

# STUDENT MISCONDUCT PROCEDURE

<b>Policy Hierarchy link</b>	<b>Student Code of Conduct</b>
<b>Responsible Officer</b>	Deputy Vice-Chancellor Academic
<b>Contact Officer</b>	Director, UNSW Integrity Manager, Student Integrity Unit studentconduct@unsw.edu.au
<b>Superseded Documents</b>	Student Misconduct Procedure v1.0 (2009/2832) <i>All other inconsistent UNSW documents existing at the effective date</i>
<b>File Number</b>	2010/02711

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## Safety and well being

- 1.6** Where a student's conduct is a cause of concern in relation to the safety of that student, staff or other students, the matter should be referred to the Director, Student Life (or nominee) under the *Student at Risk Procedure*. The *Student Critical Incident Procedure* may also be relevant.

## 2. Purpose and Scope

### 2.1 These procedures apply to:

- All enrolled students of UNSW on all campuses both domestic and international;
- Students previously enrolled, not currently enrolled and students on program leave, where the event forming the basis of the misconduct allegation occurred while they were enrolled or is directly related to their enrolment or their admission to a program;
- Higher Degree Research Students including those awaiting examination of submitted theses;
- Students on exchange from other universities where the matter relates the student's experience at UNSW;
- The University and its staff.

### In the context of:

- All aspects of a student's experience at the University;
- All activities on UNSW premises and all external activities related to study and research, including workplace or clinical placements, fieldwork or other practicum;
- Activities in relation to online examinations and online academic work, and to examinations and academic work in remote locations;
- Actions taken by students representing the University (such as at conferences or sporting and cultural activities or on a University facilitated international exchange);
- Student conduct in relation to University owned or managed accommodation, affiliated colleges or home stays managed by UNSW;
- The activities of the University and its staff in relation to students
- Allegations of misconduct made no later than twelve months after the event giving rise to the misconduct.

### 2.2 In circumstances where there is a risk of harm or damage to the University, its students or staff these procedures may also apply to:

- Conduct relating to any separate legal entity controlled by the University (which may also be referred by or to that organisation);
- Conduct relating to Arc @ UNSW (which may be referred by or to Arc);
- Conduct relating to UNSW Village (which may also be referred by or to the Manager of UNSW Village).

### 2.3 Allegations about Research Misconduct:

These include plagiarism (thesis), authorship and complaints concerning issues of intellectual property. Allegations should be referred to the Director, UNSW Integrity under the *UNSW Research Code of Conduct*. Where there has been a finding of a prima facie case of a breach in the Research Code of Conduct or of research misconduct, the allegation/s will be dealt with under these procedures.



## 5. Misconduct

- 5.1 The allegation is referred to the Faculty, School or Department Designated Officer.
- 5.2 The Designated Officer (DO) may investigate the matter or may appoint a delegate in writing to carry out some or all of the investigation.
- 5.3 The Designated Officer will carry out an investigation in accordance with Section 7 of these procedures.
- 5.4 At the conclusion of a misconduct investigation the Designated Officer may determine the outcome (see section 7.2).

## 6. Serious Misconduct

- 6.1 The matter is referred to the DO (see Appendix B). Allegations must be made in writing and be supported by evidence.

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- Referral or appointment of IO will typically be communicated within 5 working days of the preliminary enquiry conclusion;
- Formal investigations will usually be completed within 20 working days;
- The determination will be confirmed in writing giving reasons and the detail of any penalty typically within 5 working days of the conclusion of the investigation;
- If a fine is imposed, the notification of the penalty must include instructions on how, and by when, the fine is payable;
- The student will be informed of any delays and advised of new timeframes.

## 7.5 UNSW Canberra

Where an allegation is received about a student who is also Australian Defence Force personnel the matter may be investigated under these procedures but may also be subject to investigation and/or action under the Australian Defence Force Academy (ADFA) procedures.

Where an allegation is made which concerns both UNSW and ADFA, the University will liaise with ADFA to determine an appropriate investigation process.

## 7.6 Residencies and Colleges

Where an allegation of misconduct is made relating to a student's conduct in relation to UNSW-managed accommodation, the matter may be investigated under these procedures. The investigation may refer any tenancy agreement issues or matters falling under the Housing Act to the UNSW Legal Office.

## 8. Appeals

### 8.1 Lodging an appeal

8.1.1 An appeal may only be lodged on the grounds of lack of procedural fairness.

8.1.2 Appeals are to be made in writing (or may be made by email)

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Facilities Management, the Director Information Technology can restrict a student.

- 10.4** A student may be suspended or restricted from part or all of a residential college or from UNSW owned or operated self-care residential accommodation by the Head of the College, the Director of UNSW Residential Communities Services or a Deputy Vice-Chancellor.
- 10.5** A suspension or restriction in urgent circumstances must be notified to a student in writing via their student email address.
- 10.6** A suspension or restriction imposed on a student does not preclude the making of an allegation of student misconduct.

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student has plagiarised, the details should be placed on the Level 1 Plagiarism  
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Anti Discrimination Board: [www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)

Australian Human Rights Commission: [www.humanrights.gov.au](http://www.humanrights.gov.au)

A range of documents were reviewed in developing these procedures and are gratefully acknowledged:

Discussion Paper 30 (1993) Review of the Anti-Discrimination Act 1977 (NSW), Lawlink NSW, in relation to behaviours that are considered harassing and discriminatory.

Misconduct procedures from the following Universities: Australian National University, Macquarie University, Queensland University of Technology, University of Melbourne, University of Newcastle, University of Technology Sydney, University of Queensland, University of Western Sydney, Monash University, University of Adelaide.

