Student Academic Misconduct Procedure

Section 1 - Governing Policy

(1) This Procedure is governed by the Student Academic Integrity and Misconduct Policy.

Section 2 - Responsibility for Dealing with Student Academic Misconduct

(2) The Academic Integrity Team based in the Centre for Education and Innovation will:

a. implement academic integrity education initiatives for staff and students;
b. provide academic misconduct case administration including correspondence, committee support and record keeping; and
c. undertake the analysis and reporting of academic misconduct.

(3) Academic Integrity Officer's (AIO's) will be appointed to investigate and determine allegations of academic misconduct. The AIO will be:

a. appointed by the Director, Centre for Education and Innovation in consultation with the relevant Head of School, or equivalent;
b. a dedicated member of academic staff with a commensurate workload allocation; and
c. supported by the Academic Integrity Team.

(4) A Faculty Academic Misconduct Committee will be constituted to determine allegations of serious academic misconduct. The Committee:

a. will be chaired by the Executive Dean, Deputy Dean or Associate Dean of the relevant Faculty;
b. will include two other appropriately qualified persons selected by the Chair, at least one of whom must be an academic staff member from the discipline;
c. must exclude any person who has participated in the referral or investigation of the allegation of academic misconduct; and
d. will be supported by the Academic Integrity Team

(5) A quorum of a Faculty Academic Misconduct Committee is all three members.

(6) Authority may be exercised by a person(s) designated by the relevant responsible officer to act on their behalf for the purpose of this Procedure.

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of staff printing this document to always refer to the ACU Policy Portal for the latest version.

Section 3 - Procedural Fairness and Conduct of Proceedings

(7) All processes undertaken by ACU under this Procedure will be in accordance with the principles of procedural fairness:

a. all decision makers will engage in independent decision making and be free from actual or perceived bias;
b. the student will receive a fair hearing which will involve:
    i. being provided with a copy of the allegation of academic misconduct and access to all evidence being relied upon to make a decision; and
    ii. be given an opportunity to respond to that allegation and the evidence brought forward by ACU.

(8) ACU may use tools to assist in identifying cases of academic misconduct. Students will be notified in the unit outline or the learning management system where those tools will be used.

(9) In any discussions or interviews in which a student participates during any process under the Student Academic Integrity and Misconduct Policy or this Procedure, the student may be accompanied by one support person, other than a person who is a practicing lawyer. A support person:

a. is intended to provide the student with personal and emotional support;
b. may not be a person who was involved in, associated with, or alleged to have been involved in or associated with, the subject matter of the academic misconduct allegation;
c. may speak where required for reasons of clarification, but may only make submissions on behalf of the student if invited to do so by the responsible officer or committee dealing with the matter; and
d. is not permitted to advocate, make formal submissions, or speak on behalf of the student during an interview or meeting under this Procedure

> If it becomes apparent that a support person is exceeding these boundaries, that person may be asked to leave immediately.

(10) When conducting any interview, the AIO must provide the student with the name and position of any accompanying staff member in accordance with clause (32).

(11) In any case in which a responsible officer has any verbal communication with a student regarding a matter arising under the Student Academic Integrity and Misconduct Policy and/or this Procedure, that officer will make a written note of such communication and retain it within a secure file.

(12) A student may seek confidential, independent advice from the Student Advocacy Service at any stage.

(13) Unless there is an existing legal arrangement in place (e.g. guardian or authorised carer), a student may not authorise a third party to act on their behalf where the decision maker is of the view that the matter cannot be investigated and determined without the direct involvement of the student concerned.

(14) Where a student provides evidence that they do not have the capacity to participate and the decision maker is unable to proceed under clause (13), proceedings under this Policy will be suspended and the matter will be:

a. deferred until the student has the capacity to participate with the timelines for investigation and determination adjusted accordingly; or
b. referred to be managed under the Fitness to Study Policy.

(15) All processes undertaken under this procedure will be handled in strict confidence, except as necessary for the discharge of any decision-makers or committee's responsibilities, or as otherwise required by law.

Section 4 - Report of Suspected Academic Misconduct

(16) The detection of possible academic misconduct should occur normally no longer than three weeks from the due date of the affected submission and where possible before the next assignment is due.

