

# University Rules: Academic Misconduct Rules (Students)

## Table of Contents

<b>1</b>	<b>Preliminary .....</b>	<b>1</b>
<b>2</b>	<b>Definitions .....</b>	<b>1</b>
<b>3</b>	<b>Procedure for Reporting Alleged Acts of Academic Misconduct .....</b>	<b>3</b>
<b>4</b>	<b>Investigation of Allegations of Academic Misconduct - Examination .....</b>	<b>4</b>
<b>5</b>	<b>Investigation of Allegations of Academic Misconduct – Unit .....</b>	<b>4</b>
<b>6</b>	<b>Investigation of Allegations of Academic Misconduct –Thesis .....</b>	<b>5</b>
<b>7</b>	<b>Interviews with Students .....</b>	<b>6</b>
<b>8</b>	<b>Decisions.....</b>	<b>6</b>
<b>9</b>	<b>Appeals.....</b>	<b>7</b>
<b>10</b>	<b>Service of Documents .....</b>	<b>7</b>

## 1 Preliminary

These Rules are made under [University Statute No. 22 - Student Conduct](#).

## 2 Definitions

Term	Definition
Academic Board	The Board established by section 18 of the <a href="#">Edith Cowan University Act 1984</a> .
Academic Misconduct	Any conduct by a student in relation to academic work that is dishonest or unfair and includes, but is not limited to: <ul style="list-style-type: none"> <li>• plagiarism;</li> <li>• unauthorised collaboration;</li> <li>• cheating in assessment;</li> <li>• theft of another student’s work; and/or</li> <li>• making a false declaration about the material submitted for assessment.</li> </ul>
Academic Registrar	The person holding the position of Academic Registrar at the University from time to time (or substantially equivalent role) or a person acting in that position or his or her nominee.
Associate Dean (Discipline)	A member of a School Executive who reports to the Dean and is the academic leader responsible for one or more disciplines within the School.
Associate Dean (Research)	A member of a School Executive who reports to the Dean and is responsible for the oversight of research and research training within the School.
Associate Dean (Teaching and Learning)	A member of a School Executive who reports to the Dean and is responsible for the oversight of curriculum, teaching and learning within the School.
cheating	Dishonest conduct in any assessment.
Dean	An executive leader of a School of the University appointed by the Vice-Chancellor and includes the Director WAAPA.

Term	Definition
examination	Any form of invigilated assessment, other than an invigilated assessment organised and conducted by a School, contributing marks towards the final result in a unit.
General Misconduct	Misconduct by a student, other than Academic Misconduct, on University Premises or in connection with University activities and includes, but is not limited to, conduct which: <ul style="list-style-type: none"> <li>• breaches the Act, Statutes, Rules and/or By-laws or any Resolution of the Council or is deemed or stated to be misconduct under the Statutes, Rules and/ or By-laws or any Resolution of the Council; or</li> <li>• constitutes a serious impediment to the carrying out of any University's function, including those academic and administrative functions which are properly ancillary to those provided in the Act or which relate to the participation by any person in the activities of the University; or</li> <li>• breaches any of the student obligations described in Schedule 1 of the <a href="#">General Misconduct Rules (Students)</a>; or</li> <li>• is otherwise detrimental to the proper conduct of the University.</li> </ul>
interview	A meeting conducted in person, by telephone, teleconference or videoconference, or any other such medium of communication.
Invigilator	Any person, including a member of the academic staff or salaried/general staff of the University, employed by or acting on behalf of the University to attend examinations and/or supervise students who are undertaking examinations conducted by or on behalf of the University (including where examinations are conducted by other national or international educational institutions or agencies).
Plagiarism	To knowingly or unknowingly present as one's own work the ideas or writings of another without appropriate acknowledgment or referencing. This may include, but is not limited to: <ul style="list-style-type: none"> <li>• paraphrasing or copying text without acknowledgment of the source; and/or</li> <li>• copying, whether identically or in essence, the text of another student's assignment or other students' assignments; and/or</li> <li>• copying, whether identically or in essence, of visual representations (for example cartoons, line drawings, photos, paintings and computer programs).</li> </ul>
student	An enrolled student as prescribed in the <a href="#">Admission, Enrolment and Academic Progress Rules</a> at the time of any alleged misconduct.
Student Appeals Committee	A committee established in accordance with the <a href="#">Admission, Enrolment and Academic Progress Rules</a> .
Thesis	Written material to be submitted by a student who is a candidate for assessment in respect of the research part of a course.
Thesis Examiner	Any person who has been formally appointed to act in the position of thesis examiner to a student.

