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## **ACADEMIC INTEGRITY – GUIDELINES FOR HANDLING ACADEMIC MISCONDUCT**

These guidelines are designed to assist the Academic Integrity Advisers. In the event of any inconsistencies between this document and the Academic Integrity Statute 2015, the terms of the Statute will prevail.

Parent policy title	Academic Integrity Policy
Associated documents	<a href="#">Academic Integrity Statute 2015</a> Academic Integrity – Procedures and Responsibilities Academic Integrity - Schedule of Responses and Penalties for Academic Misconduct Assessment Policy Academic Integrity Websites – Staff and Students new website needed Academic Integrity – Student Declaration Form

Information and procedures in respect of academic misconduct relating to research can be found in the Research Integrity Policy, Research Misconduct Procedure link to <http://www.latrobe.edu.au/policy/documents/research-misconduct-procedure.pdf>

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<p><b>1. Reporting suspected academic misconduct</b></p>	<p>If an employee, officer or appointee of the University has reason to suspect that a student has engaged in academic misconduct, the employee, officer or appointee of the University must report the matter to the relevant Academic Integrity Adviser in accordance with the AIP.</p> <p>Teaching staff must, in the first instance, also refer suspected academic misconduct to the Subject Co-ordinator.</p>
<p><b>2. Dealing with suspected academic misconduct in examinations</b></p>	<p>If a supervisor reasonably suspects that a student has engaged in academic misconduct while undertaking an examination, the supervisor will:</p> <ul style="list-style-type: none"> <li>• confiscate any article or thing from the student which the supervisor reasonably believes is evidence of academic misconduct</li> <li>• advise the student that the matter will be reported to an AIA of the relevant College and</li> <li>• send a written report of the conduct which the supervisor believes constitutes academic misconduct to the AIA</li> <li>• include with the report any confiscated items if possible, or describe the item</li> </ul> <p>If a student refuses to surrender any article or thing which the supervisor reasonably requires, the student may be guilty of academic misconduct</p>
<p><b>3. Dealing with suspected academic misconduct</b></p>	<p>As soon as reasonably practicable and normally within 10 business days after receiving a report of suspected academic misconduct, an AIA must examine the report and determine whether the report appears to disclose evidence of academic misconduct. Following this:</p> <ul style="list-style-type: none"> <li>• If the report does not appear to disclose evidence of academic misconduct the AIA must: <ul style="list-style-type: none"> <li>○ dismiss the report,</li> <li>○ direct that the work be marked, and</li> <li>○ inform the student of the determination and any further actions to take place;</li> </ul> </li> <li>• If the report appears to disclose evidence of academic misconduct then the AIA must determine whether the</li> </ul>

	<p>academic misconduct appears to be minor or serious academic misconduct</p> <ul style="list-style-type: none"> <li>• If the AIA determines that the report discloses evidence of minor academic misconduct, the AIA conducts a hearing;</li> <li>• If the report appears to disclose evidence of serious academic misconduct then the AIA refers the matter to the College Academic Misconduct Committee (CAMC) to conduct a hearing and gives written notice to the student advising of the determination and the referral to the CAMC.</li> </ul>
<p><b>4. Conflicts of interest</b></p>	<p>AIAs will refer the matter to another AIA in their school or division, in circumstances where they</p> <ul style="list-style-type: none"> <li>• are making a report of suspected academic misconduct in an area where they would normally have responsibility; or</li> <li>• receive a report of suspected academic misconduct regarding a student enrolled in a subject in which the AIA is a subject coordinator or has another teaching role in that subject; or</li> <li>• receive a report regarding a student where some other conflict of interest arises, including a close familial, personal or financial relationship with the student.</li> </ul> <p>Should no other AIA be available, the matter will be referred to the Chair of the CAMC who may act as an AIA for the purposes of these guidelines.</p> <p>A CAMC member will recuse themselves from the hearing, in circumstances where the CAMC member:</p> <ul style="list-style-type: none"> <li>• is hearing a report of suspected academic misconduct made by the member; or</li> <li>• is hearing a report of a student enrolled in a subject in which the member has a subject coordinator or other teaching role, alleging academic misconduct in that subject; or</li> <li>• is hearing a report regarding a student where some other conflict of interest arises, including a close familial, personal or financial relationship with the student,</li> </ul> <p>In these cases a temporary CAMC member may be appointed to satisfy quorum requirements.</p>
<p><b>5. Informing students</b></p>	<p>Students subject to a hearing of minor or serious academic misconduct must be provided written notification, normally at least 10 business days prior to the hearing.</p> <p>The notification must include:</p> <ul style="list-style-type: none"> <li>• the nature of the alleged academic misconduct;</li> <li>• any material which impacts on the student's defence against the allegations raised. It is a principle of natural justice that the person about whom an allegation is made should know the details of the case to be answered;</li> <li>• advice that the student, as per the Statute, may be accompanied by a support person who does not have a law degree or who is not a legal practitioner. The support person could be, for example, a friend, family member or a Student Union representative;</li> <li>• the date, time and location of the hearing;</li> <li>• the names of all University staff who will be present at the</li> </ul>

