

No.3.1.7: Academic Misconduct Policy and Procedure

Policy Context

This policy relates to:	
Registration Manager	Australian Skills Quality Authority (ASQA)
Conditions of Registration	VET Quality Framework (VQF)
Codes and Standards	ESOS National Code 2018 – Standard: 8.8.1; 8.9.1;
Legislation or other requirements	National Vocational Education and Training Regulator Act 2012

Purpose

The purpose of this policy and procedure is to provide a framework for the standard of conduct expected of students of RTO with respect to their academic and personal conduct.

Objective

The objectives of this policy are to:

- (a) provide a framework to ensure that academic standards and expectations are met
- (b) define and articulate the importance of maintaining academic integrity
- (c) outline what constitutes major or minor cases of breaches of academic integrity, and the procedures for dealing with each
- (d) assist in identifying academic misconduct
- (e) ensure that student academic misconduct procedures are transparent, consistent, equitable and fair, and consistent with the principles of natural justice
- (f) identify responsibilities and accountabilities for decisions and processes

- (g) ensure that decision-making on academic misconduct is undertaken at appropriate levels of responsibility within the RTO
- (h) provide for the membership of committees formed to consider student academic misconduct
- (i) define a framework of penalties which may be imposed for substantiated academic misconduct that are appropriate, proportionate and consistent.

Scope

Identifying the primary obligations of students, directs staff and students to the code of conduct which specify student obligations and RTO's responsibilities.

Outlines the criteria for the highest ethical standards in all aspects of academic work.

This policy is applicable to the following stakeholders:

- RTO Staff
- RTO Students

General Processes

1. Availability of Policy and Procedures

The policy, procedure and related forms are available to all students and potential students by directly contacting RTO, through the RTO's website and/or Student handbook.

The RTO establishes the support needs of individual learners and provides access to the educational and support services necessary for the student to meet the requirements of the training product as specified in training packages or VET [vocational education and training] accredited courses.

2. Academic misconduct

Suspected academic misconduct must be investigated and dealt with quickly and in accordance with this policy and procedure. The process must be evidence-based and within the principles of impartiality, fairness, consistency and consultation.

Where academic misconduct is presumed, the student is to be contacted by the Trainer or SSO to discuss the issue and to provide them with an opportunity to give a statement on the instance.

The student is allowed to have a support person attend any discussions and meetings.

If this is a first instance of suspected academic conduct, work with the student to ensure they understand the breach and to establish an outcome that is understood by all parties.

If a mutually acceptable outcome is unable to be reached, the matter is to be referred to the Course Coordinator/Academic Manager/Compliance Manager for review and resolution.

If a repeat instance of academic misconduct occurs, the matter is to be referred to the Course Coordinator/Academic Manager/Compliance Manager for review and resolution.

A finding of academic misconduct will result in a Fail Grade being given for the unit of study and the student will have to re-enrol, pay and study the unit again.

2. Levels of misconduct

Student misconduct is determined according to a system of three levels of misconduct –

- a) level 1 – minimal;
- b) level 2 – moderate; and
- c) level 3 – serious.

The levels of misconduct determine which decision-maker decides an allegation of student misconduct and the available penalties.

Level 1 – minimal

Students who are unfamiliar with the conventions of academic writing can sometimes unintentionally plagiarise or copy relevant acts.

Minimum Consequence: Warning, restitution (if applicable) and potentially one or more of the following: educational consequences, behavioural contract, fee or loss of privileges. A remedial advice (oral or verbal) will always be issued to the student upon preliminary investigation.

Level 2 – moderate

Students who are indulged in plagiarism or other acts (not harmful or grave to others)

It will attract penalties because it is too serious to be addressed by remedial advice alone.

Level 3 – serious

An accusation of plagiarism at this level is very serious. If student's work demonstrates clear intent to cheat or defraud by copying all or significant portions of the material presented in his/her work, by having someone else complete the work for him/her or by colluding with another person he/she may find him/her-self accused of Level 3 plagiarism.

Conduct generally deemed "Level 3" includes but is not necessarily limited to the institutional mission, substantial disruption to the educational process, undue risk to persons and property, threats against persons or property, etc.

