



Student Misconduct Procedure	
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Procedure Approval

Responsible Officer
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Date: 4/11/2020

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1 Purpose

The purpose of this procedure is to:

- a) support the Student Misconduct Policy;
- b) ensure a consistent organisational approach to allegations of student misconduct; and
- c) ensure that allegations of student misconduct are resolved fairly and consistently.

2 Scope

This procedure applies to UNSW College, its employees and contractors. For Diploma students, please refer to UNSW Sydney's policy framework.

3 Definitions

Academic Misconduct means behaviour or conduct undertaken to obtain an academic advantage, including for another person, to which the student or the other person is not legitimately entitled. It includes, but is not limited to, the misconduct identified in section 5.2 of the Student Misconduct Policy.

Exclusion means the permanent cancellation of a student's enrolment and termination of all rights and privileges as a student of UNSW College, including the right to re-enrol as a student and the right to enter UNSW College and UNSW Australia property.

Non-Academic Misconduct all student misconduct other than Academic Misconduct and includes, but is not limited to, the forms of misconduct referred to in section 5.1 of the Student Misconduct Policy.

Probation means a defined period of time during which any finding of misconduct in accordance with the Student Misconduct Policy will result in Exclusion.

SAM means the Student Agent Management system.

Student Misconduct Committee means the committee determining serious student misconduct and reporting to UNSW College's CEO.

Student Misconduct Register means the centrally held register where findings of student misconduct are recorded.

4 Procedure Detail

The UNSW College staff members identified in this section must take ownership of the matters identified in the column entitled 'Responsibilities'. If staff members are unsure of their responsibilities under this procedure or the Student Misconduct Policy, they should get in touch with the Contact Officer for guidance.

If a staff member expects to be unavailable for a period of time (for example, due to illness or leave) that person may nominate another staff member to carry out their responsibilities under this procedure, provided that the nominated replacement has the appropriate authority and experience. All nominations of this kind must be approved in writing by the Group.

4.1 Non-Academic Misconduct

Non-Academic Misconduct		Step 1: Allegation	
	Staff Members	Tasks	Responsibilities
Making an Allegation	Teachers and other staff	Report Non-Academic Misconduct (not relating to falsified medical certificates)	<ul style="list-style-type: none"> Complete Student Misconduct Form, ensuring that you have all relevant information and supporting documentation. Email completed form and all supporting documentation to the 'complaints and conduct' email address.
	Academic Coordinator (FS/IL)	Report Non-Academic Misconduct (relating to first offence falsified medical certificates/ documents)	<ul style="list-style-type: none"> Contact the medical practice shown on the certificate. If the medical practice confirms that the document is not genuine, complete Student Misconduct Form and arrange an interview with student. For non-medical documents, contact relevant document owner to verify authenticity.
Receiving an Allegation	Student Services Officers	Receive enquiry or allegation from a teacher or other staff member	<ul style="list-style-type: none"> Monitor the 'complaints and conduct' email address and check for Non-Academic Student Misconduct Forms. Check all forms to ensure that they are properly filled out and have all necessary supporting documentation. If not, email the person requesting missing information. Completed forms should be forwarded to Student Support Manager to commence Step 2.
		Receive enquiry or allegation from a student	<ul style="list-style-type: none"> Inform the student that they should speak to a Student Adviser about the issue. Make an appointment with the Student Adviser for the student within the next five working days.
	Student Advisers	Meet with student and assess allegation	<ul style="list-style-type: none"> All students who wish to make an allegation of Non-Academic Misconduct must meet with a Student Adviser. Student Advisers must help students understand the misconduct process and work out if the student has an allegation that falls within the scope of the Student Misconduct Policy. If there is not a proper allegation that can be made, inform the student of this and confirm in writing within five working days. Note allegation in SAM. If there is a proper allegation that can be made and the student wishes to make an allegation, the Student Adviser must complete the Student Misconduct Form and ensure that all supporting documentation is attached or requested. The Student Adviser logs the allegation in SAM and confirms, in writing to the student who made the allegation that their allegation is progressing to Step 2 within five working days. Forward all completed forms, with supporting documentation to the Student Support Manager within five working days of interview with the student making the allegation.

