

## 1. Purpose of procedures

1.1 The purpose of these procedures is to:

- (a) implement fair, just and timely processes, following the principles of procedural fairness, for investigating allegations and provide educational and/or remedial actions and penalties that may be applied for student misconduct; and
- (b) identify decision makers and provide practical advice to guide those administering the process.

## 2. Scope and application

2.1 These procedures apply to all students of the University and exclude staff members of the University. If the student is also a staff member, these procedures will apply if the suspected general or academic misconduct relates to the behaviour as a student.

2.2 These procedures may also apply to former students and students not currently enrolled.

2.3 This procedure should be read in conjunction with the Student Conduct – Governing Policy.

2.4 This procedure applies to any alleged student academic or general misconduct and to substantiated findings of student breaches of research conduct.

2.5 Students can raise alleged student academic or general misconduct through the Student Grievance Resolution – Governing Policy and associated procedures.

2.6 Section 5 of these procedures regarding the management of allegations of student academic misconduct does not apply to students undertaking a Higher Degree by Research (HDR), except for any associated coursework, e.g. a research methods course. In cases of alleged breaches of research conduct, refer to the University's Responsible Research Conduct - Governing Policy and Managing and Investigating Breaches of Responsible Research Conduct - Procedures.

2.7 Where student sexual assault or sexual harassment is suspected, the University will also follow the Sexual Assault and Sexual Harassment and Respectful Relationships (Students) - Governing Policy and associated procedures.

2.8 Where student discrimination, bullying, harassment or assault is suspected, the University will also follow Sexual Assault and Sexual Harassment and Respectful Relationships (Students) – Procedures to ensure a trauma informed response is provided.

## 3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to these procedures and are critical to its effectiveness:

### Academic integrity

"Academic integrity is defined as: *'a commitment, even in the face of adversity, to six fundamental values: honesty, trust, fairness, respect, responsibility, and courage. From these values flow principles of behaviour that enable academic communities to translate ideals to action'* (International Centre for Academic Integrity, 2014).

For the purposes of the University's policies and procedures, academic integrity is: *'the moral code of academia. It involves using, generating and communicating information in an ethical, honest and responsible manner'* (Monash University, 2013). The term 'ethical scholarship' has a similar meaning. These definitions apply to the behaviour of teachers, researchers, students or others who are engaged in any form of scholarly activity." (1)

Academic misconduct refers to a breach of academic integrity. Cheating, plagiarism, and fabrication or falsification of data are examples of such breaches actions or behaviour which is contrary to expected student academic integrity outlined in Section 5.2 of the Student Conduct – Governing Policy.

Assault has its legal meaning (Section 245 *Criminal Code* 1899 (Qld)) and includes striking, touching moving or otherwise applies force of any kind to another person without consent.

Bullying is repeated and unreasonable behaviour, whether intentional or unintentional, directed towards an individual or a group that creates a risk to health and safety.

Some of the more common types of bullying behaviours are:

### APPROVAL AUTHORITY

Vice-Chancellor and President

### RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Academic)

### DESIGNATED OFFICER

Pro Vice-Chancellor (Students)

### FIRST APPROVED

29 March 2021

### LAST AMENDED

27 April 2021

### REVIEW DATE

27 April 2026

### STATUS

Active

Physical – damaging or stealing belongings, threats of violence, practical jokes or initiations, denying access to information, supervision, consultation or resources to the detriment of the student;

Verbal/written - name-calling, offensive language, unjustified criticism or complaints, insulting someone about an attribute, quality or personal characteristic;

Social – deliberately excluding someone from study-related activities, spreading misinformation or malicious rumours, sharing information that will have a harmful effect on the other person, damaging a person's social reputation or social acceptance; and

Cyberbullying – any form of bullying behaviour that occurs online or via a mobile device. It can be verbal or written, and can include threats of violence as well as images, videos and/or audio.

Discrimination, as defined in the *Anti-Discrimination Act 1991 (Qld)*, means to treat or to propose to treat, a person with an attribute (listed in the Act) less favourably or to impose unreasonable terms or conditions with which individuals with a particular attribute are unable to comply. Attributes may include:

Sex

Relationship status

Pregnancy

Parental Status

Breastfeeding

Age

Race

Impairment

Religious belief or religious activity

Political belief or activity

Trade Union activity

Lawful sexual activity

Gender Identity

Sexuality

Family responsibilities

Association with, or relation to, a person identified on the basis of any of the above attributes.

Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Indirect discrimination occurs when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

Expulsion from the University, usually arising from a finding of serious academic or general misconduct, means cancellation of enrolment and prohibition from enrolling in any courses or programs at the University on a permanent basis. An application for re-enrolment following expulsion can only be approved by the University's Council.

General misconduct actions or behaviour which is contrary to expected student conduct outlined in Section 5.1 of the Student Conduct – Governing Policy.

Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination in these procedures and, for example, can include sexual, disability, racial or gender based harassment.

Human rights has the meaning set out in the *Human Rights Act 2019 (Qld)*. Rights relevant to a student's relationship to the University may include (but are not limited to) the rights of freedom of thought, conscience, religion and belief; freedom of expression; peaceful assembly and freedom of association; cultural rights including of Aboriginal peoples and Torres Strait Islander peoples; the right to a fair hearing; and the right to protection of privacy and reputation.

Procedural fairness: "Procedural fairness is about providing a person who might be adversely affected by a decision a 'fair hearing' before the decision is made."<sup>(2)</sup> It refers to the process by which a decision is reached and not the decision itself. With regard to misconduct, procedural fairness requires that a student against whom an allegation of misconduct is made by the University be provided with:

all relevant details and evidence of the alleged misconduct; and

an opportunity to present their version of events concerning the alleged misconduct.

[usc.edu.au/policy](http://usc.edu.au/policy)

Procedural fairness requires an investigator and/or decision maker to:

act impartially, without bias and without preconceived notions of culpability;

commence and complete the investigation without undue delay;

make inquiries and take actions to determine the facts of the matter based on sound reasoning and relevant evidence;

consider all relevant information and evidence;

not take into account irrelevant matters;

inform the student(s) concerned of the general substance of the allegation and the range of possible consequences if the investigation results in the allegation being substantiated;

provide the student(s) concerned with the opportunity to respond to and put forward evidence or arguments in their favour;

provide opportunity for the student(s) concerned to make a case concerning why a particular consequence should not follow in the event that the allegation is substantiated; and

to deal with the allegation in a timely manner.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Sexual assault has its legal meaning (Section 352 *Criminal Code* 1899 (Qld)) and includes any unwanted or forced sexual act or behaviour that occurs without consent. Sexual assault occurs when a person indecently assaults another person or procures another person, without their consent to commit a sexual act. Examples of sexual assault include:

inappropriate touching without consent;

forcing someone to perform a sexual act;

forcing someone to see a sexual act including the use of electronic media; and

sexual behaviour to which a person has not agreed.

Sexual harassment: In accordance with the *Anti-Discrimination Act 1991* (Qld), sexual harassment is any unwelcome conduct of a sexual nature in relation to a person in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity. Examples of sexual harassment include:

inappropriate jokes or comments with sexual connotations;

the display of offensive material;

stares and leers or offensive hand or body gestures;

comments and questions about another person's sexual conduct and/or private relationships that are intrusive;

persistent unwelcome invitations;

requests for sexual favours;

offensive written, telephone or electronic mail or any other electronic means of communication, including pictures or videos of body parts or sexualised activities;

unnecessary close physical proximity including persistently following a person;

unwelcome physical contact such as brushing against or touching a person;

denigrating comments regarding a person's gender or sexual preference; or

negative behaviours, e.g., intimidation or exclusions related to the sex or gender diversity of the recipient.

Student conduct: Students are expected to behave in accordance with the expectations outlined in Section 5.1 of the Student Conduct – Governing Policy.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

## 4. Student conduct and suspected breaches

### 4.1 Prevention of general misconduct

4.1.1 As members of a University community that values a safe environment, it is vital that students act with courtesy, fairness and respect in all University activities.

4.1.2 Student Wellbeing/SafeUSC contributes to the University's commitment to protecting the health, safety and wellbeing of students. Student Wellbeing/SafeUSC takes a whole of person approach to education and offers a variety of services including:

- (a) counselling and psychological interventions;
- (b) workshops and student training;
- (c) advice regarding grievance and complaints processes;
- (d) self-help resources; and
- (e) referral to appropriate external service providers.

## 4.2 Departures from acceptable student conduct

4.2.1 Any departure from the expectations around general student conduct has the potential to undermine the standards and quality of the University and constitutes student general misconduct

4.2.2 Examples of general misconduct are outlined in Schedule A.

4.2.3 The Pro Vice-Chancellor (Students) can make a determination if an activity undertaken by a student constitutes general misconduct and should be considered under these procedures.

## 4.3 Categorisation of general misconduct

4.3.1 Instances of student general misconduct are classified by the degree of seriousness of the misconduct: Category 1 and Category 2.

4.3.2 Category 1 instances are confined to general misconduct that appears minor and is a first offence of similar behaviour.