	<p>hearing; and</p> <ul style="list-style-type: none"> <li>links to the online copies of the Academic Integrity Statute 2015 and all associated policies and procedures.</li> </ul> <p>If a student chooses not to attend a hearing, a decision can be made in their absence</p>
<b>6. Conduct of AIA hearings</b>	<p>If the AIA decides that academic misconduct has not taken place, the AIA must then dismiss the report, direct that the work be marked and give written notice to the student of these determinations and any further actions to take place. The AIA can direct that the student take up educational and corrective action in cases of poor scholarship that do not rise to the level of academic misconduct.</p> <p>If the AIA decides that minor academic misconduct has taken place, the AIA must apply a penalty for academic misconduct as set out in the Schedule of Responses and Penalties for Academic Misconduct.</p> <p>If the AIA determines that the misconduct is serious then they will refer the matter to the College Academic Misconduct Committee (CAMC).</p>
<b>7. Conduct of CAMC hearings</b>	<p>The CAMC will conduct a hearing if a report appears to disclose evidence of serious academic misconduct.</p> <p>If the CAMC decides that academic misconduct has not taken place, the CAMC must direct that no penalty be applied to the student. The CAMC can direct that the student take up educational and corrective action in cases of poor scholarship that do not rise to the level of academic misconduct.</p> <p>If the CAMC decides that academic misconduct has taken place, the CAMC must apply a penalty for serious academic misconduct as set out in the Academic Integrity – Schedule of Responses and Penalties for Academic Misconduct.</p>
<b>8. Hearing student submissions</b>	<p>Students must be given an opportunity to be heard during the process. Students may wish to appear in person, make a written submission, or participate in proceedings through other means (including teleconference, videoconference or e-mail).</p> <p>The student's support person is not permitted to make submissions or arguments on the student's behalf unless permitted to do so by the AIA or CAMC Chair.</p> <p>While face-to-face meetings are preferable, AIAs and CAMCs should be flexible in using a mix of communication facilities as appropriate.</p> <p>Tele-conferences or video-conferences may be more appropriate for some cases (due to travel being impractical or too costly), for example:</p> <ul style="list-style-type: none"> <li>students from regional campuses or interstate</li> <li>off-shore international students</li> <li>local student where there may be special availability circumstances</li> <li>timing (eg vacation periods, relevant international timing differences)</li> </ul>

