

ACADEMIC MISCONDUCT RULES 2017

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SCHEDULES

- A. Reporting possible Academic Misconduct**
- B. Discipline Panels and Appeals Board**
- C. Temporary exclusion or denial of access**

CURTIN UNIVERSITY ACT 1966

ACADEMIC MISCONDUCT RULES 2017

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 Act 1966*.

PART 1 -- PRELIMINARY

1.1 Short title

These Rules, made under *Statute No. 10 – Student Discipline*, are the *Academic Misconduct Rules 2017*.

1.2 Commencement

These Rules take effect when they are promulgated in accordance with *Statute No. 3 – Rules*.

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

Note: Academic Misconduct is defined in section 4 of Statute No. 10 – Student Discipline to mean -

“... conduct by a Student, other than conduct constituting Academic Record Fraud or General Misconduct, that is dishonest or unfair in connection with any academic work, such as:

- (a) during any exam, test or other supervised assessment activity;*
- (b) in relation to the preparation or presentation of any assessed item of work;
or*
- (c) in relation to the conduct of research or any other similar academic activity
...”.*

Academic Registrar means the Academic Registrar ordinarily based at the Bentley campus;

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

Authorised Officer means a person -

- (a) whose position is identified in Schedule A; or
- (b) who is appointed by the Academic Registrar to be the Authorised Officer in respect of a particular instance of possible Academic Misconduct;

Award means a degree, diploma, certificate or honorary award of the University under section 18 of the Act;

Award Rescission Penalty means the rescission of a Respondent Student's Award;

Category 1 Penalty means one or more of the following -

- (a) a formal warning or admonishment, or both;
- (b) a requirement for the Respondent Student to attend counselling or a lecture, seminar, workshop or similar activity;
- (c) a reduced or nil grade in respect of the assessable item in which the Academic Misconduct occurred;
- (d) a requirement for the Respondent Student to repeat the assessment (but with a reduced maximum mark);
- (e) an ANN grade for the unit in which Academic Misconduct occurred;
- (f) ANN grades for one or more other units assessed in the same study period as the unit in which Academic Misconduct occurred;
- (g) suspension of all or any of the Respondent 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; and
- (h) a requirement for the Respondent Student to revise and re-submit a thesis prior to submission or under examination;

Category 2 Penalty means one or more of the following -

- (a) suspension of all or any of the Respondent 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) a FAIL classification for a thesis;
- (c) termination from the course in which the Student is admitted;
- (d) expulsion from the University;
- (e) prohibition from being admitted or re-admitted to any course and from enrolling in any unit;
- (f) the withholding of any award or the withdrawal of credit for any completed unit, or both; and
- (g) an Award Rescission Penalty;

Inquiry Officer means the person who undertakes an inquiry initiated under rule 2.2(1)(b);

Note: an Inquiry Officer may or may not be an Authorised Officer – see rule 2.2(2).

Inquiry Officer's Report means the report referred to in rule 2.5;

Level 1 Plagiarism means plagiarism that is not dishonest or unfair;

Plagiarism Policy means the University's policy dealing with Level 1 Plagiarism;

Relevant Student Discipline Panel means the relevant Student Discipline Panel determined in accordance with Part 2 of Schedule B;

Respondent Student means a Student who is the subject of an inquiry or related procedures into possible Academic Misconduct under these Rules;

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 person who is or was –

- (a) *an enrolled student as defined in section 4(1) of the Act;*
- (b) *admitted, or applying to be admitted, to a course or unit conducted by the University; or*
- (c) *engaged, or applying to be engaged, in a structured program of learning provided by or for the University*

Student Discipline Appeals Board means the board constituted in accordance with Part 4 of Schedule B; and

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

Student Discipline Panel means each of the panels constituted in accordance with Part 2 of Schedule B.

Note: a Student Discipline Panel is responsible for determining whether, in a particular case, Academic Misconduct has occurred and, if so, the penalty to be applied.

