

# CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966

## ACADEMIC RECORD FRAUD RULES

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**SCHEDULES**

- A. Board of Discipline and Appeals Board**
- B. Temporary exclusion or denial of access**

# CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966

## ACADEMIC RECORD FRAUD RULES

These Rules are made by the Council of the University under the powers conferred on it by section 8 of *Statute No.10 – Student Discipline* and in accordance with section 34 of the *Curtin University of Technology Act 1966*.

### PART 1 -- PRELIMINARY

#### 1.1 Citation

These Rules, made under *Statute No. 10 – Student Discipline* may be cited as the “*Academic Record Fraud Rules*”.

#### 1.2 Commencement

These Rules take effect:

- (a) when they are promulgated in accordance with section 2 of *Statute No.3 – Rules*; or
- (b) on the commencement of *Statute No.10 – Student Discipline* which revokes Previous Statute No.10,

whichever is the later.

Note: section 4 of *Statute No. 3 – Rules* relevantly states:

“A Rule is promulgated by posting a copy of it on the notice board located outside the main entrance to the Administration block at the University at Bentley ...”.

#### 1.3 Interpretation

- (1) In these Rules, unless the contrary intention appears:

“**Academic Record**” has the meaning given to it in section 4 of *Statute No. 10 – Student Discipline*;

*Note: “Academic Record” is defined in section 4 of Statute No. 10 – Student Discipline to mean:*

“... any document or other record containing information relating to a person’s academic results, awards or achievements.”

“**Academic Record Fraud**” has the meaning given to it in section 4 of *Statute No. 10 – Student Discipline*;

*Note: “Academic Record Fraud” is defined in section 4 of Statute No. 10 – Student Discipline to mean:*

*“...conduct by a Student, other than conduct constituting Academic Misconduct or General Misconduct, that is dishonest in connection with an Academic Record, such as:*

- (a) falsifying, or arranging the falsification of, an Academic Record;*
- (b) giving false or misleading information in relation to an Academic Record; or*
- (c) allowing a false or misleading Academic Record to be presented on behalf of the Student, or another person;”*

**“Academic Registrar”** means the Director, Student Services;

**“Academic Registrar’s Report”** means the report referred to in rule 2.6;

**“Associate”** means a person who is not employed by the University but who provides academic or administrative services to or for the University;

**“Board of Discipline”** means the board constituted in accordance with Part 1 of Schedule A;

*Note: the Board of Discipline is responsible for determining whether a Category 2 Penalty is to apply in a matter referred to it by the Academic Registrar.*

**“Category 1 Penalty”** means one or more of the following:

- (a) a formal warning or admonishment, or both;
- (b) a requirement for the Student to attend counselling or a lecture, seminar, workshop or similar activity;
- (c) revocation of an offer of admission;
- (d) a fine up to a maximum of \$500;
- (e) cancellation of enrolment;
- (f) revocation of an offer of granting of Recognition of Prior Learning;
- (g) prohibiting a Student from being given an offer of admission, or from being admitted to a course or enrolled in a unit; and
- (h) suspension of all or any of a Student’s rights and privileges within the University for a period of up to 1 month, including:
  - (i) exclusion from attendance at any specified scheduled class activity, such as a lecture, seminar, or tutorial workshop;
  - (ii) exclusion from all or a specified part of a campus or education centre;
  - (iii) exclusion from participating in any activity organised or managed by the University;

- (iv) denial of access to any or all facilities or services of the University; and
- (v) exclusion from enrolment in any unit or admission to any course;

**“Category 2 Penalty”** means one or more of the following:

- (a) suspension of all or any of a Student’s rights and privileges within the University for a specified period, including:
  - (i) exclusion from attendance at any specified scheduled class activity, such as a lecture, seminar, or tutorial workshop;
  - (ii) exclusion from all or a specified part of a campus or education centre;
  - (iii) exclusion from participating in any activity organised or managed by the University;
  - (iv) denial of access to any or all facilities or services of the University; and
  - (v) exclusion from enrolment in any unit or admission to any course;
- (b) termination from the course in which the Student is admitted;
- (c) expulsion from the University;
- (d) prohibition from being admitted or re-admitted to any course and from enrolling in any unit; and
- (e) the rescission or withholding of any award or the withdrawal of credit for any completed unit, or both;

