

## ACADEMIC MISCONDUCT POLICY

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## 1 Context

This policy outlines the principles and procedures for handling cases where a student has been found to have plagiarised the work of another person.

## 2 Scope

### 2.1 Rationale

UBSS has established protocols and procedures for addressing instances of plagiarism and academic misconduct<sup>1</sup> by students.

### 2.2 Legislative Context

- The Higher Education Support Act (HESA)
- The Educational Services for Overseas Students Act (ESOS): 2000 The National Code

## 3 Principles of Dealing with Alleged Cases and misconduct

- The UBSS approach to academic integrity is aimed at educating students about expectations for academic writing and the appropriate use and acknowledgement of intellectual material, including authorship;
- Honesty, trust, respect, fairness and responsibility are the core values that underpin academic integrity;
- Each case of alleged misconduct is considered on its merits, and in consideration of the circumstances surrounding the case and in accordance with this policy;
- Each case is handled confidentially unless the student gives express permission to disclose information or UBSS is required to release the information due to a court or police order;
- Students will be treated fairly and equitably and with due regard given to their privacy and the principles of natural justice and procedural fairness;
- Students are informed of their rights and responsibilities in relation to academic misconduct and associated investigation.

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<sup>1</sup> This policy acknowledges the Toolkit to support quality assurance agencies to address academic integrity and contract cheating published on the TEQSA website on 17072020

## 4 Definitions

<b>Academic Integrity</b>	Academic Integrity is the moral code or ethical policy of academia. This includes values such as avoidance of cheating or plagiarism; maintenance of <b>academic</b> standards; honesty and rigor in research and <b>academic</b> publishing and/or writing.
<b>Academic Misconduct</b>	Academic Misconduct is behaviour displayed by a student that is contrary to School Rules or Code of Conduct. It often refers to misconduct in the preparation and submission of academic work/assessments.
<b>Cheating</b>	Is the gaining of a reward by dishonest means. The term is generally used for the breaking of rules to gain unfair advantage in a competitive situation. This broad <b>definition</b> will necessarily include acts and in any situation where individuals are given preference using inappropriate criteria.
<b>Collusion</b>	Is an agreement between two or more parties, sometimes illegal and therefore secretive, to limit open competition by deceiving, misleading, or defrauding others of their legal rights, or to obtain an objective forbidden by law typically by defrauding or gaining an unfair market advantage.
<b>Fraud</b>	is deliberate deception to secure unfair or unlawful gain. <b>Fraud</b> is both a civil wrong (i.e., a <b>fraud</b> victim may sue the <b>fraud</b> perpetrator to avoid the <b>fraud</b> and/or recover monetary compensation) and a criminal wrong (i.e., a <b>fraud</b> perpetrator may be prosecuted and imprisoned by governmental authorities).
<b>Impersonation</b>	Falsely presenting oneself or engaging someone else to present as oneself in an in person examination.
<b>Plagiarism</b>	Plagiarism is the practice of presenting someone else's ideas or work as one's own, without acknowledging the source. It is a form of academic misconduct.
<b>Turnitin</b>	Turnitin is a learning and teaching software technology. It scans and checks for plagiarism in submitted documents and is currently incorporated into the assessment submission process at UBSS.

## 5 Principles of Academic Misconduct

In all forms of written and spoken scholarly work, including assessments, every thought, theory, finding, suggestion or opinion that comes from a source other than the author must be accompanied by a clear indication of that source. Failing to indicate the source is referred to as plagiarism. Plagiarism can be avoided through accurate referencing.

Plagiarism applies to commercially produced materials and to the work of other students or colleagues. It affects adversely the learning and scholarship of all students and negatively impacts on the perceived integrity of a degree or an award. It is in the long-term interests of all staff and students to minimise the incidence of plagiarism.

Examples of plagiarism include:

- Copying parts of any document, audio-visual material, computer-based material or artistic work without acknowledging the source. This comprises copying directly from the original version or from a secondary source (e.g., photocopy and email), or by any other means including memorising;
- Using or extracting another person's concepts, results, processes or conclusions and passing them off as one's own; Summarising and paraphrasing another person's work without acknowledging the source;
- Preparing an individual assignment collaboratively and then submitting work that is substantially the same as another student's assignment. This does not include legitimate forms of cooperation such as students discussing their work with others, exchanging ideas or seeking help from lecturers;
- Having another person write an assessment item for them;
- Using on-line devices or services where another individual or third party produces work on behalf of a student that the student claims as their own.
- Not acknowledging sources that are used is a form of academic misconduct for which students are penalised according to the UBSS Rules Relating to Student Misconduct and Appeals for Students.

