

Policy Owner	Academic Director
Contact Officer:	Academic Director
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Approved by:	Senior Management Group (21/05/17); Learning and Teaching Committee (21/04/17); Academic Council (05/05/2017)
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Related Policies:	Academic Misconduct – Staff Guidelines Academic Misconduct – Student Guidelines Assessment Policy Complaints and Appeals Policy Critical Incident Policy & Procedures Refunds Policy

1. Overview

1.1. The purpose of this policy is to outline the approach and steps to dealing with student misconduct.

2. Organisational Scope

2.1. This policy applies to all students of ECC and its TNE Partners

3. Definitions

3.1. **Cheating:** means dishonest conduct in any assessment;

3.2. **DIBP:** Department of Immigration and Border Protection

3.3. **Misconduct:** refers to any actions or wrongdoing which is deemed by ECC to be inappropriate behaviour either within ECC or outside of ECC if it relates to other ECC staff or students. In this Policy, Misconduct includes, but is not limited to:

- any activity which could be subject to criminal or civil action
- threats, abuse, wilful or deliberate conduct that risks the health and wellbeing of others
- attending ECC under the influence of illicit drugs or alcohol
- actions which risk the reputation of ECC and/or its stakeholders

3.3.1 **Academic Misconduct:** means any conduct by a student in relation to academic work that is dishonest or unfair and includes, but is not limited to:

- plagiarism;
- unauthorised collaboration;
- sharing assignments
- cheating in assessment; and/or
- fraudulently submitting the work of another person;
- purchasing assignments or paying another person to write an assessment;
- theft of another student's work, and/or
- any other fraudulent assessment practices

3.3.2 **General Misconduct** means misconduct, other than Academic Misconduct by a student and includes, but is not limited to, conduct which:

- breaches ECC Terms of Offer, policies or rules,
- constitutes a serious impediment to ECC carrying out its functions, or
- is otherwise detrimental to ECC, its partners and/or ECC-linked colleges, staff or students.

- 3.4. **Nominee:** refers to the person who is authorised to investigate an allegation of Misconduct
- Academic Program Coordinator (for Academic Misconduct)
 - Deputy Academic Director (Pathway) for General Misconduct by pathway students
 - Deputy Academic Director (ELICOS) for General Misconduct by ELICOS students
 - TNE Partner Manager for General Misconduct at an offshore delivery site
- 3.5. **Plagiarism:** a form of academic misconduct which means to knowingly or unknowingly present as one's own work the ideas or writings of another without appropriate acknowledgment or referencing. This includes, but is not limited to:
- paraphrasing or copying text without adequate acknowledgment of the source
 - copying, whether identically or in essence, the text of another student's assignment or other students' assignments
 - copying, whether identically or in essence, of visual representations (for example cartoons, line drawings, photos, paintings and computer programs)
 - purchasing assignments or procuring others to write assessments, and/or
 - any other fraudulent assessment practices
- 3.6. **TNE (Transnational Education Partner):** refers to institutions who deliver ECC courses

4. Policy Principles

- 4.1. This policy complies with, and reinforces the academic integrity provisions of the Higher Education Standards.
- 4.2. This policy has been developed in line with principles of administrative fairness and natural justice as fully articulated in ECC Complaints and Appeals Policy.
- 4.3. ECC supports an educative approach to the delivery, investigation and reporting of academic misconduct.

5. Policy Content

- 5.1. Where a staff member has reasonable grounds to believe that a student has committed an act of Misconduct, the staff member shall meet with the student to explain the allegation and (if applicable) provide a written report of the alleged offence to the appropriate nominee:
- Academic Program Coordinator (for Academic Misconduct)
 - Deputy Academic Director (for General Misconduct)
- 5.2. The Nominee will then investigate the matter in whatever manner, and to whatever extent he/she considers appropriate. Reasonable steps must be taken to contact the student to arrange an interview for the purpose of discussing the alleged act of misconduct.
- 5.3. Following the investigation, where there are reasonable grounds to believe that a student HAS NOT committed an act of misconduct, the Nominee will inform the student and the reporting staff member that the matter is dismissed on the grounds that:
- there has not been an act of misconduct, or
 - there is insufficient evidence to conclude that an act of misconduct has occurred, or
 - the actions of the student were minor or unintentional

5.4. Academic Integrity

In order to ensure students are submitting their own work, if the lecturer believes that there is a disparity between the writing or knowledge presented in assessments (compared to in-class activities or other examples of student work), the lecturer has the right to take steps to confirm that the student actually did the work.

