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# National Academy of Professional Studies (NAPS)

## Student Academic Misconduct Policy and Procedure

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<b>Related Documents</b>	SS001 Student Grievance and Academic Appeals Policy SS007 Orientation Practice and Procedure SS019 Student Code of Conduct HR002 Access and Equity Policy R004 Complaints and Assessment Appeal Register R003 Student Misconduct Register
<b>HE Standards Framework (Threshold Standards) 2021</b>	1.3 Orientation and Progression 1.5 Qualifications and Certification 2.4 Student Grievances and Complaints 3.3 Learning Resources and Educational Support 5.3 Monitoring, Review and Improvement 6.2 Corporate Monitoring and Accountability 6.3 Academic Governance 7.2 Information for Prospective and Current Students 7.3 Information Management

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## 1. Rationale

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The purpose of this policy and procedure is to prevent and provide a process to addresses breaches of student academic conduct at NAPS.

## 2. Overview and Application

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This policy and procedure apply to all students and staff of NAPS. It addresses academic misconduct only. Non-academic student misconduct is covered in SS019 Student Code of Conduct.

## 3. Definitions

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**Academic Misconduct** is if a student, in relation to an examination or assessment:

- a. cheats;
- b. engages in plagiarism (see definition below);
- c. improperly colludes with another person;
- d. fails to comply with examination or assessment rules or directions;
- e. engages in other conduct with a view to gaining unfair or unjustified advantage;
- f. engages in tampering, or attempting to tamper, with examination scripts, class work, grades or class records.

**Plagiarism** is when a person uses another person's work as though it is his or her own work.

- 1) A person uses another person's work as though it is his or her own work if he or she, without appropriate attribution does the following:
  - a) when writing a computer program and presenting it as his or her own, incorporates the coding of a computer program written by another person;
  - b) uses or paraphrases work from any source other than the person's own work, including a book, journal, newspaper article, set of lecture notes, current or past student's work or any other person's work; or
  - c) uses a musical composition, audio, visual, graphic or photographic work created by another person.
- 2) It is also plagiarism if a person produces and submits or presents as his or her own independent work an assessment item which has been prepared in conjunction with another person.
- 3) Plagiarism also includes self-plagiarism, ie the reuse of significant, identical, or nearly identical portions of one's own work without acknowledging that one is doing so or citing the original work.

For other definitions see NAPS P010 Glossary of Terms.

## 4. Actions and Responsibilities

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### 4.1 Responsible Persons and Designated Areas of Responsibility

#### *Lecturer*

The unit lecturer is primarily responsible for collecting and referring to any/ all evidence of alleged breaches of academic misconduct.

The lecturer also may be required to represent NAPS during subsequent student interviews, and liaise with the Course Convenor, Registrar and/or Dean as required and as outlined in the individual processes.

#### *Students*

The student(s) facing an academic misconduct allegation are responsible for attending any interview/hearing scheduled as a result of an alleged breach. During the interview, students will have the opportunity to present their case, and supply any supporting or mitigating evidence. They are also responsible for arranging any support person (other than a legal representative) to attend the interview, for signing the interview form, and for instigating any appeal against outcomes.

#### *Course Convenor*

The Course Convenor is primarily concerned in matters of suspected plagiarism. In this regard, the Course Convenor's responsibilities include consulting with the lecturer concerning the appropriate course of action and writing to the student to attend an interview/hearing if this is deemed to be necessary if deemed appropriate.

#### *Dean*

The Dean of the relevant school approves any decision and accompanying action decided upon after the processes described above. The Dean will also appoint representative NAPS staff to undertake various stages of the process. In the case of cheating during examinations and tampering, the Dean writes to the student to inform them they are required to attend an interview/hearing. The Dean, in conjunction with the Academic Board, also considers any recommendations of student expulsion that result from a finding of student misconduct.

#### *Registrar*

The Registrar maintains the Misconduct Register, ensures accurate records are maintained and otherwise assists the Dean as required.

#### *Academic Board*

The Academic Board may appoint representative NAPS staff to student interviews/hearings, and considers recommendations of student expulsion.

#### *Representative NAPS staff*

Representative NAPS staff are responsible for attending student interviews/hearings, outlining the evidence for the breach of academic misconduct, signing the interview form, and following the process for confirming or dismissing allegations as appropriate.

#### *Student Representative*

Student representatives, if requested by the student charged with academic misconduct, are non-legal 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:

### 4.2.1 Plagiarism (minor and major breach):

- Lecturer informs the Course Convenor, Registrar and Dean
- Dean appoints representative NAPS staff to the investigation. (This may include the Course Convenor
- Representative NAPS staff notifies Dean and Registrar of the outcome of the investigation
- Course Convenor or delegate notifies student

### 4.2.2 Cheating in Examinations:

- Lecturer/Invigilator informs Course Convenor, Dean and Registrar
- Dean appoints representative NAPS staff to the investigation
- Representative NAPS staff informs Dean and Registrar of the outcome of the investigation  
Representative NAPS staff or delegate notifies student

## 4.3 Documentation

4.3.1 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 term.