**“Eligible Student”** means a person who is:

- (a) admitted to a course conducted by the University and is currently enrolled in units that comprise part of that course on a full-time basis; or
- (b) who is on Special Leave of Absence under the *2009 Admission and Enrolment Manual*, as amended or replaced from time to time;

**“Inquiry Officer”** means the person, who undertakes an inquiry under rule 2.2(2);

*Note: an Inquiry Officer may or may not be the Academic Registrar – see rule 2.2(2) and (3).*

**“Inquiry Officer’s Report”** means the report referred to in rule 2.5;

**“Staff Member”** means a person who is employed by the University;

**“Student”** has the meaning given to it in *Statute No. 10 – Student Discipline*;

*Note: “Student” is defined in section 4 of Statute No. 10 – Student Discipline to mean:*

- “(a) an enrolled student as defined in section 4(1) of the Act;*
- (b) a person who is admitted to a course conducted by the University (including a person who is on leave, or absent without leave, from that course) – until that person has withdrawn from, or is no longer admitted to, that course or until that person:
  - (i) has been conferred his or her award for that course; or*
  - (ii) completes any activity relating to graduation from the course, whichever is the later; or**
- (c) a person who is enrolled in a unit – until that person is given the final results for that unit.”*

**“Student Discipline Appeals Board”** means the board constituted in accordance with Part 2 of Schedule A.

*Note: the Student Discipline Appeals Board is responsible for deciding an appeal against a determination of Academic Record Fraud, or the penalty that is imposed following that determination, or both.*

- (2) Other definitions that are relevant to these Rules are contained in section 4 of *Statute No. 10 – Student Discipline*.
- (3) Where there is a reference in these Rules to a number of days, that number does not include:
  - (a) the 5-day period each year that commences on Good Friday and ends on (but does not include) the Wednesday after its commencement; or
  - (b) the 16-day period each year that commences:
    - (i) where Christmas day is on a Saturday – on that Saturday; or
    - (ii) where Christmas day is not on a Saturday – on the Saturday immediately before Christmas day,and ends on (but does not include) the third Monday after its commencement.

#### **1.4 Delegations and authorisations**

- (1) The Vice-Chancellor may:
  - (a) delegate to a Staff Member any of the Vice-Chancellor’s functions under these Rules; and
  - (b) authorise a person to carry out, on behalf of the Vice-Chancellor, any of the Vice-Chancellor’s functions under these Rules.
- (2) The Academic Registrar may:

- (a) delegate to a Staff Member any of the Academic Registrar's functions under these Rules; and
- (b) authorise a person to carry out, on behalf of the Academic Registrar, any of the Academic Registrar's functions under these Rules.

## **PART 2 -- REPORTING AND INQUIRY**

### **2.1 Reporting possible Academic Record Fraud**

- (1) A Staff Member or Associate who has reason to believe that a Student may be guilty of Academic Record Fraud must report the matter to the Academic Registrar.
- (2) A Student or other person who has reason to believe that a Student may be guilty of Academic Record Fraud may report the matter to the Academic Registrar.

### **2.2 Initial action by Academic Registrar**

- (1) As soon as practicable after receiving a report of possible Academic Record Fraud, or after becoming aware in any other way of possible Academic Record Fraud, the Academic Registrar must determine that:
  - (a) there are insufficient grounds to warrant further investigation – and take no further action;
  - (b) there are insufficient grounds to warrant further investigation – but arrange for the Student to attend counselling or a lecture, seminar, workshop or similar activity in relation to appropriate behaviour; or
  - (c) there are sufficient grounds to warrant further investigation – and initiate an inquiry.
- (2) An inquiry initiated under rule 2.2(1)(c) may be undertaken:
  - (a) by the Academic Registrar;
  - (b) by a Staff Member or Associate appointed by the Academic Registrar to conduct the inquiry on his or her behalf; or
  - (c) by any other person appointed by the Academic Registrar to conduct the inquiry on his or her behalf.
- (3) The person who undertakes the inquiry is referred to in these Rules as the “Inquiry Officer”.

### **2.3 Inquiry form and processes**

- (1) The form of an inquiry, and the processes used to conduct it, must be determined, on a case by case basis, having regard to the principles set out in rule 2.4(2):
  - (a) by the Inquiry Officer – where he or she has been authorised to do so by the Academic Registrar; or

- (b) in any other case – by the Academic Registrar.
- (2) For example, the Academic Registrar or the Inquiry Officer under subrule (1) may determine, having regard to the seriousness of an allegation, that the inquiry should include a formal hearing. For a less serious matter, the Academic Registrar may determine that the proper conduct of the inquiry does not require a hearing of any type, provided always that the principles under rule 2.4 are complied with.