- (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;
 - (b) authorise a person to carry out, on behalf of the Academic Registrar, any of the Academic Registrar's functions under these Rules; and
 - (c) appoint a person to be the Authorised Officer (replacing the Authorised Officer in accordance with Schedule A), either for a specified period or in respect of a particular instance of possible Academic Misconduct.
- (3) A Pro Vice-Chancellor may -
 - (a) delegate to a Staff Member any of the Pro Vice-Chancellor's functions under Part 4 of these Rules; and
 - (b) authorise a person to carry out, on behalf of the Pro Vice-Chancellor, any of the Pro Vice-Chancellor's functions under Part 4 of these Rules.

PART 2 -- REPORTING AND INQUIRY

2.1 Reporting possible Academic Misconduct

- (1) A Staff Member or Associate who suspects on reasonable grounds that a Student may be guilty of Academic Misconduct must report the matter to an Authorised Officer.
- (2) A Student or other person who suspects on reasonable grounds that a Student may be guilty of Academic Misconduct may report the matter to an Authorised Officer.

2.2 Initial action by Authorised Officer

- (1) As soon as practicable after receiving a report of possible Academic Misconduct, or after becoming aware in any other way of possible Academic Misconduct, the Authorised Officer must determine that -
 - (a) there are insufficient grounds to warrant further investigation and –
 - (i) if the Authorised Officer considers that the Student engaged in Level 1 Plagiarism – refer the matter to the relevant Unit Coordinator to be dealt with under the Plagiarism Policy; or
 - (ii) in any other case – either take no further action or arrange for the Student to attend counselling or a lecture, seminar, workshop or similar activity in relation to appropriate behaviour; or
 - (b) there are sufficient grounds to warrant further investigation – and initiate an inquiry.
- (2) An inquiry initiated under rule 2.2(1)(b) may be undertaken -

- (a) by the Authorised Officer;
- (b) by a Staff Member or Associate appointed by the Authorised Officer to conduct the inquiry on his or her behalf; or
- (c) by any other person appointed by the Authorised Officer to conduct the inquiry on his or her behalf.

*Note: the person who undertakes the inquiry is referred to in these Rules as the **Inquiry Officer**.*

- (3) Where the Authorised Officer -
 - (a) is not the Academic Registrar; and
 - (b) determines under rule 2.2(1)(b) that there are sufficient grounds to warrant further investigation,

the Authorised Officer must consider whether the instance of possible Academic Misconduct, if established, would be serious enough for an Award Rescission Penalty to be considered by the Relevant Student Discipline Panel.

- (4) If the Authorised Officer considers, under subrule (3), that an Award Rescission Penalty could be considered by the Relevant Student Discipline Panel, the Authorised Officer must inform the Academic Registrar (to enable the Academic Registrar to exercise his or her functions under clause 2.1(3) and (4) of Schedule B).

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 an Inquiry Officer who has been appointed under rule 2.2(2)(b) or (c) – where he or she has been authorised to do so by the Authorised Officer; or
 - (b) in any other case - by the Authorised Officer.
- (2) For example, the Authorised Officer, or the Inquiry Officer under subrule (1), may determine, having regard to the seriousness of the matter, that the inquiry should include a formal hearing. For a less serious matter, the Authorised Officer 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 Misconduct, or the suspected Academic Misconduct, that is the subject of the inquiry; and

recommendation means a recommendation by the Inquiry Officer to the Relevant Student Discipline Panel.

(2) An Inquiry Officer 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;

Note: section 5 of the Interpretation Act 1984 defines a 'document' (and a 'publication' which is also a document).

(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 Misconduct;

(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 Misconduct, or a finding on which that recommendation is based, must be reached on the balance of probabilities standard of proof.

Note: under the 'Briginshaw principle', the strength of the evidence necessary to reach a finding on the balance of probabilities may vary according to the circumstances, including the seriousness of the suspected misconduct (Briginshaw v Briginshaw (1938) 60 CLR 336, 362).