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

- the submitted work under question,
- any/all supporting and relevant evidence,
- written communication (email or letter) to initiate the investigation process, and
- written communication (email or letter) informing student of final outcome.

4.3.3 No record of any misconduct allegation or proceedings brought against a student will be included on the student's academic transcript. However, penalties of mark adjustment, suspension or exclusion will appear on a student's academic transcript.

## 4.4 Plagiarism

4.4.1 The lecturer who receives a student assessment item with evidence of plagiarism must collect all evidence of the breach. Evidence includes:

- work submitted by the student, and
- any evidence of plagiarism (or collusion).

4.4.2 In cases of a serious breach with verifiable evidence, the lecturer must first consult the Course Convenor to decide upon a possible course of action.

4.4.3 While the investigation is being undertaken, the lecturer must withhold the students mark for the assessment until an outcome is reached.

4.4.4 The Course Convenor (or delegate) formally writes to the student to attend an interview/hearing. The written communication to the student must include:

- details of the alleged academic misconduct under investigation,
- a summary of evidence of the academic misconduct,
- provision for the student to have a representative attend the interview,
- the day, date, time, location and representative NAPS staff involved in the interview/hearing.

4.4.5 During the interview, the following will occur:

- representative NAPS staff will provide the student with details and evidence of alleged plagiarism,
- the student will have an opportunity to present his/her case with evidence,
- interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.

4.4.6 Where there is doubt as to a student's understanding of content assessed, or suspicions that submitted assessment items are not the student's own work, the student may be called upon to provide a viva-style defence 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.

4.4.7 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 NAPS staff following the stated formal interview procedures.

4.4.8 Representative NAPS' staff must then follow the process for confirming allegations or a finding that a penalty is not warranted. Refer to sections 4.7 Confirming Allegations and 4.8 Allegations Not Warranted.

4.4.9 In cases where the representative NAPS staff are Lecturer(s) and Course Convenor, they will meet with the Dean or his/her delegate to present the degree of the breach and recommend a course of action prior to gaining the Dean's or his/her delegates approval.

4.4.10 In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Dean in consensus with the Chair of NAPS' Academic Board.

4.4.11 The outcome of the investigation and resulting actions will be formally communicated to the student in writing (email or letter) within a reasonable time (normally within 7 working days). The lecturer can then release the student's mark.

4.4.12 Students may appeal any decision in writing following the guidelines stated in the Student Complaint and Appeal Policy and associated Procedure.

4.4.13 Where a student has requested an appeal, the same interview/hearing process will be implemented; however, the Dean and/or Academic Board will appoint representative NAPS staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.

4.4.14 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 NAPS database.

#### 4.5 Cheating During Examinations

4.5.1 The invigilator/lecturer must collect all evidence of cheating.

Evidence includes, but is not limited to:

- unauthorised written communication,
- written observations about unauthorised behaviour, and/or
- hard copy evidence of unauthorised electronic communication, which may include written observations, and
- a photo of any electronic devices used for the purpose of cheating

4.5.2 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 minimum disruption of the other students still doing the examination.

4.5.3 The lecturer/invigilator will provide the evidence to the Dean or his/her delegate as soon as the examination has finished.

4.5.4 The Dean (or his/her delegate) formally writes (email or letter) to the student to attend an interview/hearing. The written communication to the student must include:

- details of the alleged cheating during the examination,
- an opportunity to have a representative attend the interview, and
- the day, date, time, location and representative NAPS staff involved in the interview.

4.5.5 During the interview/hearing, the following process will occur:

- a representative of NAPS staff will provide the student with details and evidence of alleged cheating,
- the student will have an opportunity to present their case with their evidence,
- interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.

4.5.6 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 interview conducted on (possibly) the same day. The interview/hearing 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 NAPS staff following the same interview procedures.

4.5.7 Representative NAPS staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections 4.7 Confirming Allegations and 4.8 Allegations not Warranted.

4.5.8 In cases where the representative NAPS staff member 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.

4.5.9 In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Dean in consensus with the Chair of NAPS' Academic Board.

4.5.10 The outcome of the investigation and resulting actions will be formally communicated to the student in writing (email or letter) within a reasonable time (normally 7 working days).

4.5.11 Students may appeal any decision in writing following the guidelines stated in the Student Complaint and Appeals Policy and associated Procedure.

4.5.12 Where a student has requested an appeal, the same interview process will be implemented; however, the Dean and/or Academic Board will appoint representative NAPS staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.

4.5.13 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 NAPS student database.