## 2.4 Conducting an inquiry

- (1) In this rule:
  - “**Allegation**” means the allegation of Academic Record Fraud, or the suspected Academic Record Fraud, that is the subject of the inquiry; and
  - “**recommendation**” means a recommendation by the Inquiry Officer to the Academic Registrar; and
  - “**Respondent Student**” means a Student who is the subject of an inquiry into possible Academic Record Fraud.
- (2) An Inquiry Officer who is not the Academic Registrar must observe the following principles in conducting an inquiry:
  - (a) subject to confidentiality and privacy considerations, the Respondent Student must be:
    - (i) informed of the substance of the Allegation; and
    - (ii) given copies of, or access to, any relevant documents;
  - (b) the Respondent Student must be given an appropriate opportunity to respond to the Allegation before the Inquiry Officer makes a recommendation relating to the occurrence of Academic Record Fraud;
  - (c) the Inquiry Officer:
    - (i) is not bound by the rules of evidence but may inform himself or herself on any matter in the manner that he or she considers to be appropriate;
    - (ii) must act and make recommendations fairly and according to the substantial merits of the case; and
    - (iii) must act speedily and with as little formality and technicality as practicable; and
  - (d) any recommendation relating to the occurrence of Academic Record Fraud, or a finding on which that recommendation is based, must be reached on “the balance of probabilities” standard of proof.
- (3) The Academic Registrar must observe the same principles in conducting an inquiry as specified in subrule (2), except that each reference to a



recommendation in that subrule is to be taken to refer to a determination by the Academic Registrar.

- (4) In respect of a Respondent Student's opportunity to respond:
  - (a) the Respondent Student must be given an opportunity to respond to the Allegation in writing;
  - (b) when permitted by the Inquiry Officer, the Respondent Student may be given an opportunity to respond orally;
  - (c) the Inquiry Officer must specify a date (and may extend the date) for the Respondent Student's response that is at least 7 days after the Respondent Student has been given the information referred to in subrule (2)(a);
  - (d) if the Respondent Student does not take up the opportunity to respond:
    - (i) the Inquiry Officer, if he or she is not the Academic Registrar, may, in the absence of that response, make a recommendation as to whether Academic Record Fraud has occurred; or
    - (ii) the Inquiry Officer, if he or she is the Academic Registrar, may, in the absence of that response, make a determination as to whether Academic Record Fraud has occurred; and
  - (e) a written response from the Respondent Student may comprise or include written statements from himself or herself, or any other person.
- (5) Where the Inquiry Officer decides to hold a hearing:
  - (a) the Respondent Student must be given at least 7 days notice of the date and time of the hearing;
  - (b) the Inquiry Officer may direct the Respondent Student to attend the hearing; and
  - (c) if the Respondent Student fails to attend all or part of a hearing, it may proceed in his or her absence.
- (6) In attending a hearing, or making an oral response, the Respondent Student may be accompanied by another person, but the other person may not act as an advocate unless invited to do so by the Inquiry Officer.

## **2.5 Inquiry Officer's Report**

- (1) As soon as practicable after conducting the inquiry under rule 2.4, the Inquiry Officer, if he or she is not the Academic Registrar, must:
  - (a) prepare an Inquiry Officer's Report;
  - (b) give the Inquiry Officer's Report to the Academic Registrar; and

- (c) take whatever further action the Academic Registrar considers may be necessary to ensure compliance with rule 2.4, or to enable the Academic Registrar to make a determination under rule 2.6.
- (2) Examples of the action that may be taken under subrule (1)(c) are:
- (a) making further investigations into, or analysis of, relevant factual issues, including additional documentation; and
  - (b) amending or replacing the Inquiry Officer's Report.
- (3) The Inquiry Officer's Report must contain:
- (a) the reasons for each recommendation relating to the occurrence or otherwise of Academic Record Fraud;
  - (b) the findings on material questions of fact that led to each recommendation, referring to the evidence or other material on which those findings were based; and
  - (c) the Inquiry Officer's view, and the reasons for his or her view, about the seriousness of the incidence of Academic Record Fraud.
- (4) The factors to be taken into account in assessing the seriousness of Academic Record Fraud in a particular case include:
- (a) the extent to which the behaviour was planned or deliberate;
  - (b) the degree of advantage gained or potentially gained;
  - (c) the potential disadvantage to other Students;
  - (d) the potential negative impact on the University's reputation; and
  - (e) the importance of being seen to have taken clear and decisive action in relation to the matter.

