

Student Academic Misconduct Policy

Section 1 - Background and Purpose

(1) This Policy outlines how the University meets its responsibilities in promoting and supporting academic integrity across all learning and teaching activities of the University, and in managing allegations of academic misconduct under the [Academic Integrity Statute 2015](#), the [Higher Education Standards Framework \(Threshold Standards\) 2021](#), and the [Education Services for Overseas Students Act 2000](#).

(2) The Policy should be read in conjunction with the [Assessment Policy](#) and the [Course Design Policy](#).

Section 2 - Scope

(3) This Policy applies to:

- a. all former or current students of the University enrolled in any coursework course or subject, including courses delivered in partnership with other providers. This extends to students on any form of leave, including suspension from any course, where the event forming the basis of the allegation occurred while they were enrolled or was directly related to their enrolment;
- b. participants in assessed non-award study, including short courses and micro-credentials;
- c. all staff, in terms of their responsibilities for the promotion of academic integrity and appropriate management of student academic misconduct. These responsibilities extend to employees of third-party organisations where they are responsible for delivering coursework courses in partnership with the University.

(4) Staff academic integrity and academic misconduct in relation to teaching and learning activities are managed through:

- a. the [Intellectual Property Policy](#)
- b. the [Code of Conduct](#)
- c. [copyright guidance](#) for staff

(5) Research integrity and misconduct matters for staff and for students undertaking the research components of higher degrees by research are managed under the provisions of the [Research Integrity Policy](#).

Section 3 - Policy

(6) The University recognises that ensuring academic integrity relies on an institutional culture where the values of academic integrity and the skills of scholarship are thoroughly embedded. All members of the University community are expected to have a thorough understanding of what constitutes appropriate practice and its antithesis, and to accept a shared responsibility for maintaining academic integrity. This means that:

- a. students and staff are expected to conduct themselves in a manner that is consistent with academic integrity

values and principles;

- b. educative resources, guidance and communications are written in Plain English and provided in ways that take account of staff and students' diverse educational and cultural backgrounds;
- c. while students are encouraged to seek assistance from academic staff and other university supports as needed, all work submitted by a student for assessment purposes, or a group of students for group assessment purposes, must be their independent and original work. The ideas and work of others, including any that may arise from the use of any artificial content production tools must be acknowledged appropriately and in accordance with relevant conventions;
- d. academic integrity processes and teaching and learning practice are continuously improved based on feedback and data available through standard and centralised reporting, and regularly updated to reflect contemporary challenges.

(7) Student academic misconduct is defined in the [Academic Integrity Statute 2015](#) (see Definitions in this Policy). Academic misconduct breaches the values and principles of academic integrity and undermines the University's core values, the quality of student learning, and graduate outcomes.

(8) The University ensures that all allegations of academic misconduct are treated seriously and fairly. This means that:

- a. allegations are managed consistently and transparently;
- b. all allegations that are accompanied by sufficient evidence are thoroughly investigated;
- c. the determination of whether academic misconduct has taken place is based on the evidence provided and the balance of probabilities and requires decision-makers to:
 - i. apply an open, impartial, and unprejudiced mind to their duties;
 - ii. base findings and recommendations solely on relevant considerations;
 - iii. maintain confidentiality about all matters before them;
 - iv. ensure they have no perceived or actual conflict of interest in the case before them.
- d. findings arising out of academic misconduct processes are made in light of:
 - i. the context, extent, and seriousness of the misconduct;
 - ii. the level/year of the course in which the student is enrolled;
 - iii. whether there have been any prior allegations already recorded for the student.
- e. outcomes are applied according to this Policy, and the [Schedule of Penalties and Actions](#) (the Schedule);
- f. every effort is made to ensure that no person suffers any discrimination or victimisation due to raising an allegation of academic misconduct in good faith;
- g. those accused of academic misconduct are:
 - i. encouraged to access University support services, including independent advocacy services;
 - ii. afforded natural justice as defined in this Policy.
- h. where allegations of academic misconduct overlap with allegations of general misconduct, as defined under other student policies, the allegation is investigated under the most relevant process and the relevant decision-maker is informed of the outcome of the investigation;
- i. any attempts by staff members to improperly influence actions or decisions made under this Policy are considered a breach of the [Code of Conduct](#) and are managed accordingly.