### Other Examples of Academic Misconduct

There are other academic misconducts that should be noted including 'cheating', impersonation, contract cheating, fraud, and collusion.

Contract cheating is contracting a third party to complete an assessment task generally in exchanged for money or other like payment. This is also known as ghost writing. A student can be guilty of contract cheating regardless of whether a payment is made or services are received. A student may be investigated for contract cheating where -

- The student submits work that is significantly different in style compared to previous work;
- Student engages another student to take their place in an exam or other assessment;
- Student posts an advertisement seeking a ghost writer;
- The ghost writer responds to the student.

## 6 Levels of Academic Misconduct<sup>2</sup>

a. UBSS considers the following levels of Academic Misconduct.

- 1) Formal Warning – is used and refers to any instance of academic misconduct that the Dean deems necessary to warn the student.
- 2) Minor Academic Misconduct- any instance of academic misconduct that the Dean deems to be minor. These include (but not limited to)
  - minor plagiarism such as the references and or citations are unclear,
  - inadequate, presented incorrectly or the student has paraphrased inappropriately.
- 3) Moderate Academic Misconduct- any instance of academic misconduct that the Dean deems to be moderate. These include (but not limited to) -
  - Second breach of academic misconduct policy;
  - The references and/or citations are unclear, inadequate or erroneously presented;
  - The student has copied word for word other students assessment work;
  - The student has copied materials from books, online resources and graphics;
  - The student has claimed that the work is his/her own when it is the work of the group;
  - More than one sentence or part of a paragraph is flagged as problematic;
  - One of more hyperlinks are detected.
- 4) Major Academic Misconduct – any instance that the Dean deems to be a major academic misconduct. These include (but not limited to);
  - Collusion, double submissions, fabrications, falsifications;
  - Third breach of academic misconduct policy;
  - The references and/or citations are unclear, inadequate or erroneously presented;
  - The student has copied word for word other students assessment work;
  - The student has copied materials from books, online resources and graphics;
  - The student has claimed that the work is his/her own when it is the work of the group;
  - More than 10% (based on word count) of the assessment is copied;
  - Sharing files or documents with students other than as approved by the lecturer during the trimester. This is a form of collaboration in which both students may be considered to have committed Academic Misconduct;
  - Sharing files with websites these may be considered to be contract cheating. There are serious penalties with contract cheating<sup>3</sup>;
  - A student will be considered to have committed an instance of Major Academic Misconduct, if the student has committed any of the acts listed above in 6a. 1, 2, 3 for a second time.

**b. Application: the above levels of misconduct in 6a. above applies to all student assessments with marks in excess of 15% of the total marks available for the subject**

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<sup>2</sup> See Appendix B for list of documents consulted in the writing of this policy.

<sup>3</sup> This may incur criminal liabilities. Penalties of up to two years' gaol and fines of up to \$100,000 apply where the cheating service or advertising is for a commercial purpose. Civil fines up to \$100,000 can apply where the cheating service is made available without remuneration. See *Tertiary Education Quality and Standards Agency Act 2011* sections 114A and 114B.

## 7 Penalties

The suggested penalties and processes are detailed in **Appendix A** of this document.

## 8 Guidelines for Reducing Academic Misconduct

The following guidelines are designed to reduce the incidence of plagiarism and Academic misconduct:

In all subjects that include non-supervised reports as part of the overall assessment, lecturers should spell out clearly the meaning of plagiarism and UBSS policies on Academic Misconduct;

- Students who lack skills in using references to produce own-reports should be strongly encouraged by their lecturers to seek help from the Learning Support Coordinator (LSC), including attendance at classes that the LSC provides on how to avoid plagiarism;
- Become familiar with the style of acknowledgment recommended for use in a particular subject (usually either the Harvard or Chicago style);
- Write the source on any notes or copies made from any document or electronic sources such as the Internet, and keep a detailed list of sources;
- Use quotation marks or some other acceptable form of acknowledgment when quoting directly from a work. It is not enough merely to acknowledge the source;
- Submit all written reports through Turnitin - this guideline has the secondary benefit of providing a safe record of students' materials;
- Students are allowed one, and only one, trial submission of reports through Turnitin. Their second submission is therefore their final submission;
- For group assignments only one person (normally the Group Leader) should make the submission.