## **2.6 Determination by Academic Registrar**

- (1) This rule applies where:
- (a) the Academic Registrar is given an Inquiry Officer's Report by an Inquiry Officer; or
  - (b) the Academic Registrar has conducted an inquiry under rule 2.4.
- (2) As soon as practicable after one of the events referred to in subrule (1) has occurred, the Academic Registrar must determine that:
- (a) Academic Record Fraud has occurred;
  - (b) Academic Record Fraud has not occurred; or
  - (c) the available information is insufficient to enable a finding whether or not Academic Record Fraud has occurred.

- (3) Where, the Academic Registrar determines that the available information is insufficient to enable a finding whether or not Academic Record Fraud has occurred, the Academic Registrar may arrange for the Student to attend counselling or a lecture, seminar, workshop or similar activity in relation to appropriate behaviour.
- (4) Where the Academic Registrar determines that Academic Record Fraud has occurred, he or she, as soon as practicable:
  - (a) must give the Academic Registrar's Report to the Student;
  - (b) must invite the Student to make a written submission in relation to the appropriate penalty to be imposed;
  - (c) may invite the Student to make an oral submission in relation to the appropriate penalty to be imposed; and
  - (d) must specify a date (and may extend the date), that is at least 7 days after the Student has been given a copy of the report, for the receipt of any submission.
- (5) The Academic Registrar's Report must contain:
  - (a) the reasons for the determination that Academic Record Fraud has occurred;
  - (b) the findings on material questions of fact that led to the determination, referring to the evidence or other material on which those findings were based; and
  - (c) the Academic Registrar's view, and the reasons for his or her view, about the seriousness of the incidence of Academic Record Fraud.
- (6) The factors to be taken into account in assessing the seriousness of Academic Record Fraud in a particular case include:
  - (a) the extent to which the behaviour was planned or deliberate;
  - (b) the degree of advantage gained or potentially gained;
  - (c) the potential disadvantage to other Students;
  - (d) the potential negative impact on the University's reputation; and
  - (e) the importance of being seen to have taken clear and decisive action in relation to the matter.

### **PART 3 -- PENALTY**

#### **3.1 Penalty by the Academic Registrar**

- (1) A Student who makes an oral submission may, with the consent of the Academic Registrar, be accompanied by another person, but the other person may not act as an advocate unless invited to do so by the Academic Registrar.

- (2) Having regard to the Academic Registrar's Report referred to in rule 2.6(4)(a), any written submissions from the Student and any other relevant information, the Academic Registrar must determine that:
  - (a) one or more Category 1 Penalties are to apply to the case of Academic Record Fraud; or
  - (b) the seriousness of the case may warrant the imposing of a Category 2 Penalty.
- (3) If the Academic Registrar determines that one or more Category 1 Penalties are to apply, the Academic Registrar must, as soon as practicable, notify the Student in writing of that penalty or those penalties.
- (4) If the Academic Registrar recommends that the seriousness of the case may warrant a Category 2 Penalty, he or she, as soon as practicable, must:
  - (a) refer the matter to the Board of Discipline; and
  - (b) recommend to the Board of Discipline that the seriousness of the case may warrant the imposing of a Category 2 Penalty.

### **3.2 Penalty by the Board of Discipline**

- (1) When a matter has been referred to the Board of Discipline under rule 3.1(4), the Academic Registrar must, as soon as practicable:
  - (a) convene the Board of Discipline in accordance with Part 1 of Schedule A;
  - (b) give each member of the Board of Discipline copies of:
    - (i) the Academic Registrar's Report; and
    - (ii) any written submissions made by the Student;
  - (c) notify the Student of the recommendation of the Academic Registrar;
  - (d) invite the Student to make a written submission in relation to any Category 2 Penalty that the Board of Discipline has power to impose under rule 3.2(5)(a), and;
  - (e) specify a date (and may extend the date), that is at least 7 days after the Student has been notified by the Academic Registrar of his or her recommendation, for the receipt of any written submission.
- (2) The Board of Discipline may invite the Student against whom the determination of Academic Record Fraud has been made to make an oral submission in relation to the appropriate penalty to be imposed.
- (3) A Student who makes an oral submission may be accompanied by any other person, but that person may not act as an advocate unless invited to do so by the Chair of the Board of Discipline.