4.3.3 All other instances of student general misconduct are regarded as Category 2 instances.

## 4.4 Summarily dealing with student general misconduct

4.4.1 Where a student's behaviour is considered to be disruptive during a university activity (including a teaching or research activity, examination, official meeting, ceremony or other proceeding), the staff member responsible for the conduct of that activity may direct the student to leave for the remainder of that activity. Where appropriate, the identity of the student should be established and a written record of the decision provided to the student by the staff member within one business day of the direction.

4.4.2 A member of the University's Executive or Senior Staff with responsibility for the operation or management of University facilities and/or premises, including the library and the University's information technology services, is authorised to temporarily suspend a student's access to, or use of, that facility or service for a period not exceeding five business days for misuse. Within one business day of the misuse, the authorised staff member informs the student in writing of the decision and the reason for it.

4.4.3 Where further action is warranted for misuse of University facilities and/or premises under Section 4.4.2, the authorised staff member informs the student that the behaviour may constitute general misconduct and that it will be reported.

4.4.4 The authorised staff member provides the Pro Vice-Chancellor (Students) with details of the suspected misconduct within five (5) business days of the incident so that the matter may be investigated and, if warranted, an allegation letter issued to the student.

## 4.5 Interim suspension - general misconduct

4.5.1 The Pro Vice-Chancellor (Students) or the Deputy Vice-Chancellor (Academic) may, if necessary, for the management and good governance of the University, immediately suspend a student for alleged general misconduct for a period of five (5) business days to avert a substantial risk of:

- (a) injury to a person
- (b) damage to property, or
- (c) serious disruption of a University activity.

4.5.2 Before imposing a suspension exceeding five (5) business days and not exceeding six (6) weeks, the Deputy Vice-Chancellor (Academic) must notify the student of the decision and provide the student with a reasonable opportunity to explain why the suspension ought not be imposed.

4.5.3 The decision of the Deputy Vice-Chancellor (Academic) to impose a suspension greater than five (5) business days and not exceeding six (6) weeks must clearly indicate if the student's enrolment (including online access to student systems and the library) is suspended, or if the interim suspension applies only to physical access to specified University facilities and/or services.

## 4.6 Reporting suspected general misconduct

4.6.1 University staff should report suspected student general misconduct as soon as possible, preferably no later than five (5) business days following the initial incident, either verbally or in writing to the Pro Vice-Chancellor (Students).

4.6.2 Students can report suspected general misconduct by:

- (a) raising a grievance under the Student Grievances – Procedures;

- (b) making an anonymous report through USC's Sexual Assault and Sexual Harassment Information page;
- (c) calling Safe USC or using the Safe Zone app if they feel there is an immediate threat to their safety. Alternatively, they can call 000 and ask to speak to the police;
- (d) speaking to a trusted member of USC staff who can refer students to appropriate services; or
- (e) contacting Student Wellbeing/SafeUSC for confidential support and advice on (07) 5430 1226.

4.6.3 Members of the University community can report suspected general misconduct by writing to the Pro Vice-Chancellor (Students).

4.6.4 Students and members of the University community are encouraged to report suspected student general misconduct as soon as possible.

4.6.5 Reports of alleged general misconduct related to sexual assault and sexual harassment will be managed in conjunction with the respective policies and procedures:

- (a) Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Governing Policy; and
- (b) Sexual Assault, Sexual Harassment and Respectful Relationships (Students) – Procedures.

4.6.6 Reports of alleged general misconduct related to assault, harassment, bullying or discrimination will be managed in conjunction with the Sexual Assault, Sexual Harassment and Respectful Relationships (Students) – Procedures.

#### 4.7 Initial examination and investigation of general misconduct

4.7.1 Following receipt of a report of suspected general misconduct, the Pro Vice-Chancellor (Students) will commence an initial examination, within ten (10) business days of receiving the report, to determine if the report:

- (a) should be considered as an allegation student general misconduct; or
- (b) should be dismissed with no further action; or
- (c) if the allegation relates to sexual assault, sexual harassment, assault, harassment, bullying or discrimination, may consider whether conciliation or mediation is appropriate in the circumstances in accordance with Section 6A below; or
- (d) should not proceed and issue a warning letter that the alleged conduct was unacceptable and that any additional reports may result in an allegation of misconduct. The warning letter is placed on the student's disciplinary record but will not constitute a finding of general misconduct.

4.7.2 If the initial examination determines that alleged student general misconduct may have occurred, the Pro Vice-Chancellor (Students) will investigate further.

4.7.3 If the initial examination determines that the report should be dismissed, the Pro Vice-Chancellor (Students) will inform the student that no further action will be taken, if the student was aware of the report.

4.7.4 The investigation task of the Pro Vice-Chancellor (Students), or delegate, is to make enquiries and gather evidence that will enable a determination to be made, on the balance of probabilities, as to whether some or all of the misconduct occurred. This process may include gathering oral evidence (recollections from witnesses, which should be documented), documentary evidence and expert evidence. The Pro Vice-Chancellor (Students), or delegate, should follow the principles of procedural fairness in conducting the investigation.

4.7.5 Following the investigation, the Pro Vice-Chancellor (Students) may:

- (a) determine that the report should be considered as an allegation of Category 1 general misconduct and issue an allegation letter to the student as detailed in Section 4.8 below; or
- (b) determine that the report should be considered as an allegation of Category 2 general misconduct and issue an allegation letter (as detailed in Section 4.8) to the student for hearing by the Student General Misconduct Committee; or
- (c) determine that there is no case to answer and, if appropriate, advise the student that no further action is warranted; or
- (d) determine that there is no case to answer and, if appropriate, arrange mediation or conciliation between the parties (refer to Section 6A below).

4.7.6 The Pro Vice-Chancellor (Students), or delegate, must ensure that a complete record of the investigation is captured by documenting every step, including all discussions, phone calls, interviews, decisions and conclusions made during the investigation. These records must be stored securely to maintain confidentiality; refer to Sections 10 and 14 of these procedures.

#### 4.8 Issuing an allegation letter for general misconduct

4.8.1 An allegation letter should be sent to the student within five (5) business days of a decision being reached under Section 4.7.5(a) or (b), using the specified templates associated with these procedures.

4.8.2 All allegation letters to students are sent to their USC email address. All correspondence emailed by the University to a student's USC email address shall be deemed to have been received by the student.

4.8.3 An allegation letter will include:

- (a) the type of alleged misconduct according to the definition/s in these or relevant policies and procedures;
- (b) the facts of the alleged misconduct including where and when it occurred;
- (c) all information relevant to the alleged misconduct;
- (d) documentary evidence related to the allegation of student general misconduct;
- (e) website links to the relevant policy and procedures for deciding the matter;
- (f) details of how the student can respond to the allegation(s), see Section 4.8.4;
- (g) advice about a support person for the student during the hearing, noting that a support person must not be legally trained, see Section 4.9.9;
- (h) information about assistance and support the student may receive while preparing a response, see Section 7;
- (i) advice about the potential outcomes of a substantiated finding that the alleged student general misconduct has occurred, including potential consequences if, on further investigation, the allegation is referred to a more senior decision maker;
- (j) details of how the student can respond, outlining their circumstances, to the potential outcomes of a substantiated finding of student general misconduct in respect to Section 6.6; and
- (k) advice about the process for witnesses to be invited and questioned during the interview or hearing.

4.8.4 The allegation letter describes how the student can respond to the allegation and prescribes the period in which that response must be received by the University. Students are advised that they may respond by:

- (a) attending an interview with the Pro Vice-Chancellor (Students), or delegate, or a hearing with the Student General Misconduct Committee, or
- (b) providing a written response (by email) to the allegation, or
- (c) both (a) and (b).

4.8.4.1 If the interview or hearing date and time is unknown at the time of sending the allegation letter, the student is to be advised to expect further correspondence providing those details.

4.8.4.2 The student is to be advised either in the allegation letter or the subsequent correspondence as outlined in Section 4.8.4.1 of who will be present at the interview or hearing.

4.8.5 The time set for an interview or hearing should be within fifteen (15) business days, but not earlier than eight (8) business days, from the date of the allegation letter.

4.8.6 If there is no response to the allegation letter, the University must make one final reasonable attempt to contact the student, by telephone or email, prior to the scheduled interview or hearing. If there is still no response and the student fails to arrive at the scheduled time and place, the Pro Vice-Chancellor (Students), or delegate, or the Committee will proceed to make a determination in the student's absence based on the evidence available.

## 4.9 General misconduct interview and hearing

4.9.1 Students may choose to respond to allegations of Category 1 general misconduct by attending an interview with the Pro Vice-Chancellor (Students), or delegate, as per Section 4.8.4. Interviews can be face-to-face, by video-conference or by telephone. An exchange of emails is not considered an interview.

4.9.2 Students may choose to respond to allegations of Category 2 general misconduct by attending a hearing held by the Student General Misconduct Committee (the Committee) as per Section 4.8.4. An exchange of emails is not considered a hearing.

4.9.3 All relevant material will be provided to the student and either the Pro Vice-Chancellor (Students), or delegate, or the Committee.