(9) The University recognises that a proportion of instances of alleged student academic misconduct will arise from a lack of knowledge or experience of academic conventions and that such cases require educative actions as a response.

Section 4 - Procedures

Part A - Supporting Academic Integrity

(10) The University supports the maintenance of academic integrity throughout the University community, including where partners are involved in teaching La Trobe courses, through:

- a. the operations of a dedicated Academic Integrity Unit (AIU) in Quality and Standards. The functions of the AIU are to:
 - i. support the promotion of academic integrity;
 - ii. provide process support for allegations of academic misconduct;
 - iii. maintain all records associated with allegations;
 - iv. provide regular reporting of academic misconduct allegations and trends to university committees.
- b. the appointment and training of at least two Academic Integrity Advisors (AIA) for each School. AIAs act as the main point of contact for academic integrity matters and receive referrals for and investigate allegations of academic misconduct within their School;
- c. the establishment of a University Student Academic Misconduct Committee (SAMC) to investigate and determine allegations of Serious Academic Misconduct;
- d. the provision of guidance for students and staff with dedicated resources, websites, and staff intranet pages, including:
 - i. guidance for staff in the design of assessment to reduce the risk of academic misconduct;
 - ii. suggested learning activities to promote awareness of academic integrity;
 - iii. professional development and resources for staff in how to identify different types of academic misconduct, especially contract cheating and the inappropriate use of artificial content production tools;
- e. the adoption of specific measures to reduce the incidence of cheating including:
 - i. the blocking of access to contract cheating services through the University network;
 - ii. specific advice to students about avoiding any contact with such services;
 - iii. monitoring the emergence of relevant material on contract cheating sites, issuing alerts to staff and working to have such content removed where possible;
 - iv. guidance to students and staff about the appropriate use of artificial content production tools in teaching and learning;
- f. the requirement for staff and students to complete respective academic integrity training modules.

Part B - Recordkeeping and Confidentiality

(11) The University maintains a secure database through which all student academic misconduct allegations and associated evidence are submitted and records are kept, in accordance with the University's [Records Management Policy](#). The AIU collects and retains the following summary information:

- a. information relating to the allegation and investigation:
 - i. the student and the course in which the student is enrolled;
 - ii. a summary of the allegation;
 - iii. who carried out the investigation and details regarding meetings held.
- b. information in relation to findings:
 - i. which of the possible findings has been determined (No Case To Answer, Minor, or Serious Academic Misconduct);

- ii. the factors taken into consideration;
 - iii. the information on which the decision is based;
 - iv. the outcome and reasons for the outcome.
- c. details of any appeals lodged and the outcomes of those appeals.

(12) The AIU notifies students against whom an allegation has been made of the outcome of any determination (and any penalty as applicable), and relevant staff as outlined in each stage of this Procedure.

(13) Where a penalty includes suspension, exclusion, or revocation of an award such a penalty is recorded on the student's academic transcript.

(14) Apart from designated relevant staff, all information associated with an allegation remains confidential and is only used for the purpose for which it was provided, unless:

- a. the student gives their express consent in writing;
- b. the information gives the University grounds for concern about the security of people or property;
- c. procedural fairness requires the information to be shared;
- d. access to the information is required by law;
- e. the University is obliged or able to do so under the University's [Privacy – Personal Information Policy](#);
- f. such information is required by regulators, government agencies (eg, TEQSA, the current Commonwealth department responsible for education [especially in relation to international students], Auditor-General's Department, professional bodies, or sponsors of international students).

(15) If a student appeals the outcome of a decision made under the [Academic Integrity Statute 2015](#) and the matter proceeds to the University Appeals Committee, the University Appeals Committee will have access to:

- a. the information regarding the initial investigation;
- b. any information associated with the SAMC meeting (if undertaken);
- c. summary details of any cases of academic misconduct recorded for that student (including cases where there was a finding that no misconduct occurred).

(16) Students may seek access to any information held by the University about allegations of academic misconduct against them by contacting the AIU.

Part C - Initial Management of Allegations

Identification of Suspected Academic Misconduct

(17) Suspected academic misconduct may be identified by staff, students, or external sources.