- (4) The Board of Discipline may make a determination, and carry out its functions, under this rule whether or not the Student against whom the determination of Academic Record Fraud has been made:
  - (a) makes a written or oral submission; or
  - (b) is present at any proceedings of the Board of Discipline.
- (5) Having regard to the report from the Academic Registrar, the submissions (if any) from the Student and any other relevant information, the Board of Discipline must:
  - (a) determine that one or more of the penalties set out in either the Category 1 Penalties or the Category 2 Penalties, or both are to apply in the case of the Academic Record Fraud that is before it; and
  - (b) notify the Student and the Academic Registrar in writing of the penalty or penalties.

## **PART 4 -- APPEALS**

### **4.1 Rights of appeal**

- (1) A Student may appeal against a determination of Academic Record Fraud, or the penalty that has been imposed, or both.
- (2) The Vice-Chancellor may appeal against a determination relating to Academic Record Fraud, or a determination relating to penalty, or both.

### **4.2 Who hears appeals?**

- (1) An appeal is to be heard and determined by the Student Discipline Appeals Board.
- (2) A person must not exercise a power or other function of a member of the Student Discipline Appeals Board in relation to an appeal in respect of a matter under this Part if he or she:
  - (a) has been involved in any material way in the consideration of that matter under these Rules; or
  - (b) has any other actual or perceived conflict of interest in that matter.

### **4.3 Notice of Appeal**

- (1) A notice of appeal must:
  - (a) be in writing;
  - (b) set out the grounds for the appeal;
  - (c) in the case of an appeal by a Student, and subject to subrule (2), be made within 14 days after the Student is notified of the penalty imposed by the Academic Registrar or the Board of Discipline;

- (d) in the case of an appeal by the Vice-Chancellor, and subject to subrule (2), be made within 14 days after the Academic Registrar is notified of:
    - (i) the determination relating to Academic Record Fraud (where the determination is that there has been no Academic Record Fraud); or
    - (ii) a determination relating to penalty, by the Academic Registrar or the Board of Discipline; and
  - (e) be given, within the time specified in paragraph (c) or (d), as the case may be, to the Academic Registrar.
- (2) In exceptional circumstances the Chair of the Student Discipline Appeals Board may extend the time within which a notice of appeal must be made.
- (3) As soon as practicable after being given a notice of appeal, the Academic Registrar is to:
- (a) convene the Student Discipline Appeals Board in accordance with Part 2 of Schedule A;
  - (b) give each member of the Student Discipline Appeals Board a copy of the notice of appeal;
  - (c) give a copy of the notice of appeal to the Student if the appeal is by the Vice Chancellor; and
  - (d) notify the Student of the name and contact details of the person through whom any communications with the Student Discipline Appeals Board should be directed.

#### **4.4 Hearing of appeals**

- (1) An appeal is to be heard within 28 days of the receipt of the notice of appeal or within such further time as is approved by the Chair of the Student Discipline Appeals Board.
- (2) Each of the parties to an appeal:
  - (a) must be given at least 7 days notice in writing by the Student Discipline Appeals Board of the date and time of the hearing;
  - (b) may make written submissions – provided that the written submissions are given to the Chair of the Student Discipline Appeals Board at least 2 clear days before the hearing;
  - (c) is to have the right of appearance before the Student Discipline Appeals Board; and
  - (d) may be accompanied by another person, but the other person may not act as an advocate unless invited to do so by the Chair of the Student Discipline Appeals Board.

- (3) If a party to the appeal fails to attend all or part of an appeal hearing:
  - (a) the hearing may proceed; and
  - (b) the Student Discipline Appeals Board may make a decision, in the absence of the party.
- (4) The Student Discipline Appeals Board is to consider the appeal and may uphold, vary or set aside the determination relating to Academic Record Fraud or the determination relating to penalty, or both.
- (5) For the avoidance of doubt, the Student Discipline Appeals Board may impose, or substitute, one or more Category 1 Penalties or Category 2 Penalties, or both, even where the appeal concerned only the determination relating to Academic Record Fraud.
- (6) The Student Discipline Appeals Board is to give written notice of its decision to each of the parties and to the Academic Registrar.
- (7) The decision of the Student Discipline Appeals Board is final.