4.9.4 If the Pro Vice-Chancellor (Students), or delegate, or the Committee intends to invite a witness to speak, the student should be informed at least five (5) business days prior to the commencement of the interview or hearing. All steps will be taken to minimise the number of times a witness or reporting student needs to recount a traumatic experience; submitting the witness or student's report in the relevant materials rather than appearing at the interview or hearing.

4.9.5 The student may invite witnesses to speak, at the discretion of the Pro Vice-Chancellor (Students), or delegate, or the Committee Chairperson. The names and addresses of any invited witnesses must be notified to the Pro Vice-Chancellor (Students), or delegate, or the Secretary at least five (5) business days prior to the date of the interview or hearing.

4.9.6 The Pro Vice-Chancellor (Students), or delegate, or Committee Chairperson may question the student and invite them to make oral presentations at the interview or hearing. The student may also ask questions through the Pro Vice-Chancellor (Students), or delegate, or the Committee Chairperson of any witness before the interview or hearing.

4.9.7 The Pro Vice-Chancellor (Students), or delegate, or the Committee can decide to impose any one or more of the following conditions if the report involves allegations of sexual harassment, sexual assault, assault, harassment, bullying or discrimination:

(a) permitting a witness who is the reporting student and who is present at the interview or hearing to respond to questions from the Pro Vice-Chancellor (Students), or delegate, or the Committee from another location, via videoconference or by other means, in order to minimise interaction between the complainant and the student;

(b) offering the reporting student the opportunity to be accompanied by a support person, providing the person is not legally trained and acts on the same conditions as outlined in Section 4.9.9; and

(c) other arrangements to minimise interaction between the reporting student and the student.

The Pro Vice-Chancellor (Students), or delegate, or the Committee must observe procedural fairness.

4.9.8 During the interview or hearing, the Coordinator, Student Grievances (on behalf of the Pro Vice-Chancellor (Students), or delegate, or Committee Secretary records notes at the interview or hearing and on conclusion creates a minuted report. A copy of the minuted report will be made available to the student if requested.

4.9.9 Students may have a support person at the interview or hearing but are advised that this person must be a representative of the USC Student Guild or another person who is not legally trained. The student may confer with the support person but the support person may not advocate on the student's behalf. The support person cannot be under investigation for alleged related general misconduct.

4.9.10 In certain circumstances the Pro Vice-Chancellor (Students), or delegate, may provide approval to allow the support person to advocate on the student's behalf. The Student should email the Pro Vice-Chancellor (Students), (PVCStudents@usc.edu.au) five (5) business days before the meeting, requesting approval for their support person to advocate on their behalf. The student should provide evidence and grounds for their request. The outcome will be advised to the student within three (3) business days. If the interview or hearing is being held by a committee, the Office of the Pro Vice-Chancellor (Students) will also advise the Secretary to the Committee if the request is approved.

4.9.11 The student is not obliged to attend an interview or hearing. If the student does not attend and a reasonable attempt to contact the student has been made (as per Section 4.8.6), a decision may be made in the student's absence and any written submission taken into account.

#### 4.10 Determination and notice for general misconduct

4.10.1 Following the interview or hearing, the Pro Vice-Chancellor (Students), or delegate, or the Committee may seek further information or advice as necessary before making the determination. However, the student must be given the opportunity to comment on any additional information prior to the determination being made.

4.10.2 The findings of the Pro Vice-Chancellor (Students), or delegate, or the Committee should be based on established facts, sound reasoning and relevant evidence which, on the balance of probabilities, indicates whether the misconduct is proven. The decision or recommendation is to be reached within ten (10) business days of the interview or hearing.

4.10.3 If a finding of general misconduct is determined, the Pro Vice-Chancellor (Students), or delegate, or the Committee should take into consideration the factors identified under Section 6.6 before determining the penalty. If a finding of general misconduct is not substantiated, the Pro Vice-Chancellor (Students), or delegate, may determine whether conciliation or mediation is appropriate in accordance with Section 6A.

4.10.4 The student's previous disciplinary record should only be given to the Pro Vice-Chancellor (Students), or delegate, or the Committee when making a recommendation under Section 6, if they determine that general misconduct occurred.

4.10.5 The student must be advised in writing of the determination within ten (10) business days of the decision. The determination notice is emailed to the student's USC email address. The notice must:

(a) provide the student with full details of the determination, including any penalties or associated educational or remedial actions and the reasons for making the decision;

(b) advise that the student may contact the nominee listed in the letter to seek clarity about any educational or remedial actions required as part of the determination (if identified);

(c) if a general misconduct finding is substantiated, advise the student that the option is available to lodge an appeal in accordance with the Student Grievance Resolution - Governing Policy and Student Review and Appeals - Procedures, noting Section 4.10.6 timeframes in these procedures; and

(d) if the student receives a penalty of either suspension or expulsion, the determination notice must include the following:

(i) the date from which the suspension/expulsion will be enforced;

(ii) advice that the Withdrawn by the University (WX) notation will appear on the student's academic transcript for courses in which they are enrolled; and

(iii) in the case of an international student on a student visa, the University is obliged to advise the student in the determination notice that a penalty of suspension or expulsion for misconduct will be reported to the relevant Government department(s) and may result in the cancellation of the student visa.

4.10.6 For all substantiated general misconduct findings and penalties made under this procedure, the student has twenty (20) business days to lodge a Step 3 appeal (see Student Review and Appeals – Procedures) from notification of the decision made by the Pro Vice-Chancellor (Students) or the Deputy Vice-Chancellor (Academic) under Sections 4.10.8.2 and 4.10.9.2.

4.10.7 If the student is dissatisfied with the decision, the Student Grievance Resolution - Governing Policy and Student Review and Appeals – Procedures are to be followed. In the event that there is any conflict in relation to the appeal submission deadlines, the timeframes outlined in Section 4.10.6 will take precedence.

#### 4.10.8 Determination of allegations by the Pro Vice-Chancellor (Students)

4.10.8.1 If the Pro Vice-Chancellor (Students), or delegate, determines that the alleged student general misconduct is not proven, the investigation is concluded. The student is informed of this decision in the determination notice (see Section 4.10.5).

4.10.8.2 Where the Pro Vice-Chancellor (Students), or delegate, is satisfied that, on the balance of probabilities, there is sufficient evidence that some or all of the alleged Category 1 general misconduct occurred, the University issues the student with this decision in the determination notice (see Section 4.10.5).

4.10.8.3 Where the Pro Vice-Chancellor (Students), or delegate, determines evidence of Category 2 misconduct has been disclosed, the Pro Vice-Chancellor (Students) will refer the report to the Student General Misconduct Committee.

4.10.8.4 The referred report should be sent to the Committee within five (5) business days of the interview and the student notified by email to their USC email address. The Pro Vice-Chancellor (Students) will issue a new allegation letter in accordance with Section 4.8 for a hearing of the Committee to be conducted within fifteen (15) business days of the date of the new allegation letter.

#### 4.10.9 Determination of allegations by the Student General Misconduct Committee

4.10.9.1 The Chairperson of the Committee will provide its findings and recommendation in writing to the Pro Vice-Chancellor (Students). Where the Committee seeks to recommend expulsion or suspension of the student, they will follow Sections 6.4.1 and 6.4.2 prior to finalising its findings and recommendation.

4.10.9.2 The Pro Vice-Chancellor (Students) will make a determination on a course of action and the University sends the determination notice to the student (see Section 4.10.5). The Pro Vice-Chancellor (Students) may decide:

(a) the alleged student general misconduct is not proven and the investigation is concluded; or

(b) that, on the balance of probabilities, there is sufficient evidence that some or all of the alleged general misconduct occurred and issues the student with the decided educational, remedial actions and penalties as appropriate; or

(c) where the Committee recommends expulsion or suspension of the student, or to rescind an award, the Pro Vice-Chancellor (Students) will recommend the finding of general misconduct and the penalty to the Deputy Vice-Chancellor (Academic) for approval under Sections 6.4.3 and 6.5 respectively.

4.10.9.4 If the Committee determines evidence of alternative general misconduct to the allegation(s) contained in the original allegation letter has been disclosed, the Committee will refer the revised allegation(s) to the Pro Vice-Chancellor (Students). The Pro Vice-Chancellor (Students) will then make a determination of the revised allegation(s) under Section 4.7. Should a new allegation letter be issued for a hearing by the Committee, the new hearing will be conducted by Committee members who were not part of the original hearing.

4.10.9.5 The Office of the Pro Vice-Chancellor (Students) facilitates advice to Student Services and Engagement regarding actions required a failing grade, to withdraw, suspend or expel students and/or notate official academic records.

4.10.9.6 The Office of the Pro Vice-Chancellor (Students) will advise the relevant Head of School in cases where the determination is Suspension or Expulsion.

### 4.11 Student General Misconduct Committee

4.11.1 The Student General Misconduct Committee (Committee) Terms of Reference and Composition are approved by the Vice-Chancellor and President.

4.11.2 The Student General Misconduct Committee (Committee) is convened as required to investigate and determine reports of Category 2 alleged general misconduct, where the seriousness and/or complexity of the alleged misconduct warrants a hearing of the Committee.

