean for action.

Where, on the face of that information and/or evidence, the Head of School or the Dean believes that the student has a case to answer, the Head of School or another person appointed by the Dean shall conduct preliminary enquiries as provided in clause 4 below.

3.2 Academic Misconduct to be Reported as Soon as Practicable
Information and/or evidence regarding possible academic misconduct shall be submitted as soon as practicable but normally no later than 21 days after the incident to which the information and/or evidence relates came to light. However, the Head of School or the Dean may at his or her discretion, accept information and/or evidence later than 21 days after the incident to which the information and/or evidence relates. The School and/or Faculty must retain all relevant documentation relating to the case of suspected misconduct for use by any subsequent investigation procedure. This documentation will include the piece of work in which the alleged plagiarism occurred, records of meetings and phone conversations with the student and copies of correspondence, including emails, on the matter.

3.3 Acknowledging Claims of Suspected Academic Misconduct

3.3.1 Head of School
The Head of School shall acknowledge in writing, receipt of a signed statement relating to suspected academic misconduct immediately upon its receipt.

If the Head of School has a conflict of interest in the suspected academic misconduct, he or she shall immediately refer the information and/or evidence to the Dean and shall immediately advise in writing the person who provided the signed statement of the action taken.
3.3.2 Dean
The Dean shall acknowledge in writing, receipt of a signed statement regarding suspected academic misconduct immediately upon its receipt from a student or a Head of School.

4. PRELIMINARY ENQUIRIES
4.1 Initiating Enquiries
Enquiries into suspected academic misconduct shall be initiated by the Head of School. Where the Head of School teaches or supervises the student suspected of academic misconduct or could be in some other conflict of interest in conducting the enquiries, the Dean shall appoint another member of the Faculty to conduct the enquiries.

4.2 Conduct of Enquiries
The enquiries may involve consulting with the person providing the signed statement, the student or students who are suspected of academic misconduct and any other persons the enquirer deems appropriate.

Enquiries shall be concluded as quickly as practicable and normally within seven days of the receipt of the signed statement. Enquiries may be via any medium of communication, although where possible records of such communication should be kept (see 3.2). The person conducting an enquiry may seek an extension of time from the Dean to conduct the enquiry.

4.3 Findings - No Case to Answer
If, after completion of the enquiries, the person conducting the enquiries believes the student suspected of academic misconduct has no case to answer that person shall within seven days of the conclusion of the enquiries:
(a) advise in writing the Dean and the person who provided the signed statement of the enquiries made, the outcome of the enquiries and in the case of the person who provided the signed statement, his or her right to have the finding reviewed by the Dean under clause 4.3.1 below; and
(b) subsequent to the outcome of any review sought under clause 4.3.1 below, advise the student who was suspected of academic misconduct in writing of the nature of the information and/or evidence which led to the enquiry, the enquiries made and the outcome of the enquiries; and
(c) forward a copy of the above advice to the Deputy Vice-Chancellor (Academic).

4.3.1 Review of Finding - No Case to Answer
If the person who provided the signed statement disagrees with a finding of no case to answer he or she may seek a review of the finding by the Dean.

The request for a review must be lodged in writing within 14 days of the date of notification of the finding.

The Dean shall review the finding within seven days. If the finding is upheld the matter is closed. If the finding is set aside the Dean shall establish an Academic Misconduct Panel under clause 5 below.

4.4 Findings - A Case to Answer
4.4.1 Where Academic Misconduct is Admitted
If during the enquiries a student admits to academic misconduct the person conducting the enquiries shall within seven days of the conclusion of the enquiries:
(a) report the findings of the enquiries to the Dean in writing and recommend action in accordance with clause 5.5 below;
(b) advise the person who provided the signed statement in writing of the enquiries made and the outcome of the enquiries; and
(c) advise the student who is suspected of academic misconduct in writing of the nature of the information and/or evidence which led to the enquiry, the enquiries made and the findings and the recommendation made to the Dean under clause 5.5 below.