(17) Where any member of staff, other than a National Unit Lead, detects or is made aware of possible academic misconduct, the staff member or the Coordinator, Examinations and Results will report the matter to the National Unit Lead of the unit.

(18) A National Unit Lead must refer any report of academic misconduct from an anonymous or external party to the Academic Integrity Team. The preliminary analysis and decision to refer an anonymous and/or external report of academic misconduct for investigation will be made by the Academic Integrity Team in consultation with the National Unit Lead. A report will normally only be referred where sufficient information from the anonymous or external party has been provided which would allow an investigation to proceed.

Section 5 - Preliminary Analysis of Suspected Academic Misconduct

(19) The National Unit Lead must conduct a preliminary analysis of the possible academic misconduct within five working days of detecting or being made aware of the matter. The preliminary analysis will be undertaken by:

a. reviewing the work submitted by the student for assessment;
b. reviewing any report including from any software or tools used for the detection of breaches;
c. reviewing the assessment requirements as specified in the LMS site; and
d. seeking informal clarification from the student where it is necessary to further understand the matter.

(20) Following the preliminary analysis, the National Unit Lead will determine whether:

a. at a threshold level, they are satisfied that the student did not engage in academic misconduct and the matter should not proceed to investigation; or
b. the matter has been reviewed for eligibility against the criteria under section 8 of this Procedure and appears to meet the criteria for a determination of poor academic practice as defined in Section 7 of the Student Academic Integrity and Misconduct Policy; or
c. there is sufficient evidence to refer the matter for investigation under Section 6 of this Procedure.

(21) Where the National Unit Lead determines at a threshold levek, the student did not engage in academic misconduct, and there is no evidence of poor academic practice, they should advise the staff member who detected the alleged academic misconduct, of that finding and their reasons for that finding.

(22) Where the National Unit Lead determines that the matter appears to meet the criteria for poor academic practice, they must provide summary details to the Academic Integrity Team within three working days including:

a. the specific details of the contravention of the expected academic standards;
b. whether the matter has arisen from a lack of experience under clause (43) b. and/or there was no significant

academic advantage gained under clause (44) c.; and

c. the educational resources and/or mandatory education that the student will be directed to.

(23) Where the National Unit Lead determines that there appears to be evidence of academic misconduct, they must provide all relevant materials to the Academic Integrity Team within three working days, including:

a. the examination paper or work submitted by the student for assessment;
b. any evidence on which the allegation is based, for example:
    i. the Examination Supervisor's report and any associated evidence; or
    ii. reference to and preferably copies of other resources which are considered to have been plagiarised; (a screenshot from an internet site is appropriate, in case that site is subsequently changed); or
    iii. evidence of collusion or recycling; or
    iv. evidence from text matching software or other detection tools.
c. any penalty recommendation for consideration.

(24) Where a National Unit Lead suspects unauthorised or undisclosed use of artificial intelligence, the matter must be managed in accordance with this Procedure in the same way as any other form of suspected academic misconduct. The National Unit Lead must not apply any penalty, including a mark of zero, but may make a penalty recommendation under clause (23)c.

(25) On receipt of a referral of poor academic practice from the National Unit Lead, the Academic Integrity Team will undertake an assessment of the student's eligibility for a poor academic practice determination under clauses (43) and (44) and either:

a. advise the National Unit Lead that the student is ineligible and the matter will be investigated as suspected academic misconduct under Section 6 of this Procedure; or
b. take action under Section 8 of this Procedure.

Section 6 - Investigation of Suspected Academic Misconduct

(26) The Academic Integrity Team will assign the allegation to an AIO to initiate an investigation.

(27) The Academic Integrity Team will confirm whether the student is subject to any concurrent investigation(s) and provide advice to the investigating AIO(s) where allegations are similar and may impact penalty decisions, including any requirements for academic skills development.

(28) The Academic Integrity Officer may seek additional evidence, information or advice related to the matter to assist with their initial decision.

(29) The Academic Integrity Officer must, within five working days of receiving the allegation with complete evidence, advise the Academic Integrity Team whether:

a. the evidence does not support the allegation; or
b. the student has engaged in poor academic practice consistent with clauses (43) and (44); or
c. there is sufficient evidence to proceed as an allegation of academic misconduct.