## 4.6 Tampering

4.6.1 The lecturer or NAPS administrator must collect all evidence of tampering.

4.6.2 In cases of a serious breach with verifiable evidence, the lecturer or administrator must first consult the Dean or his/her delegate to decide upon a possible course of action and designate representative NAPS staff.

4.6.3 The Dean (or his/her delegate) formally write to the student to attend an interview. The letter or email to the student must include:

- details of the alleged tampering under investigation,
- a summary of evidence of tampering,
- an opportunity for the students to have a representative attend the interview, and
- the day, date, time, location and representative NAPS staff involved in the interview.



4.6.4 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/hearing will not be at the same time as that of other student(s) involved in the allegation.

4.6.5 During the interview/hearing, the following process will occur:

- a representative of NAPS staff will provide the student with details and evidence of alleged tampering, the student will have an opportunity to present their case and evidence, and
- interview notes will be taken regarding the issues, discussion and actions required, with relevant timeframes.

4.6.6 Representative NAPS staff must then follow the process for confirming allegations or finding that a penalty is not warranted. Refer to sections 4.7 Confirmation of Allegations; and

4.6.7 In cases where the representative NAPS 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.

4.6.8 In cases where expulsion of a student(s) has been recommended, final approval must be gained from the Dean in consensus with the Chair of NAPS Academic Board.

4.6.9 The outcome of the investigation and resulting actions will be formally communicated to the student in writing within a reasonable time (normally 7 working days).

4.6.10 Students may appeal any decision in writing following the guidelines stated in the Student Complaint and Appeal Policy and associated Procedure.

4.6.11 Where a student has requested an appeal, the same interview process will be implemented; however, the Dean and/or Academic Board will appoint representative NAPS staff who have not previously been involved in the process, to ensure that students have an opportunity for independent appeal.

4.6.12 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 NAPS student database.

## 4.7 Confirmation of Allegations

4.7.1 Where there is confirmation of academic misconduct, the following may be applied:

- a reprimand
- a written warning
- failing the assessment item, and/or
- failing the unit, and the student is required to repeat the unit of study
- deduction of marks
- imposition of a maximum grade allowable; and
- opportunity to sit a supplementary assessment at a cost to the student

4.7.2 If it is a student's second (or more) major breach, the following may be applied in addition to the above:

- suspension from the course, or
- expulsion from the course.

4.7.3 In all cases, details of the academic misconduct will be kept on the student's record/file and recorded in the Academic Misconduct Register.

#### 4.8 Allegations Not Warranted

4.8.1 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.

4.8.2 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).

#### 4.9 Factors to be Considered

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

- degree of the breach (major or minor)
- whether the breach was intentional or unintentional
- 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)
- course implications, e.g. loss of student visa
- where there is evidence of collusion, ascertain degree and aspect of coercion (if any), leaders, followers, etc.
- the extent of remorse shown by the student
- a history of serious or unsatisfactory study patterns
- fairness and equity when determining the consequences
- consistent handling to ensure that roles carried out by representative naps staff are consistent across all cases of academic misconduct
- any other relevant personal or contextual matter.

## 5. Withdrawal of Allegations

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At any stage, NAPS may withdraw an allegation of misconduct or decline to proceed with an investigation. Where the formal process is underway, all parties will be notified in writing that the allegation has been withdrawn. In most instances, NAPS will then deem the matter resolved. However, in certain circumstances NAPS may deem the matter serious enough for an internal investigation to continue or for referral to an external agency.

## 6. Appeals

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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.

## 7. Confidentiality

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7.1 All parties involved in a student misconduct case are to maintain confidentiality.

7.2 Information and records about a misconduct matter may be divulged to those with direct involvement in the case with the following exceptions:

- where there is risk of harm to a person or persons, it may be necessary to breach confidentiality;
- where the matter is subject to legal proceedings or other action which require the presentation of naps-held records by way of subpoena or similar authorised request;
- where a student lodges a complaint or appeal regarding a decision under the appeal procedures mentioned above;
- where there is a clear public interest or obligation to share information (such as a duty to disclose information to a professional accreditation board, the Australian Defence Force Academy or a duty to report under Commonwealth or State legislation).

## 8. Policy Review

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NAPS may make changes to this policy and procedures from time to time to improve the effectiveness of its operation.

In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to their supervisor or to NAPS' Human Resources Office.

## 9. Further Assistance

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Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further advice be required, staff should contact NAPS' Human Resources Office.

## 10. Policy Review

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NAPS is committed to good governance so will be reviewing this policy at least every three years to ensure it is still relevant and promoting best practice in this area. There may also be changes to this policy and related procedures at other times to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to their supervisor or to the NAPS Registrar.

## 11. Further Assistance

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Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further advice be required staff should contact the NAPS Registrar.

## 12. Additional Resources

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Review of the Anti-Discrimination Act 1977 (NSW).

Lawlink NSW, in relation to behaviours that are considered harassing and discriminatory.

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