The Unit Coordinator may extend the requirements for any written assessment [except those completed under supervision (in class)] to include an oral exam to clarify and support the written submission.

- The oral exam will normally be held face-to-face with the Unit Coordinator and the Academic Program Coordinator, but may be done by telephone or other means as chosen by the Unit Coordinator.
- The student may invite someone to act as a support person, however that person cannot answer any of the questions
- The oral exam should occur as soon as possible after the assessment, but may be deferred if the student is unable to attend and can provide supporting evidence.
- During the oral exam, the student may be asked to define terms, explain concepts or give examples relating to the assessment
- The mark given for the oral exam will override the original written submission.
- If a student fails to attend the oral exam, ECC may begin an investigation of Academic Misconduct as per ECC's Student Misconduct Policy. Where Academic Misconduct is determined, penalties will apply as per this policy

5.5. Academic Misconduct

5.5.1. Where there are reasonable grounds to believe a student HAS committed an act of misconduct, the matter will be assessed by the lecturer and (if appealed) it will be re-assessed by the Academic Program Coordinator or an independent academic staff member whose decision will be final.

5.5.2. The lecturer, Academic Program Coordinator or independent staff member may apply any or all of the following actions:

- determine if the matter warrants an informal or formal warning and record it on the system;
- provide the student with a written warning;
- require the student to rewrite or redo and submit the assessment or prepare an assignment on a new topic;
- deduct marks in line with the seriousness of the act;
- disallow any mark in relation to the offending work
- if the offence warrants a third formal warning, refer the matter to the Misconduct Committee to determine if the student's enrolment is to be deferred, suspended or cancelled

5.6. General Misconduct:

5.6.1. Where there are reasonable grounds to believe that a student HAS committed an act of General Misconduct, the Nominee will provide a written report of the case to the relevant Director as appropriate.

5.6.2. Where the matter is considered to warrant intervention or action from an external agency, the matter will also be referred to the appropriate party (e.g. Police, health authorities, DIBP etc.). (Note: if reporting to DIBP, the student must be informed of ECC's intent to report and given 20 working days to lodge a formal appeal)

5.6.3. On receiving a written report of General Misconduct, the relevant Director will convene a Misconduct Committee meeting comprised of three independent ECC staff members who will assess the evidence to determine what (if any) penalties or conditions should be applied.

- The student may appoint the Student Counsellor or another person (other than a qualified legal practitioner) to act as their advocate or support person during the proceedings.
- Representation of both genders, conflicts of interest and confidentiality must be considered in the composition of the Misconduct Committee.

- The Committee should make every attempt to allow the student to present their case to the Misconduct Committee, in person.
- The Misconduct Committee may also call on other witnesses to provide information.
- The Misconduct Committee will confirm whether or not an act of misconduct has occurred, assess the seriousness of the offence and agree on appropriate action to be taken.

5.6.4. The Misconduct Committee may impose penalties/actions which include (but not limited to):

- provide the student with a written warning;
- require the student to commit to an agreement regarding behaviour;
- defer, suspend or cancel the student's enrolment and (if applicable) report it to DIBP
- refer the matter to police

5.7. Depending on the circumstances of the case, cancellation of enrolment under this policy may result in refund penalties which may be applied in accordance with the ECC Refunds Policy.

5.8. In all instances the relevant Director must report any decision made by the Misconduct Committee to the Senior Management Group.

5.9. The relevant Director will inform the student of the outcome of the decision, any disciplinary action to be taken and consequences (e.g. Refund penalties).

5.10. If a student is dissatisfied with a decision made by the Misconduct Committee on the basis that due process was not followed or if new evidence is available, he/she may submit a written appeal against that decision in accordance with Stage III of the ECC Complaints and Appeals Policy.

6. Administrative procedures

6.1. This policy and related documentation are accessible at:

<http://www.edithcowancollege.edu.au/policies>

6.2. Records of reported misconduct will be kept for a period of five years. Records that are strictly confidential will be filed separately from student files. These records are the responsibility of the Student Services Manager.

6.3. This policy and related procedures will be communicated to staff and students via the website and email updates.