



Student Academic Misconduct Procedure

Policy supported	Student Academic Misconduct Policy
Procedure Code	ACA-HE-02
Procedure owner	Dean
Responsible Officer	Dean
Approving authority	Dean
Contact Officer	Registrar
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Related Documents	Misconduct Register Student Complaint and Appeal Policy Student Complaint and Appeal Procedure Student Code of Conduct Diversity and Equity Policy

1. Purpose

The purpose of this Procedure is to outline the protocols associated with the **Student Academic Misconduct Policy**. The **Student Academic Misconduct Policy** addresses breaches of student academic conduct at the Australian Institute of Higher Education Pty Ltd (the 'Institute').

2. Scope

This Procedure applies to all students and staff of the Institute. It addresses academic misconduct only. Non-academic misconduct is covered in the **Student Code of Conduct**.

3. Definitions

See the **AIH Glossary of Terms** for definitions

4. Actions and Responsibilities

4.1 Responsible Persons and Designated Areas of Responsibility

Roles	Responsibilities
Lecturer(s)	The lecturer is primarily responsible for collecting and referring on all evidence of alleged breaches of the Policy. Lecturer(s) may be required to represent the Institute during subsequent student interviews, and liaise with the Unit Coordinator, Program Managers, Registrar or Dean as appropriate, as outlined in the individual processes.

Student(s)	Students are responsible for attending any interview scheduled because of an alleged breach, where they will have the opportunity to present a case and supply any supporting evidence. They are also responsible for arranging any support person (other than a legal representative) to attend the interview, and for prompting any appeal against outcomes.
Unit Coordinator	The Unit Coordinator is primarily concerned in matters of suspected plagiarism. Responsibilities include consulting with the lecturer concerning the best course of action and writing to the student(s) to attend an interview if deemed appropriate.
Dean	The Dean approves courses of action following interviews and appoints representative Institute staff to undertake various stages of the misconduct process. In the case of cheating during examinations and tampering, the Dean writes to the student(s) to attend an interview. The Dean, in conjunction with the Chief Executive Officer, also considers recommendations of student expulsion.
Registrar	The Registrar maintains the Misconduct Register and ensures accurate records are maintained.
Chief Executive Officer (CEO)	The CEO will interview students and considers recommendations of student expulsion.
Representative Institute staff	Representative Institute staff are responsible for attending student interviews, outlining the evidence for the breach of academic misconduct, signing the interview form, and following the process for confirming or dismissing allegations within the interview as appropriate.
Representative(s) (if requested)	Student representatives are non-legal interview attendees who are responsible for providing support to the student during an investigation and/or interview process.

4.2 Reporting Lines

When reporting incidents of academic misconduct, the following lines for reporting are to be implemented:

a) Plagiarism/ Contract Cheating (minor and moderate breach):	<ul style="list-style-type: none"> i. Lecturer informs the Unit Coordinator, Registrar and Dean ii. Dean appoints representative Institute staff to the investigation. This may include the Unit Coordinator iii. Representative Institute staff notifies Dean and Registrar of the outcome of the investigation iv. Unit Coordinator or delegate notifies student(s)
b) Cheating in Examinations:	<ul style="list-style-type: none"> i. Lecturer/Invigilator informs Unit Coordinator Dean and Registrar ii. Dean appoints representative Institute staff to the investigation iii. Representative Institute staff informs Dean and Registrar of the outcome of the investigation iv. Representative Institute staff or delegate notifies student(s)
c) Major Misconduct	<ul style="list-style-type: none"> i. Dean consults with CEO ii. CEO will interview student(s) iii. CEO will make decision iv. Representative Institute staff or delegate notifies student(s)

