

## University Rules: Academic Misconduct Rules (Students)

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### 1 Preliminary

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

### 2 Definitions

2.1 The word *including* is not used as a word of limitation and means “including but not limited to”.

2.2 Unless the contrary intention appears, any terms which are not defined in these Rules but are defined in [University Statute No.1 - Interpretation](#) will have the meaning given to them in that Statute.

2.3 The following definitions apply in these Rules:

Term	Definition
Academic Board	The board established by section 18 of the <a href="#">Edith Cowan University Act 1984</a> .
Academic Breach	An act of minor and unintentional Plagiarism, as determined by the Designated Officer(s) in accordance with the University’s Academic Misconduct Procedures, committed by a New to ECU Student.
Academic Misconduct	Any conduct by a Student in relation to academic work that is dishonest or unfair, including: <ul style="list-style-type: none"> <li>• Bribery or Coercion;</li> <li>• Cheating in Examinations;</li> <li>• Contract Cheating;</li> <li>• Fabrication or Falsification;</li> <li>• Failure to meet required research standards;</li> <li>• Plagiarism; or</li> <li>• Unauthorised Collaboration,</li> </ul> but does not include conduct which constitutes an Academic Breach.
Assessment Task	A process or task to determine a Student’s achievement of identified learning outcomes, which may include written or oral work, demonstration or performance. In these Rules, an Assessment Task includes an Examination or Thesis.

Term	Definition
Bribery or Coercion	<p>To bribe or coerce, or attempt to bribe or coerce, a Staff member, Thesis Examiner or another Student, in order to gain any academic advantage. This includes a Student:</p> <ul style="list-style-type: none"> <li>• coercing, blackmailing or intimidating, or facilitating coercion, blackmail or intimidation of, another person; or</li> <li>• offering or accepting bribes (including money, incentives or in-kind offers);</li> </ul> <p>in order to obtain Assessment Task outcomes, marks or grades.</p>
Cheating in Examinations	<p>To engage in dishonest or unfair conduct during an Examination by failing to comply with any specified requirements, conditions and instructions, including a Student:</p> <ul style="list-style-type: none"> <li>• copying, or attempting to copy, from another Student;</li> <li>• communicating, or attempting to communicate, with another Student;</li> <li>• possessing or attempting to use any unauthorised: <ul style="list-style-type: none"> <li>○ printed or written material (for example, study notes or unauthorised reference material);</li> <li>○ electronic calculating, information storage or communication device (for example, programmable calculator, mobile phone, smartwatch);</li> </ul> </li> <li>• sending, receiving or accessing, or attempting to send, receive or access, any source of unauthorised electronic information;</li> <li>• failing to follow instructions in an Examination (for example, continuing to write or perform whatever task is being examined after an Invigilator has announced the end of the Examination);</li> <li>• removing, or attempting to remove, from the Examination room any question or answer paper, or other paper or material, which is the University's property and is provided for use by the Student during the Examination; or</li> <li>• distributing Examination questions or materials to other Students in a manner that would unfairly prejudice one or more Students in the relevant Unit.</li> </ul>
Conflict of Interest	<p>A conflict of interest as described in the University's Conflicts of Interest Policy, including a Conflict of Interest (Actual), Potential Conflict of Interest, or a Perceived Conflict of Interest, as those terms are defined in the <a href="#">Conflicts of Interest Policy</a>.</p>
Contract Cheating	<p>To employ or use a third party to undertake part or all of an Assessment Task, or to undertake part or all of an Assessment Task for another Student, including:</p> <ul style="list-style-type: none"> <li>• outsourcing, purchasing, exchanging, or selling, or attempting or offering to outsource, purchase, exchange, or sell, any Assessment Task or part of an Assessment Task, whether pre-written or specially prepared for one or more Students, including through the unauthorised or improper use of internet or file-sharing sites;</li> <li>• undertaking part or all of an Assessment Task, including research activities, for another Student, or submitting an Assessment Task produced, in part or fully, by another person, including a friend, family member, current or former Student, private tutor or a Staff member; or</li> <li>• impersonating another person or allowing a third party to impersonate oneself for the purposes of undertaking an Examination or Assessment Task.</li> </ul>
Course	<p>A program of study approved for delivery.</p>
Coursework Unit	<p>A Unit which is not a Thesis Unit.</p>
Credit	<p>The number of Credit Points or Units of Competency gained or granted towards completion of a Course.</p>
Credit Point	<p>A measure used to identify the Credit achieved through the successful completion of a Unit.</p>
Designated Officer(s)	<p>Any relevant decision-maker, being an individual or Panel, described as a Designated Officer(s) in the University's Academic Misconduct Procedures.</p>