4.4.2 Where Academic Misconduct is Not Admitted
If after completion of the enquiries the person conducting the enquiries believes that a student has a case to answer the person shall within seven days of the conclusion of the enquiries:
(a) submit a written allegation of academic misconduct to the Dean which shall state specifically the nature of the alleged academic misconduct and provide reasons for the allegation in the form of a report of the enquiries made; and
(b) if the student has denied the allegation, recommend to the Dean that an Academic Misconduct Panel be established as provided for in clause 5 below; or
(c) if the student has neither admitted nor denied the allegation, recommend to the Dean either:
(i) that an Academic Misconduct Panel be established as provided for in clause 5 below; or
(ii) if the evidence in support of the allegation is compelling, that action be taken in accordance with clause 5.5 below.

After receiving a report and a recommendation, the Dean may conduct further enquiries and shall within seven days of receiving the report and recommendation (unless granted an extension of time by the Deputy Vice-Chancellor (Academic)):
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(a) take action in accordance with clause 5.6.1 below; or (This clause allows the Dean to take no action against the student, or impose a penalty, or recommend to the Deputy Vice-Chancellor (Academic) that a more severe penalty be approved.)
(b) establish an Academic Misconduct Panel as provided in clause 5 below in which case the Dean shall

(i) advise the student in writing of the allegation; provide the student with a copy of the report of the preliminary enquiries and the membership of the Academic Misconduct Panel; and request that the student respond in writing to the allegation within 21 days. The notification shall also inform the student: of assistance available through the Division of Student Services or the appropriate student association; that he or she may be represented in proceedings by a person other than a person who is a currently practising barrister or solicitor; and that he or she has the right to remain enrolled during the investigation of the allegation by virtue of clause 1.5 above; and

(ii) advise the person who provided the signed statement in writing of the enquiries, the allegation brought against the student and the membership of the Academic Misconduct Panel.

4.5 Findings - Vexatious Accusations
If, after completion of the enquiries, the person conducting the enquiries believes that the person who provided the signed statement did so vexatiously (i.e. the information and/or evidence supplied was spurious and was provided in order to annoy or upset the student) the person conducting the enquiries shall, if the person providing the signed statement is a student, deal with the student under the Student General Misconduct Rule. If the person providing the signed statement is a staff member, he or she shall be dealt with under the relevant industrial award.

5. ACADEMIC MISCONDUCT PANEL
An Academic Misconduct Panel shall be established by the Dean to investigate alleged academic misconduct under clause 4.4.2 above.

5.1 Membership
5.1.1 Composition
An Academic Misconduct Panel shall comprise:

(a) the Dean or a person appointed by the Dean who shall be the Convenor; and

(b) two academic staff appointed by the Dean one of whom shall be from the teaching School and, if the student is enrolled in a course of a different Faculty, one from that Faculty appointed in consultation with the Dean of that Faculty.

5.1.2 Ineligible Persons
No person with a conflict of interest shall be appointed to a Panel. The person who conducted the preliminary enquiries under clause 4 above shall not be appointed to a Panel.

5.1.3 Gender Balance
The Panel shall comprise at least one male member and at least one female member.

5.2 Terms of Reference
The functions of a Panel are:

(a) to investigate and to determine on the balance of probabilities whether or not academic misconduct has occurred and, if it has, the seriousness of the academic misconduct; and

(b) to recommend to the Dean on penalties, if any, to be imposed for academic misconduct.

A Panel may also make recommendations to the Dean on matters relating to academic policy and practice arising out of its investigations.

5.3 Procedural Matters
5.3.1 Student Representation
The student alleged to have committed academic misconduct shall be entitled to put his or her case in person to the Panel and may be represented at the hearing by a person who is not a currently practising barrister or solicitor nor a person called to give evidence at the hearing. The student's representative may speak for the student and/or provide advice to the student at the hearing.