	Staff Members	Tasks	Responsibilities
Notification of Allegation	Student Support Manager	Assess whether investigation needed and whether allegation is of serious misconduct	<ul style="list-style-type: none"> After receiving the Student Misconduct Form from Student Advisers, determine whether or not an allegation requires further investigation. All Serious Student Misconduct must be investigated. In relation to non-serious student misconduct, only some allegations will require investigation. Where an allegation of non-serious student misconduct is clear and supported by all evidence necessary to allow a decision to be made, it can progress to Step 3 for determination without further investigation. Where no investigation is needed, forward the completed forms and supporting documentation to the relevant Step 3 decision maker within five working days of receipt.
		Notify the student of allegation of Non-Academic Misconduct not relating to falsified medical certificates	<ul style="list-style-type: none"> Within five working days of receipt, notify the student (the subject of the allegation) by email that an allegation has been received. Advise the student if an investigation is to be conducted or whether it will go straight to Step 3 for a determination. Keep the student (the subject of the allegation) informed of any potential delays. Log the allegation in Student Misconduct Register with details of all correspondence and update notes in SAM.
	Academic Coordinator (FS/IL)	Notify the student of allegation of Non-Academic Misconduct relating to first offence of falsified medical certificates / documents	<ul style="list-style-type: none"> Within five working days of completion of Student Misconduct Form, notify the student by email that an allegation has been made against them, inform the student to attend an interview. If the student is offshore, advise the student to email response to the allegation, along with evidence. Log the allegation in Student Misconduct Register with details of all correspondence and update notes in SAM.
Investigation	Student Support Manager	Investigate allegation of Non-Academic Misconduct	<ul style="list-style-type: none"> Undertake further investigation and collate relevant information or further evidence as required. Speak to relevant staff members or other students as necessary. Keep records of all interviews and investigations undertaken. Save such materials in an electronic confidential Student Misconduct file for the relevant student. Prepare report setting out findings and forward to the relevant Step 3 decision makers within 20 working days of the completion of Step 1.
	Academic Coordinator (FS/IL) and AAD (FS) or HOS (IL)	Investigate first offence of falsified medical certificates/ documents	<ul style="list-style-type: none"> Academic Coordinator to have rung medical practice/document owner to confirm authenticity. Interview proceeds on the basis the document is falsified AAD or HOS, and the Academic Coordinator is to conduct an interview with student to determine authenticity of document
Support	Student Advisers	Assist students	<ul style="list-style-type: none"> Be available to help students understand student misconduct process. A Student Adviser may not assist two students involved in the same misconduct process. Different Student Advisers must be allocated to assist the student making an allegation and the student who is the subject of an allegation.