(3) In respect of the 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 the Inquiry Officer, in the absence of that response, may make a recommendation as to whether Academic Misconduct 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.
- (4) 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.
- (5) 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 must -
 - (a) prepare an Inquiry Officer's Report;
 - (b) give a copy of the Inquiry Officer's Report to the Relevant Student Discipline Panel and (if the Inquiry Officer is not the Academic Registrar) to the Academic Registrar; and
 - (c) take whatever further action the Relevant Student Discipline Panel considers may be necessary or appropriate to ensure compliance with rule 2.4, or to enable the Relevant Student Discipline Panel to make a determination under rule 3.1.
- (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 Misconduct;
 - (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 Misconduct.

- (4) The factors to be taken into account in assessing the seriousness of Academic Misconduct 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; and
 - (e) the importance of taking clear and decisive action in relation to the matter.

PART 3 -- DETERMINATIONS BY RELEVANT STUDENT DISCIPLINE PANEL

3.1 Determination of Misconduct

- (1) After reviewing the Inquiry Officer's Report, the Relevant Student Discipline Panel may, at any time before making a determination under subrule (2), request the Inquiry Officer to take whatever action the Relevant Student Discipline Panel considers is necessary or appropriate –
 - (a) to ensure compliance with rule 2.4; or
 - (b) to enable the Relevant Student Discipline Panel to make a determination under subrule (2).
- (2) As soon as practicable after being given an Inquiry Officer's Report, the Relevant Student Discipline Panel must determine that -
 - (a) Academic Misconduct has occurred;
 - (b) Academic Misconduct has not occurred; or
 - (c) the available information is insufficient to enable a finding whether or not Academic Misconduct has occurred.
- (3) If the Relevant Student Discipline Panel determines that Academic Misconduct has occurred, it must also determine, subject to subrule (4), which (if any) of one or more Category 1 Penalties or Category 2 Penalties are to be imposed.
- (4) To avoid doubt, the Relevant Student Discipline Panel may determine that one or more Category 1 Penalties or Category 2 Penalties it imposes are to be suspended for a specified period of time or are to be imposed subject to any condition it considers to be appropriate.
- (5) A Relevant Student Discipline Panel cannot determine that an Award Rescission Penalty is to be imposed unless the Relevant Student Discipline Panel is constituted in accordance with clause 2.2(2) of Schedule B.
- (6) If the Relevant Student Discipline Panel determines that the available information is insufficient to enable a finding whether or not Academic Misconduct has

occurred, it may arrange for the Student to attend counselling or a lecture, seminar, workshop or similar activity in relation to appropriate behaviour.

- (7) If the Relevant Student Discipline Panel considers that Level 1 Plagiarism has occurred (whether it determines that Academic Misconduct has not occurred or that the available information is insufficient to enable a finding whether or Academic Misconduct has occurred), it must refer the matter to the relevant Unit Coordinator to be dealt with under the Plagiarism Policy.

3.2 Report

- (1) As soon as practicable after making determinations under rule 3.1(2)(a) and 3.1(3), the Relevant Student Discipline Panel must -
- (a) prepare a report containing –
 - (i) the reasons for its determination that Academic Misconduct has occurred;
 - (ii) the findings on material questions of fact that led to the determination that Academic Misconduct has occurred, referring to the evidence or other material on which those findings were based; and
 - (iii) the reasons for its determination that one or more Category 1 Penalties or Category 2 Penalties are to apply;
 - (b) give a copy of the report to the Respondent Student and the Academic Registrar; and
 - (c) notify the Respondent Student of the right to appeal under Part 4 of these Rules.
- (2) As soon as practicable after making a determination under rule 3.1(2)(b) or (c), the Relevant Student Discipline Panel must give to the Respondent Student written notice of –
- (a) the determination; and
 - (b) the Vice-Chancellor's right of appeal under Part 4 of these Rules.

PART 4 -- APPEALS

4.1 Interpretation

In this Part, unless the contrary intention appears -

Faculty has the same meaning as that term in clause 1.1 of Schedule B;

parties to an appeal means –

- (a) the Respondent Student; and

- (b) the Vice-Chancellor;

Pro Vice-Chancellor means the Pro Vice-Chancellor, as defined in clause 1.1 of Schedule B, of the Relevant Faculty; and

Relevant Faculty means the Faculty in which the Respondent Student who appeals under this Part is most closely associated by way of -

- (a) the course to which he or she is admitted; or
- (b) the unit or units in which he or she is enrolled.