4.3 Penalties

Level and Types	Examples	Authorised Persons
<p>Level 1 – Minor Misconduct</p> <ul style="list-style-type: none"> Student receives a written warning only and recorded in the misconduct register Student receives ‘zero’ mark for the assessment and recorded in the misconduct register Student receives ‘reduced’ mark and recorded in the misconduct register Student may be asked to ‘resubmit’ the assessment within a given timeframe 	<p>A minor breach includes cases where:</p> <ul style="list-style-type: none"> the breach occurs in the first eight units of study; and/or the breach is not one of cheating in an examination; and/or there is no record relating to a previous occurrence of academic misconduct, or finding of academic misconduct; and/or the breach has a minor effect on the assessment task; and/or it does not provide the student with a significant unfair advantage; and/or a proportionate response by staff would maintain the institute’s academic reputation. 	Dean or delegates
<p>Level 2 – Moderate Misconduct</p> <ul style="list-style-type: none"> Student receives ‘zero’ mark for assessment (where the assessment is 50% or more of the final grade for the unit) Student receives a ‘failed’ grade with zero mark for the unit and is required to repeat the unit 	<p>A moderate breach can only be determined as such where it is judged that the breach is not minor and does not meet the conditions for a major breach and includes but is not limited to the following:</p> <ul style="list-style-type: none"> referencing/citation errors made after the first year of study; and/or where the breach has a moderate effect on the assessment task; and/or it constitutes recycling. 	Dean or delegates
<p>Level 3 – Major Misconduct</p> <ul style="list-style-type: none"> Exclusion/expulsion from the institute 	<p>A breach must be determined as major where:</p> <ul style="list-style-type: none"> it constitutes any form of misrepresentation or cheating; and/or the student has been found to have breached the Academic Integrity and Misconduct Policy on two or more prior occasions; and/or it is judged that the penalty that can be imposed by the Dean is insufficient to deal with the matter. 	Chief Executive Officer

4.4 Documentation

In all cases of suspected academic misconduct, the following documents are required:

- The submitted work under question
- Any/all supporting evidence
- Written communication (email or letter) to initiate the investigation process
- Written communication (email or letter) informing student(s) of final outcome

Records of confirmed cases of academic misconduct will be kept on file for a period of five (5) years and the incident will be recorded in the **Misconduct Register**. A report of all confirmed cases of academic misconduct will be presented to the Academic Board after the conclusion of each study period.

4.5 Plagiarism

Plagiarism falls into two categories at the Institute:

Plagiarism (intentional) - Intentionally submitting/presenting any part of the work of another person/source without appropriate acknowledgement.

Plagiarism (unintentional) - Unintentionally submitting/presenting the work of another person/source, without adequate acknowledgement, but without an intention to take undue credit or deceive.

4.5.1 Investigation and detection

- a) The lecturer who receives a student assessment item with evidence of plagiarism must collect all evidence of the breach. Evidence includes:
 - i. Work submitted by the student, and
 - ii. Any evidence of plagiarism (or collusion).
- b) In cases of a serious breach with verifiable evidence, the lecturer must first consult the Unit Coordinator to decide upon a possible course of action.
- c) While investigation is being undertaken, the lecturer must withhold the student's mark for the assessment until an outcome is reached.
- d) The Unit Coordinator (or delegate) formally writes to the student to attend an interview. The written communication to the student must include:
 - i. details of the alleged academic misconduct under investigation,
 - ii. a summary of evidence of the academic misconduct,
 - iii. provision for the student to have a representative attend the interview, and
 - iv. the day, date, time, location and representative Institute staff involved in the interview.
- e) During the interview, the following will occur:
 - i. Representative Institute staff will provide the student with details and evidence of alleged plagiarism,
 - ii. The student will have an opportunity to present his/her case with evidence,
 - iii. Interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.
- f) Where there is doubt as to a student's understanding of assessment requirements, or suspicions that submitted assessment items are not the student's own work, the student may be called upon to demonstrate an understanding of the content. Where the student fails to adequately defend the content by demonstrating understanding or evidence of their own work, the assessment item will be deemed as a fail grade.
- g) In cases where evidence indicates possible collusion with other students, the colluding student will also receive formal written communication to attend an interview conducted on (possibly) the same day. The interview will not be held at the same time as that of the other student(s) involved in the allegation. All students suspected of involvement will be interviewed separately by the same representative Institute staff following the stated formal interview procedures.
- h) Representative Institute staff must then follow the process for confirming allegations or a finding that a penalty is not warranted. Refer to sections **4.9 Confirming Allegations** and **4.10 Allegations Not Warranted**.

- i) In cases where the representative Institute staff are Lecturer(s) and Unit Coordinator, they will meet with the Dean or delegate to present the degree of the breach and recommend a course of action prior to gaining the Dean's or delegate's approval.
- j) In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Dean in consensus with the CEO or delegate.
- k) The outcome of the investigation and resulting actions will be formally communicated to the student in writing (email or letter) within ten (10) working days. The lecturer can then release the students mark.
- l) Students may appeal any decision in writing following the guidelines stated in the ***Student Complaint and Appeal Policy*** and associated Procedure.
- m) Where a student has requested an appeal, the same interview process will be implemented; however, the Dean and/or Academic Board will appoint representative Institute staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.
- n) All written communication (emails or letters), interview notes and evidence of academic misconduct must be placed in the Misconduct Folder stored on a secure drive with notes included in the student files in the Institute's database.