	Staff Members	Tasks	Responsibilities
Non-Serious Determination	Student Support Manager	Make determination of non-serious allegation, notify student of outcome and update Student Misconduct Register	<ul style="list-style-type: none"> Make a determination, together with Head of Studies, UNSWIL or Assistant Academic Director, UFS, based on the materials presented and in accordance with the principles of the Student Misconduct Policy. Determine the appropriate penalty in accordance with the principles of the Student Misconduct Policy. Provide the student (the subject of the allegation) with a written notification of the outcome (including notification of the right to appeal) within five working days of completion of Step 2. Notify the person who made the allegation of the outcome (where appropriate). Update the Student Misconduct Register of the decision made and any penalty imposed. Update notes in SAM.
	Assistant Academic Director(FS) or Head of Studies (IL) or Manager, MLLT	Make determination of non-serious misconduct allegations	<ul style="list-style-type: none"> Make a determination, together with the Student Support Manager, based on the materials presented and in accordance with the principles of the Student Misconduct Policy. Determine the appropriate penalty in accordance with the principles of the Student Misconduct Policy.
	Assistant Academic Director(FS) or Head of Studies (IL)	Make determination of non-serious misconduct allegations relating to first offence of falsified medical certificates	<ul style="list-style-type: none"> Make a determination, based on the materials presented and in accordance with the principles of the Student Misconduct Policy. Determine the appropriate penalty in accordance with the principles of the Student Misconduct Policy. Provide the student (the subject of the allegation) with a written notification of the outcome (including notification of the right to appeal) within five working days of making the decision. Update the Student Misconduct Register of the decision made and any penalty imposed. Update notes in SAM.
	Staff Members	Tasks	Responsibilities
Serious Determination	Student Misconduct Committee	Make determination of serious student misconduct allegations	<ul style="list-style-type: none"> Make a determination of the allegation in accordance with the principles of the Student Misconduct Policy. Determine the appropriate penalty in accordance with the principles of the Student Misconduct Policy. Refer matter to external agency if appropriate.
	ESOS Compliance Officer	Notify student of outcome and update Student Misconduct Register	<ul style="list-style-type: none"> Provide the student (the subject of the allegation) with a written notification of the outcome (including notification of the right to appeal) within five working days of the committee meeting. Notify the person who made the allegation of the outcome (where appropriate). Update the Student Misconduct Register of the decision made and any penalty imposed. Update notes in SAM. Save all relevant materials in the electronic confidential Student Misconduct file for the relevant student.

Support	Student Advisers	Assist students	<ul style="list-style-type: none"> Be available to help students understand student misconduct process and any decision made or penalties imposed. Provide guidance on the appeal process if necessary.
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4.2 Academic Misconduct

Academic Misconduct		Step 1: Allegation	
	Staff Members	Tasks	Responsibilities
Making an Allegation	Teachers, Exam Invigilators and Admissions and Enrolment Officers	Report Academic Misconduct	<ul style="list-style-type: none"> Complete Student Misconduct Form, ensuring that you have all relevant information and supporting documentation. In some instances, students may raise an Academic Misconduct issue with their teacher. The teacher must complete the Student Misconduct Form in relation to any such allegation if appropriate. Email completed forms and all supporting documentation to the 'complaints and conduct' email address. If the allegation involves fraudulent documents at admission, email the completed form and all supporting documentation to the Admissions and Enrolment Manager as well.
Receiving an Allegation	Student Services Officers	Receive enquiry or allegation from a teacher or other staff member	<ul style="list-style-type: none"> Monitor the 'complaints and conduct' email address and check for Student Misconduct Forms. Completed Academic Misconduct forms should be forwarded to Assessment Coordinator (or Examinations Officer where Assessment Coordinator unavailable) to commence Step 2.
	Assessment Coordinator (or Examinations Officer where Assessment Coordinator unavailable)	Receive and assess allegation of Academic Misconduct	<ul style="list-style-type: none"> Check all forms to ensure that the allegation made falls within the scope of the Student Misconduct Policy, are properly filled out and have all necessary supporting documentation. If there is missing information, email the person who submitted the form, requesting missing information. If the allegation is not one that falls within the scope of the Student Misconduct Policy, inform the person who submitted the form. If an allegation does fall within the scope of the Student Misconduct Policy and all relevant supporting documentation is provided, it will progress to Step 2. All allegations that progress to Step 2 must be logged in the Student Misconduct Register and in SAM.
Support	Student Adviser	Assist students	<ul style="list-style-type: none"> Be available to help students understand the student misconduct process.