(30) Where the Academic Integrity Officer has decided that no further action will be taken under clause (28)a. the Academic Integrity Team will advise the National Unit Lead, the staff member who detected the alleged misconduct

and other relevant officers.

(31) Where the Academic Integrity Officer has decided that the student has engaged in poor academic practice under clause (28)b., action will be taken by the National Unit Lead and the Academic Integrity Team under clause (46).

(32) Where the Academic Integrity Officer has decided that the allegation has substance under clause (28)c., the Academic Integrity Team must notify the student in writing of the nature of the allegation/s and provide the student with:

a. a copy of, or an opportunity to inspect, documentation relevant to the alleged academic misconduct and other evidence being relied upon;
b. a link to the Student Academic Integrity and Misconduct Policy and this Procedure; and
c. the opportunity to prepare and submit a written response which must be lodged within 10 working days of the notification of alleged academic misconduct.

(33) The Academic Integrity Team, on behalf of the Academic Integrity Officer will also:

a. provide the student with the opportunity to request an interview to discuss the allegation; or
b. request the student to attend an interview, giving at least five working days' written notice of the date, time and place of the interview, the name and position of any accompanying staff member and the option to be accompanied by a support person under clause (9); and
c. where the Academic Integrity Team has reasonable grounds for believing that the student may be adversely affected by the receipt of an allegation notice, attempt to contact the student directly via telephone before the allegation notice is issued.

(34) Where an allegation of academic misconduct remains under investigation at the end of the relevant study period, the Academic Integrity Team will request that a Results Withheld (RW) grade be applied to the relevant unit by Examinations and Results.

Section 7 - Determination of an Allegation of Academic Misconduct

(35) The Academic Integrity Officer will notify the Academic Integrity Team of their decision under clause (35) within 10 working days from the receipt of a response from the student, or, if no response is received, the due date for a response from the student.

(36) Taking into account a student;s response the Academic Integrity Officer may take one or more of the following actions:

a. dismiss the allegation; or
b. dismiss the allegation but determine that the student has engaged in poor academic practice consistent with Section 8 of this Procedure; or
c. make a determination of academic misconduct, consider the factors in clause (39) and apply any penalty that may be imposed under clause (19) of the Student Academic Integrity and Misconduct Policy;
d. where it is judged that the penalty that may be imposed at clause (19) of the Student Academic Integrity and Misconduct Policy is insufficient, refer the matter to a Faculty Academic Misconduct Committee under clause (36); or
e. Where a student is terminated or withdraws from their course prior to any determination being made, then an outcome will be determined on the evidence available.

(37) In the event of an allegation of academic misconduct being referred by an Academic Integrity Officer, to a Faculty Academic Misconduct Committee, the Committee will:

a. undertake such further investigation of the case as is considered appropriate; and
b. provide the student with the opportunity to provide additional information either in writing or in person, giving at least five working days' written notice of the date, time and place of the meeting and the option to be accompanied by a support person under clause (9).

(38) The Faculty Academic Misconduct Committee will notify the Academic Integrity Team of their decision under clause (38) within 10 working days from the receipt of any additional information from the student either in writing or in person, or, if no response is received, the due date for a response from the student.

(39) The Faculty Academic Misconduct Committee may take one or more of the following actions:

a. dismiss the allegation; or
b. dismiss the allegation but determine that the student has engaged in poor academic practice consistent with Section 8 of this Procedure; or
c. make a determination of academic misconduct, consider the factors in clause (39) and apply any penalty that may be imposed under clause (19) of the Student Academic Integrity and Misconduct Policy.

(40) When deciding a penalty to be imposed under clauses (35) and (38), consideration will be given to:

a. the form of the academic misconduct as defined in Section 3 of the Student Academic Integrity and Misconduct Policy;
b. the extent of the academic misconduct or the amount or proportion of assessment task or work that is not the student's own and the extent to which the assessment process is compromised;
c. the experience of the student or the extent to which the student should be aware of appropriate behaviour and of the seriousness of their actions;
d. any explanations and mitigating circumstances provided by the student;
e. the number and type of any previous determination(s) of poor academic practice and/or academic misconduct which should be confirmed with the Academic Integrity Team; and
f. whether the student has had a reasonable opportunity to improve following any previous determination of poor academic practice and/or academic misconduct.