4.6 Cheating During Examinations

Cheating includes, but is not limited to, copying the work of another under any assessment condition, with or without the other person's knowledge; unauthorised collaboration of assessment tasks; communicating with someone else under exam conditions in order to extract information; leaving exam papers exposed under exam conditions that enable others to view the contents; bringing in concealed information or prohibited aids under exam conditions, or receiving answers from another person under exam conditions.

Cheating during examinations - Cheating during examinations includes, but is not limited to, evidence of:

- a) Communication during an examination, including verbal and/or written,
- b) Surreptitiously bringing in unauthorised information into an examination room, including written and electronic sources of information,
- c) Leaving examination papers exposed for others to view,
- d) Persistent attempts to view other students' examination papers,
- e) Receiving unauthorised notes, papers etc. that relate to the examination, and
- f) Providing unauthorised notes, papers etc. that relate to the examination.

4.6.1 Investigation and detection

- a) The invigilator/lecturer must collect all evidence of cheating. Evidence includes, but is not limited to:
 - i. Unauthorised written communication;
 - ii. Written observations about unauthorised behaviour; and/or
 - iii. Hard copy evidence of unauthorised electronic communication, which may include written observations; and
 - iv. A photo of any electronic devices used for the purpose of cheating.
- b) In cases where students have verbally communicated or provided/received unauthorised notes, papers etc. relating to the examination, all students involved will immediately have their papers and communications retrieved and will be quietly removed from the examination room to ensure stability for the other students still doing the examination.
- c) The lecturer/invigilator will provide the evidence to the Dean or delegate as soon as the examination has finished.

- d) The Dean (or delegate) formally writes (email or letter) to the student to attend an interview. The written communication to the student must include:
 - i. Details of the alleged cheating during the examination,
 - ii. An opportunity to have a representative attend the interview, and
 - iii. The day, date, time, location and representative Institute staff involved in the interview.
- e) During the interview, the following process will occur:
 - i. Representative Institute staff will provide the student(s) with details and evidence of alleged cheating,
 - ii. The student(s) will have an opportunity to present their case with their evidence,
 - iii. Interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.
- f) In cases where more than one student is involved and evidence indicates possible collusion with other students, the other student(s) will also receive formal written communication (email or letter) to attend an interview conducted on (possibly) the same day. The interview will not be held at the same time as that of the other student(s) involved in the allegation. All students suspected of involvement in cheating during the examination will be interviewed separately by the same representative Institute staff following the same interview procedures.
- g) Representative Institute staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections **4.9 Confirming Allegations** and **4.10 Allegations not Warranted**.
- h) In cases where the representative Institute staff does not include the Dean, the representative staff will meet with the Dean to present the degree of the breach and recommend a course of action prior to gaining the Dean's approval.
- i) In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Dean in consensus with the CEO or delegate.
- j) The outcome of the investigation and resulting actions will be formally communicated to the student(s) in writing (email or letter) within ten (10) working days.
- k) Students may appeal any decision in writing following the guidelines stated in the ***Student Complaint and Appeal Policy*** and associated Procedure.
- l) Where a student has requested an appeal, the same interview process will be implemented; however, the Dean and/or Academic Board will appoint representative Institute staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.
- m) All written communication (emails or letters), interview notes and evidence of academic misconduct must be placed in the Misconduct Folder stored on a secure drive with notes included in the student files in the Institute's database.

4.7 Tampering

Tampering involves attempts to alter examination scripts, class work, grades or any other academic or administrative records.

4.7.1 Investigation and detection

- a) The lecturer or administrator must collect all evidence of tampering.
- b) In cases of a serious breach with verifiable evidence, the lecturer or administrator must first consult the Dean or delegate to decide upon a possible course of action and designate representative Institute staff.