Term	Definition
University Premises	<p>Includes:</p> <ul style="list-style-type: none"> <li>• University lands, meaning those lands, vested in or under the management and control of the University, which are declared to be University lands pursuant to section 29(2) of the Act;</li> <li>• all campus and other premises and facilities owned or occupied by the University, whether in the State of Western Australia, another Australian State or Territory or overseas;</li> <li>• the premises of any residential college or off-campus accommodation owned, operated by the University or associated with the University;</li> <li>• the location of clinical or professional placements or internships that form the whole or part of a course offered by the University;</li> <li>• the location of camps, field placements, workshops and any other study activities controlled or supervised by the University;</li> <li>• any other place in the temporary possession, whether actual or constructive, of the University; and</li> <li>• the University's rights of access and egress.</li> </ul>

### 3 Procedure for Reporting Alleged Acts of Academic Misconduct

- 3.1 Where an Invigilator has reasonable grounds to believe that a student has committed an act of Academic Misconduct, the Invigilator shall provide a written report of the alleged offence ("Invigilator's Report") to the Academic Registrar.
- 3.2 Where a Thesis Examiner has reasonable grounds to believe that a student has committed an act of Academic Misconduct, the Thesis Examiner shall provide a written report of the alleged offence ("Thesis Examiner's Report") to the Dean, Graduate Research School for Master by Research and Doctoral Degrees or the relevant Associate Dean (Research) for Bachelor Honours Degrees. Upon receiving a Thesis Examiner's Report, the Dean, Graduate Research School or Associate Dean (Research) must:
  - 3.2.1 dismiss the matter or permit the student to submit a revised thesis if following a consideration of all relevant circumstances surrounding the alleged act of Academic Misconduct, the Dean, Graduate Research School or Associate Dean (Research) believes
    - a. there has not been an act of Academic Misconduct; or
    - b. there is insufficient evidence that there has been an act of Academic Misconduct; or
    - c. the act of Academic Misconduct was minor or unintentional; or
  - 3.2.2 if, in the opinion of the Dean, Graduate Research School or relevant Associate Dean (Research), the student has committed a serious and/or intentional act of Academic Misconduct, they shall carry out an investigation under Rule 6.
- 3.3 When an academic staff member has reasonable grounds to believe that a student has committed an act of Academic Misconduct, other than in an examination or thesis, that academic staff member must provide a written report of the alleged offence to the relevant Associate Dean (Teaching and Learning) as soon as practicable after that person becomes aware of the alleged offence.
  - 3.3.1 The report ("Academic Staff Member's Report") described in Rule 3.3 must include any documents, including edited versions of documents, relevant to the allegation which may be used as evidence by the relevant Associate Dean (Teaching and Learning).
- 3.4 Allegations of Academic Misconduct from persons other than academic staff members may be made in writing to the Academic Registrar, who may deal with the matter under Rule 4 or report the matter to the relevant Associate Dean (Teaching and Learning) to be dealt with under Rule 5 or 6.

#### **4 Investigation of Allegations of Academic Misconduct - Examination**

- 4.1 In the case of alleged Academic Misconduct in relation to an examination, after full consideration of an Invigilator's Report made under Rule 3.1 or a report from another person made under Rule 3.4, the Academic Registrar must:
- 4.1.1 dismiss the matter if the Academic Registrar believes
    - a. there has not been an act of Academic Misconduct; or
    - b. there is insufficient evidence that there has been an act of Academic Misconduct; or
    - c. the act of Academic Misconduct was minor or unintentional; or
  - 4.1.2 seek evidence from such sources as the Academic Registrar considers appropriate. If, in the opinion of the Academic Registrar after full consideration of the circumstances, there has not been an act of Academic Misconduct or the act of Academic Misconduct is unintentional or minor, the Academic Registrar may dismiss the matter without requiring the student to attend an interview.
- 4.2 Subject to Rule 4.1, before determining what action, if any, will be taken concerning the alleged act of Academic Misconduct, the Academic Registrar shall take reasonable steps to contact the student to request the student to attend an interview with the Academic Registrar.
- 4.2.1 Prior to any interview or before making any decision if a student declines, or fails to attend an interview, the Academic Registrar must provide the student with any documents, including edited version of documents and any other relevant information or evidence to be considered as evidence by the Academic Registrar.
- 4.2.2 In reaching a determination under this Rule 4, the Academic Registrar must not take into consideration the contents of any documents that have not been disclosed to the student under Rule 4.2.1 or any other evidence or information that has not been disclosed to the student.
- 4.3 Following an investigation conducted under Rule 4, the Academic Registrar must:
- 4.3.1 dismiss the matter if the Academic Registrar believes
    - a. there has not been an act of Academic Misconduct; or
    - b. there is insufficient evidence that there has been an act of Academic Misconduct; or
    - c. the act of Academic Misconduct was minor or unintentional; or
  - 4.3.2 at the Academic Registrar's sole discretion, but following such consultation as the Academic Registrar considers appropriate, impose any one or more of the following penalties if in the Academic Registrar's opinion the act of Academic Misconduct is serious and/or intentional:
    - a. give the student a written warning;
    - b. deduct marks in line with the seriousness of the act of Academic Misconduct;
    - c. disallow any mark awarded for the examination in which the act of Academic Misconduct occurred;
    - d. require the student to complete another examination;
    - e. cancel or deprive the student of all or part of the credit for the relevant unit;
    - f. record a fail by the student in the relevant unit;
    - g. suspend the student from the University for such period of time as may be determined by the Academic Registrar, such period not to exceed twelve months; or
    - h. expel the student from the University.