(18) The University uses various methods to identify academic misconduct, including:

- a. work submitted by students for assessment may be checked using text, code, or other comparative software, or manually reviewed using web search engines, checking of student sources, comparison with other assignments, and consultation with colleagues;
- b. information in the Learning Management System (LMS) about the submission may be compared with activity or access logs.

Reporting of Allegations and Collation of Evidence

(19) All individuals who identify a case of suspected academic misconduct in any academic work other than an

examination must submit a report with evidence to the AIU, normally within five business days of identifying the issue for referral to the appropriate area.

(20) All allegations undergo a preliminary assessment by the AIU to determine that sufficient documentation has been provided to allow the allegation to be properly investigated. All reports are submitted to the relevant AIA, with the following exceptions:

- a. allegations from external sources are submitted directly to the SAMC;
- b. allegations against graduates of the University are notified to the Deputy Vice-Chancellor (Education) (DVC(E)). Where appropriate such allegations are referred via the AIU to the SAMC for investigation under the provisions of the [Degrees, Diplomas and other Awards Statute 2009](#).

(21) Where the alleged misconduct takes place in an examination, the Chief Invigilator records all details in an Examination Misconduct Report and submits the report to the Deputy Director, Academic Services or nominee (see [Assessment Procedure - Examinations](#)) who then submits a copy of the report to the AIU for referral to the appropriate AIA.

(22) The complete portfolio of evidence compiled for all allegations may include:

- a. the Subject Learning Guide and any other contextual information where it is not included in the Guide, such as the assignment design, submission method, and any academic integrity materials or instruction provided in the subject;
- b. the assessment task;
- c. any results from the use of text or code comparative software, plagiarism detection software, or web search engines;
- d. outcomes from any review of the sources cited by the student, comparison with other assignments, and consultation with other relevant academic staff;
- e. any discipline-specific information regarding the case;
- f. any additional evidence gathered, including but not limited to evidence of student learning and access to university systems, emails, texts/messaging and social media posts;
- g. summary details of other allegations or cases of academic misconduct recorded for that student.

(23) In assembling the portfolio of evidence, the AIA, SAMC, or AIU is permitted to:

- a. request further information from the Subject Coordinator, according to the guidance provided in the Guidelines for Managing and Investigating Student Misconduct Allegations;
- b. request records of student access to relevant University computerised systems including times, locations, and related information;
- c. seek information from any relevant person.

Part D - AIA-Led Investigations

Initial Review

(24) Having reviewed the available evidence an AIA may make any of the following initial determinations:

- a. the allegation is lacking substance or is vexatious. In this case the AIA will direct that:
 - i. the report be dismissed;
 - ii. the relevant work be accepted for marking;
 - iii. the Subject Coordinator and the person who made the allegation be provided with a written outcome of

their determination.

- b. the report appears to disclose evidence of Poor Academic Practice or Minor Academic Misconduct. In this case an investigation will proceed;
- c. the report appears to indicate that Serious Academic Misconduct has occurred. In this case the AIA refers the case, with any outcomes of their initial review, to the AIU. The AIU then refers the allegation and accompanying evidence to the SAMC and advises the student (see Part E).

Communication With Students

(25) Where the AIA determines to proceed with an investigation, they direct the AIU to notify the student of the allegation. This is done in writing via the student's University email account, or last known address in the case of former students, as soon as practicable and within 10 business days of receiving a report. The email uses the standard Notification Letter and:

- a. provides information about the alleged academic misconduct;
- b. advises of a date for a meeting (that may be face-to-face, by phone or online) no less than 10 business days from the date of the Notification Letter, and informs the student that they may also respond to the allegation in writing;
- c. includes a link to this Policy and its associated documents;
- d. includes a copy of the original documentation provided to the AIA and any other relevant evidence;
- e. offers an opportunity for the student to provide any relevant additional information;
- f. advises the student of their right to have a support person at the meeting and provides information about relevant University support services.

(26) If the student agrees to participate in a meeting with the AIA, they are entitled to be accompanied to any meeting by:

- a. a support person, including a student advocate from a student association. This may be any person who does not have a law degree or who is not a legal practitioner. This person may not represent or advocate for the student unless permitted by the AIA;
- b. where required, a disability support worker, who may provide any support as documented in the student's Learning Access Plan (LAP).