5.3.2 Voting
The decision of a Panel shall be by simple majority with the Convenor having a deliberative vote.

5.3.3 Proceedings
In exercising its functions a Panel shall adhere to the principles of natural justice but it shall not be bound to follow legal procedures nor to observe the rules of law governing the admission of evidence. However a Panel shall not consider any past history of misconduct by a student unless determining a penalty, if any is to be applied. (see 5.5.1).

In conducting its investigation, a Panel shall follow procedures approved by the Academic Senate which shall be based upon the relevant clauses of the Rule of the Council relating to Staff Appeals Committees.

5.4 Duration of an Investigation
A Panel shall meet within seven days of receiving the student's response to the allegation of
academic misconduct or within seven days of the due date of the student's response, whichever is the earlier, and shall conclude its investigations and recommend to the Dean within a further 14 days unless granted an extension of time by the Dean.

5.5 Outcomes of an Investigation

5.5.1 Possible Outcomes

Following the conduct of an investigation, the Convenor of the Academic Misconduct Panel shall prepare a written report of the investigation which shall give the findings and the reason for the findings and shall recommend to the Dean one of the following courses of action:

(a) that no action be taken against the student; or
(b) that the student be counselled or be cautioned or reprimanded or be counselled and cautioned or reprimanded; or
(c) that the student be awarded zero marks in the assignment, essay, project, test, examination or other work in respect of which academic misconduct has occurred and be cautioned or reprimanded; or
(d) that the student be failed in the subject and be cautioned or reprimanded; or
(e) that the student be failed in the subject and be fined an amount not exceeding the maximum fine published each year in the University’s schedule of fees and charges; or
(f) that the student be failed in the subject and be suspended from enrolment in the University under the conditions set out in clause 5.5.3 below; or
(g) a combination of (e) and (f) above; or
(h) that the student be failed in the subject and be excluded from the University under the conditions set out in clause 5.5.4 below.

In recommending a penalty, the Panel shall 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 at the University; but it shall not be bound by any determination of another panel whether given in a similar case or not.

5.5.2 Failure in a Subject

The following conditions apply to failure in a subject as a consequence of the application of clauses 5.5.1(c), (d), (e) or (f) above:

(a) the grade fail (FL) 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;
(d) a student failed in a subject for academic misconduct shall not be entitled to a refund of fees nor the cancellation of a HECS liability in respect of that subject.

5.5.3 Suspension

5.5.3.1 Cancellation of Enrolment

A student suspended from enrolment in the University under clause 5.5.1(f) above shall have his or her enrolment cancelled after 21 days from the date of the notification of suspension unless the student appeals the decision as provided in clause 6 below in which case the student shall be entitled to remain enrolled until the appeal is decided.

5.5.3.2 No Refund of Fees

A student suspended from enrolment in the University in a session after the last date for a refund of fees or after the HECS census date, shall not be entitled to a refund of fees nor the cancellation of a HECS liability for that session.

5.5.3.3 Conditions of Suspension

The following conditions apply to suspension:

(a) Suspension shall be for a specified period not exceeding two years from the date of notification of suspension.
(b) A suspended student shall not be admitted to a different course or be enrolled as an Associate Student during the period of suspension.
(c) A suspended student shall have the automatic right of re-enrolment in the course from which he or she was suspended at the completion of the period of suspension.
(d) Suspension shall not be recorded on a student's academic transcript.

5.5.4 Exclusion

5.5.4.1 Cancellation of Enrolment

A student excluded from the University under clause 5.5.1(h) above shall have his or her enrolment cancelled after 21 days from the date of the notification of exclusion unless the student appeals the decision as provided in clause 6 below, in which case the student shall be entitled to remain enrolled until the appeal is decided.