## 9 Misconduct Appeals

**Appeal.** If the complainant is not satisfied with this outcome, they may submit their complaint in writing with full supporting documentation to the **Chair** of the UBSS Academic Senate. The **Chair** of UBSS Academic Senate must establish a committee of members from the Academic Senate within 10 working days to consider the complaint. The complainant must be notified in writing of the outcome within a reasonable period of time.

**Second Appeal.** Students dissatisfied with the decision by the UBSS Academic Senate or its delegated representative may request that the matter be dealt with by an independent, external third-party group.

- International Students can take their appeal to the Commonwealth Ombudsman. More information is available at [www.ombudsman.gov.au](http://www.ombudsman.gov.au).

- If a complaint still remains unresolved after the For complaints relevant to UBSS’s compliance with the Higher Education Threshold Standards or the TEQSA Act, students may wish to lodge a complaint with the Tertiary Education Quality and Standards Agency (TEQSA).
- For further information, please go to the TEQSA website: <http://www.teqsa.gov.au/complaints>.

## 10 Documentation

All details relating to allegations of academic misconduct are documented, in writing, and stored in the student journal. All incidents in relation to academic misconduct are recorded on the Academic Misconduct Register that has restricted access and is maintained by the Chair of the Academic Integrity Committee.

## 11 Document Change Control

Version	Change Description	Date	Author
v12	Refreshed format	November 2017	Professor Ian Bofinger
v12	Additional definition (Section 3)	November 2017	Professor Greg Whateley
v12	Other examples of academic misconduct added (Section 7)	November 2017	Professor Greg Whateley
v12	Appeals process expanded	November 2017	Professor Greg Whateley
V12.1	Change of review date	June 2018	Jotsana Roopram
V12.2	Refresh and focus on other forms of misconduct	August 2020	Anurag Kanwar
V13	Refresh and change of name for the Commonwealth Ombudsman	March 2021	Anurag Kanwar
V14	Addition of minor and major types of Academic Misconduct	August 2021	Anurag Kanwar

## Appendix A

### Guidelines for alleged Cases of Misconduct

#### *Stage 1: Alleged Act of Misconduct reported*

Where a staff member reasonably believes or suspects that a student has committed an act of academic misconduct. That person must notify the Chair and Secretary of the Academic Integrity Committee as soon as is practically possible. This includes: the details and position of the person submitting the report, when the alleged misconduct occurred, the nature of the alleged misconduct and other information as deemed relevant, such as other people involved and any action already taken and evidence supporting the claim.

#### *Stage 2: Investigation done by Academic Integrity Committee*

An investigation of the allegation will be conducted by UBSS and the student will be notified of the case against them with an opportunity to provide comment on the allegations. The investigation will normally take no longer than five (5) working days and may involve an interview with the student or other relevant parties to discuss the allegations and the evidence presented. Where the investigation relates to assessment results, the student's results will be withheld until all proceedings relevant to the allegation have been finalised.

#### **No misconduct identified**

Where it is determined that there is no case of misconduct the student will be notified in writing of the outcome of the investigation within (5) working days of the conclusion of the investigation, and where relevant assessment results will be released.

#### **Misconduct identified**

Where misconduct is determined, the student will be notified in writing of the outcome of the investigation and any penalty that is to be imposed within (5) working days of the conclusion of the investigation. The student will also receive information about the ways in which this determination can be challenged and, if unsuccessful, how to subsequently commence the formal appeal process.

Note: Any overseas student who is suspended or excluded due to an Act of Misconduct will be reported to the Department of Home Affairs through the Department of Education reporting system.

#### **Admission of misconduct by a student**

A student may formally admit to the alleged Act of Misconduct at any time. Where this occurs, all further investigation, hearing or referral of the allegation ceases and a determination will be made as to an appropriate penalty. See Stage 3 - Determination of penalty.



### Stage 3: Determination of Penalty

Penalties imposed are to be appropriate to the nature and gravity of the Act of Misconduct established by the evidence.