## 5. Academic integrity and suspected breaches

### 5.1 Prevention of academic misconduct

5.1.1 As members of a University community that values academic integrity, it is vital that students act with honesty, trust, fairness, respect and responsibility in all academic activities.

5.1.2 Students have a responsibility to familiarise themselves with scholarly conventions appropriate to their discipline, and to the Australian Higher Education environment, including learning to use academic referencing systems and sound research practices.

5.1.3 The University provides education for students about academic integrity, as a key element of training in essential academic skills. The USC Library offers training and assistance in developing scholarly research skills.



5.1.4 All students undertaking a coursework program at the University must successfully complete academic integrity training modules. Successful completion is defined as achieving an overall score of 80% in all quizzes. The modules will be available through the University's Learning Management System (Blackboard).

5.1.5 Failure to meet Section 5.1.4 requirement will result in the initial withholding of the student's online teaching materials. The student's online teaching materials will be released when the modules have been successfully completed. If the student fails to meet Section 5.1.4 post week three (3) of the teaching term, the online teaching materials will be released, however their grades for that and subsequent enrolment periods will be withheld. The student's grades will be released when the modules have been successfully completed.

5.1.6 Academic Staff have a direct role in supporting their students to acquire the skills to be successful in their studies, by providing explicit information about expectations of assessment standards in each course.

5.1.7 The Heads of Schools are responsible for overseeing the provision of discipline-specific education on student academic integrity for both students and staff.

5.1.8 The University implements strategies for reducing opportunities for breaches of academic integrity in assessment. The Centre for Support and Advancement of Learning and Teaching (C-SALT) provides training for staff about promoting student academic integrity through thoughtful pedagogical principles and rigorous assessment design.

## 5.2 Departures from acceptable academic conduct

5.2.1 Any departure from student academic integrity has the potential to undermine the academic standards and quality of the University and constitutes student academic misconduct.

### 5.2.2 Types of academic misconduct

Academic misconduct includes, but is not limited to:

- (a) plagiarism, including using another's expression or ideas without appropriate acknowledgement;
- (b) collusion, involves "two or more students, or a student and any other person(s), act together to cheat, plagiarise or engage in other academic misconduct, or incite others to do so" (2);
- (c) cheating, including in examinations or by accessing restricted assessment materials;
- (d) fraud, including falsification or fabrication of data or work; or in any other way participating in activities which are intended to give the student an unfair or dishonest advantage in their learning activities, assessment or research; and
- (e) contract cheating, including the outsourcing of assessments to a third party, whether that is a commercial provider, tutorial site, current or former student, family member or acquaintance; including the unauthorised use of file-sharing sites, and organising another person to take an examination (3).

More examples of academic misconduct are provided in Schedule B.

5.2.3 The University has available a range of tools, such as the University's text matching tool, to assist in the identification of possible cases of plagiarism, collusion and contract cheating. Reports generated by software tools must be examined thoroughly in context, and the academic judgement of the teaching staff is relied upon to determine whether or not material is plagiarised, or collusion or contract cheating occurred.

## 5.3 Categorisation of academic misconduct

5.3.1 Instances of student academic misconduct in coursework and coursework programs are classified by the degree of seriousness of the misconduct: Category 1 and Category 2.

5.3.2 Category 1 instances are confined to:

- (a) instances of plagiarism that appear to be a consequence of a student's lack of knowledge of, or skill in, the conventions of academic writing or arising from carelessness rather than a deliberate act of deception, or
- (b) instances of collusion that do not appear to be a deliberate act of deception, or
- (c) instances of attempted collusion that do not appear to be a deliberate act of deception.

5.3.3 All other instances of student academic misconduct in coursework and coursework programs are regarded as Category 2 instances.

## 5.4. Reporting suspected academic misconduct

5.4.1 When a member of staff or a fellow student has reason to suspect student academic misconduct, that person must inform the relevant Course Coordinator as soon as possible, no later than five (5) business days from when the relevant suspicion has been formed that academic misconduct has taken place. The report of suspected student academic misconduct can be made either verbally or in writing to the Course Coordinator. All available supporting evidence must be provided at that time.

5.4.2 In the case of suspected student academic misconduct in an examination, the incident must be reported immediately. Refer to Section 5.9 regarding alleged misconduct in central examinations.

5.4.3 A Course Coordinator who receives a report or identifies suspected student academic misconduct, must make a preliminary analysis to determine if either:

- (a) there is no case for the student to answer and the matter proceeds no further; or
- (b) there is sufficient evidence that the matter should be investigated.

5.4.4 As part of the preliminary analysis, the Course Coordinator:

- (a) examines any documentation relating to the incident, including any report;
- (b) checks the information provided to students on the assessment item; and
- (c) analyses the assessment item.

5.4.5 The Course Coordinator should at this stage take care to avoid any pre-judgement of the student or the suspected student academic misconduct and in particular should not seek or take into consideration any previous records or knowledge about previous allegations or findings of student academic misconduct related to the student. Evidence of prior academic misconduct, if any exists, should only be considered by the Academic Lead/Investigator when determining penalties.

5.4.6 Following the preliminary analysis, the Course Coordinator may determine that:

- (a) there is no case for the student to answer, and no formal investigation is required; or
- (b) there is on first appearance evidence to support an allegation of academic misconduct for the student to answer (Category 1 or 2) and the matter should be reported as per Section 5.4.7(a).

5.4.7 Where the Course Coordinator, has determined that there is sufficient evidence to support an allegation of academic misconduct (5.4.6(b)):

- (a) the Course Coordinator must complete and submit a Student Academic Misconduct Details Form as soon as possible, no later than five (5) business days from initial report (see Section 5.4.1) or from when the relevant suspicion has been formed that academic misconduct has taken place; and
- (b) removes any result for the assessment item (if submitted) and replaces it with a null result and if it is close to the release of grades add the interim notation of Result Withheld (RW) in the grades module.

5.4.8 When a Course Coordinator reports suspected academic misconduct for investigation (Section 5.4.7(a)), the Course Coordinator has the option to also provide a recommendation for an appropriate penalty should the allegation be proven. The recommendation should include a rationale referring to Section 6. The Academic Lead/Investigator may take the recommendation into consideration when determining the penalty.

5.4.9 Course Coordinators must ensure that records generated throughout a preliminary analysis are captured and should accompany the submitted Student Academic Misconduct Details Form.

5.4.10 Should the Course Coordinator not be an on-going member of USC staff, the Head of School (or delegate) may act on the Course Coordinator's behalf.

## 5.5 Initial examination and investigation of academic misconduct

5.5.1 Following receipt of a report of suspected student academic misconduct, the Academic Lead/Investigator will commence an initial examination within ten (10) business days of report, to determine if the report:

- (a) should be considered as an allegation of student academic misconduct; or
- (b) should be referred back to the Course Coordinator for clarification of the details; or
- (c) should be dismissed.

5.5.2 If the initial examination determines alleged student academic misconduct may have occurred, the Academic Lead/Investigator will investigate further.

5.5.3 If the initial examination determines that the report should be dismissed, the Academic Lead/Investigator will inform the Course Coordinator that no further action will be taken. The student will be notified if appropriate and the Course Coordinator will reinstate the result for the assessment task.

5.5.4 Unless specifically requested by the Dean (Academic), the Academic Lead/Investigator does not investigate reports of suspected student academic misconduct if the grade for the course in which the suspected academic misconduct occurred has been finalised and publicly released (note: if an interim notation of Result Withheld (RW) has been allocated to the student an investigation can still occur).

5.5.5 The task of the Academic Lead/Investigator is to make enquiries and gather evidence that will enable a determination to be made on the balance of probabilities, as to whether some or all of the misconduct occurred. This process may include gathering oral evidence (recollections from witnesses, which should be documented), documentary evidence, and expert evidence (e.g. technical advice on data, text-matching reports, etc.). The Academic Lead/Investigator should follow the principles of procedural fairness.

5.5.6 If the determination is 5.5.1(a), the student will receive an allegation letter as detailed in Section 5.6.

5.5.7 The Academic Lead/Investigator must ensure that a complete record of the investigation is captured by documenting every step, including all discussions, phone calls, interview, decisions and conclusions made during the investigation. These records must be stored securely to maintain confidentiality, refer to Sections 10 and 14.

5.5.8 During an investigation, the Academic Lead/Investigator may suspect student academic misconduct by other parties involved in the report. If the other party is a student in the same course, the Academic Lead/Investigator will report the suspected misconduct to the Course Coordinator, who will be requested to generate a Student Academic Misconduct Details Form. If the other party is not a student in the same course, with the approval of the Director, CSALT, a Student Academic Misconduct Details Form will be generated.

## 5.6 Issuing an allegation notice for academic misconduct

5.6.1 An allegation letter should be sent within five (5) business days of decision being reached under Section 5.5.1(a), using the specified templates associated with these procedures.

5.6.2 All allegation letters to students are sent to their USC email address. All correspondence emailed by the University to a student's USC email address shall be deemed to have been received by the student.

