



Document: Student Academic and Non-Academic Misconduct Policy		
Approved by: Academic Board WIN Higher Education	Version 2.0	Date: 11.2018

1. Purpose and Scope

Students are entitled to engage in the educational process, free from disruptive or inappropriate behaviours. To this end, Wentworth Institute of Higher Education ("WIN Higher Education") is committed to ensuring that there are clearly defined standards of behaviour and conduct for all enrolled students so that all students are afforded a safe and productive environment in which to study.

WIN Higher Education upholds the principle that academic integrity relies on the application of honesty in all scholarly endeavour. Students of WIN Higher Education are expected to conduct themselves in their academic studies honestly and ethically and to carefully acknowledge the work of others in all their academic activities.

This policy outlines WIN Higher Education's responses in instances where students do not adhere to these behavioural or academic integrity standards, and allegations of non-academic or academic misconduct are made. The policy applies to all students of WIN Higher Education, in respect of all actions and activities (including inaction or inactivity) relating to, or impacting on, WIN Higher Education or its students and staff or any relevant person involved.

2. Definitions

Non-academic misconduct includes behaviour which is considered a breach of the *Student Code of Conduct* including but not limited to:

- failure to treat staff or other students or any persons with courtesy, tolerance and respect;
- behaviour that is unlawful, discriminatory, sexually inappropriate, bullying, harassing, invades another's privacy or causes any person to fear for their personal safety;
- behaviour that results in a risk to WIN Higher Education's systems, operations, activities or business; including unauthorised access to confidential student data.
- behaviour that is a risk to the welfare or health or safety of any individual;
- behaviour that disrupts another person's access to or engagement with WIN Higher Education's services or facilities.

Academic misconduct involves plagiarism, cheating and/or collusion, or any other conduct that deliberately or inadvertently claims ownership of an idea or concept without acknowledging the source of the information. This includes any form of activity that negates the academic integrity of the student or another student and/or their work.

Plagiarism occurs when students fail to acknowledge that the ideas of others are being used. Specifically it occurs when:

- other people's work and/or ideas are paraphrased and presented without a reference;
- other people's work is copied or partly copied;

- other people's designs, codes or images are presented as the student's own work;
- phrases and passages are used verbatim without quotation marks and/or without a reference to the author or a web page;
- lecture notes are reproduced without due acknowledgement.

Cheating occurs when a student seeks to obtain an unfair advantage in an examination or in other written or practical work required to be submitted or completed for assessment. It includes contract cheating (or ghost writing), when a student accesses or attempts to access the services of another individual or organisation to author or partly author an assignment, regardless of whether or not payment is made. Examples of contract cheating include:

- Purchasing an assignment from a website which is then submitted as the student's own work.
- Requesting or paying another person to write or complete original work which is then submitted as the student's own work.

Collusion (unauthorised collaboration) involves working with others without permission to produce work which is then presented as work completed independently by the student. It also includes when students allow or enable their work to be copied, either knowingly or unknowingly.

3. Procedure

3.1 Non-Academic Misconduct

3.1.1 The procedures for dealing with inappropriate behaviour are not intended to be in consecutive steps. Based on the judgment of individuals dealing with claims of inappropriate behaviour, if the situation warrants immediate action, initial steps may be omitted and necessary action taken to remove the student.

3.1.2 Steps undertaken in the case of non-academic misconduct:

- a) The student will be asked by an authorised representative of WIN Higher Education to cease the inappropriate behaviour.
- b) Where the student does not cease the inappropriate behaviour, they will be asked to leave that environment.
- c) Where that individual does not leave, a member of the Executive Management Team or security/police may be called to remove that individual from the environment where the inappropriate behaviour has occurred (e.g. classroom, library, common area and so on).
- d) In all cases of inappropriate behaviour, the Dean will be notified and the details of the incident noted on the student's file.
- e) Where the alleged inappropriate behaviour is notified by a complainant and no interventions (as described above) occur at that time, the complainant may first consult with the Dean to attempt an informal resolution. The Dean will follow up on such allegations in a timely manner and may meet with the complainant and the respondent to facilitate a resolution. Where the Dean cannot resolve the issue, the complainant may submit a *Formal Grievance* under WIN Higher Education's **Grievance Handling Policy and Procedure**.