- c) The Dean (or delegate) formally writes to the student(s) to attend an interview. The letter or email to the student(s) must include:
 - i. Details of the alleged tampering under investigation,
 - ii. A summary of evidence of tampering,
 - iii. An opportunity for the students to have a representative attend the interview, and
 - iv. The day, date, time, location and representative Institute staff involved in the interview.
- d) In cases where more than one student is involved and evidence indicates possible collusion with other students, the other student(s) will also receive a formal letter to attend an interview conducted on (possibly) the same day. The interview will not be at the same time as that of other student(s) involved in the allegation.
- e) During the interview, the following process will occur:
 - i. Representative Institute staff will provide the student(s) with details and evidence of alleged tampering,
 - ii. The student(s) will have an opportunity to present their case and evidence,
 - iii. Interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.
- f) Representative Institute staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections **4.9 Confirmation of Allegations** and **4.10 Allegations Not Warranted**.
- g) In cases where the representative Institute staff does not include the Dean, the representative staff will meet with the Dean to present the degree of the breach and recommend a course of action prior to gaining the Dean's approval for a course of action.
- h) In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Dean in consensus with the CEO or delegate.
- i) The outcome of the investigation and resulting actions will be formally communicated to the student(s) in writing within ten (10) working days.
- j) Students may appeal any decision in writing following the guidelines stated in the **Student Complaint and Appeal Policy** and associated Procedure.
- k) Where a student has requested an appeal, the same interview process will be implemented; however, the Dean and/or Academic Board will appoint representative Institute staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.
- l) All written communication (emails or letters), interview notes and evidence of academic misconduct must be placed in the Misconduct Folder stored on a secure drive with notes included in the student(s) files in the Institute's database.

4.8 Suspicion of contract cheating

4.8.1 Contract Cheating

- a) Contract cheating (ghost writing) can be paid or non-paid work.
- b) Contract cheating is getting someone to complete part or the whole assessment which is then submitted under the name of the student as their own work.
- c) Contract cheating is buying an assessment from a company.
- d) Asking a friend, partner or family member to prepare work.
- e) Paying tutor companies to assist with the preparation of the assignments.
- f) Buying, selling or exchanging answers or assignments.

4.8.2 Impersonation

- a) Taking an examination, online assessment or other assessment type on behalf of another person.
- b) Having another person take an examination, test, online assessment or other assessment type on one's own behalf.

4.8.3 Suspicion of contract cheating of assessments

A lecturer may have reason to doubt that the work was not written by a student in one or more of the following instances:

- a) The work is not likely to be written by a student at that level due to the high quality of the arguments being made.
- b) Failure to align with the assessment title and requirements of the assessment.
- c) Different styles of writing throughout the assignment.
- d) Generic terms not in line with the assessment task.
- e) Language usage and consistency throughout the text is different or too exact.

4.8.4 Investigation and detection

- a) Firstly, text matching such as Turnitin can be used to give an overview of the assessment.
- b) Checks can be made against student's previously submitted work, reviewing against work produced, drafts submitted, previous assessments marked.
- c) Seek advice from members of staff who may know the student.
- d) A review of all the information to hand should be undertaken to decide whether there is sufficient evidence to doubt the authorship of the work and to therefore test such doubts with the student.

The Institute will consider the balance of probabilities and will look for the likelihood of contract cheating rather than beyond reasonable doubt.

The lecturer suspecting a case of contract cheating should contact the Unit Coordinator.

The Unit Coordinator formally writes to the student to attend an interview. The written communication to the student must include:

- i. details of the alleged academic misconduct under investigation,
 - ii. a summary of evidence of the academic misconduct,
 - iii. provision for the student to have a representative attend the interview, and
 - iv. the day, date, time, location and representative Institute staff involved in the interview.
- e) During the interview, the following will occur:
- i. Representative Institute staff, Program Managers, Dean will provide the student with details and evidence of alleged misconduct.
 - ii. The student will have an opportunity to present his/her case with evidence and have a support person with them.
 - iii. Interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.
- f) In cases where more than one student is involved and evidence indicates possible collusion with other students, the other student(s) will also receive formal written communication (email or letter) to attend an interview conducted on (possibly) the same day. The interview will not be held at the same time as that of the other student(s) involved in the allegation. All students suspected of involvement in cheating during the examination will be

interviewed separately by the same representative Institute staff following the same interview procedures.