(27) The student should respond as soon as practicable but must respond within 10 business days of the issue of the Notification Letter and advise:

- a. whether they will attend the meeting and/or if they will respond to the allegation in writing;
- b. if they are to attend the meeting whether they will be accompanied by a support person and the identity of that person.

Investigations

(28) A member of professional or academic staff may attend the meeting as an administrative officer, or for training purposes with the consent of the student. A written record of the meeting must be made and submitted to the AIU.

(29) The AIA may determine the outcome in the absence of a response from the student. A decision made in the absence of a response from the student may be revisited if the student demonstrates that there were circumstances that prevented them from responding within the specified timeframe.

(30) During their investigation, the AIA is entitled to speak to any person they consider might help them to reach a

decision.

Outcomes of Investigations

(31) After consideration of the evidence, the AIA makes one of the following determinations, as close as possible to the date of the scheduled meeting:

- a. No Case to Answer, i.e., no academic misconduct has occurred for either or both of the following reasons:
 - i. the claim is vexatious or lacking in substance. The AIA will direct that the work be marked and no further action be taken;
 - ii. the incident is a result of Poor Academic Practice. The AIA will direct that the work be marked and that the student be provided with academic counselling or other educative options from the [Schedule](#).
- b. Minor Academic Misconduct has occurred. The AIA will direct that a minor penalty and educative action be applied according to the options available in the [Schedule](#);
- c. the conduct may constitute Serious Academic Misconduct. The AIA will direct that the allegation and any outcomes from their investigation be referred to the SAMC.

(32) Within 10 business days of the AIA making their decision the AIU ensures that:

- a. the student (via their University email account), the Subject Coordinator, and the staff member who submitted the original allegation are provided with a written outcome of the AIAs determination including:
 - i. their findings;
 - ii. a summary of the evidence on which those findings are based;
 - iii. any responses or penalties they have applied;
 - iv. a brief statement of reasons;
 - v. the details of how and where the student may appeal the decision and/or penalty and within what timeframe;
 - vi. information regarding available support services.
- b. appropriate records are stored;
- c. the Pro Vice-Chancellor (Recruitment and International Operations) or their nominee is notified where the student is an international student and any penalty imposed could have consequences for the student's visa.

Part E - Cases Referred to the Student Academic Misconduct Committee

Referral

(33) Cases are referred to the SAMC by the AIU:

- a. directly, where the allegation has been reported by a source external to the University;
- b. following a referral by an AIA where, after a preliminary investigation the evidence appears to indicate Serious Academic Misconduct may have occurred.

(34) The AIU ensures that referred reports are accompanied by a comprehensive portfolio of evidence, including the outcomes of any initial investigations by the relevant AIA.

Communication with Students

(35) When it is determined that a case is to be referred to the SAMC, the AIU sends a SAMC Notification Letter to the

student via their University email account, or last known address in the case of former students, as soon as practicable and at least 10 business days before the SAMC is due to meet. The email:

- a. provides information about the alleged academic misconduct;
- b. requests that the student attend the meeting of the Committee in person (or by phone or online) and informs the student that they may also respond to the allegation in writing;
- c. includes a copy of the documentation to be provided to the Committee, including the portfolio of evidence;
- d. includes a link to this Policy and associated documents;
- e. offers the student an opportunity to provide any relevant additional information;
- f. advises the student of their right to have any relevant support person at the meeting;
- g. provides the student with information about relevant University support services.

(36) If the student agrees to participate in a meeting with the SAMC, they are entitled to be accompanied to any meeting by:

- a. a support person, including a student advocate from a student association. This may be any person who does not have a law degree or who is not a legal practitioner. This person may not represent or advocate for the student unless permitted by the SAMC.
- b. where required, a disability support worker, who may provide any support as documented in the student's LAP.

(37) The student should respond as soon as practicable but must respond within 10 business days of the issue of the SAMC Notification Letter. When responding to the request to attend the meeting, the student must advise:

- a. whether they will attend a meeting and/or respond to the allegation in writing;
- b. if they are to attend a meeting whether they will be accompanied by a support person and the identity of that person.