Term	Definition
Examination	An invigilated form of assessment where a Student is required to undertake specific Assessment Tasks within a specified period of time, and where the location and access to external assistance is regulated, excluding a Thesis examination.
Fabrication or Falsification	<p>To fabricate for an illegitimate purpose, or falsify, documents, data, content or sources, or information provided about work or material, in relation to an Assessment Task. This may include:</p> <ul style="list-style-type: none"> <li>• fabricating or falsifying research or other data;</li> <li>• fabricating or falsifying content or sources, including citing non-existent or incorrect sources;</li> <li>• making a false declaration about work or material submitted for an Assessment Task, which may include providing misleading information about: <ul style="list-style-type: none"> <li>○ individual contributions to a group Assessment Task or attributions of authorship; or</li> <li>○ attendance at or participation in practical, performance or professional learning activities;</li> </ul> </li> <li>• failing to disclose any information relevant to an Assessment Task where that information is requested or there is any form of legal or other duty to disclose that information; or</li> <li>• fabricating or falsifying documents, for example, medical certificates, police reports, academic records, for purposes related to an Assessment Task or special consideration for an Assessment Task.</li> </ul>
Failure to meet required research standards	<p>Failure to meet required research standards including:</p> <ul style="list-style-type: none"> <li>• conducting research without ethics approval as required by the <i>National Statement on Ethical Conduct in Human Research</i> and the <i>Australian Code for the Care and Use of Animals for Scientific Purposes</i>;</li> <li>• failing to conduct research and manage data as approved by an applicable ethics review body;</li> <li>• failing to maintain suitable research records in accordance with required standards;</li> <li>• destroying, disclosing or allowing access to research records, research data or source material without requisite authority;</li> <li>• conducting research without the requisite approvals, permits or licences;</li> <li>• publishing other than in accordance with required standards;</li> <li>• misuse of research funds; or</li> <li>• concealment or facilitation of Academic Breach or Academic Misconduct in research by others.</li> </ul>
Higher Degree by Research	A Masters Degree (Research) or Doctoral Degree.
Invigilator	Any person employed by or acting on behalf of the University to attend Examinations or supervise Students who are undertaking Examinations conducted by or on behalf of the University including where Examinations are conducted by other educational institutions or agencies.