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**Mediation:** a voluntary and confidential process where a neutral third party, the mediator, provides assistance to the parties in dispute to find some common ground and reach a settlement. A mediator may be an employee of the University who has no conflict of interest in the issue under discussion or an external mediator.

**Misconduct matters (process):** used where there the matter is deemed not to be serious but straightforward. See examples in Appendix B.

**Plagiarism:** Plagiarism at UNSW is using the words or ideas of others and passing them off as your own. Below are examples of plagiarism including self-plagiarism. This list is not intended to be exhaustive.

**Copying:** Using the same or very similar words to the original text or idea without acknowledging the source or using quotation marks. This includes copying materials, ideas or concepts from a book, article, report or other written document, presentation, composition, artwork, design, drawing, circuitry, computer program or software, website, internet, other electronic resource, or another person's assignment, without appropriate acknowledgement.

**Inappropriate paraphrasing:** Changing a few words and phrases while mostly retaining the original structure and/or progression of ideas of the original, and information without acknowledgement. This also applies in presentations where someone paraphrases another's ideas or words without credit and to piecing together quotes and paraphrases into a new whole, without appropriate referencing.

**Collusion:** Presenting work as independent work when it has been produced in whole or part in collusion with other people. Collusion includes students providing their work to another student before the due date, or for the purpose of them plagiarising at any time, paying another person to perform an academic task and passing it off as your own, stealing or acquiring another person's academic work and copying it, offering to complete another person's work or seeking payment for completing academic work. This should not be confused with academic collaboration.

**Inappropriate citation:** Citing sources which have not been read, without acknowledging the 'secondary' source from which knowledge of them has been obtained.

**Self-plagiarism:** 'Self-plagiarism' occurs where an author republishes their own previously written work and presents it as new findings without referencing the earlier work, either in its entirety or partially. Self-plagiarism is also referred to as 'recycling', 'duplication', or 'multiple submissions of research findings' without disclosure. In the student context, self-plagiarism includes re-using parts of, or all of, a body of work that has already been submitted for assessment without proper citation.

**Plagiarism Procedure (Coursework students):** To be used where plagiarism is alleged and the matter is considered to be either academic misconduct or serious academic misconduct. (See Appendix A, Definitions). Allegations of Level 3 plagiarism are to be considered as serious academic misconduct. Such matters must be referred to the Director, UNSW Integrity.

**Plagiarism Register:** at the conclusion of a plagiarism matter when a student is found guilty the details should be placed on the Level 1 Plagiarism Register. Access to the register is limited and

- c) There are a number of allegations of a similar nature received against a respondent;
- d) A possible penalty for the conduct, if proven, is suspension or exclusion.

See examples in Appendix B.

**Student Integrity Unit:** Designated for the oversight of the Student Complaints Procedures and Conduct Procedures for the University. Undertakes and co-ordinates investigations and provides advice and guidance to students and staff.

**Student Misconduct Register:** A centrally held register where findings of student misconduct, serious misconduct and academic misconduct are recorded. A finding is entered on the register whether or not a penalty had been awarded. This Register is used for Level 2 and Level 3 plagiarism findings. Access to the Register is limited and records are stored confidentially.

**Educational Support Service:** A team of advisers available at the Hub on Kensington Campus who can provide guidance, support and advice on a range of issues.

**Support person:** A person who may help a student, provide support or give advice on the misconduct procedures. A support person may be a friend, student, staff member or family member. A support person does not speak on behalf of the student and is not an advocate. Student Participation Advisers are available to provide free advice and guidance to students about University procedures. [www.studentlifelearning.unsw.edu.au](http://www.studentlifelearning.unsw.edu.au).

**Suspension:** The cancellation of enrolment of a student and the withdrawal, for a specified time, of all rights and privileges as a student of the University, including the right to re-enrol and the right to enter or to be on University grounds. Unless otherwise advised, the student has the right to recommence their studies at the end of the suspension.

**Temporary suspension:** A temporary suspension of a student from all or select circumstances University grounds, made in accordance with Section 10 of these procedures.

**Victimisation:** To be treated badly or unfairly because of being the subject of an allegation, investigation or finding of student misconduct. To be treated badly or unfairly because of making, intending to make or helping someone make a complaint or allegation of student misconduct. Any student or staff member or student who is found to have victimised a person will be subject to misconduct proceedings under appropriate University policies and procedures. Any party involved in a misconduct investigation fearing or experiencing victimisation should immediately discuss the matter with the Student Integrity Unit.

**Vilification:** A public act which incites others to treat a person badly, with contempt or to severely ridicule. Any staff member or student who is found to have vilified a person will be subject to misconduct proceedings under appropriate University policies and procedures.

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11

## Appendix C

### Pro Forma to notify a student of an allegation

Dear [student's name]

An allegation of [delete the one not applicable academic/student]

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2.4	Senior Deputy Vice-Chancellor	29 February 2016	29 February 2016	Amendment to contact officer and position titles
2.5	Senior Deputy Vice-Chancellor	3 August 2016	3 August 2016	Section 1.6, 4.1, 5, 6, 7.2.1(c), 7.2.2(c), 7.2.3(c), 8.13-6, 8.2, 9, 12.3-4, Appendix A-C.
2.6	Senior Deputy Vice-Chancellor	16 August 2016	16 August 2016	Section 4.1; 8.1.4-6; 8.2
2.7	Deputy Vice-Chancellor Academic	25 July 2017	15 August 2017	Update reflecting changes in senior leadership roles

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