<p><b>9. Communicating the decision</b></p>	<p>The AIA or the CAMC must give written notice of any determination of academic misconduct to the student as soon as practicable. The notice must:</p> <ul style="list-style-type: none"> <li>• clearly state the details and reasons for the determination and</li> <li>• advise the student that he or she can lodge an appeal.</li> </ul>
<p><b>10. Appealing the decision</b></p>	<p>The Appeals process is stated in the Academic Integrity Statute 2015. Students may, within 10 business days from the date of receiving notice of a determination made by the AIA or the CAMC, apply to the University Appeals Committee for a review of the determination. The application must:</p> <ul style="list-style-type: none"> <li>• be in writing, and</li> <li>• specify the reasons for the review.</li> </ul> <p>A student may request a review and appeal against a determination and or the response or penalty of the AIA or the CAMC on the grounds that:</p> <ul style="list-style-type: none"> <li>• the determination was based on a misinterpretation of the Schedule of Responses and Penalties for Academic Misconduct, and</li> <li>• new relevant evidence is now available to the student and had it been available or known at the time of the determination, it would have been likely to have affected the outcome of the hearings.</li> </ul>
<p><b>11. Records of meetings</b></p>	<p>Records should be signed by the AIA or all CAMC members and filed together with all relevant documents in the central University Record repository managed by Student Services. At a minimum, the record must be in writing and include:</p> <ul style="list-style-type: none"> <li>• the date of the meeting;</li> <li>• the student's name and student identification number;</li> <li>• a summary of the allegation of academic misconduct;</li> <li>• a summary of the submission by the student;</li> <li>• the decision and the penalty (if applicable); and</li> <li>• a rationale for the decision.</li> </ul>
<p><b>12. Notices to students</b></p>	<p>Notices provided to students should be in writing, and as significant communications under the University's Electronic Communications Policy, sent by email and post. "The University will deem official correspondence sent by email to have been delivered when the correspondence has been sent to the officially recorded staff or student email account and the University Email System has not generated a notice that the message could not be delivered." (Electronic Mail (Email) for Official Correspondence with Students Procedure, p. 2) Receipts of registered or express mail and a copy of the notice should be placed in the student's records for evidence that the University has fulfilled its obligations. For normal mail, a record must be kept of the date and time the mail was sent to the student. The</p>

	use of registered/express mail ensures that the University can prove that the notice was posted.
<b>13. Claims of non - receipt of mail</b>	<p>If the student's official correspondence address recorded in the Student Information System was used to send notice(s), the University's obligations have been met.</p> <p>Where the student has attempted to notify the University of a change of address (and this has apparently crossed in the mail with the University notice to the student) or there is doubt regarding the accuracy of the address used to notify the student, special circumstances may apply.</p>
<b>14. Extensions of time for student submissions</b>	<p>Where the student demonstrates that their failure to make a submission is due to special circumstances, the student may be given an extension of time to make a submission to a meeting.</p> <p>If the student has failed to maintain a current address or failed or refused to answer their mail the meeting should proceed without the student submission.</p>
<b>15. Special circumstances</b>	<p>Special circumstances can include, but are not limited to one or a combination of the following:</p> <ul style="list-style-type: none"> <li>• family issues</li> <li>• bereavement</li> <li>• personal health</li> <li>• student on placement</li> <li>• housemate(s)/family failed to notify or forward mail</li> <li>• Australia Post system failure</li> <li>• change of address provided by student but not yet recorded (i.e. mail was sent to an incorrect address by the University)</li> <li>• other University system failure</li> <li>• act of God</li> </ul>
<b>16. Reports to professional bodies</b>	<p>A number of professional bodies including the Legal Services Board of Victoria, the Society of Certified Practising Accountants, the Institute of Chartered Accountants and others will ask an applicant seeking registration for membership to complete an application form. The form may seek permission to request information from a number of sources, including the university the applicant attended. Information on a student's file will record academic or general misconduct.</p> <p>Employers may also require a job applicant to give permission for information under a disclosure permission.</p> <p>Under Victoria's Legal Profession Act 2004, all graduates seeking admission to legal practice must obtain from the University a report disclosing any academic or general misconduct on their part while undertaking their studies (see Council of Legal Education – Board of Examiners Practice Direction No 3 of 2009 - 3 April 2009).</p> <p>The University is required to provide a report disclosing any incident of misconduct where the University holds a record (including those not proven).</p>