Term	Definition
New to ECU Student	<p>A Student enrolled in a Course who, at the time of the alleged Academic Breach or Academic Misconduct:</p> <ul style="list-style-type: none"> <li>• has been enrolled for two or fewer Teaching Periods at the University, in either a part-time or full-time capacity;</li> <li>• has not previously been found to have committed an act of Academic Breach or Academic Misconduct at the University; and</li> <li>• is not enrolled in a Higher Degree by Research or one-year Bachelor Honours Degree.</li> </ul>
Outcome	<p>A course of action, consequence, direction, requirement, result, or penalty referred to as an “Outcome” in the University’s Academic Misconduct Procedures.</p>
Panel	<p>Two or more decision-makers appointed to act together as Designated Officer(s). The membership of any Panel will be determined as set out in the University’s Academic Misconduct Procedures.</p>
Plagiarism	<ul style="list-style-type: none"> <li>• To present, intentionally or unintentionally, the ideas or work of another person as one’s own ideas or work without appropriate referencing or acknowledgment. This may include a person using or copying, whether identically, substantially or in essence: <ul style="list-style-type: none"> <li>○ sentences or whole passages of written text, without appropriate paraphrasing and referencing of sources;</li> <li>○ another person’s or persons’ assignment(s);</li> <li>○ research data or results, formulae, proofs, designs, research theories or concepts, computer code or software, without appropriate referencing or acknowledgement; or</li> <li>○ figures, drawings, cartoons, paintings, still photographs, audio or visual files, multimedia objects, art objects or practical artefacts, without appropriate referencing or acknowledgement; or</li> </ul> </li> <li>• To copy one’s own work identically, substantially or in essence, which has been previously: <ul style="list-style-type: none"> <li>○ published, unless the Student provides proper referencing in the Assessment Task being submitted; or</li> <li>○ submitted for assessment either at the University or another institution, without first obtaining permission from the Unit Coordinator for which the Assessment Task is to be submitted. This does not include: <ul style="list-style-type: none"> <li>▪ a Student replicating their own work during a repeated Unit, where a Student has first obtained permission from their Unit Coordinator to do so; or</li> <li>▪ resubmitting work within a Unit where the Student has been permitted to resubmit an Assessment Task or other body of work.</li> </ul> </li> </ul> </li> </ul>
Staff	<p>Any person employed or engaged by the University, including adjunct or honorary lecturers, and employees of third party organisations delivering Courses or Units in partnership with the University.</p>
Student	<p>A person who is enrolled at the University as prescribed in the <a href="#">Admission, Enrolment and Academic Progress Rules</a> at the time of any alleged Academic Breach or Academic Misconduct.</p>
Student Appeals Committee	<p>A committee established in accordance with the <a href="#">Admission, Enrolment and Academic Progress Rules</a> for determining Student appeals relating to Academic Misconduct, academic progression and other matters.</p>
Thesis	<p>Written material submitted or to be submitted by a Student for assessment in respect of the research part of a Course in a Thesis Unit.</p>
Thesis Examiner	<p>Any person appointed by the University to examine a Thesis.</p>

Term	Definition
Thesis Unit	Means any Unit designated by the University as a Thesis Unit, in a doctoral degree, masters by research degree, masters by coursework degree, or bachelor honours degree.
Unauthorised Collaboration	To work with one or more persons in a dishonest way to develop a response or submission for an Assessment Task, which is restricted to individual effort. This may include a Student: <ul style="list-style-type: none"> <li>working with one or more persons on an Assessment Task, which is presented as an individual Student's response;</li> <li>working with another group or other groups on a group Assessment Task, which is presented as an individual group's response; or</li> <li>assisting another Student or group, to commit an act of Academic Misconduct by sharing responses or allowing another Student or group to copy their work.</li> </ul>
Unit	A unit of study or Unit of Competency delivered by or on behalf of the University.
Unit Coordinator	An academic Staff member responsible for the coordination of a Unit, or a person acting in that position.
Unit of Competency	The specification of the standards of performance required in the workplace as defined in a Vocational Education and Training package.
University Integrity Management System	Any electronic software or record keeping package used by the University from time to time to internally manage its integrity procedures.

### 3 Academic Misconduct Procedures

- 3.1 The University will create one or more Academic Misconduct Procedures, which will be read and implemented in conjunction with these Rules. The Academic Misconduct Procedures may be amended or revoked from time to time with the approval of the Academic Board.

### 4 Reporting

- 4.1 A Staff member who has reasonable grounds to believe that a Student may have committed an act of Academic Breach or Academic Misconduct, including where the Staff member has been notified of a concern by a member of the public, Invigilator or Thesis Examiner, will report or refer the matter in accordance with the Academic Misconduct Procedures.
- 4.2 The University may dismiss an allegation of Academic Breach or Academic Misconduct as set out in the Academic Misconduct Procedures or these Rules, where there is insufficient evidence to warrant further investigation. If a matter is not dismissed, the University will appoint a Designated Officer(s) to investigate the matter as set out in the Academic Misconduct Procedures.
- 4.3 An Associate Dean (Research) may, following an allegation of Academic Misconduct, suspend the University's authority for a Student to undertake research activities, pending an investigation and Outcome being imposed.