	Staff Members	Tasks	Responsibilities
Notification	Teachers and Exam Supervisors	Notify the student of allegation of Academic Misconduct	<ul style="list-style-type: none"> If timely and appropriate, for e.g. where Academic Misconduct takes place during an exam, notify the student of the allegation in person. If a student is notified of Academic Misconduct during an exam, have the student sign the Student Misconduct Form before emailing it to the Assessment (or Examinations) Coordinator.
	Assessment Coordinator (or Examinations Officer where Assessment Coordinator unavailable)	Notify the student of allegation of Academic Misconduct	<ul style="list-style-type: none"> Within five working days of receipt of a Student Misconduct Form, notify the student (the subject of the allegation) by email that an allegation has been received or made. Advise the student that an investigation will be conducted and they will be required to attend an interview with the relevant manager (Head of Studies for UNSWIL, Assistant Academic Director for UFS or Admissions and Enrolment Manager). Book in an interview with the student within five working days of sending the notification of the allegation. For students no longer in Australia, email them the Student Misconduct Form and ask that they respond within five working days, informing them that, after such time, the matter will go to Step 3 for determination. Keep the student (the subject of the allegation) informed of any potential delays. Update the Student Misconduct Register with details of all correspondence and update notes in SAM.
	Admissions and Enrolment Officers (if misconduct relates to fraudulent admission documents)	Notify the student of allegation of Academic Misconduct	<ul style="list-style-type: none"> Within five working days of receiving the fraudulent documents, notify the student (the subject of the allegation) by email that we believe they have submitted fraudulent documents and that an investigation will be conducted and they will be required to attend an interview with the Admissions and Enrolment Manager. Book in an interview with the student within five working days of sending the notification of the allegation. Log allegation in Student Misconduct Register with details of all correspondence and update notes in SAM.
Investigation	Assessment Coordinator (or Examinations Officer where Assessment Coordinator unavailable)	Administration for investigation and student interview	<ul style="list-style-type: none"> Organise student interviews with Head of Studies for UNSWIL or Manager, MLLT or AAD for UFS. Keep records of all interviews and investigations undertaken. Save materials in an electronic confidential Student Misconduct file for the relevant student. Prepare a report incl. all relevant information. Forward the report, the completed forms and any supporting documentation to the relevant Step 3 decision makers within 20 working days of the completion of Step 2.

Academic Misconduct		Step 2: Notification and Investigation	
	Staff Members	Tasks	Responsibilities
Investigation	Assistant Academic Director(FS) or Head of Studies (IL) or Manager, MLLT	Investigate allegation of Academic Misconduct	<ul style="list-style-type: none"> Conduct interviews with students to gather further information or any compassionate and compelling circumstances relevant to the allegation. Review relevant UNSW College policies, in particular the Student Misconduct Policy.
	Admissions and Enrolment Manager	Investigate allegation of Academic Misconduct concerning use of fraudulent documents at admission	<ul style="list-style-type: none"> Undertake investigation and collate relevant information or further evidence as required. Speak to relevant staff members or other students as necessary. Keep records of all interviews and investigations undertaken. Save such materials in an electronic confidential Student Misconduct file for the relevant student.
Support	Student Adviser	Assist students	<ul style="list-style-type: none"> Be available to help students understand student misconduct process.

Academic Misconduct		Step 3: Determination	
	Staff Members	Tasks	Responsibilities
Non-Serious Determination	Assistant Academic Director(FS) or Head of Studies (IL) or Manager, MLLT	Make determination of non-serious allegation	<ul style="list-style-type: none"> Make a determination based on the materials presented and in accordance with the principles of the Student Misconduct Policy. Determine the appropriate penalty in accordance with the principles of the Student Misconduct Policy.
	Assessment Coordinator (or Examinations Officer where Assessment Coordinator unavailable)	Notify student of outcome and update Student Misconduct Register	<ul style="list-style-type: none"> Provide the student, the subject of the allegation, with a written notification of the outcome (including notification of the right to appeal) within five working days of the completion of Step 2. Notify the person who made the allegation of the outcome (where appropriate). Update the Student Misconduct Register of the decision made and any penalty imposed. Update notes in SAM.
Serious Determination	Student Misconduct Committee	Make determination of serious misconduct allegation	<ul style="list-style-type: none"> Make a determination of the allegation in accordance with the principles of the Student Misconduct Policy at the next scheduled Committee Meeting. Determine the appropriate penalty in accordance with the principles of the Student Misconduct Policy.

