

## University Rules: Academic Misconduct Rules (Students)

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### 1. Preamble

These Rules are made under Statute No. 22 Student Conduct.

### 2. Definitions

“Academic Misconduct” means any conduct by a student in relation to academic work that is dishonest or unfair and includes, but is not limited to:

- (a) plagiarism;
- (b) unauthorised collaboration;
- (c) cheating in assessment; and/or
- (d) theft of another student’s work;

“Act” means the *Edith Cowan University Act 1984*;

“cheating” means dishonest conduct in any assessment ;

“Committee” means:

- (a) in relation to an honours or master by coursework candidate:
  - (i) the Faculty Board of the Faculty to which the candidate is or may be attached; or
  - (ii) where the Faculty Board has established a committee with specific responsibilities for honours and master by coursework candidates - that committee; and
- (b) in relation to research and doctoral candidates, the Committee designated by the Academic Board to carry out this role;

“Dean” means the Executive Dean or Dean of a Faculty, or a person acting in either of those positions;

“Director, SSC” means the Director, Student Services Centre, or the successor to that position or a person acting in that position or his or her nominee;

“Faculty” means an academic organisational unit within the University;

“General Misconduct” has the same meaning as in the General Misconduct Rules (Students);

“Head of School” means a person appointed to or acting in a position of Head of School;

“interview” includes a meeting conducted by telephone, teleconference or videoconference, or other such media;

“Invigilator” means any person employed or acting on behalf of the University to attend examinations and/or supervise students who are undertaking examinations or other forms of assessment, conducted by or on behalf of the University (including where examinations or assessments are conducted by other national or international educational institutions);

“plagiarism” means to knowingly or unknowingly present as one’s own work the ideas or writings of another without appropriate acknowledgment or referencing. This includes, but is not limited to:

- (a) paraphrasing or copying text without acknowledgment of the source; and/or
- (b) copying, whether identically or in essence, the text of another student's assignment or other students' assignments; and/or
- (c) copying, whether identically or in essence, of visual representations (for example cartoons, line drawings, photos, paintings and computer programs);

"student" means an enrolled student as prescribed in the Admission, Enrolment and Academic Progress Rules at the time of any alleged misconduct;

"Student Appeals Committee" means a committee established in accordance with rule 5 of the Admission, Enrolment and Academic Progress Rules;

"thesis" means written material to be submitted by a candidate for assessment in respect of the research part of a course;

"Thesis Examiner" means any person who has been formally appointed to act in the position of thesis examiner to a student;

"University premises" includes –

- (a) 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;
- (b) all premises and facilities owned or occupied by the University, whether in the State of Western Australia, another Australian State or Territory or overseas;
- (c) the premises of any residential college or off-campus accommodation owned or operated by the University;
- (d) the location of clinical or professional placements that form the whole or part of a course offered by the University;
- (e) the location of camps, field placements, workshops and any other study activities controlled or supervised by the University;
- (f) any other place in the temporary possession, whether actual or constructive, of the University; and
- (g) the University's rights of access and egress.

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

- (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 Director, SSC. Upon receiving an Invigilator's Report, the Director, SSC must:
  - (a) dismiss the matter if the Director, SSC believes
    - (i) there has not been an act of academic misconduct; or
    - (ii) there is insufficient evidence that there has been an act of academic misconduct; or
    - (iii) the act of academic misconduct was minor or unintentional; or
  - (b) provide a written report of the alleged offence ("Director's SSC Report") to the Head of School of the relevant Faculty or his or her nominee ("Head of School").

- (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 Committee. Upon receiving a Thesis Examiner's Report, the Committee must:
- (a) 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 Committee believes
    - (i) there has not been an act of academic misconduct; or
    - (ii) there is insufficient evidence that there has been an act of academic misconduct; or
    - (iii) the act of academic misconduct was minor or unintentional; or
  - (b) if, in the Committee's opinion, the student has committed a serious and/or intentional act of academic misconduct, the Committee shall provide a written report of the alleged offence ("Committee Report") to the Head of School.
- (3) Where an academic staff member has reasonable grounds to believe that a student has committed an act of academic misconduct, the academic staff member must investigate the matter in whatever manner, and to whatever extent he/she considers appropriate. The academic staff member must take reasonable steps to contact the student to request the student to attend an interview with that academic staff member for the purpose of discussing the alleged act of academic misconduct. Following the investigation, the academic staff member must:
- (a) dismiss the matter if the academic staff member believes
    - (i) there has not been an act of academic misconduct; or
    - (ii) there is insufficient evidence that there has been an act of academic misconduct; or
    - (iii) the act of academic misconduct was minor or unintentional; or
  - (b) provide a written report of the alleged offence ("Academic Staff Member's Report") to the Head of School.
- (4) Allegations of academic misconduct from other persons may be made in writing to the Director, SSC who must report the matter to the relevant academic staff member to be dealt with under rule 3(3).