5.5.4.2 No Refund of Fees

A student excluded from the University in a session after the last date for a refund of fees or after the HECS census date, shall not be entitled to a refund of fees nor the cancellation of a HECS liability for that session.
5.5.4.3 Conditions of Exclusion
The following conditions apply to exclusion:
(a) exclusion shall be for a specified period of at least two years from the date of notification of exclusion;
(b) an excluded student shall not be admitted to any course in the University nor be enrolled as an Associate Student during the period of exclusion;
(c) an excluded student who wishes to resume study at the University after the period of exclusion shall apply for admission to the University through the relevant admissions office or admissions centre; and
(d) exclusion for academic misconduct shall not be shown on a student's academic transcript.

5.6 Findings by the Dean
5.6.1 Authority to Decide Cases and Make Recommendations
After receiving a report from an Academic Misconduct Panel the Dean may conduct further enquiries and shall within seven days of receiving the report (unless granted an extension of time by the Deputy Vice-Chancellor (Academic)):
(a) declare the student not guilty of academic misconduct; or
(b) declare the student guilty of academic misconduct and take one of the courses of action in (a), (b), (c) or (d) in clause 5.5.1 above; or
(c) recommend to the Deputy Vice-Chancellor (Academic) that one of the penalties (e), (f), (g) or (h) in clause 5.5.1 above be applied.

Where the Dean takes action under (a) or (b) above, the Dean shall advise each of the following in writing of the finding, the penalty imposed if any, and provide each with a copy of the Academic Misconduct Panel's report and the report of any additional enquiries made by the Dean under this clause:
• the student;
• the person who provided the signed statement;
• the Convenor, Academic Misconduct Panel;
• the Head of School; and
• the Deputy Vice-Chancellor (Academic).

When imposing or recommending a penalty under (b) or (c) above, the Dean shall have regard to:
• the recommendation of the Academic Misconduct Panel;
• 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; but the Dean shall not be bound by any determination of another Dean nor by the recommendation of the panel or any other previous panel whether given in a similar case or not.

The Dean may also make recommendations to the Deputy Vice-Chancellor (Academic) on matters relating to academic policy and practice arising out of an investigation.

5.6.2 Right of Appeal
If the Dean imposes a penalty on a student under clause 5.6.1 above, the written notification shall advise the student of his or her right of appeal under clause 6.1 below.

5.6.3 Enforcement of a Penalty
If the Dean imposes a penalty on a student under clause 5.6.1 above, and at the expiration of the period for an appeal the student has not appealed, the Dean shall ensure that the penalty imposed has been enforced.

5.7 Findings by the Deputy Vice-Chancellor (Academic)
5.7.1 Authority to Decide Cases and Make Recommendations
After receiving a report from the Dean under clause 5.6.1(c) above the Deputy Vice-Chancellor (Academic) may conduct further enquiries and shall within seven days of receiving the report (unless granted an extension of time by the Vice-Chancellor):
(a) declare the student not guilty of academic misconduct; or
(b) refer the matter back to the Dean for further investigation or advice within seven days from the date of the referral unless the Deputy Vice-Chancellor (Academic) grants a longer period; or
(c) declare the student guilty of academic misconduct and take one of the courses of action in (a) to (h) inclusive in clause 5.5.1 above.

Where the Deputy Vice-Chancellor (Academic) takes action under (a) or (c) above, the Deputy Vice-Chancellor shall advise each of the following in writing of the finding, the penalty imposed if any, and provide each with a copy of the Academic Misconduct Panel's report, the Dean's recommendation to the Deputy Vice-Chancellor, the reports of any additional enquiries by the Deputy Vice-Chancellor and the Dean under this clause:
• the student;
• the person who provided the signed statement;
• the Dean;
• the Convenor, Academic Misconduct Panel;
• the Head of School.
When imposing a penalty under (c) above, the Deputy Vice-Chancellor (Academic) shall have regard to:

• the recommendation of the Dean;
• 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; but the Deputy Vice-Chancellor (Academic) shall not be bound by any previous determination whether given in a similar case or not.