### 5 Investigation

- 5.1 When investigating, a Designated Officer(s):
- 5.1.1 may seek evidence from sources they consider appropriate, in their absolute discretion;
  - 5.1.2 may interview any person(s) who made or reported the concern;
  - 5.1.3 will take reasonable steps to contact and ask the Student to participate in a Student interview;
  - 5.1.4 will, subject to Rule 6.1, before any Student interview where practicable and at least before making any determination adverse to the Student, provide the Student with copies of any documents or information being considered as evidence by the Designated Officer(s) in making their determination;
  - 5.1.5 will act in accordance with principles of natural justice;

- 5.1.6 will make determinations on the balance of probabilities which are fair and reasonable, having regard to the substantial merits of a matter;
- 5.1.7 will act as quickly as is practicable in the circumstances, and in accordance with the Academic Misconduct Procedures; and
- 5.1.8 may dismiss an allegation at any stage if, in their reasonable opinion, there has not been an act of Academic Breach or Academic Misconduct.

## **6 Interviews with Students**

- 6.1 Student interviews will be conducted in accordance with the Academic Misconduct Procedures. If, having taken reasonable steps to contact the Student, the Student fails to respond, or fails to participate in any interview to be held under these Rules, the Designated Officer(s) may proceed to investigate and determine the matter without having interviewed the Student.

## **7 Determinations and Outcomes**

- 7.1 Following an investigation, the Designated Officer(s) will either:
  - 7.1.1 if the allegation of Academic Breach or Academic Misconduct is not substantiated, dismiss the matter; or
  - 7.1.2 determine that an act of Academic Breach or Academic Misconduct has occurred.
- 7.2 If the Designated Officer(s) determines that an act of Academic Breach or Academic Misconduct has occurred, the Designated Officer(s) is to impose one or more of the Outcomes described in 7.3 (Coursework Units) or 7.4 (Thesis or Thesis Units), having regard to:
  - 7.2.1 the need to act fairly and reasonably;
  - 7.2.2 the contextual factors and severity of conduct outlined in the University's Academic Misconduct Procedures;
  - 7.2.3 any previous determinations of Academic Breach or Academic Misconduct against the Student and any Outcomes imposed; and
  - 7.2.4 any mandatory Outcomes to be imposed as described in the Academic Misconduct Procedures.
- 7.3 In relation to a Coursework Unit, the Designated Officer(s) will impose one or more of the following Outcomes:
  - 7.3.1 give the Student a written warning;
  - 7.3.2 require the Student to engage in educational interventions;
  - 7.3.3 deduct marks from the relevant Assessment Task;
  - 7.3.4 disallow all marks from the relevant Assessment Task;
  - 7.3.5 for Academic Breach only, require the Student to resubmit offending portions of their Assessment Task within a specified timeframe, with the maximum possible mark reduced to the pass mark - Students who do not resubmit within the specified time will receive a 50% deduction in marks awarded for the Assessment Task;
  - 7.3.6 for Academic Misconduct in an Examination, where there are extreme extenuating personal circumstances as determined by the Designated Officer(s), require the Student to complete another Examination;
  - 7.3.7 record a Fail or Undifferentiated Fail for the relevant Unit;
  - 7.3.8 suspend the Student from the University, for no more than twelve months;
  - 7.3.9 expel the Student from the University; and
  - 7.3.10 recommend rescission of an Award or other relevant University qualification.