#### **4. Investigation of Allegations of Academic Misconduct**

- (1) On receiving a Director's SSC Report, a Committee Report or an Academic Staff Member's Report, the Head of School may seek evidence from such sources as the Head of School considers appropriate. If, in the opinion of the Head of School 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 Head of School may dismiss the matter without requiring the student to attend an interview with the Head of School.
- (2) Subject to sub-rule 4(1), before determining what action, if any, will be taken concerning the alleged act of academic misconduct, the Head of School shall take reasonable steps to contact the student to request the student to attend an interview with the Head of School. Following the investigation, the Head of School must:
- (a) dismiss the matter if the Head of School believes
    - (i) there has not been an act of academic misconduct; or
    - (ii) there is insufficient evidence that there has been an act of academic misconduct; or
    - (iii) the act of academic misconduct was minor or unintentional; or

- (b) impose any one or more of the following penalties if, in the Head of School's opinion, the act of academic misconduct is serious and/or intentional:
    - (i) provide the student with a written warning;
    - (ii) require the student to rewrite or redo and resubmit the offending work or prepare an assignment on a new topic;
    - (iii) deduct marks in line with the seriousness of the act of academic misconduct;
    - (iv) disallow any mark in relation to the offending work; or
  - (c) provide a written report of the alleged offence ("Head of School's Report") to the Dean.
- (3) If a student is dissatisfied with a decision made by the Head of School pursuant to sub-rule 4(2)(b), the student may, by written notice to the Head of School and the Dean, appeal against that decision to the Dean. Upon receiving such notice, the Dean must:
- (a) request the student to attend an interview with the Dean, then
  - (b) review the decision made by the Head of School and:
    - (i) dismiss the matter if the Dean believes
      - (1) there has not been an act of academic misconduct; or
      - (2) there is insufficient evidence that there has been an act of academic misconduct; or
      - (3) the act of academic misconduct was unintentional or minor; or
    - (ii) impose any one or more of the dispositions specified in sub-rule 4(5) if the Dean believes the act of academic misconduct is serious and/or intentional.
- (4) On receiving a Head of School's Report, the Dean may seek evidence from such sources as the Dean considers appropriate. If, after full consideration of the circumstances, the Dean believes there has not been an act of academic misconduct or the act of academic misconduct was unintentional or minor, the Dean may dismiss the matter without requiring the student to attend a further interview.
- (5) Subject to sub-rule 4(4), before determining what action, if any, will be taken concerning the alleged act of academic misconduct, the Dean shall take reasonable steps to contact the student to request the student to attend an interview with the Dean. Following the investigation, the Dean must:
- (a) dismiss the matter if the Dean believes
    - (i) there has not been an act of academic misconduct; or
    - (ii) there is insufficient evidence that there has been an act of academic misconduct; or
    - (iii) the act of academic misconduct was minor or unintentional; or
  - (b) impose any one or more of the following penalties if in the Dean's opinion the act of academic misconduct is serious and/or intentional:
    - (i) provide the student with a written warning;
    - (ii) require the student to rewrite or redo and resubmit the offending work or prepare an assignment on a new topic;

- (iii) deduct marks in line with the seriousness of the act of academic misconduct;
  - (iv) disallow any mark in relation to the offending work;
  - (v) cancel or deprive the student of all or part of the credit for the relevant unit;
  - (vi) suspend the student from the University for such period of time as may be determined by the Dean and record a failure by the student in the relevant unit; or
  - (vii) expel the student from the University.
- (6) If a student is dissatisfied with a decision made by the Dean pursuant to sub-rules 4(4) or 4(5), the student may appeal against that decision to the Student Appeals Committee in accordance with rule 58 of the Admission, Enrolment and Academic Progress Rules.
- (7) The student must be notified in writing of the reasons for the decision and the action taken by the Committee, the academic staff member, the Head of School and/or the Dean pursuant to this rule.
- (8) The interviews referred to in sub-rules 3(3), 4(2), 4(3) and 4(5) 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.
- (9) The interviews may, at the discretion of the interviewing officer, 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.
- (10) If, after reasonable steps to contact the student have been made, the student fails to attend any interview held pursuant to this rule, the academic staff member, the Head of School or the Dean (as the case may be) may proceed to investigate and make a decision with respect to the alleged offence without having interviewed the student.
- (11) Neither the student nor the University nor any other person participating in any interview held pursuant to this rule shall be entitled to legal representation.
- (12) The student may be accompanied at any interview held pursuant to sub-rules 3(3) and 4(2) by any person other than a lawyer or a person who is legally trained. Any person accompanying the student at any interview held pursuant to sub-rules 3(3) and 4(2) shall not have the right to act as the student's advocate but shall be entitled to attend solely for the purpose of providing support to the student.
- (13) The student may be accompanied at any interview held pursuant to sub-rules 4(3) or 4(5) by any person other than a lawyer or a person who is legally trained. Any person having the right to accompany the student at any interview held pursuant to sub-rules 4(3) or 4(5) shall have the right to act as the student's advocate.
- (14) Nothing in this rule is intended to exclude or limit the provisions for cancellation of enrolment or expulsion of the student under the Admission, Enrolment and Academic Progress Rules.

## **5. Service of Documents**

- (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:
- (a) by giving the notice or document directly to that person;
  - (b) by sending, as an email message, the notice or document to that person's last known ECU email address;
  - (c) by sending, in the body of an email message to that person's last known ECU 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;
  - (d) by posting the notice or document as a letter to that person's last known address; or
  - (e) by leaving it for that person at their last known place of abode.

- (2) Where the notice or document is sent in accordance with paragraphs (b) and (c) of sub rule (1), service is deemed to occur at the time of sending the message.
- (3) Where the notice or document is posted in accordance with paragraph (d) of sub rule (1), service is deemed to occur at the expiration of 5 working days from the time of posting.

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