The Deputy Vice-Chancellor (Academic) may also make recommendations to the Dean, the Academic Senate or any of its committees, Faculty Boards or the Vice-Chancellor or any other relevant bodies or offices of the University, on matters relating to academic policy and practice arising out of an investigation.

5.7.2 Right of Appeal
If the Deputy Vice-Chancellor (Academic) imposes a penalty on a student under clause 5.7.1 above, the written notification shall advise the student of his or her right of appeal under clause 6.1 below.

5.7.3 Enforcement of Penalty
If the Deputy Vice-Chancellor (Academic) imposes a penalty on a student under clause 5.7.1 above and at the expiration of the period for an appeal the student has not appealed, the Deputy Vice-Chancellor shall ensure the penalty imposed has been enforced.

6. APPEALS
6.1 Lodging Appeals
A student contesting a decision of the Dean or the Deputy Vice-Chancellor (Academic) made under this Rule may appeal to the Academic Misconduct Appeals Committee of the Academic Senate. Appeals shall only be made on procedural grounds, or in other words should focus exclusively upon the correct application of University regulations, by the University, to the case in question. An appeal will not be an opportunity to revisit the substantive matter of the case, except insofar as it relates to procedural matters. The Academic Secretary may reject appeals which do not meet these criteria.

The appeal must be lodged in writing with the Academic Secretary within 21 days of the date of notification of the decision unless granted an extension of time by the Academic Secretary.

A student may appeal against:
(a) a finding of academic misconduct; and/or
(b) a penalty imposed upon him/her; and/or
(c) the severity of the penalty imposed.

6.1.1 Late Appeals
An appeal received after the 21 day period for which an extension of time was not granted by the Academic Secretary shall be referred to the Deputy Vice-Chancellor (Academic) who shall have discretion to decide whether or not the appeal will be heard. Such appeals shall normally not be heard unless the reasons for lateness are compelling.

6.2 Academic Misconduct Appeals Committee
The Academic Secretary shall arrange for the appointment of an Academic Misconduct Appeals Committee to hear appeals lodged under clause 6.1 above.

6.2.1 Membership
6.2.1.1 Panel of Eligible Members
An Academic Misconduct Appeals Committee shall be appointed by either the Deputy Vice-Chancellor (Academic) or the Presiding Officer of the Academic Senate from a panel of eligible members comprising:
• all members of the Academic Senate with the exception of the Presiding Officer, the Vice-Chancellor, the Deputy Vice-Chancellors and the Deans;
• academic staff at the level of senior lecturer or above; and
• a student member from any faculty other than the faculty in which the academic misconduct occurred, appointed in consultation with the Charles Sturt University Students’ Association.

6.2.1.2 Composition
An Academic Misconduct Appeals Committee shall comprise three persons and be constituted such that:
• at least one member is a student;
• at least one member is female and at least one member is male;
• the appellant is not a member;
• any academic staff member is not from the teaching Faculty in which the academic misconduct occurred nor in the case of the service teaching of a subject, the home Faculty of the student.

6.2.1.3 Presiding Officer
The Deputy Vice-Chancellor (Academic) or the Presiding Officer of the Academic Senate shall appoint the Presiding Officer of the Academic Misconduct Appeals Committee.

6.2.2 Terms of Reference
The Academic Misconduct Appeals Committee shall hear an appeal and do one of the following:
(a) uphold the decision of the Dean or the Deputy Vice-Chancellor (Academic); or
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(b) vary the penalty imposed by the Dean or the Deputy Vice-Chancellor (Academic) but in doing so the Committee shall put itself in the place of the Dean or Deputy Vice-Chancellor (Academic) and take the action which it considered should have been taken from the range of options (a) to (h) in clause 5.5.1 above; or
(c) quash the decision of the Dean or the Deputy Vice-Chancellor (Academic).

The Committee may also make recommendations to the Deputy Vice-Chancellor (Academic) on matters relating to academic policy and practice arising out of an appeal.