- f) Where inappropriate behaviour takes place in any external areas to WIN Higher Education, e.g. visiting a company for professional learning and observation, a lecturer or staff accompanying the student(s) is authorised to ask the student to stop such behaviour and/or ask that the student to leave the work area. Such incidents will be reported to the Programs Coordinator who will notify the Dean.
- g) In the event that misconduct has occurred, the Dean will determine the disciplinary actions that will be taken. These may include (but are not limited to):
- A verbal warning and counselling regarding the misconduct.
 - A written warning that clearly states that the behaviour is inappropriate and outlines/identifies possible consequences including disciplinary action up to and including a suspension of study or cancellation of enrolment in the event of continuation of the misconduct.
 - Where the misconduct is deemed serious based on a "reasonable person" standard, immediate disciplinary action up to and including suspension of study or cancellation of enrolment. In the case of an international student, a WIN Higher Education-initiated suspension of study or cancellation of enrolment due to inappropriate behaviour will result in the student being reported to the Department of Home Affairs via PRISMS.
 - Where the misconduct is deemed serious and also a possible offence under criminal law, it may be referred to the appropriate authorities including police. Referral of a case under these circumstances does not preclude WIN Higher Education from dealing with the misconduct as serious through internal misconduct processes.

3.2 Academic Misconduct

3.2.1 Steps undertaken in the case of academic misconduct:

Step 1: Investigation

- a) Allegations must be made in writing by the relevant academic staff member to the Programs Coordinator and supported by evidence within 5 working days of discovering the misconduct. Allegations may be altered during the course of an investigation but the student must be given notice of any change.
- b) The student will be notified of the allegation(s) in writing by email by the Programs Coordinator or delegate within five working days to their student email address and/or another email address belonging to the student if necessary.
- c) The Programs Coordinator will convene a Misconduct Committee, consisting of the Programs Coordinator and the Head Lecturer or delegates to investigate the matter.
- d) In investigating the matter, the student will have the opportunity to be interviewed by the Misconduct Committee within 10 working days of the email being sent. The student may choose to respond to the allegations in writing rather than attend the formal interview. If the student does not attend the interview or submit a response in writing, the matter will be determined in their absence. The relevant academic will also have the opportunity to be interviewed by the Misconduct Committee as part of their investigation.

Step 2: Determination by the Misconduct Committee:

In making a determination the following must be applied;

- a) Any previous findings relating to a past misconduct allegation or decision should not be taken into consideration at the determination stage.
- b) After evaluating the evidence presented, it should be considered whether it is more likely than not, on the balance of probability, that the allegation/s or any number of the allegations against the student can be proven and substantiated.

Step 2 a) Where the student admits the allegation/s and the conduct is found to have occurred, the decision may be:

- a) To impose no penalty because no penalty is warranted; or,
- b) That one or more of the penalties (see **Penalty Schedule Guidelines**) is imposed.

Step 2 b) Where the student denies the allegation/s the decision may be:

- a) That the student has satisfactorily addressed the allegation/s and that the allegation/s should be dismissed; or
- b) That the misconduct is proven and one or more of the penalties (see **Penalty Schedule Guidelines**) is imposed.

Step 3: Penalty (refer to Penalty Schedule Guidelines)

Where a penalty is appropriate, the following should be considered and taken into account when determining whether the misconduct is **minor** or **major** (except misconduct in any form of marked examination; in this case the misconduct is classed as **major**):

- a) Any previous findings of misconduct and penalty imposed (refer to the **Student Misconduct Register**).
- b) The year or level of study of the student.
- c) Any intention behind the conduct, and the level and effect of that intention.
- d) Any personal health, family or other factors that contributed to the conduct.
- e) Matters considered relevant in the particular circumstances.

3.3 Timeframes

- a) Steps 1 to 3 of the academic misconduct procedure should be completed within 20 working days.
- b) The determination will be confirmed in writing giving reasons and the detail of any penalty typically within five working days of the conclusion of the investigation.
- c) The student will be informed of any delays and advised of new timeframes.