(38) If the student does not respond to the SAMC Notification Letter within 10 business days, the SAMC meeting will proceed in their absence.

Conduct of the Student Academic Misconduct Committee Meeting

(39) The membership of the SAMC is as required in the Terms of Reference. The SAMC is supported by a member of professional staff from the AIU.

(40) The SAMC has access to the portfolio of evidence compiled by the AIU.

(41) The members of the SAMC are responsible for maintaining the confidentiality of third parties where required when documents are circulated.

(42) The Chair of the SAMC is entitled to speak to any person they consider might help the Committee reach a decision.

Outcomes of a SAMC Meeting

(43) After consideration of the evidence the SAMC makes one of the following determinations:

- a. No Case to Answer, i.e. no academic misconduct has occurred for either of the following reasons:
 - i. the claim is vexatious or lacking in substance. The SAMC will direct that the work be marked and no further action be taken;
 - ii. the incident is a result of Poor Academic Practice. The SAMC will refer the matter back to the relevant AIA

for the application of academic counselling or other educative options from the [Schedule](#).

- b. Minor Academic Misconduct has occurred. The SAMC will refer the matter back to the relevant AIA for the application of a penalty and appropriate actions according to the options available in the [Schedule](#);
- c. Serious Academic Misconduct has occurred. The SAMC will direct that one or more penalties for Serious Academic Misconduct be applied, and an educative response where appropriate, according to the options available in the [Schedule](#).

(44) In some cases, the matter may also be referred by the Director, Quality & Standards to TEQSA, police and/or other relevant authorities, or to another area of the University for managing under other policies such as the [Student Conduct Management Policy](#). Where the subject of the allegation is a graduate of the University, and there is a finding of Serious Academic Misconduct, any determination is referred to the Vice-Chancellor by the DVC(E) under the terms of the [Degrees, Diplomas and other Awards Statute 2009](#).

(45) Within 10 business days of the SAMC meeting the AIU:

- a. provides to the student (via their University email account), the Subject Coordinator, and the staff member who submitted the original allegation a written outcome including:
 - i. the findings;
 - ii. a summary of the evidence on which those findings are based;
 - iii. any educative actions and/or penalties to be applied;
 - iv. a brief statement of reasons;
 - v. the details of how and where the student may appeal the decision and/or a penalty and within what timeframe;
 - vi. information regarding available support services.
- b. ensures appropriate records are stored;
- c. as applicable, notifies the following:
 - i. the Director, Student Administration, or their nominee, where a penalty includes suspension or exclusion;
 - ii. the relevant Course Coordinator(s);
 - iii. the Pro Vice-Chancellor (Recruitment and International Operations) or their nominee where the student is an international student and any penalty imposed could have consequences for the student's visa;
 - iv. the relevant Academic Integrity Advisor.

Part F - Appeals

(46) Students may appeal the outcome of any finding made under this Policy, including any penalty, within 20 business days of receiving the notice of decision. Appeals must be lodged in writing with the University Appeals Committee, accompanied by appropriate evidence, and can only be made where the student can demonstrate that:

- a. this Policy and Procedure were not appropriately followed in the reaching of the determination or penalty; or
- b. there was bias towards the student on the part of any individual involved with the findings; or
- c. more evidence has become available that was not available to decision-makers at the time.

(47) No action may be taken to implement the findings and/or penalty associated with an allegation before:

- a. the conclusion of the 20-day appeal period, where the penalty is suspension or exclusion, even if the student has not yet lodged an appeal;
- b. the University Appeals Committee has completed its review and issued its findings, where the student has lodged a timely appeal against any penalty.

Part G - Quality Assurance and Governance

(48) Data on academic misconduct is monitored at each subject review and any required actions are included in subject action plans as outlined in the [Course and Subject Management Procedure - Monitoring and Review](#) Academic misconduct data for third-party teaching partners is reviewed through annual reporting and overseen by the relevant Joint Management Committee.

(49) All data collected on academic misconduct in learning and teaching activities is monitored and analysed by the Director, Quality & Standards. Reports comprising de-identified data are:

- a. provided to Schools to inform curriculum and local improvements;
- b. submitted to Education Committee twice a year for oversight and monitoring of trends across the University, prior to submission to Academic Board.

