

Policy Owner	Academic Director
Contact Officer:	Academic Director
Policy Number:	QSPPO002
Approved by:	Senior Management Group (09/08/2018); Learning and Teaching Committee (09/08/2018); Academic Council (23/08.2018)
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Related Policies:	Academic Misconduct – Staff Guidelines Academic Misconduct – Student Guidelines Assessment Policy Bullying, Harassment and Discrimination Policy Code of Practice Complaints and Appeals Policy Critical Incident Policy and Procedures Internet and Digital Communications Policy Refunds Policy
Related Documents:	Academic Misconduct (Staff Guide) Academic Misconduct (Student Guide) Appeals Form Complaints Form Exam Regulations Letter of Offer Staff Handbook (Pathway Academics)

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. **Immigration:** refers to the Department of Home Affairs, the Australian government agency responsible for issuing students with visas (<https://www.homeaffairs.gov.au/>)

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 and failure to correctly acknowledge sources;
 - collusion (unauthorised collaboration);
 - sharing assignments
 - all forms of cheating in exams or other assessment task;
 - fraudulently submitting the work of another person;
 - contract cheating (purchasing assignments or paying another person to write an assessment);
 - theft of another student's work,
 - offering or accepting bribes (money, sexual favours or other favours) for admission or for grades,
 - fabrication or falsification of data/information, 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)
 - Academic Director (Pathway) for General Misconduct by pathway students
 - Director of Studies (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 accredited ECC courses

4. POLICY PRINCIPLES

- 4.1. This policy complies with, and reinforces the academic integrity provisions of the Higher Education Standards Framework (HESF).
- Section 5.2 Academic and Research Integrity sets out four broad requirements for a provider;
 - To have policies that promote and uphold academic and research integrity and policies and procedures which address allegations of misconduct
 - To take action to mitigate foreseeable risks to academic and research integrity
 - To provide students and staff with guidance and training on what constitutes academic or research misconduct and the development of good practices in maintaining academic and research integrity, and
 - To ensure that academic and research integrity are maintained in arrangements with any other party involved in the provision of higher education.

- Section 6.2 Corporate Monitoring and Accountability requires the governing body to ensure that the occurrence and nature of misconduct and breaches of academic or research integrity are monitored, and that action is taken to address underlying causes.
 - Section 6.3 Academic Governance requires ECC to be responsible for maintaining oversight of academic and research integrity, including monitoring potential risks
 - Section 7.2 Information for Prospective and Current Students requires ECC to give information on and expectations of academic integrity to students before their acceptance of an offer.
 - Section 7.3 Information Management requires ECC to prevent unauthorised or fraudulent access to private or sensitive information, including information where unauthorised access may compromise academic or research integrity; restrict access to academic records and document responses to allegations of misconduct and breaches of academic or research integrity.
- 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)
 - Academic Director or Director of Studies (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

- 5.4.1. ECC regularly reviews this policy and associated procedures to ensure rigour associated with academic integrity.
- 5.4.2. ECC subscribes to the use of Turnitin software (<https://www.turnitin.com/>) to assist academic staff in detecting academic misconduct, minimise opportunities for submission of fraudulent assessments and assist students to learn from feedback associated with their online submissions.
- 5.4.3. In order to ensure students are submitting their own work, if the lecturer believes that there is a disparity between the writing and 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 sufficient 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. ECC academic staff must ensure academic integrity principles are applied in all aspects of course delivery including:

- to be familiar with ECC policies and procedures relating to student academic misconduct;
- to promote a culture of academic integrity and model best practice through the delivery of their own course materials;
- to be able to recognise plagiarism and/or non-original work such as purchased or repurposed work of others;
- to understand the learning needs of ECC's student cohort, including academic learning support and English language needs as a basis for designing appropriate assessments that minimise academic integrity and scaffold learning of principles of academic integrity;
- to investigate and report suspected academic misconduct,
- where required, to participate in training related to identifying academic misconduct and/or use of plagiarism detection software

5.5.2. 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.

5.5.3. 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, Immigration etc.). (Note: if reporting to Immigration, 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 upon 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):
- issue 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 Immigration
 - 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 Three 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 and Academic Services Manager.
- 6.3. This policy and related procedures will be communicated to staff and students via the website and email updates.

ACKNOWLEDGEMENT:

Materials for the development of this policy have been sourced from the following:

- TEQSA Guidance Note – Academic Integrity: <https://www.teqsa.gov.au/guidance-notes>
- TEQSA Report on Student Academic Integrity and Allegations of Contract Cheating by University Students: <https://www.teqsa.gov.au/latest-news/publications/report-student-academic-integrity-and-allegations-contract-cheating>