6.2.3 Procedural Matters

6.2.3.1 Appellant Representation

The appellant shall be entitled to put his or her case in person to the Committee and may be represented at the hearing by a person who is not a person called to give evidence at the appeal nor a currently practising barrister or solicitor. The student's representative may speak for the appellant and/or provide advice to the appellant at the hearing.

6.2.3.2 University Representation

The University shall be entitled to put its case to the Committee through a representative appointed by the Dean. The University's representative may be assisted at the hearing by an adviser. An adviser shall not be a person called to give evidence nor a currently practising barrister or solicitor.

6.2.3.3 Voting

The decision of a Committee shall be by simple majority with the Presiding Officer having a deliberative vote.

6.2.3.4 Proceedings

In exercising its functions, a Committee shall adhere to the principles of natural justice but it shall not be bound to follow legal procedures nor to observe the rules of law governing the admission of evidence. However a Committee shall not consider any past history of misconduct by a student unless determining a penalty, if any is to be applied.

In conducting an appeal, a Committee shall follow procedures approved by the Academic Senate which shall be based upon the relevant clauses of the Rule of the Council relating to Staff Appeals Committees.

6.2.4 Duration of the Appeal

The Academic Secretary shall convene a meeting of the Academic Misconduct Appeals Committee within 21 days of receiving an appeal. The Committee shall conclude its enquiry and reach a decision within 28 days of its original convening unless granted an extension of time by the Deputy Vice-Chancellor (Academic). The Committee may adjourn its hearing of the appeal for a period not exceeding 14 days.

6.2.5 Findings and Notification of Decision

The findings of the Academic Misconduct Appeals Committee shall be contained in a report signed by all members of the Committee. The report shall give reasons for its findings. Where the appellant has appealed against a decision or penalty on more than one ground the Committee shall give reasons for its findings on each ground.

The decision of the Academic Misconduct Appeals Committee shall be final and shall be conveyed by the Academic Secretary to the appellant, the Deputy Vice-Chancellor (Academic) and the Dean in a letter accompanied by a copy of the Committee's report. Should there be a delay in the preparation of the final report of the Committee, as for example when one of its members is temporarily unavailable to sign the report, then the student may be notified of the result of the appeal by the Manager, Academic Secretariat. The full documentation relating to the appeal shall then be forwarded when available.

6.2.6 Enforcement of Penalty

The Academic Secretary shall arrange any actions required to give effect to any penalty imposed upon the appellant.

7. REPORTING CASES OF ACADEMIC MISCONDUCT

7.1 Report to Academic Senate

The Deputy Vice-Chancellor (Academic) shall report annually to Academic Senate on cases of suspected and alleged academic misconduct investigated under this Rule. The following information as appropriate shall be provided for each case reported subject to the provisions of clauses 7.2 and 7.3 below:

(a) the alleged misconduct;
(b) the Faculty in which the misconduct occurred;
(c) the Faculty in which the student was enrolled if it is different to (b);
(d) the outcome of the preliminary enquiries;
(e) the outcome of investigations conducted by the Academic Misconduct Panel;
(f) the decision of the Dean or the Deputy Vice-Chancellor (Academic);
(g) the outcome of the appeal to the Academic Misconduct Appeals Committee.
7.2 **Public Reporting of Cases**
Cases of proven academic misconduct under this Rule may be made public by the Deputy Vice-Chancellor (Academic). Information made public may include the nature of the academic misconduct, the penalty imposed and the result of any appeal.

7.3 **Confidentiality**
The identity of students, staff or other persons involved in an investigation of academic misconduct, including the identity of any person alleged to have been in breach of this Rule or found guilty of academic misconduct under this Rule is confidential so long as the tenets of natural justice are adhered to.

7.4 **Central Academic Misconduct File**
All documentation relating to student academic misconduct and appeals against student academic misconduct shall be retained by the Academic Secretary for a period of two years as required by the Student Records Disposal Schedule.