Section 5 - Definitions

(50) For the purposes of this Policy and Procedure:

- a. academic integrity: being honest in academic work and taking responsibility for learning and implementing the conventions of scholarship.
- b. academic misconduct: according to Section 1 of the [Academic Integrity Statute 2015](#) academic misconduct includes:
 - i. cheating, plagiarism or any other conduct engaged in by a student with a view to gaining for himself, herself or another person an unfair or unjustified advantage in a formal examination or assessment or in relation to or for a formal examination or assessment, whether such advantage occurs or not (cheating means cheating in relation to a formal examination or assessment and includes a failure to comply with any reasonable direction or instruction of an officer, employee or agent of the University relating to the conduct of the formal examination or assessment.)
 - ii. conduct which constitutes a breach of any rules relating to a formal examination or assessment;
 - iii. conduct engaged in by a student with a view to gaining for himself, herself or another person an unfair or unjustified advantage in relation to any other requirements of a course or subject, including without limitation class attendance or participation requirements and requirements pertaining to placements, whether such advantage occurs or not, and
 - iv. any prescribed conduct.
- c. business day: a day upon which the University is open for business.
- d. contract cheating: any instance where a student outsources all or part of their assessment to a third party, including a commercial provider, current or former student, family member or acquaintance, paid or unpaid. It includes the unauthorised use of file-sharing sites, as well as organising another person to take an examination.
- e. exclusion: a process whereby a student's enrolment in a course at the University is withdrawn together with any entitlement to enrol in any future course of the University.
- f. Minor Academic Misconduct: academic misconduct which, in all the circumstances, falls short of serious academic misconduct ([Academic Integrity Statute 2015](#)).
- g. Natural justice: procedural fairness. The principle of natural justice as applied to this Policy means:
 - i. students are provided with copies of all relevant evidence that has been submitted for an allegation and links to all relevant policies and schedules prior to any meeting or hearing being conducted;
 - ii. students are entitled to have a fair and impartial hearing and to make written and/or oral submissions on their behalf.
- h. Plain English: language that aligns with the University's Brand and Editorial Style Guide and the [Student](#)

[Communications Policy](#) that is easily understood by a diverse audience.

- i. Poor Academic Practice: inappropriate academic practice that is judged not to be academic misconduct. A finding of Poor Academic Practice is a possible outcome from the initial assessment of a report or any investigation.
- j. Serious Academic Misconduct ([Academic Integrity Statute 2015](#), Section 3, a-c): includes academic misconduct which:
 - i. is, or appears from the available evidence to be, accompanied by a clear or demonstrable intention to flout or contravene the University's requirements for academic honesty (including those set out in the Statute ([Academic Integrity Statute 2015](#)) and the AIP (Academic Integrity Policy and Procedure [Student Academic Misconduct Policy]), the GRP (Graduate Research Policy and Procedures) or any other policy or procedure regarding academic misconduct), and
 - ii. is, or appears from the available evidence to be, carefully and deliberately planned, repetitive, organised or systematic in nature, or
 - iii. is, or appears from the available evidence to be, significant in scale or scope.
- k. student: a person who was an enrolled student at a time when (they are) alleged to have engaged in academic misconduct (definition from [Academic Integrity Statute 2015](#)).
- l. suspension: a process whereby a student is required to take enforced leave from enrolment at the University for a specific period.
- m. vexatious: where an allegation is made in bad faith to cause harm to an individual.

Section 6 - Related Documents

(51) The following are related to this Policy and Procedure:

- a. [Student Academic Misconduct – Schedule of Penalties and Actions](#)
- b. [Student Academic Misconduct Committee – Terms of Reference](#)
- c. [Academic Integrity Statute 2015](#)
- d. [Degrees, Diplomas and Other Awards Statute 2009](#)

(52) Guidelines and other resources to support the implementation of this Policy are available on the [Academic Integrity Intranet page](#) (staff only).

Status and Details

Status	Current
Effective Date	10th August 2022
Review Date	10th August 2025
Approval Authority	Academic Board
Approval Date	10th August 2022
Expiry Date	Not Applicable
Responsible Policy Officer	Sharna Spittle Director, Quality & Standards
Author	Julie Larsen Policy Writer
Enquiries Contact	Quality and Standards