3.4 Penalty Schedule Guidelines (Indicative)

(Note: These penalties are *indicative* only and may need to be varied according to the circumstances)

Current act of Academic Misconduct	Previous Record on Student Misconduct Register	Action/Penalty - Indicative
Minor	No	<p>Counsel the student about appropriate academic practice and take one or more of the following actions:</p> <ul style="list-style-type: none"> ● Request the lecturer to mark the piece of work concerned, taking full account of the deficiencies in achieving intended Learning Outcomes; and/or ● Require that the student resubmit the work, in whole or in part, by a specified date, with or without imposing a maximum mark achievable; and/or ● Award a reduction in mark of up to 20% of the mark available for that assessment Item. <p>The student is required to obtain guidance from the Study Support Officer and/or attend the next scheduled tutorial on academic writing and referencing, study skills or related issues.</p> <p>Current act of academic misconduct recorded on Student Misconduct Register as minor.</p>
Minor	Minor Academic Misconduct	<p>Counsel the student about appropriate academic practice; and take one or more of the following actions:</p> <ul style="list-style-type: none"> ● Award a reduction in mark of up to 100% of the mark available for that assessment Item; and/or ● Require the student to resubmit the piece of work by a specific date. In the case of resubmission, the maximum mark for the assessment will be 50% of the mark available for the assessment item; and/or ● Require the student to undertake an additional, equivalent assessment by a specified date. In the case of additional assessment, the maximum mark for the assessment will be 50% of the mark available for the assessment item. <p>The student is required to obtain guidance from the Study Support Officer and/or attend the next scheduled tutorial on academic writing and referencing, study skills or related issues.</p> <p>Current act of academic misconduct recorded on Student Misconduct Register as minor.</p>
Minor	Major Academic Misconduct	<p>Counsel the student about appropriate academic practice and award zero marks for the assessment Item.</p> <p>The student is required to obtain guidance from the Study Support Officer and/or attend the next scheduled tutorial on academic writing and referencing, study skills or related issues.</p> <p>Current act of academic misconduct recorded on Student Misconduct Register as minor.</p>
Major	No	<p>Counsel the student about appropriate academic practice and award zero marks for the assessment Item.</p> <p>The student is required to obtain guidance from the Study Support Officer and/or attend the next scheduled tutorial on academic writing and referencing, study skills or related issues.</p> <p>Current act of academic misconduct recorded on Student Misconduct Register as major.</p>

Major	Minor Academic Misconduct	<p>Counsel the student about appropriate academic practice and award zero marks for the assessment item.</p> <p>The student is required to obtain guidance from the Study Support Officer and/or attend the next scheduled tutorial on academic writing and referencing, study skills or related issues.</p> <p>Current act of academic misconduct recorded on Student Misconduct Register as major.</p>
Major	Major Academic Misconduct	<p>Counsel the student about appropriate academic practice, award zero marks for the subject, leading to a Fail grade for the subject.</p> <p>The student is required to obtain guidance from the Study Support Officer and/or attend the next scheduled tutorial on academic writing and referencing, study skills or related issues.</p> <p>Current act of academic misconduct recorded on Student Misconduct Register as major.</p>
Major	Two or more instances of Major Academic Misconduct	<p>Counsel the student about appropriate academic practice, award zero marks for the subject, leading to a Fail grade for the subject.</p> <p>The student is required to obtain guidance from the Study Support Officer and/or attend the next scheduled tutorial on academic writing and referencing, study skills or related issues.</p> <p>A note is added to the student's Record of Results.</p> <p>Current act of academic misconduct recorded on Student Misconduct Register as major.</p>

3.5 Appeals

3.5.1 A student may appeal against a decision made under **Grievance Handling Policy and Procedure**.

3.5.2 Appeals must be made per the **Grievance Handling Policy and Procedure** and lodged with the CEO within 20 working days of the student receiving written notification of any disciplinary action taken under this Procedure.

3.6 Education and Awareness

- Appropriate training in this Procedure and **Grievance Handling Policy and Procedure** will be provided to all staff members.
- Students will be informed of this Procedure during orientation. The Procedure will also be published on WIN Higher Education's website (www.win.edu.au).
- Students who are impacted by inappropriate behaviour will have access to support services through Student Support personnel as appropriate.
- Information on any incident involving inappropriate behaviour will be provided to the Dean. The Dean will note all incidents on the student's file.
- The Dean will include reports of incidents under this Procedure that result in disciplinary action as part of their report to the Executive Management Team and the Academic Board.

3.7 Student Misconduct Register

All findings of student academic and non-academic misconduct are recorded in a **Student Misconduct Register**. This is maintained by the Dean. A finding is entered on the register whether or not a penalty had been awarded. Access to the Register is limited and records are stored confidentially.

4. Publication

This Procedure will be published on WIN Higher Education's website www.win.edu.au for public access.