- 7.4 In relation to a Student at AQF Level 8 (bachelor honours degree) or above, conducting a research-orientated project, enrolled in a Coursework Unit which is focused primarily on research methodology, or enrolled in a Thesis or Thesis Unit, the Designated Officer(s) will impose one or more of the following Outcomes:
- 7.4.1 give the Student a written warning;
  - 7.4.2 require the Student to engage in educational interventions;
  - 7.4.3 deduct marks from the relevant Assessment Task;
  - 7.4.4 disallow all marks from the relevant Assessment Task;
  - 7.4.5 require the Student to:
    - a. resubmit their Thesis, Assessment Task or other body of work or portions of such work within a specified timeframe;
    - b. publish a formal apology to the Designated Officer's reasonable satisfaction;
    - c. take steps to retract a publication or publish a correction including notifying co-authors of any determination of Academic Breach or Academic Misconduct and the need to retract a publication or publish a correction; or
    - d. reimburse or contribute towards the cost of making good any loss or damage caused;
  - 7.4.6 disallow experimentation, research or data from use in connection with an Assessment Task, Thesis or relevant Unit;
  - 7.4.7 record a Fail or Undifferentiated Fail or Marginal Progress for the relevant Unit or Thesis;
  - 7.4.8 restrict public, Student or University access to a submitted Thesis held by the University library;
  - 7.4.9 withdraw or withhold research funding, scholarships or stipends, and require the Student to take any further actions as may be necessary to modify their research;
  - 7.4.10 expel the Student from the University;
  - 7.4.11 require the Student to undertake any other additional training or remedial action as may be appropriate in the circumstances; and
  - 7.4.12 recommend rescission of an Award or other relevant University qualification.
- 7.5 Unless directed otherwise, the Student must provide evidence to the Designated Officer's reasonable satisfaction that the steps in Rule 7.3.2, 7.4.2, 7.4.5 or 7.4.11 have been taken. If the Student does not successfully complete the requirement within a reasonable period, as determined by the Designated Officer(s), the Designated Officer(s) may impose any other Outcome(s) as may be appropriate.
- 7.6 The Designated Officer(s) will notify the Student by email to the Student's University email address or by letter to the Student's last known mailing address, and such other Staff as may be required, if:
- 7.6.1 an investigation is undertaken and the allegation is subsequently dismissed;
  - 7.6.2 a determination of Academic Breach or Academic Misconduct is made, together with the reasons for the determination; and
  - 7.6.3 an Outcome is imposed under Rule 7.3, 7.4, or 7.5.
- 7.7 Where an investigation of Academic Misconduct is ongoing, and one of the possible Outcomes available to the Designated Officer may, if imposed, affect the conferral of an Award on a Student, the Designated Officer may recommend to the Vice-Chancellor or nominee that conferral of an Award be delayed. The Vice-Chancellor or nominee may delay the conferral of an Award and direct other administrative steps to be taken as may be necessary to implement this decision pending the Outcome of the investigation and any appeal period.
- 7.8 Where an investigation of Academic Misconduct relates to a Student who has graduated, the Designated Officer(s) may, with the Deputy Vice-Chancellor (Education)'s endorsement and the Vice-Chancellor's approval, recommend to Council that an Award be revoked.
- 7.9 The Manager, Learning Support may determine that a matter be re-investigated, notwithstanding a previous dismissal, if there is new evidence that was not available before the dismissal was made.

7.10 Nothing in these Rules limits the provisions for cancellation of enrolment or Student expulsion under the [Admission, Enrolment and Academic Progress Rules](#).

## **8 Appeals**

8.1 If a Student is dissatisfied with a determination of Academic Breach or Academic Misconduct, or the Outcome imposed, the Student may, accordance with the [Admission, Enrolment and Academic Progress Rules](#), appeal against:

8.1.1 the determination of Academic Breach or Academic Misconduct;

8.1.2 the Outcome imposed; or

8.1.3 both the determination of Academic Breach or Academic Misconduct and the Outcome imposed, on either or both of the following:

8.1.4 the grounds set out in the [Admission, Enrolment and Academic Progress Rules](#); or

8.1.5 on grounds that the Outcome imposed was excessive in the circumstances.

8.2 A Student may not appeal against the University's determination of the appropriate Designated Officer(s) to investigate and determine an allegation of Academic Breach or Academic Misconduct.

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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:

- Amending Rule No. 1 of 2012 (3 May 2012)
- Amending Rule No. 5 of 2015 (10 December 2015)
- Amending Rule No. 1 of 2019 (4 June 2019, to take effect from 15 July 2019)
- Amending Rule No. 4 of 2019 (3 July 2019, to take effect from 15 July 2019 – minor amendment additional to those made under Amending Rule No. 1 of 2019)
- Amending Rule No. 1 of 2021 (29 June 2021)

For further information contact:

University Governance, Strategic & Governance Services Centre  
Edith Cowan University  
Email: [universitygovernance@ecu.edu.au](mailto:universitygovernance@ecu.edu.au)