5.6.3 An allegation letter will include:

- (a) the type of alleged misconduct according to the definition in these procedures;
- (b) the facts of the alleged academic misconduct including where and when it occurred;
- (c) all information relevant to the alleged misconduct;
- (d) documentary evidence related to the allegation of student academic misconduct;
- (e) website links to the relevant policy and procedures for deciding the matter;
- (f) details of how the student can respond to the allegation(s), see Section 5.6.4;
- (g) advice about a support person for the student during the interview, noting that a student is not entitled to legal representation, see Section 5.7.7;
- (h) information about assistance and support the student may receive while preparing a response, see Section 7;
- (i) advice about the potential outcomes of a substantiated finding that student academic misconduct has occurred, including potential consequences if, on further investigation, the allegation is referred to a more senior decision maker; and
- (k) details about how the student can respond to the potential outcomes of a substantiated finding of student academic misconduct in respect to Section 6.6.

5.6.4 The allegation letter describes how the student can respond to the allegation and prescribes the period in which that response must be received by the University. Students are advised that they may respond by:

- (a) attending an interview at a time identified; or
- (b) providing a written response (by email) to the allegation; or
- (c) both (a) and (b).

5.6.5 The time set for an interview should be within fifteen (15) business days, but no earlier than eight (8) business days, from the date of the allegation notice.

5.6.6 If there is no response to the allegation letter, the University must make one final reasonable attempt to contact the student, by telephone or email prior to the scheduled interview. If there is still no response and the student fails to arrive at the scheduled time and place, the Academic Lead/Investigator will proceed to make a determination in the student's absence based on the evidence available.

## 5.7 Academic misconduct interview

5.7.1 Students may choose to respond to allegations of academic misconduct by attending an interview with the Academic Lead/Investigator as per Section 5.6.4(a). The interview can be face-to-face, by video-conference, or by telephone. An exchange of emails is not considered an interview.

5.7.2 The interview is conducted by the Academic Lead/Investigator.

5.7.3 All relevant material will be provided to the student.

5.7.4 Where the student elects to participate in an interview, the purpose of the interview is to review the evidence available, allow the student the opportunity to respond to the allegation, discuss the matter with the student and allow the Academic Lead/Investigator to determine whether misconduct has occurred.

5.7.5 The Academic Lead/Investigator may question the student and invite them to make oral presentations at the interview.

5.7.6 During the interview, the Academic Lead/Investigator records notes of the conversation and on conclusion creates a written summary of the interview. A copy of the written summary of the interview will be made available to the student if requested by the student.

5.7.7 Students may have a support person at the interview but are advised that this person must be a representative of the Student Guild or another person who is not legally trained. The student may confer with the support person, but the support person may not advocate on the student's behalf. The support person cannot be under investigation for suspected related academic misconduct.

5.7.8 In certain circumstances the Pro Vice-Chancellor (Students) may provide approval to allow the support person to advocate on the student's behalf. The Student should email the Pro Vice-Chancellor (Students), (PVCStudents@usc.edu.au) five (5) business days before the meeting, requesting approval for their support person to advocate on their behalf. The student should provide evidence and grounds for their request. The outcome will be advised to the student within three (3) business days. The Office of the Pro Vice-Chancellor (Students) will also advise the Academic Lead/Investigator.

5.7.9 The student is not obliged to attend an interview. If the student does not attend the interview and a reasonable attempt to contact the student has been made, a decision may be made in the student's absence, and any written submission taken into account.

## 5.8 Determination and notice for academic misconduct

5.8.1 Following the interview, the Academic Lead/Investigator may seek further information or advice as necessary before making the determination. However, the student must be given the opportunity to comment on any additional information prior to the determination being made.

5.8.2 The Academic Lead/Investigator's findings should be based on established facts, sound reasoning and relevant evidence which, on the balance of probabilities, indicates whether the student performed misconduct. The decision to be reached within ten (10) business days of the interview.

5.8.3 The student's previous disciplinary record should only be given to the Academic Lead/Investigator when making a recommendation under Section 6.

5.8.4 If the Academic Lead/Investigator determines that the alleged student academic misconduct is not proven, the investigation is concluded. The student and the Course Coordinator are informed of this outcome, see Section 5.8.7.

5.8.5 Where the Academic Lead/Investigator is satisfied that, on the balance of probabilities, there is sufficient evidence that some or all of the alleged student academic misconduct occurred, the Academic Lead/Investigator makes a determination as to the penalty and any educative or remedial actions to apply, see Section 6.6, subject to Section 5.8.6.

5.8.6 If the penalty determined is either expulsion or suspension of the student, or to rescind an award, the Academic Lead/Investigator will recommend the finding of academic misconduct and the penalty to the Deputy Vice-Chancellor (Academic) for approval and follows Sections 6.4 and 6.5 respectively.

5.8.7 The student is advised in writing of the determination within ten (10) business days of the decision. The determination notice is emailed to the student's USC email address. The notice must:

- (a) give the student full details of the determination, including the reasons for making the decision;
- (b) advise that the student may contact the nominee to seek clarity about any educational or remedial actions required as part of the determination (if identified);
- (c) if a misconduct finding is substantiated, advise the student of the option to seek a review of the decision and/or to lodge an appeal following the student is to follow the Student Grievance Resolution - Governing Policy and Student Review and Appeals – Procedures, noting Section 5.8.9 timeframes; and
- (d) if the student receives a penalty of either suspension or expulsion, the following is also included:
  - (i) the date that the suspension/expulsion will be enforced;
  - (ii) the advice that the Withdrawn by the University (WX) notation will immediately appear on the student's academic transcript for that course in which the academic misconduct was proven; and
  - (iii) in the case of an international student on a student visa, the University is obliged to advise the student in the determination notice that a penalty of suspension or expulsion for misconduct will be reported to the relevant Government department(s) and may result in the cancellation of the student visa.

5.8.8 If the Academic Lead/Investigator determines evidence of alternative academic misconduct to the allegation(s) contained in the original allegation letter has been disclosed, the Academic Lead/Investigator issues a new allegation letter will be issued, and a new interview will be conducted.

5.8.9 For all substantiated academic misconduct findings and penalties made under this procedure, the student has twenty (20) business days to lodge:

- (a) a Step 2 review of decision, made by the Academic Lead/Investigator under Section 5.8.6; or
- (b) a Step 3 internal appeal of decision, made by the Deputy Vice-Chancellor (Academic) under Section 5.8.6.

5.8.10 If the student is dissatisfied with the decision, the Student Grievance Resolution- Governing Policy and Student Review and Appeals – Procedures are to be followed. In the event there is any conflict in relation to the appeal submission deadlines, the timeframes outlined in Section 5.8.9 will take precedence.

5.8.11 The Integrity and Compliance Unit will request Student Services and Engagement to implement penalties of failing grade, to withdraw, suspend or expel students and/or notate an official academic record.

5.8.12 The Integrity and Compliance Unit will advise the Course Coordinator of all determinations and advise the relevant Head of School in cases where the determination is Suspension or Expulsion.

5.8.13 The Course Coordinator will implement penalties of resubmissions or substitute assessment tasks. The Course Coordinator will update the assessment item mark as appropriate.

5.8.14 The Integrity and Compliance Unit provides Heads of School with semester/trimester reports on the outcome of allegations of student academic misconduct investigated by the unit.

## 5.9 Student academic misconduct in central examinations

5.9.1 In central examinations, it is generally an Invigilator who detects cheating or an attempt to cheat.

5.9.2 The Invigilator may permit the student to complete the examination, provided that further infringing conduct can be prevented, or the unauthorised material is removed. The Invigilator should, if appropriate, issue new examination booklets or answer sheets, or sign the student's work to indicate the point at which the student is resuming.

5.9.3 Where a person is found to be impersonating a student for an examination, the Invigilator should, if possible, confiscate the student ID card of the student being impersonated and provide a written Incident Report to the Academic Register and Director, Student Services, immediately after the examination. The person present should be asked to identify themselves and provide their contact details.

5.9.4 If the person is a current USC student, the Invigilator must provide a written Incident Report to the Academic Register and Director, Student Services, immediately after the examination. Any confiscated unauthorised material should accompany the invigilator's report. Any items of value will be returned to the student as soon as possible.

5.9.5 If the person is not a current USC student, the investigation should proceed under Section 8 of these procedures.

5.9.6 Should the person leave the premises without being identified, CCTV footage may be able to be accessed for possible identification.

5.9.7 Upon receipt of the report, the Academic Register and Director, Student Services, forwards the report and any other pertinent information to the Integrity and Compliance Unit.

5.9.8 The Integrity and Compliance Unit notifies the Course Coordinator of the investigation, provides the Course Coordinator an opportunity to recommend an appropriate penalty if the academic misconduct is proven, and confirms that any materials confiscated would constitute prohibited materials under exam conditions for the course.

5.9.9 Following the receipt of a report, the Integrity and Compliance Unit investigates the report and makes a determination, following the same process in Section 5.

## 5.10 Collusion involving a USC student who is not enrolled in the course where the misconduct occurred

5.10.1 When the alleged student academic misconduct involves collusion with another USC student who is not enrolled in the same course in which the suspected misconduct occurred, the Course Coordinator refers the allegation, following the same process in Section 5.