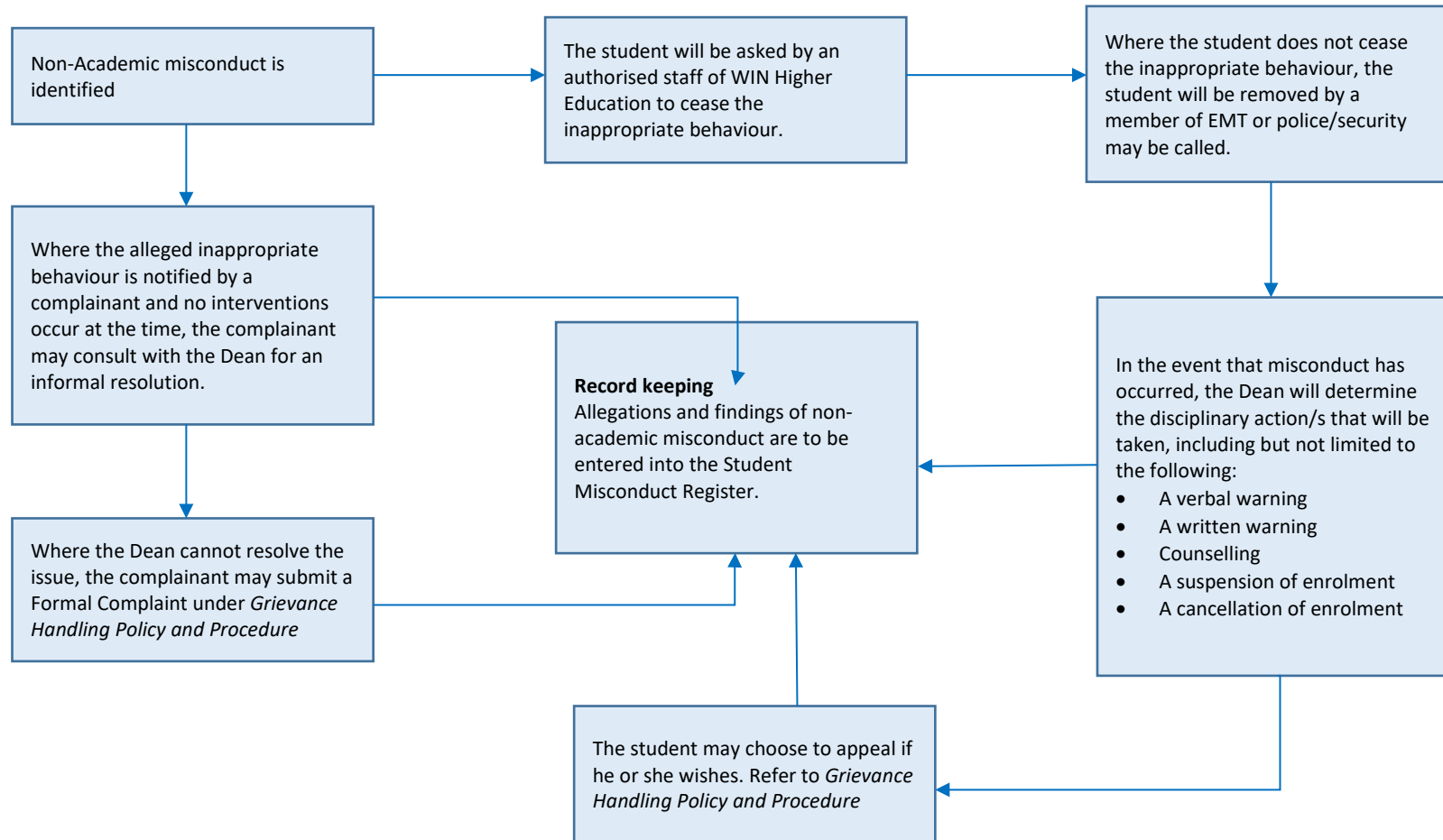
5. Legal and Policy Framework

- Australian Qualifications Framework (AQF)
- Higher Education Standards Framework (Threshold Standards) 2015
- Tertiary Education Quality and Standards Agency Act 2011
- Education Services for Overseas Students Act 2000 (ESOS Act)
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code 2018)

6. Related Document

- Grievance Handling Policy and Procedure

STUDENT NON-ACADEMIC MISCONDUCT FLOWCHART



STUDENT ACADEMIC MISCONDUCT FLOWCHART