(41) The Academic Integrity Team will notify the student of the decision of the Academic Integrity Officer or Faculty Academic Misconduct Committee.

(42) An Academic Integrity Officer or Faculty Academic Misconduct Committee may substitute another penalty where:

a. a student fails to participate in any academic skills development which has been applied as a penalty; or
b. new information has been provided or discovered that impacts the penalty consideration under clause (39); or
c. a student's enrolment status in the program or unit prevents the application of the penalty.

(43) A student may not withdraw from a unit after census date to avoid an academic misconduct penalty which results in a fail grade for the unit. Where a student has withdrawn from the unit, their enrolment will be reinstated, and the penalty will be applied.

Section 8 - Determination of Poor Academic Practice

(44) A student will only be eligible for a determination of poor academic practice where:

a. there are no more than two previous determinations of poor academic practice, or any finding of academic misconduct, in any previous study period with the exception of records from units undertaken in a sub-bachelor program which have not been recognised for credit in any higher level award; or
b. there was no significant academic advantage for the student or any other student.

(45) In addition to the requirements of clause (43), a student will be ineligible for a determination of poor academic practice where they have:

a. engaged in contract cheating;
b. cheated in an examination;
c. used, copied or shared another student's assessed work;
d. inappropriately drawn from only one or two sources which comprises the majority of their work; or
e. attempted to hide or disguise the poor academic practice

(46) Where a student has contravened the expected academic standards in accordance with clause (16) of the Student Academic Integrity and Misconduct Policy, and is found to be ineligible for a determination of poor academic practice under clauses (43) and (44), the matter must proceed to an investigation of academic misconduct.

(47) Where a determination of poor academic practice has been made:

a. any allegation of academic misconduct that was made under clause (30) will be dismissed; and
b. the student's assessment task will be marked at face value and according to the rubric; any mark deductions must be justified according to the rubric; and
c. the student will be directed to appropriate educational resources and may be required to undertake mandatory education to improve their academic skills, and may be required to provide evidence of completion.

(48) Where a student refuses to participate in any academic skills development required under clause (46)c., the matter may be penalised as Academic Misconduct under clause (35)c.

Section 9 - Notification and Recording of Decisions

(49) Where a determination of poor academic practice is made, written educational advice should include advice that an investigation of further possible academic misconduct will take into consideration any previous educational advice. The educational advice letter should:

a. be issued by the Academic Integrity Team;
b. include details of any academic skills development required; and
c. be copied to the National Unit Lead and where relevant, the Academic Integrity Officer, for information.

(50) Following determination of a case by an Academic Integrity Officer or Faculty Academic Misconduct Committee, the Academic Integrity Team will advise the student in writing of:

a. the process undertaken during the investigation;
b. the decision reached;

c. the reasons for the decision; and
d. the available avenues of appeal.

(51) A copy of the advice to the student will be provided to all relevant officers which may include all or a combination of the:

a. Executive Dean; or
b. Heads of School(s) (or equivalent); and
c. National Unit Lead; and
d. Academic Integrity Officer; and
e. staff member who detected the alleged academic misconduct.

(52) Where a determination of poor academic practice has been made, the Academic Integrity Team will upload the receipt of educational advice on the student file.

(53) In cases where there has been proven academic misconduct, the Academic Integrity Team will:

a. upload the misconduct record on the student file; and
b. record the misconduct and the penalty on ACU's academic misconduct register.

Section 10 - Outstanding Requirement

(54) While any requirement imposed under Section 7 or Section 8 of this Procedure remains outstanding or unfulfilled, the student is not entitled to receive any results of assessment.

Section 11 - Associated Information

(55) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab

Status and Details

Status	Current
Effective Date	25th November 2026
Review Date	25th November 2029
Approval Authority	Academic Board
Approval Date	11th November 2026
Expiry Date	Not Applicable
Responsible Executive	Helen Murnane Academic Registrar
Responsible Manager	Natalie Gamble Academic Lead, Academic Integrity & AI
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