5.10.2 In such cases, the full range of penalties identified in Section 6 are unavailable as the student is not enrolled in the course in which the student academic misconduct was identified. The only penalties available are to issue a formal warning or reprimand for Category 1 offences; or for Category 2 offences: Suspension or Expulsion.

## 5.11. Feedback to the Course Coordinator

5.11.1 In the case of an assessment task that results in significant incidents of student academic misconduct, the Academic Lead/Investigator may recommend through the Head of School that the Course Coordinator review the design of the task with a C-SALT Academic Developer.

## 6. Educational, remedial actions and penalties

### 6.1 Educational and remedial actions

6.1.1 Where a report of student misconduct is substantiated, any remedial actions that are required to be taken by a student must be educational in intent and be designed for the purpose of preventing further student misconduct by the particular student:

(a) if it relates to student academic misconduct, the Course Coordinator should contact the student to discuss the issues of student academic integrity, student academic misconduct and how the student can implement strategies to avoid future cases;

(b) if it relates to student general misconduct, where appropriate, decision makers may make other recommendations to a student, for example, that the student attend, counselling session(s) and/or may suspend or withdraw a decision if the student agrees to the recommendation.

6.1.2 Category 1 remedial actions should be used as an opportunity to encourage students to increase their academic or research skills through participation in training, workshops and support services.

6.1.3 The student may be required to attend an academic skills workshop or to participate in a tutorial or online tutorial about Plagiarism and Referencing.

## 6.2 Penalties

6.2.1 In appropriate cases penalties should be combined with educational/remedial actions. Decision makers may determine that evidence of remedial action is required for readmission or re-application for entry.

6.2.2 The following table identifies the range of penalties available where a report of misconduct by the student is proven, on the balance of probabilities. Factors determining the application of penalties are detailed in Section 6.6.

6.2.3 Authorised approval of penalties

PENALTY	APPROVAL AUTHORITY
<b>Category 1</b>	
(a) The student is given a formal written warning or reprimand.	Pro Vice-Chancellor (Students) <i>for student general misconduct</i> Academic Lead/Investigator <i>for student academic misconduct</i> Dean, Graduate Research <i>for student breaches of research conduct</i>
(b) The student is required to resubmit the assessment task, and the mark awarded for the work will not exceed 50 percent or a passing grade.	Pro Vice-Chancellor (Students) <i>for student general misconduct</i> Academic Lead/Investigator <i>for student academic misconduct</i> Dean, Graduate Research <i>for student breaches of research conduct</i>
(c) The student is required to undertake a substitute assessment task, and the mark awarded for the work will not exceed 50 percent or a passing grade.	Pro Vice-Chancellor (Students) <i>for student general misconduct</i> Academic Lead/Investigator <i>for student academic misconduct</i> Dean, Graduate Research <i>for student breaches of research conduct</i>
<b>Category 2</b>	
(d) Any Category 1 penalty	
(e) Suspend the student from University premises or facilities, or a specified part or parts of University premises for no longer than a semester or equivalent period.	Pro Vice-Chancellor (Students) <i>for student general misconduct</i>
(f) The student is awarded a mark of zero for the assessment task in which the misconduct occurred (which may or may not result in a failing grade for the course).	Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee <i>for student general misconduct</i> Academic Lead/Investigator <i>for student academic misconduct</i> Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of research conduct</i>
(g) The student is awarded a failing grade (FL or UF) for the course.	Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee <i>for student general misconduct</i> Academic Lead/Investigator <i>for student academic misconduct</i> Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of research conduct</i>
(h) Requirement to delete the research data associated with a breach.	Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of research conduct</i>
(i) Annulment of a confirmation report or thesis examination report.	Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of research conduct</i>
(j) Retraction of a research publication associated with a breach.	Deputy Vice-Chancellor (Research and Innovation) <i>for student research misconduct</i>
(k) The student is withdrawn from the course by the University. The WX notation appears on the Student's official academic record for that course.	Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee <i>for student general misconduct</i>

(l) The student is suspended from enrolment at the University for one semester.	<p>Academic Lead/Investigator <i>for student academic misconduct</i></p> <p>Deputy Vice-Chancellor (Academic)</p> <p>on the advice of:</p> <p>i) Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee <i>for student general misconduct</i></p> <p>ii) Academic Lead/Investigator <i>for student breaches of academic conduct</i></p> <p>iii) Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of research conduct</i></p>
(m) The student is suspended from enrolment at the University for one calendar year.	<p>Deputy Vice-Chancellor (Academic)</p> <p>on the advice of:</p> <p>i) Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee <i>for student general misconduct</i></p> <p>ii) Academic Lead/Investigator <i>for student academic misconduct</i></p> <p>iii) Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of research conduct</i></p>
(n) The student is expelled from the University.	<p>Deputy Vice-Chancellor (Academic)</p> <p>on the advice of:</p> <p>i) Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee <i>for student general misconduct</i></p> <p>ii) Academic Lead/Investigator <i>for student academic misconduct</i></p> <p>iii) Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of research conduct</i></p>
(o) Rescinding an award.	<p>Council on the advice of Deputy Vice-Chancellor (Academic)</p> <p>following the recommendation from:</p> <p>i) Pro Vice-Chancellor (Students) following recommendation by the Student General Misconduct Committee <i>for student general misconduct</i></p> <p>ii) Academic Lead/Investigator <i>for student academic misconduct</i></p> <p>iii) Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of research conduct</i></p>

## 6.4 Imposing a penalty of suspension or expulsion

6.4.1 If the recommendation is to impose a penalty of Suspension or Expulsion, due to the severity, the Student General Misconduct Committee or the Academic Lead/Investigator must advise the student in writing and describe the process of responding to the proposed penalty (see Section 6.6 Factors determining application of penalties). The student has ten (10) business days to provide their written response.

6.4.2 The Student General Misconduct Committee or the Academic Lead/Investigator will take into account any student written submission in relation to Section 6.6. The proposed penalty may remain the same or be altered.

6.4.3 If the recommendation remains to impose a penalty of Suspension or Expulsion, a request is made in writing to the Deputy Vice-Chancellor (Academic), including a copy of the relevant details accompanied by a rationale for the finding of misconduct and imposing the proposed penalty, and in the case of Suspension, details of any conditions that would need to be completed prior to readmission.

6.4.4 The Deputy Vice-Chancellor (Academic) will review the written request in Section 6.4.3 and makes a determination on the finding of misconduct and, if substantiated, the appropriate penalty. If the Deputy Vice-Chancellor (Academic) considers that a higher penalty than the recommendation is warranted, the student is advised and provided an opportunity to respond before the determination is made (see Section 6.6 Factors determining application of penalties). The student has ten (10) business days to provide their written response. The Deputy Vice-Chancellor (Academic) will review any written submission by the student before finalising the penalty.

6.4.5 The student is permitted to continue their enrolment in other courses during the Study Period in which the offence has been detected, until the date that the suspension/ expulsion comes into effect.

6.4.6 The timing of the suspension / expulsion is at the discretion of the decision maker. The decision maker should take into consideration whether the suspension / expulsion should take place immediately or in the following teaching period. Factors that can influence the decision includes:

- (a) how far into the teaching period the student is in the course(s); and
- (b) the type of misconduct and the impact on members of the University community.

6.4.7 For information on readmission after Suspension or Expulsion, refer to the University's Admissions - Procedures.

## 6.5 Imposing a penalty of rescinding an award

6.5.1 In exceptional circumstances, the University may rescind an award that has been conferred. The decision to revoke a conferred award is made by Council, on the recommendation of the Chairperson of Academic Board.

## 6.6 Factors determining application of penalties

6.6.1 The decision maker determines a penalty for a particular student on the basis of the evidence and consideration of the following factors:

- (a) whether the misconduct was a deliberate act;
- (b) whether it is reasonable to believe that the student did not intend to commit the misconduct;
- (c) whether there is evidence of a deliberate and premeditated decision to engage in misconduct;
- (d) whether the student is a relatively new and inexperienced higher education student;
- (e) whether the student has a history of student misconduct and the extent to which educational/remedial actions previously required with respect to the student;
- (f) the nature and extent of the misconduct;
- (g) where the misconduct relates to a practical professional competency assessment task in a professionally accredited program;
- (h) the impact of the conduct on other people; and
- (i) the requirements of the *Human Rights Act 2019 (Qld)* and in particular, any relevant human rights of the students (and others) as set out in the *Human Rights Act 2019 (Qld)*.

6.6.2 In the situation, where a student has received a penalty following a substantiated report of student misconduct, and more information becomes available, the decision maker can review the initial penalty with the option to propose a different penalty.

## 6.7 Clarification of penalties

6.7.1 Penalties (b) and (c) in the Penalties table, are not available if:

- (a) the assessment item is a final examination; or
- (b) the assessment task is related to professional competencies in a Limited Graded course.

6.7.2 For penalties (b) and (c) in the Penalties table, in courses that use the standard grading scale, the Course Coordinator will mark the student's work using the same criteria, standards and provide feedback as they usually would. However, the maximum result that can be attained is 50 percent of the value of the assessment task. Therefore, any outcome above 50 percent will be awarded a mark of 50 percent; any outcome under 50 percent will be awarded 50 percent of the grade gained.