Level 3 plagiarism or conducts are academic misconduct and will attract severe penalties such as an annulled result for the unit or the suspension of the ability to enrol in units for a period or cancellation of enrolment pending the outcome of hearings and/or appeals. Conduct at this level may also involve reporting the student and misconduct to relevant authorities.

3. **Decision makers**

Level 1 (minimal) and Level 2 (moderate) are handled in RTO by RTO staff. The Chief Executive Officer (CEO) and Compliance Manager (CM) are involved in these matters. Level 3 is reported to relevant authorities inside and outside RTO (depending upon the misconduct).

4. **Conflict of interest**

A decision-maker who has a conflict of interest must refer the alleged misconduct to an appropriate decision-maker at the same or higher level. The appointed decision-maker will then hear the allegation in place of the original decision-maker but will apply the same level of misconduct as the original decision-maker.

5. **Documentation**

All documentation relating to an academic misconduct **must** be recorded on the student file.

This must include:

- the initial form,
- supporting evidence,
- meeting minutes, and
- copy of correspondence with all concerned parties.

This information will be kept confidentially and stored securely for 7 years. (Refer to the Records management policy and procedure for more information).

Documentation of all academic matters and their outcomes is securely maintained. Potential causes of academic misconduct are identified, and RTO takes appropriate corrective action to eliminate or mitigate the likelihood of re-occurrence.

6. Reporting a complaint of misconduct generally

Any person may report a complaint of misconduct by a student to the RM or CEO.

A member of staff who receives a complaint in relation to –

(a) Academic misconduct must –

(i) Refer the complaint to RM; and

(ii) In consultation with the RM, conduct a preliminary investigation in a timely manner;

(b) General misconduct must –

(i) Refer the complaint to the CEO; and

(ii) In consultation with the CEO, conduct a preliminary investigation in a timely manner.

If a complaint raises an allegation which may be regarded as either academic or general misconduct, then the allegation will be treated as academic misconduct.

Upon finalisation of the preliminary investigation into a complaint in relation to –

(a) Academic misconduct, a person who received the complaint must provide a report to RM;

(b) General misconduct, a person who received the complaint must provide a report to the CEO.

CEO may authorise another RTO employee to exercise his or her powers under this section.

At any stage of this procedure students can access the Student Complaints and Appeals Procedure to settle any disputes that may arise. The Complaints and Appeals Procedure outlines that all complaints and appeals are recorded, acknowledged and dealt with fairly efficiently and effectively.

The RTO's policy includes managing and responding to allegations involving the conduct of the RTO itself, its trainers, assessors, other staff, a third-party providing services on the RTO's behalf and their trainers, assessors or other staff.

If during the process of finalising the complaint or appeal, the RTO requires more than 60 days, the complainant or appellant is to be informed in writing why more than 60 days is needed, and the RTO is to provide regular updates to the complainant or appellant on the progress of the matter.

With all complaints and appeals, the RTO securely maintains records of all documentation and their outcomes, and also identifies the potential causes of complaints and appeals and takes suitable corrective action to eliminate or reduce the likelihood of recurrence.

Acknowledgement letter

If a stakeholder reports a complaint of alleged misconduct, an acknowledgement letter of receipt will be issued. An acknowledgement letter of a reported instance of alleged misconduct must include:

- a) The date the report was received and a brief description of the alleged misconduct;
- b) Reference to the Privacy and confidentiality Policy and Procedures;
- c) Reference to the Academic Misconduct Policy and Guidelines and the confidentiality of misconduct matters; and
- d) A statement that the outcome of the RTO's enquiries or investigations will not be advised to the Parties of concern.

Continuous Improvement

This procedure is designed to ensure that the needs, and feedback, of customers, staff, partners, industry contacts and regulatory bodies are recognised and encompassed in regular review and improvement of our service standards and the delivery of our courses across RTO to ensure management become aware of:

- Common threats relating to the compliance and quality assurance.
- Repeat issues
- Any general adverse trend that needs correcting

Confidentiality and Privacy Statement

For more Information, please refer to our Privacy and Confidentiality Policy.

Publication

This policy once approved, will be available to all students and staff by accessing RTO Intranet or on request. This policy will also be available through RTO's website as well.

This policy and procedure will form part of the information distributed and communicated during staff orientation.