	Staff Members	Tasks	Responsibilities
Serious Determination	ESOS Compliance Officer	Notify student of outcome and update Student Misconduct Register	<ul style="list-style-type: none"> Provide the student, the subject of the allegation, with a written notification of the outcome (including notification of the right to appeal) within five working days of the Committee Meeting. Notify the person who made the allegation of the outcome (where appropriate). Update the Student Misconduct Register of the decision made and any penalty imposed. Update notes in SAM. Save such materials in the electronic confidential Student Misconduct file for the relevant student.
	Admissions and Enrolment Manager (if misconduct relates to fraudulent admission documents)	Make determination of allegation concerning use of fraudulent documents at admission	<ul style="list-style-type: none"> Make a determination of the allegation in accordance with the principles of the Student Misconduct Policy. Determine the appropriate penalty in accordance with the principles of the Student Misconduct Policy.
		Notify student of outcome and update Student Misconduct Register	<ul style="list-style-type: none"> Provide the student, the subject of the allegation, with a written notification of the outcome (including notification of the right to appeal) within five working days of determination. Prepare ITR if required. Update the Student Misconduct Register of the decision made and any penalty imposed. Update notes in SAM. Save such materials in the electronic confidential Student Misconduct file for the relevant student.
Support	Student Adviser	Assist students	<ul style="list-style-type: none"> Be available to help students understand student misconduct process and any decision made or penalties imposed. Provide guidance on the appeal process if necessary.

5 Standardised penalties

Misconduct relating to Fraudulent Documents	Penalty
Use of fraudulent documents to gain admission	Immediate Exclusion
Use of fraudulent documents in all other cases of Academic and Non-Academic Misconduct	Reduction of marks, probation for the remainder of the course of study period, suspension or exclusion, and/or any other penalty or outcome available in accordance with the Student Misconduct Policy Factors to consider when deciding whether or not to impose Probation: age, cultural factors, attendance and misconduct history
Academic Misconduct in relation to Assessment	
An unintentional breach of assessment guidelines that does not impact on the student's overall result e.g. bringing a non- approved calculator to an exam, bringing to an exam other non- approved materials that do not lead to a mark-advantage for the student.	Up to 5% penalty to mark applied
A minor breach of assessment guidelines that leads to little or no advantage for the student e.g. talking to another student about exam-related content during an exam, or looking at another student's paper during an exam.	Up to 10% penalty to mark applied
A breach of assessment guidelines that leads to some advantage for the student e.g. notes on a piece of paper or similar, containing exam related content that is of very little or no use to the overall exam.	Up to 20% penalty to mark applied
A major breach of assessment guidelines leading to significant advantage for the student e.g. notes on a piece of paper or similar, containing exam related content that is directly related to exam content.	Up to 50% penalty to mark applied
A serious breach of assessment guidelines where little or none of the assessment content can be considered the student's own work e.g. a completely plagiarized essay or piece of work, the complete copy of another student's assessment, or an intentional breach of exam security, assisted or otherwise.	Up to 100% penalty to mark applied or Exclusion

6 Procedure Review

This procedure is due for review three years from its date of implementation or earlier in the following circumstances:

- (a) legislative changes governing the delivery of education services to Overseas Students on a student visa; or
- (b) changes to the business and operational functions of UNSW College.

7 Linked Documentation

- (a) Student Misconduct Form

8 Linked Documentation

- (a) Student Misconduct Policy

9 Version History

Version Control	Date Effective	Approved By	Amendment Notes
2	1 October 2016	E. Drummond	Change determination of first instance of Serious Misconduct, on the basis of submission of fraudulent documents to Assistant Academic Director (FS) and Heads of Studies (IL).
2.1	29 November 2017	E. Drummond	1. Add “up to” under paragraph 5 “standardised penalties”; 2. Change due to the new company letterhead.
3	See page 1	L. Pearcey	Update to remove Diplomas from Scope section – refer to UNSW Sydney’s policy framework