6.7.3 For Penalties (b) and (c), in courses with limited grading, the Course Coordinator will mark the student's work using the same criteria, standards and provide feedback as they usually would. The resubmitted task can only be assessed as Pass or Fail.

6.7.4 In the case of Contract Cheating, when an allegation is found to be proven on the balance of probabilities, it is deemed Category 2 and the minimum penalty that can be applied to the student is in the Penalties table (m) one calendar year suspension.

### 6.7.5 Concurrent allegations of academic misconduct

(a) In the case of a student with concurrent allegations of student academic misconduct (for example in Assessment 1 in two different courses, in the same semester) the concurrent offences will not be factored in as prior history (Section 6.6.1(e)) for the purposes of determining a penalty.

(b) If there is a substantiated finding of student academic misconduct following the concurrent decision in Section 6.7.5(a), the concurrent findings will be considered as separate findings of prior misconduct when determining penalties in Section 6.6.1(e).

Example one: Student A has no previous history of academic misconduct. In Semester 2 they had two concurrent findings of academic misconduct. In the determination of the penalty for the concurrent findings, Student A will be deemed to not have a prior history of academic misconduct.



If Student A then has a subsequent finding of academic misconduct later in Semester 2, or in a following Semester, Student A will be deemed to have two substantiated reports of prior history of academic misconduct.

Example two: Student B has a prior history of one substantiated report of academic misconduct. In Semester 2 they had two concurrent findings of academic misconduct. In the determination of the penalty for the concurrent findings, Student B will be deemed to have one substantiated report of prior history of academic misconduct.

If Student B then has a subsequent finding of academic misconduct later in Semester 2, or in a following Semester, Student B will be deemed to have three substantiated reports of prior history of academic misconduct.

6.7.6 Any additional cases of student academic conduct that are proven while a student is under suspension/ expulsion but before its implementation will receive the Withdrawn by the University (WX) notation against the relevant course.

## 6.8 Availability of penalties

6.8.1 In the circumstance where a Course Coordinator is unable to implement a determined penalty, for example a resubmission (b) or substitute assessment task (c), the Course Coordinator is required to make a case through the relevant Head of School to the Deputy Vice-Chancellor (Academic).

6.8.2 If the argument presented by the Course Coordinator is accepted, the student's determined penalty will be revised to a formal warning with the option of educational/ remedial activities.

## 6A. Conciliation / mediation

6A.1 Where there is an allegation of alleged general misconduct related to sexual assault, assault, sexual harassment, harassment, bullying or discrimination against another student the Pro Vice-Chancellor (Students) may consider conciliation or mediation is appropriate in the circumstances.

6A.2 Factors that may influence the Pro Vice-Chancellor (Students) decision on whether conciliation or mediation is appropriate, include:

- (a) the wishes of the reporting student;
- (b) the seriousness of the allegations;
- (c) the context in which the incident occurred
- (d) the extent of evidence available that supports the allegations;
- (e) where the facts are contested; and
- (f) concerns about the wellbeing and safety of the complainant or other members of the University community.

6A.3 Mediation or conciliation should only be considered if all parties are willing to proceed and if there is sufficient common ground between the parties to ensure there is some prospect of a positive outcome.

## 7. Student support

7.1 Students are encouraged to consult the USC Student Guild for advice prior to presentation of their grounds and supporting evidence for responding to allegations of student general misconduct or student academic misconduct.

7.2 Contact with the USC Student Guild must be scheduled with adequate notice ahead of the specified deadlines for submission of applications for responding to allegations of student general misconduct or student academic misconduct.

7.3 A student can seek assistance from the USC Student Guild regarding their response to an allegation letter. However, the student's written response, under Sections 4.8.4 and 5.6.4, must be written from the student. Supporting evidence may be enclosed. The written response and the supporting evidence may not be from legal representation.

7.4 It is recognised that students involved in these procedures may require support. Student Wellbeing/SafeUSC offers unique support tailored to the students' needs. The support provided may include special arrangements for study, trauma informed counselling support, tenancy and welfare, SafeUSC and referrals to off campus support programs. Students are encouraged to contact Student Wellbeing/SafeUSC for a confidential and free consultation to identify the support required. A comprehensive list of services that are available by Student Wellbeing/SafeUSC can be found online.

7.5 Student Wellbeing/SafeUSC may assist students to address issues that have impacted on their academic performance and to develop strategies intended to improve their performance in the future.

## 8. Allegations where the student is not currently enrolled

8.1 If an allegation report is regarding a student who is admitted to study but not enrolled in the current teaching period, or if a student cancels their enrolment in the course, withdraws from enrolment in a unit in which the allegation report is alleged to have occurred, or takes an approved leave of absence, the relevant decision maker may proceed to determine the matter as if the student was currently enrolled, provided that the procedures in these procedures are followed. Alternatively, the decision maker may elect to defer consideration of the

report until such time as the student resumes studies at the University. In the latter case, the decision maker will notify the person of this decision.

8.2 If an allegation report is regarding a student who has completed studies, but the degree has not been conferred, graduation must be delayed until allegations of Category 2 general misconduct or allegations of Category 2 academic misconduct have been dealt with. If the allegation report is substantiated, the Graduation will be subject to any penalty which may be imposed in accordance with these procedures.

8.3 If an allegation report is regarding a student who has already graduated when the allegation report of Category 2 general misconduct or Category 2 academic misconduct is received, these procedures will be adopted to determine whether the allegation report is substantiated. All reasonable efforts must be made to locate the graduate student and provide them with notices and the opportunity to respond to the allegation(s).

8.3.1 Where the imposition of a penalty results in the graduated student no longer having met the requirements for graduation from the award course, the University will follow the procedures for rescinding of the award as per Section 6.5.

8.4 When a finding of student academic misconduct involves collusion with a person who is not enrolled in the University the Academic Lead/Investigator should provide a report with recommendations to the Head of School and the Deputy Vice-Chancellor (Academic). The Deputy Vice-Chancellor (Academic) may seek appropriate legal advice to determine whether action against the person should be pursued.

## 9. Conflict of interest

9.1 University staff dealing with a report of student academic misconduct or student general misconduct has a responsibility to ensure that there is no actual or perceived conflict of interest. Where necessary, matters should be escalated to their supervisor, who may choose to delegate the matter to another appropriate staff member.

## 10. Confidentiality

10.1 All information associated with reports, investigations and outcomes related to individual instances of student misconduct must be treated as confidential and not released to any third party or external agency unless required by law or the student expressly consents to its release in writing.

10.2 The student Privacy Statement and Enrolment Declaration provides the University with the student's consent to disclose student information in the context of student academic misconduct (and specifically in relation to reports of student academic misconduct sent to students where other students may be identified in the report).

## 11. Extension of deadlines

11.1 Before a deadline to investigate or make a finding expires, a decision maker may apply in writing to the Pro Vice-Chancellor (Students) for an extension of the relevant deadline.

11.2 The Pro Vice-Chancellor (Students) may extend any deadline prescribed under the relevant procedures if satisfied that:

- (a) the decision maker has made a reasonable attempt to consult the student about an extension of the deadline; and
- (b) the student's ability to address the allegations is not impaired.

11.3 Students can apply for an extension of time through the relevant decision maker. The decision maker reviews the application to determine whether the delay is reasonable.

## 12. Maintaining student enrolment

12.1 When considering appeals regarding misconduct, the University will usually maintain a student's eligible enrolment throughout the process. Where the student's enrolment is subject to an interim suspension, the University is not obliged to allow participation in educational activities.

## 13. Repayment of fees

13.1 No fees paid by a student relating to a period where the student's enrolment is suspended as a result of misconduct are refundable or repayable to the student.

13.2 No fees paid by a student are refundable or repayable to the student where the student is expelled from the University.

## 14. Recordkeeping and reporting

14.1 All relevant records of investigations, for reports both proven and not proven, are captured in an approved records management system. Records should provide reliable and accurate evidence of business decisions and actions. Each record (e.g. letter, email, form, text-matching report) must be added digitally to the approved records management system, in line with the University's Information Management Framework – Governing Policy. Where physical records exist, these must be forwarded to Information Management Services.

14.2 Summary data of each substantiated instance of student academic misconduct and the associated educational/remedial actions and penalties applied is recorded to enable annual reporting. The data collected in the University's records management system may include:

- (a) student's name and ID;
- (b) form of misconduct (cheating, collusion, plagiarism, other);
- (c) category of student misconduct (1 or 2);
- (d) course(s) in which the misconduct occurred (separate entry for each course);
- (e) Course Coordinator;
- (f) brief description of the report;
- (g) location;
- (h) teaching period and year;
- (i) the determination- the name of the decision maker and date of the determination; and
- (j) all relevant documents pertaining to the substantiated report.

14.3 The Office of the Pro Vice-Chancellor (Students) maintains a register summarising all deliberations, findings and decisions of student general misconduct made under this policy for reporting purposes.

14.4 The Deputy Vice-Chancellor (Academic) reports to the Council annually, summarising the nature of the misconduct and any decisions or findings made.