## **PART 5 -- GENERAL**

### **5.1 Schedules**

Schedules A and B have effect.

### **5.2 Temporary exclusion or denial of access**

- (1) This rule applies where a Student:
  - (a) is the subject of an inquiry into possible Academic Record Fraud; or
  - (b) has had an adverse determination of Academic Record Fraud against him or her.
- (2) Where this rule applies, the Vice-Chancellor or the Academic Registrar, as specified in Schedule B, may direct that the Student:
  - (a) be excluded, on a temporary basis, from all or a specified part of a campus or an education centre;
  - (b) be excluded, on a temporary basis, from participating in any activity organised or managed by the University (such as a field or work experience placement); or
  - (c) be denied access, on a temporary basis, to any or all facilities or services of the University.
- (3) A direction under subrule (2) may be given where the person giving the direction is satisfied that it:
  - (a) is necessary or appropriate to protect the reputation of the University;
  - (b) is necessary or appropriate to minimise the risk of further misconduct;

- (c) is necessary or appropriate to minimise any opportunity for the Student to cover up possible Academic Record Fraud; or
  - (d) is otherwise in the interests of the University.
- (4) A direction given under subrule (2) must:
- (a) specify the nature and period of the exclusion or the denial of access;
  - (b) be in writing, a copy of which is to be given to the Student; and
  - (c) be reported in accordance with Schedule B.
- (5) The period of the exclusion or the denial of access, to be specified under subrule (4)(a):
- (a) is to commence on the date that the direction is given or on the commencement date specified in the direction, whichever is the later; and
  - (b) is to end on the end date specified in the direction or, if no end date is specified, when:
    - (i) any penalty imposed by the Academic Registrar or the Board of Discipline takes effect; or
    - (ii) an appeal against a determination has been finalised by the Student Discipline Appeals Board,

whichever is the later.
- (6) A direction under this rule may be amended or withdrawn at any time by the Vice-Chancellor or the Academic Registrar, as specified in Schedule B.
- (7) A direction under this rule is not, and is not to be taken to be, a penalty.

### **5.3 Reporting to the Academic Registrar**

The Chair of the Board of Discipline and the Chair of the Student Discipline Appeals Board must each give to the Academic Registrar information relating to the administration of these Rules of the type, in the form and within the time that may be specified by the Academic Registrar.

### **5.4 Guidelines or procedures**

- (1) Guidelines or procedures, not inconsistent with *Statute No. 10 – Student Discipline* or these Rules, may be approved and issued by the Academic Board or Academic Registrar, to assist in the handling of cases of possible Academic Record Fraud.
- (2) An Inquiry Officer, the Academic Registrar, the Board of Discipline and the Student Discipline Appeals Board are to act in accordance with guidelines or procedures issued under this rule.



## SCHEDULE A – BOARD OF DISCIPLINE AND APPEALS BOARD

### Part 1 - Board of Discipline

#### 1.1 Jurisdiction

The Board of Discipline is responsible for determining, in respect of a case referred to it, the penalty that is to apply under rule 3.2(5).

#### 1.2 Membership

- (1) The members of the Board of Discipline who are to hear a matter referred to it by the Academic Registrar are to be:
  - (a) the Chair – who is to be a legal practitioner appointed by the Vice-Chancellor;
  - (b) 2 full-time Staff Members selected at random (but subject to subclause (2)) by the Academic Registrar from a pool of at least 6 nominations under clause 1.3; and
  - (c) 2 Eligible Students selected at random (but subject to subclause (2)) by the Academic Registrar from a list of at least 6 nominations under clause 1.4.
- (2) There must be at least one male member and one female member on each Board of Discipline.
- (3) The Vice-Chancellor may, at any time, revoke the appointment of the Chair under this clause.

*Note: an Inquiry Officer who has conducted an inquiry under Part 2 of these Rules in relation to an allegation of Academic Record Fraud may be a member of the Board of Discipline to determine the penalty in relation to the same matter.*

#### 1.3 Staff members

- (1) The Academic Registrar is to call for nominations, at least annually, for each pool of nominations referred to in clause 1.2(1)(b).
- (2) Each pool of nominations referred to in clause 1.2(1)(b) may be the same pool of nominations used to select, under these Rules, the members of the Student Discipline Appeals Board.