#### **5 Investigation of Allegations of Academic Misconduct – Unit**

- 5.1 In the case of alleged Academic Misconduct in relation to a unit, on receiving an Academic Staff Member's Report, the relevant Associate Dean (Teaching and Learning) may seek evidence from such sources as the Associate Dean (Teaching and Learning) considers appropriate. If, in the opinion of the Associate Dean (Teaching and Learning) after full consideration of the circumstances, there has not been an act of Academic

Misconduct or the act of Academic Misconduct is unintentional or minor, the Associate Dean (Teaching and Learning) may dismiss the matter without requiring the student to attend an interview with the Associate Dean (Teaching and Learning).

- 5.2 Subject to Rule 5.1, before determining what action, if any, will be taken concerning an alleged act of Academic Misconduct, the relevant Associate Dean (Teaching and Learning) shall take reasonable steps to contact the student to request the student to attend an interview with the Associate Dean (Teaching and Learning).
  - 5.2.1 Prior to any interview or before making any decision if a student declines, or fails to attend an interview, the Associate Dean (Teaching and Learning) must provide the student with any documents, including edited version of documents and any other relevant information or evidence, to be considered as evidence by the Associate Dean (Teaching and Learning).
  - 5.2.2 In reaching a determination under this Rule 5, the relevant Associate Dean (Teaching and Learning) must not take into consideration the contents of any documents that have not been disclosed to the student under Rule 5.2.1 or any other evidence or information that has not been disclosed to the student under Rule 5.2.1.
- 5.3 Following the investigation, the relevant Associate Dean (Teaching and Learning) must:
  - 5.3.1 dismiss the matter if the Associate Dean (Teaching and Learning) believes:
    - a. there has not been an act of Academic Misconduct; or
    - b. there is insufficient evidence that there has been an act of Academic Misconduct; or
    - c. the act of Academic Misconduct was minor or unintentional; or
  - 5.3.2 at the sole discretion of the Associate Dean (Teaching and Learning), but following such consultation as the Associate Dean (Teaching and Learning) considers appropriate, impose any one or more of the following penalties if in the opinion of the Associate Dean (Teaching and Learning) the act of Academic Misconduct is serious and/or intentional:
    - a. give the student a written warning;
    - b. require the student to rewrite or redo and resubmit the offending work or prepare an assignment on a new topic;
    - c. deduct marks in line with the seriousness of the act of Academic Misconduct;
    - d. disallow any mark in relation to the offending work;
    - e. cancel or deprive the student of all or part of the credit for the relevant unit;
    - f. record a Fail by the student in the relevant unit;
    - g. suspend the student from the University for such period of time as may be determined by the Associate Dean (Teaching and Learning), such period not to exceed twelve months; or
    - h. expel the student from the University.

## **6 Investigation of Allegations of Academic Misconduct –Thesis**

- 6.1 In the case of alleged Academic Misconduct in relation to a thesis, on receiving an Examiner's Report or an Academic Staff Member's Report, the Dean, Graduate Research School or relevant Associate Dean (Research) ("the investigator"), as referred to in Rule 3.2, may seek evidence from such sources as they consider appropriate. If, in the opinion of the investigator after full consideration of the circumstances, there has not been an act of Academic Misconduct or the act of Academic Misconduct is unintentional or minor, the investigator may dismiss the matter without requiring the student to attend an interview.
- 6.2 Subject to Rule 6.1, before determining what action, if any, will be taken concerning an alleged act of Academic Misconduct, the investigator shall take reasonable steps to contact the student to request the student to attend an interview with the investigator.

6.2.1 Prior to interview, or before making a decision if a student declines or fails to attend an interview, the investigator must provide the student with any documents, including edited versions of documents and any other relevant information or evidence to be considered as evidence by the investigator.