14.5 The Deputy Vice-Chancellor (Academic) reports to the Academic Board annually, summarising academic misconduct. Parties involved are not identified in reports.

14.6 Summarised de-identified accounts of academic misconduct and decisions are published on the University website, as per a publication scheme determined by the Deputy Vice-Chancellor (Academic).

14.7 As per information security set out in the Information and Records Management- Procedures, Student Academic Misconduct information and records are classified as confidential. This means that the information is intended strictly for distribution or use by a select group. Access requests are managed by the Integrity and Compliance Unit, and approval is authorised by the Director, C-SALT. The Integrity and Compliance Unit will notify the relevant system administrators of any changes to staff access.

## 15. Staff templates

14.1 A flowchart, staff guidelines, forms and templates are available on MyUSC (staff login required).

## 16. Authorities/Responsibilities

ACTIVITY / ACTION	UNIVERSITY OFFICER/COMMITTEE
Summarily dealing with student general misconduct – suspending a student's access to, or use of, a facility or service not exceeding five (5) business days. (Section 4.4)	University Executive or Senior Staff with responsibility for the operation or management of University facilities and/or premises
Interim suspension for suspected student general misconduct up to five (5) business days to avert a substantial risk (Section 4.5)	Deputy Vice-Chancellor (Academic) or the Pro Vice-Chancellor (Students).
Interim suspension for suspected student general misconduct exceeding five (5) business days and not exceeding six (6) weeks (Section 4.5)	Deputy Vice-Chancellor (Academic)
Interview students suspected of Category 1 student general misconduct (Section 4.9)	Pro Vice-Chancellor (Students) or delegate
Interview students suspected of Category 2 student general misconduct (Section 4.9)	Student General Misconduct Committee
Interview students suspected of Category 1 or 2 academic misconduct (Section 5.7)	Academic Lead/Investigator
Issue educational, remedial actions and penalties (excluding suspension, expulsion or rescinding an award) (Section 6.2)	Pro Vice-Chancellor (Students) <i>for student general misconduct</i> Academic Lead/Investigator <i>for student academic misconduct</i> Deputy Vice-Chancellor (Research and Innovation) <i>for student breaches of research conduct</i>
Issue educational, remedial actions and Category 1 penalties (Section 6.2)	Dean, Graduate Research <i>for student breaches of research conduct</i>
Issue educational, remedial actions and all penalties (including suspension, expulsion or rescinding an award) (Section 6.2)	Deputy Vice-Chancellor (Academic)

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#### Footnote

- (1): Guidance Note: Academic Integrity Version 1.2 (28 March 2019) *Tertiary Education Quality and Standards Agency*.
- (2): 3.60.04 Student Integrity and Misconduct (24 September 2020) *University of Queensland*.
- (3): What is contract cheating and methods to reduce it (accessed 11 January 2021) *Tertiary Education Quality and Standards Agency*.

### Schedule A - Types of student general misconduct

Without limiting the interpretation of the Student Conduct – Governing Policy and these procedures, general misconduct is conduct in which a student:

1. unreasonably disrupts or obstructs any student, staff member, guest or visitor during a teaching, research, study, examination, meeting, ceremony or other normal and lawful activity of the University;
2. obstructs or deters a member of the staff of the University in the performance of their duties;
3. impairs or interferes with the freedom of movement or participation in the life of the University by any student, staff member, guest or visitor when on University premises, sites or land;
4. engages in conduct on a University premises, site or land which results in or involves injury to another person;
5. wilfully damages, misuses, loses, destroys, steals or misappropriates property or facilities of the University or the property of a person lawfully on University premises, sites or land;
6. enters a part of the University premises, site or land to which entry is prohibited or permitted only with authority;
7. behaves in a manner to others in the University community, either directly or through communication, which would reasonably be considered harassment, vilification, bullying, racist, discrimination, abusive, threatening, assault, sexual harassment, sexual assault or endangerment;
8. knowingly withholds or falsifies information or documentation for the purpose of gaining an advantage, e.g. gaining admission or credit transfer;
9. without authority obtains access to or alters information, documentation or records kept by the University in hard copy, electronic or other form;
10. infringes the privacy, copyright or intellectual property rights of another member of the University community;
11. without authority, discloses to a person information relating to the University or its affairs which is confidential or prejudicial to its reputation and which the student ought reasonably to know, to be confidential or prejudicial in nature;
12. behaves in a manner which is prejudicial to the good reputation of the University;
13. fails to comply with a reasonable direction or request given by a member of staff of the University who has, prior to giving the direction or request, and stating its purpose, been identified to the student as a member of staff;
14. attempts to commit misconduct;
15. contravenes or fails to comply with a provision of a Policy or Procedure of the University; or
16. fails to comply with or observe a finding, decision or penalty (other than a fine) imposed on the student under Policy or Procedures of the University.

### Schedule B – Types of academic misconduct

As per Section 5.2, academic misconduct includes, but is not limited to:

- (a) plagiarism, including using another's expression or ideas without appropriate acknowledgement; or submitting previously assessed work, which is known as 'self-plagiarism'
- (b) collusion, involves "two or more students, or a student and any other person(s), act together to cheat, plagiarise or engage in other academic misconduct, or incite others to do so" (2);
- (c) cheating, including in examinations or by accessing restricted assessment materials; or submitting work undertaken by someone else and claiming it as one's own work, which is known as 'contract cheating';
- (d) academic fraud, including falsification or fabrication of data or work; or in any other way participating in activities which are intended to give the student an unfair or dishonest advantage in their learning activities, assessment or research; and

(e) contract cheating, including the outsourcing of assessments to a third party, whether that is a commercial provider, tutorial site, current or former student, family member or acquaintance; including the unauthorised use of file-sharing sites, and organising another person to take an examination (3).

The following provides examples of student academic misconduct under the four categories above:

## Plagiarism

Presenting the thoughts, words, phrases or works of another as one's own, by:

- copying or paraphrasing material from any source without due acknowledgment
- using another's expression or ideas without appropriate recognition or due acknowledgement (e.g. by failure to use an academic referencing system).

## Self-Plagiarism

Submitting assessment work that has been assessed previously and counted towards completion of another course.

## Collusion

Jointly undertaking the whole or part of work that is to be presented for assessment in the knowledge that each student will claim that the work is wholly their own work.

Encouraging and assisting a student in committing, or in attempting to commit student academic misconduct by, for example:

- enabling the student to copy answers produced during an examination;
- providing the student with a copy of work which was completed by themselves or another student on the same or a similar assessment task;
- making available assessment items (for example essays, assignment answers, presentations) for use by others, whether for sale or otherwise.

## Cheating

During an examination:

- taking unauthorised materials into an examination;
- communicating with other students undertaking the examination;
- reading or copying the answers of another student undertaking the same examination;
- failing to start or stop writing at the appropriate times, as directed by the examination supervisor or invigilator.

## Contract Cheating

Engaging another party, whether paid or unpaid, to produce an assessment piece. Contract cheating could involve a student purchasing an assessment item online, engaging an online company to write a custom assessment piece, or asking a friend or family member to produce an assessment piece.

## Academic Fraud

Falsification or fabrication of data

Altering data, or creating spurious data, obtained from experiments, interviews, surveys, or similar activities.

## Misrepresentation

Participating in actions that are intended to give a student an unfair or dishonest advantage in learning activities and assessment, including but not limited to, purchasing, commissioning or exchanging assessment items.

## Accessing restricted assessment-related material

Acquiring, attempting to acquire, possessing, or distributing (either physically, electronically or orally) restricted assessment-related material or information, such as examination questions or an examination question paper, without the prior authorisation of the relevant Course Coordinator.

## Impersonation

Falsely representing another student in an examination or other assessment activity (e.g. undertaking an examination or a work placement for another student); or making arrangements for another person(s) to falsely represent themselves as someone else for the purpose of undertaking an examination or other assessment activity.

## Non-compliance

Failure to comply with legal requirements or University policies and procedures, e.g. breaching code on ethical treatment of animals, surveying people without approved ethics clearance, etc.

END

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#### RELATED DOCUMENTS

Acceptable Use of ICT Resources - Governing Policy  
Acceptable Use of ICT Resources - Procedures  
Administration of Central Examinations - Procedures  
Anti-Discrimination and Freedom from Bullying and Harassment (Staff) - Governing Policy  
Conduct on University Premises - Operational Policy  
Equity and Diversity - Governing Policy  
Information Management Framework - Governing Policy  
Managing and Investigating Breaches of Responsible Research Conduct - Procedures  
Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Governing Policy  
Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Procedures  
Social Media - Operational Policy

#### LINKED DOCUMENTS

Student Conduct - Governing Policy

#### SUPERSEDED DOCUMENTS

Student General Misconduct - Procedures | Student Academic Misconduct - Procedures

#### RELATED LEGISLATION / STANDARDS

University of the Sunshine Coast Act 1998 (Qld)  
Tertiary Education Quality and Standards Agency (TEQSA) Act 2011 (Cth)  
Higher Education Standards Framework (Threshold Standards) 2015 (Cth)  
USC Student Charter  
Human Rights Act 2019 (Qld)  
Model Code on Freedom of Speech and Academic Freedom