- g) Representative Institute staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections **4.9 Confirming Allegations** and **4.10 Allegations not Warranted**.
- h) In cases where the representative Institute staff does not include the Dean, the representative staff will meet with the Dean to present the degree of the breach and recommend a course of action prior to gaining the Dean's approval.
- i) In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Dean in consensus with the CEO or delegate.
- j) The outcome of the investigation and resulting actions will be formally communicated to the student in writing (email or letter) within ten (10) working days.
- k) Students may appeal any decision in writing following the guidelines stated in the **Student Complaint and Appeal Policy and associated Procedure**.
- l) Where a student has requested an appeal, the same interview process will be implemented; however, the Dean and/or Academic Board will appoint representative Institute staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.
- m) All written communication (emails or letters), interview notes and evidence of academic misconduct must be placed in the Misconduct Folder stored on a secure drive with notes included in the student files in the Institute's database.

4.9 Confirmation of Allegations

- a) Where there is confirmation of academic misconduct, the following may be applied:
 - i. A reprimand
 - ii. A written warning
 - iii. Failing the assessment item
 - iv. Failing the unit, and the student is required to repeat the unit of study
 - v. Deduction of marks
 - vi. Imposition of a maximum grade allowable
 - vii. Opportunity to sit a supplementary assessment at a cost to the student
- b) If it is a student's second (or more) major breach, the following may be applied in addition to the above:
 - i. Suspension from the course, or
 - ii. Expulsion from the course.
- c) In all cases, details of the academic misconduct will be kept on the student's record/file and recorded in the Academic Misconduct Register.

4.10 Allegations Not Warranted

- a) In cases where there is insufficient evidence, or the evidence provided does not support the allegation, no penalty will be imposed; however, information pertaining to the allegation can be kept on the student's record/file.
- b) If the student is again involved in an allegation of academic misconduct at a later date, then prior allegation(s) will form a valid part of the later investigation and can be included when considering the seriousness of the later breach(es).

4.11 Factors to Consider

The following factors need to be considered when determining the degree of seriousness of academic misconduct and the degree of consequence to be implemented:

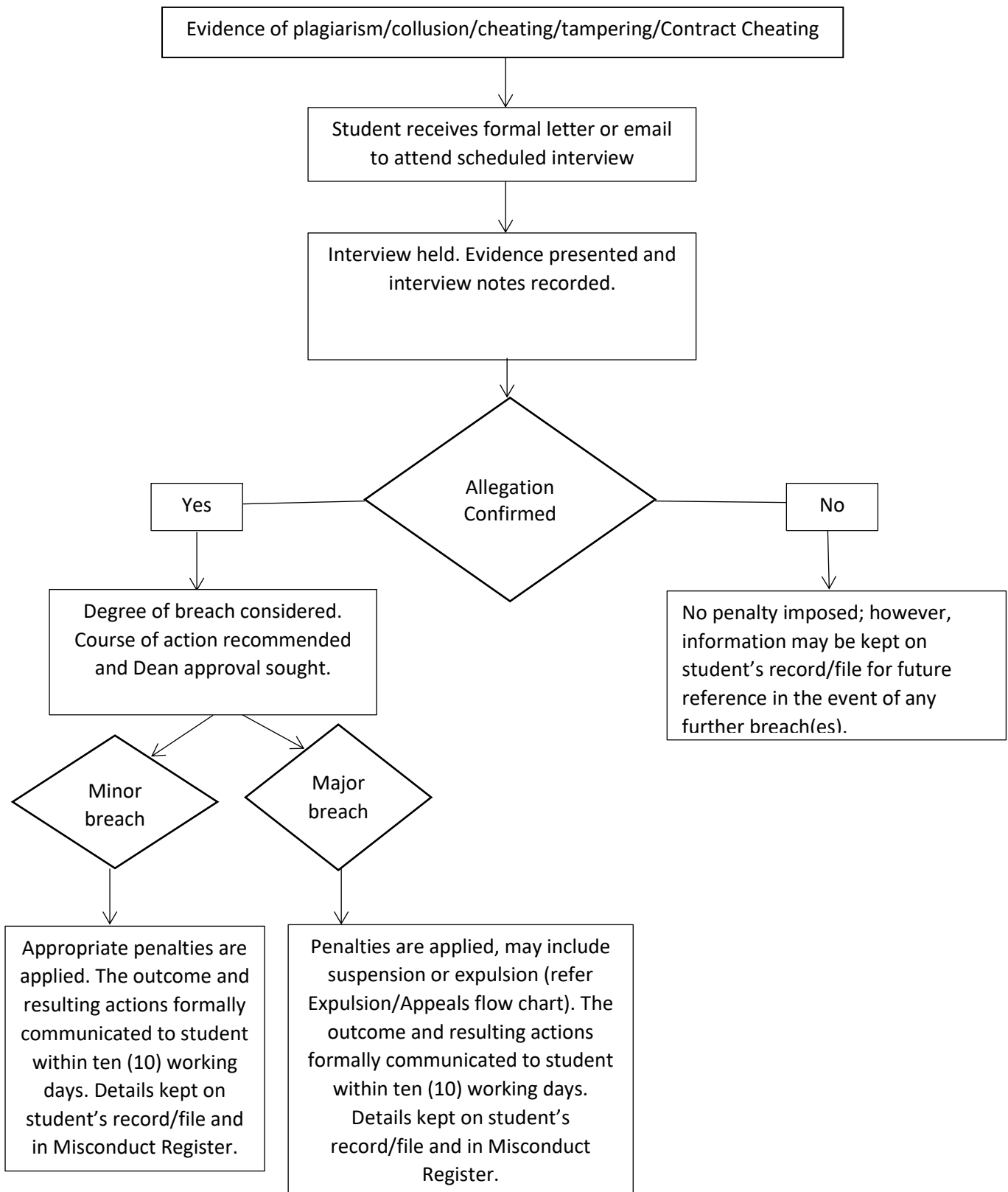
- a) Degree of the breach (major or minor)
- b) Whether the breach was intentional or unintentional
- c) The academic level of the student and stage of the student's studies at the time of the offence (ie: first academic year or above)
- d) Course implications, e.g. loss of student visa
- e) Where there is evidence of collusion, assess the degree and type of coercion (if any), leaders, followers, etc.
- f) The extent of remorse shown by the student
- g) A history of serious or unsatisfactory study patterns
- h) Fairness and equity when determining the consequences
- i) Consistent handling to ensure that roles carried out by representative Institute staff are consistent across all cases of academic misconduct.