6.2.2 In reaching a determination under this Rule 6, the relevant investigator must not take into consideration the contents of any documents that have not been disclosed to the student under Rule 6.2.1 or any other evidence or information that has not been disclosed to the student under Rule 6.2.1.

6.3 Following the investigation, the investigator must:

6.3.1 dismiss the matter if they believe;

- a. there has not been an act of Academic Misconduct; or
- b. there is insufficient evidence that there has been an act of Academic Misconduct; or
- c. the act of Academic Misconduct was minor or unintentional; or

6.3.2 at the investigator's sole discretion, but following such consultation as the investigator considers appropriate, impose any one or more of the following penalties if in the investigator's opinion the act of Academic Misconduct is serious and/or intentional:

- a. give the student a written warning;
- b. require the student to rewrite or redo and resubmit the offending work or prepare an assignment on a new topic;
- c. deduct marks in line with the seriousness of the act of Academic Misconduct;
- d. disallow any mark in relation to the offending work;
- e. cancel or deprive the student of all or part of the credit for the relevant unit;
- f. record a Fail by the student in the relevant unit;
- g. suspend the student from the University for such period of time as may be determined by the Associate Dean, such period not to exceed twelve months.;
- h. expel the student from the University.

## **7 Interviews with Students**

- 7.1 The interviews referred to in Rules 4, 5 and 6 must be held as soon as practicable following the occurrence of the alleged act of Academic Misconduct and after giving adequate notice to the student.
- 7.2 The interviews may, at the discretion of the investigator, be conducted by telephone, teleconference or videoconference or by other such means, provided that the preference of the student is taken into account when making that decision.
- 7.3 If, after reasonable steps to contact the student have been made, the student fails to attend any interview held under these Rules, the investigator may proceed to investigate and make a decision with respect to the alleged offence without having interviewed the student.
- 7.4 Neither the student nor the University nor any other person participating in any interview held under these Rules shall be entitled to legal representation.
- 7.5 The student may be accompanied at any interview held under Rules 4, 5 or 6 by any person other than a lawyer or a person who is legally trained. Any person accompanying the student at any interview held under Rules 4, 5 or 6 shall have the right to act as the student's advocate.

## **8 Decisions**

- 8.1 Nothing in these Rules can exclude or limit the provisions for cancellation of enrolment or expulsion of the student under the [Admission, Enrolment and Academic Progress Rules](#).
- 8.2 Any previous findings of Academic Misconduct and any penalties imposed for that Academic Misconduct must be considered by the investigator in deciding the penalties to be imposed under Rules 4, 5 or 6.
- 8.3 The student must be notified in writing of the reasons for the decisions and the actions taken by the investigator under these Rules.

## 9 Appeals

- 9.1.1 If a student is dissatisfied with a decision made by under Rules 4, 5 or 6, the student may appeal against that decision to the Student Appeals Committee in accordance with the [Admission, Enrolment and Academic Progress Rules](#).
- 9.1.2 The only grounds for an appeal to the Student Appeals Committee under Rule 9.1.1 are one or more of the following:
- the student did not have sufficient opportunity to present his or case to the decision maker;
  - the decision-maker was affected by bias;
  - the process was not carried out in accordance with these Rules;
  - the decision was made contrary to the evidence provided; or
  - the penalty imposed was excessive or otherwise inappropriate.

## 10 Service of Documents

- 10.1 Where a notice or other document is permitted or required by these Rules to be given or served, service of the notice or document may be effected on the person to be served:
- by giving the notice or document directly to that person by hand;
  - by sending, as an email message, the notice or document to that person's ECU student email address;
  - by sending, in the body of an email message to that person's last known ECU student email address, a URL (uniform resource locator) link to the notice or document, together with notification that the person is required to download the notice or document;
  - by posting the notice or document as a letter to that person's address as recorded on the student management system used by the University; or
  - by leaving it for that person at the address recorded on the student management system used by the University.
- 10.2 Where the notice or document is sent in accordance with Rules 10.1.2 and 10.1.3, service is deemed to occur at the time of sending the message.
- 10.3 Where the notice or document is posted in accordance with Rule 10.1.4, service is deemed to occur at the expiration of five working days from the time of posting.

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Approved by Council on 7 December 2006 under Amending Rule No 3 of 2006. Effective from 16 March 2007, the day Amending Statute No 4 of 2006 (Statute No. 22 – Student Conduct) was published in the Government Gazette.

Amended by Council:

- Rule Amendment No 1 of 2012 (3 May 2012)
- Rule Amendment No 5 of 2015 (10 December 2015)

For further information contact:                      University Governance, Strategic & Governance Services Centre  
Edith Cowan University  
Telephone: 6304 2686