The decision on the penalty will take into account, but is not limited to –

- the type of misconduct involved (minor, moderate or major). The guiding principles are as follows –
  - *If the Case is deemed to be Formal Warning, the student will be issued a formal warning letter, and no marks will be deducted for the assessment (or relevant part or question within the assessment).*
  - *If the Case is deemed to be Minor Academic Misconduct or it is a repeated breach, some marks may be deducted for the assessment (or relevant part or question within the assessment) **at the discretion of the Assessor or as directed by the Academic Integrity Committee.***
  - *If the Case is deemed to be Moderate Academic Misconduct, marks may be deducted for the assessment (or relevant part or question within the assessment) and/or a mark of zero may be awarded for the assessment (or relevant part or question within the assessment) **at the discretion of the Assessor or as directed by the Academic Integrity Committee.***
  - *If the Case is deemed to be Major Academic Misconduct, a mark of zero may be awarded for the assessment (or relevant part or question within the assessment) and/or for the whole subject.*

***In all cases of Academic misconduct as identified above the students record shall be noted accordingly.***

- With all cases of academic misconduct the decision maker will consider
  - the previous discipline record of the student concerned
  - whether the student admitted to the alleged misconduct
  - whether the student assisted or hindered the investigation process
  - whether or not there were any extenuating circumstances or mitigating factors
  - the number of students affected by or involved in the misconduct
  - the benefit derived from the misconduct by the student
  - similar cases of student disciplinary action and their outcomes

### Penalties for proven Acts of Misconduct

One or more of the following penalties or conditions may be imposed on the student:

- a formal caution or reprimand, to be recorded on the student journal
- a probationary period to be placed on the student and recorded on the student journal
- expulsion from a course of study

- a deduction of all or a specific number of marks for the assessment event/item (or part thereof)
- the imposition of a maximum allowable grade (i.e. 'Pass' grade) for the assessment item or overall mark
- a requirement to undertake supplementary assessment with the costs associated with marking and evaluating the additional assessment item to be borne by the student
- the annulment of all marks and the awarding of a 'a 'Fail' grade on any public record relating to that assessment item or subject as relevant
- the exclusion of the student from UBSS courses permanently or for a period of time as specified

*Stage 4: Appeals Process Right to appeal*

Any student subject to a determination or penalty in relation to an Act of Misconduct is entitled to appeal the decision. For more information refer to the <https://www.ubss.edu.au/media/1935/academic-appeals-policy.pdf>

Should an appeals interview take place with the student, the student is entitled to be supported by another person (other than a legal professional), but the student must advise the Assistant Dean Academic in writing of the name of the support person prior to the interview.

## Appendix B

Name of Policy	Provider	Date viewed	URL address	References to levels of misconduct
Managing Student Conduct Staff Guide	Curtin Uni	August 2021	<a href="https://staffportal.curtin.edu.au/wp-content/uploads/2019/11/Managing-Student-Conduct-STAFF-GUIDE.pdf">https://staffportal.curtin.edu.au/wp-content/uploads/2019/11/Managing-Student-Conduct-STAFF-GUIDE.pdf</a>  <a href="https://staffportal.curtin.edu.au/wp-content/uploads/2019/10/FlowchartStaffActions1-1.pdf">https://staffportal.curtin.edu.au/wp-content/uploads/2019/10/FlowchartStaffActions1-1.pdf</a>	No
Academic Integrity Procedure  Academic Integrity Policy	AIB	August 2021	<a href="https://www.aib.edu.au/wp-content/uploads/2019/07/Academic-Integrity-Procedure.pdf">https://www.aib.edu.au/wp-content/uploads/2019/07/Academic-Integrity-Procedure.pdf</a>  <a href="https://www.aib.edu.au/wp-content/uploads/2019/03/academic-integrity-policy.pdf?V10">https://www.aib.edu.au/wp-content/uploads/2019/03/academic-integrity-policy.pdf?V10</a>	No
Academic Integrity and Conduct Policy	KBS	August 2021	<a href="https://www.kbs.edu.au/documents/academic-integrity-and-conduct-policy">https://www.kbs.edu.au/documents/academic-integrity-and-conduct-policy</a>	No
Academic Integrity Policy	APIC	August 2021	<a href="https://apicollege.edu.au/policies/ACADEMIC_INTEGRITY_POLICY.pdf">https://apicollege.edu.au/policies/ACADEMIC_INTEGRITY_POLICY.pdf</a>	Yes
Student Academic Integrity Policy	IMC	August 2021	<a href="file:///H:/Downloads/Student%20Academic%20Integrity%20Policy%20(2).pdf">file:///H:/Downloads/Student%20Academic%20Integrity%20Policy%20(2).pdf</a>	No