4.12 Appeals

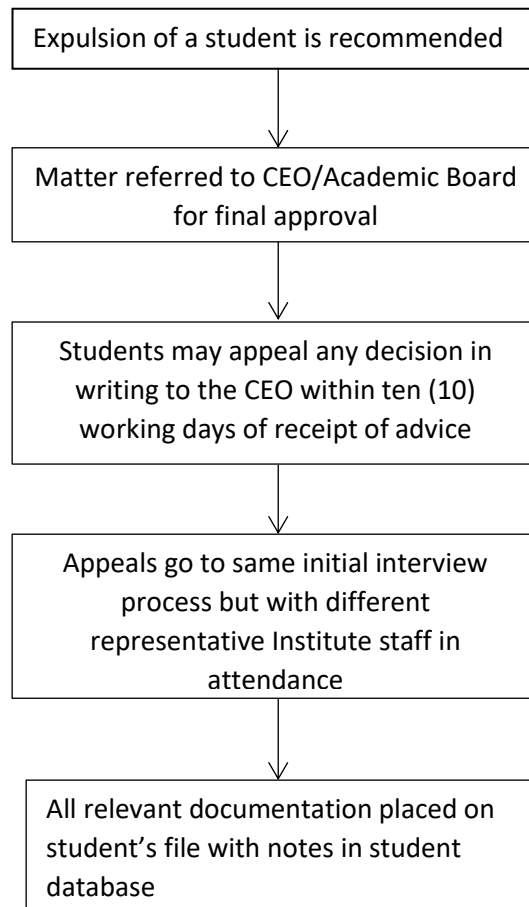
Students may appeal against a decision made under this Procedure and associated Policy. Appeals must be made as prescribed in the appeals process outlined in the ***Student Complaint and Appeal Procedure***.

5. Student Academic Misconduct Flow Charts

5.1 Stage 1: Investigation and Resolution



5.2 Stage 2: Appeals and Expulsion



6. Version Control

This Procedure has been endorsed by the Australia Institute of Higher Education Dean as at September 2020 and is reviewed every 3 years. The Procedure is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2016-2	Registrar	Updated template.	6 July 2016	6 August 2016
2017-1	Ms. McCoy	Renamed document. Revised and edited content. Added flow-chart. Clarified responsibilities and types of misconduct Restructured document; added table at beginning	22 February 2017	6 March 2017
2020-1	Dean/Academic Success Manager	Contract cheating section added to document, formatting and proofed for student comprehension.	24 September 2020	25 September 2020