	<p>The University is not required to disclose matters in respect of which no record has been maintained. If matters where the student was found to have no case to answer are not recorded, the University will not be able to provide a report.</p> <p>The report is normally prepared by Student Services following an application by the student and a signed authority to release the information.</p> <p>The following information will be provided to the Board of Examiners:</p> <ul style="list-style-type: none"> <li>• the date of the incident;</li> <li>• a brief description of the incident;</li> <li>• the outcome of the investigation or disciplinary proceedings; and</li> <li>• any penalties imposed or disciplinary action taken.</li> </ul> <p>A copy of the report will be forwarded to the student and a further copy filed by Student Services and Administration.</p>
<p><b>17. Statement on transcript</b></p>	<p>In proven instances of serious academic misconduct resulting in a student's exclusion or suspension from the University for a specified period, the academic transcript of the student shall state that the student has been excluded or suspended from the University for that period by the relevant decision making authority.</p> <p>The Director, Student Services and Administration may authorise that the statement be suppressed in special circumstances.</p> <p>A student must apply in writing to have this statement suppressed providing a reason why they wish this to happen.</p>
<p><b>18. Information about previous academic misconduct</b></p>	<p>Students can request their record of previous academic misconduct via ASK La Trobe <a href="http://www.latrobe.edu.au/ask-us">http://www.latrobe.edu.au/ask-us</a> under the 'current students' option, or they can request in person at any of the ASK La Trobe Help Desks.</p> <p>A student can directly request an Academic Conduct report by completing the form on the following link <a href="http://www.latrobe.edu.au/_data/assets/pdf_file/0006/558933/Application-for-Board-of-Examiners.pdf">http://www.latrobe.edu.au/_data/assets/pdf_file/0006/558933/Application-for-Board-of-Examiners.pdf</a></p> <p>Information from the academic misconduct database about previous academic misconduct will normally be available to AIAs, CAMC and the University Appeals Committee once academic misconduct has been determined and prior to imposing a penalty.</p>
<p><b>19. Privacy</b></p>	<p>Information contained in the academic misconduct database must be collected and maintained, and reports redacted according to privacy legislation.</p> <p>The summary information must be presented so that no individual may be identified.</p>

## Definitions

**Academic integrity:** means being honest in academic work and taking responsibility for learning the conventions of scholarship.

**Academic misconduct:** as per the Statute includes

a) 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 an examination or assessment, or in relation to or for a formal examination or assessment, whether such advantage occurs or not;

b) conduct which constitutes a breach of any rules relating to a formal examination or assessment;

c) 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 pertaining to placements, whether such advantage occurs or not; and

d) any prescribed conduct.

The Statute further defines academic misconduct as being either serious or minor.

**Serious academic misconduct** includes academic misconduct which

a) is, or appears from the 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 this Statute and the AIP, the GRP or any other policy or procedure regarding academic misconduct);

b) is, or appears from the available evidence to be, carefully and deliberately planned, repetitive, organised or systematic in nature; or

c) is, or appears from the available evidence to be, significant in scale or scope

**Minor academic misconduct** means academic misconduct which, in all the circumstances, falls short of serious academic misconduct;

**Cheating:** per the Statute 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.

**A hearing** is conducted by an AIA or CAMC with as little formality and technicality as possible

As per the Statute, when conducting a hearing, the AIA or CAMC is bound by the rules of natural justice;

a) is not bound by the rules of evidence or practices or procedures applicable to courts of record;

b) may inform him or herself on any matter as he or she sees fit;

c) must act with as little formality and technicality, and determine each matter with as much speed, as the requirements of this Statute, the regulations (if any) and a proper consideration of the matter permits; and

d) subject to this statute and the regulations (if any), may



	regulate his or her own procedure.
<b>Status</b>	<p>Revisions 7 September 2015. Revisions approved by Academic Board 10 June 2015, minute reference <i>(AB15/54(M)-480.3.3)</i>.</p> <p>Prior approvals: Minor change, including update of web links, 7 October 2014. Minor change, 9 July 2012. Revisions approved by Academic Board 9 November 2011, Minute 453.3.2; endorsed by Education Committee 26 October 2011. Council, 10 May 2010, C10/36(M), Minute 398.13.2; Academic Board 14 April 2010, Minute 439.3.2; May 2007.</p> <p>The implementation of the latest version of these guidelines supersedes all previous versions of these guidelines.</p>
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