#### 1.4 Student members

- (1) The Academic Registrar is to call for nominations, at least annually, of at least 6 Eligible Students to be included in a list of nominations for selection as a member of the Board of Discipline.
- (2) Each pool of nominations referred to in clause 1.2(1)(c) may be the same pool of nominations used to select, under these Rules, the members of the Student Discipline Appeals Board.

## **1.5 Quorum**

- (1) The quorum is the Chair and 2 other members, one of whom must be a Staff Member and the other an Eligible Student member.
- (2) Decisions are to be made by majority and, in the case of a tied vote, the Chair is to have a casting vote.

## **Part 2 - Student Discipline Appeals Board**

### **2.1 Jurisdiction**

The Student Discipline Appeals Board is responsible for deciding appeals under Part 4 of these Rules.

### **2.2 Membership**

- (1) The members of the Student Discipline Appeals Board are to be:
  - (a) the Chair – who is to be a legal practitioner appointed by the Vice-Chancellor;
  - (b) 2 full-time Staff Members selected at random (but subject to subclause (2)) by the Academic Registrar from a pool of at least 6 nominations under clause 2.3; and
  - (c) 2 Eligible Students selected at random (but subject to subclause (2)) by the Academic Registrar from a list of at least 6 nominations under clause 2.4.
- (2) There must be at least one male member and one female member on each Student Discipline Appeals Board.
- (3) The Vice-Chancellor may, at any time, revoke the appointment of the Chair under this clause.

### **2.3 Staff members**

- (1) The Academic Registrar is to call for nominations, at least annually, for each pool of nominations referred to in clause 2.2(1)(b).
- (2) Each pool of nominations referred to in clause 2.2(1)(b) may be the same pool of nominations used to select, under these Rules, the members of the Board of Discipline.
- (3) A Staff Member cannot be a member of the Student Discipline Appeals Board in respect of an appeal if the Staff Member is a member of the Board of Discipline from which the appeal is to be heard.

### **2.4 Student members**

- (1) The Academic Registrar is to call for nominations, at least annually, for a list of at least 6 Eligible Students to be included in a list of nominations for selection as a member of the Student Discipline Appeals Board.

- (2) Each pool of nominations referred to in clause 2.2(1)(c) may be the same pool of nominations used to select, under these Rules, the members of the Board of Discipline.
- (3) An Eligible Student cannot be a member of the Student Discipline Appeals Board in respect of an appeal if the Eligible Student was a member of the Board of Discipline from which the appeal is to be heard.

## **2.5 Quorum**

- (1) The quorum is the Chair and 2 other members, one of whom must be a full-time Staff Member and the other an Eligible Student member.
- (2) Decisions are to be made by majority and, in the case of a tied vote, the Chair is to have a casting vote.

## SCHEDULE B – TEMPORARY EXCLUSION OR DENIAL OF ACCESS

### 1.1 Interpretation

In this Schedule:

“**denial**” means denial of access by a Student, on a temporary basis, to any or all facilities or services of the University (within the terms of rule 5.2(2)(c)); and

“**exclusion**” means exclusion of a Student, on a temporary basis, from:

- (a) all or a specified part of a campus or an education centre; or
- (b) participating in any activity organised or managed by the University (such as field or work experience placement) (within the terms of rule 5.2(2)(a) and (b)).

### 1.2 Table

In the following table, which applies in respect of rule 5.2 of these Rules, the period of exclusion or denial specified in the first column is the maximum period and includes any extension to the exclusion or denial that may apply under an amended direction under rule 5.2(6):

Period of exclusion or denial	Power to take action	Reporting
Up to 4 weeks	Academic Registrar Vice-Chancellor	Action taken by the Academic Registrar must be reported to the Vice-Chancellor
Over 4 weeks	Vice-Chancellor	N/A

### 1.3 Power to amend or withdraw a direction

The power (under rule 5.2(6)) to amend or withdraw a direction may be exercised:

- (a) by the Academic Registrar in respect of any direction given by the Academic Registrar; and
- (b) by the Vice-Chancellor in respect of any direction.

The Common Seal of **CURTIN UNIVERSITY** )  
**OF TECHNOLOGY** was affixed on the )  
day of 2010 )  
by the authority of the Vice-Chancellor )

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Vice-Chancellor

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Administrative Secretary