4.2 Rights of appeal

- (1) A Respondent Student may appeal against a determination of Academic Misconduct, or the penalty that has been imposed, or both.
- (2) The Vice-Chancellor may appeal against a determination relating to Academic Misconduct, or a determination relating to penalty, or both.
- (3) To avoid doubt, an appeal under this Part -
 - (a) is to be confined to, and is to be determined by reference to, the grounds for the appeal in the notice of appeal under rule 4.4; and
 - (b) is not to be conducted as a hearing de novo.

4.3 Who hears appeals?

- (1) An appeal by a Respondent Student that relates only to -
 - (a) a determination of Academic Misconduct other than a determination for which a Category 2 Penalty was imposed;
 - (b) a Category 1 Penalty; or
 - (c) both (a) and (b),is to be heard and determined by the Pro Vice-Chancellor unless the Academic Registrar, after consulting with the Pro Vice-Chancellor, refers the appeal to the Student Discipline Appeals Board.
- (2) Any other appeal by a Respondent Student is to be heard and determined by the Student Discipline Appeals Board.
- (3) An appeal by the Vice-Chancellor is to be heard and determined by the Student Discipline Appeals Board.
- (4) A person must not exercise a power or other function of the Pro Vice-Chancellor, the Academic Registrar or 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.

4.4 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 Respondent Student, and subject to subrule (2), be made within 14 days after the Respondent Student is given a copy of the Relevant Student Discipline Panel's report under rule 3.2(1)(b);
 - (d) in the case of an appeal by the Vice-Chancellor, and subject to subrule (2), be made within 14 days after the Vice-Chancellor is given -
 - (i) a copy of the Relevant Student Discipline Panel's report under rule 3.2(1)(b); or
 - (ii) written notice of a determination under 3.2(2),
as the case may be; 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 -
 - (a) the Pro Vice-Chancellor – where the appeal is to the Pro Vice-Chancellor; or
 - (b) the Chair of the Student Discipline Appeals Board – where the appeal is to 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 that is to be heard by the Pro Vice-Chancellor, the Academic Registrar is to -
 - (a) give the Pro Vice-Chancellor a copy of the notice of appeal;
 - (b) notify each of the parties to the appeal that the appeal is to be heard by the Pro Vice-Chancellor; and
 - (c) notify each of the parties to the appeal of the name and contact details of the person through whom any communications with the Pro Vice-Chancellor should be directed.

- (4) As soon as practicable after being given a notice of appeal that is to be heard by the Student Discipline Appeals Board, or after referring an appeal under rule 4.3(1), the Academic Registrar is to -
 - (a) convene the Student Discipline Appeals Board in accordance with Part 3 of Schedule B;
 - (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 Respondent Student if the appeal is by the Vice Chancellor;
 - (d) give a copy of the notice of appeal to the Vice-Chancellor if the appeal is by the Respondent Student; and
 - (e) notify each of the parties to the appeal of the name and contact details of the person through whom any communications with the Student Discipline Appeals Board should be directed.

4.5 Hearing of appeals by the Pro Vice-Chancellor

- (1) An appeal that is to be heard by the Pro Vice-Chancellor 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 Pro Vice-Chancellor.
- (2) Each of the parties to an appeal -
 - (a) must be given at least 7 days notice in writing by the Pro Vice-Chancellor of the date and time of the hearing;
 - (b) may make written submissions – provided those submissions are given to the Pro Vice-Chancellor at least 3 clear days before the hearing;
 - (c) is to have the right of appearance before the Pro Vice-Chancellor; and
 - (d) may be accompanied by any other person, but the other person may not act as an advocate unless invited to do so by the Pro Vice-Chancellor.
- (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 Pro Vice-Chancellor may make a decision,in the absence of the party.
- (4) The Pro Vice-Chancellor is to consider the appeal and either –
 - (a) where he or she considers that the conduct which is the subject of the determination may warrant a Category 2 Penalty – refer the appeal to the Student Discipline Appeals Board; or

- (b) uphold, vary or set aside the determination relating to Academic Misconduct or the determination relating to the penalty, or both determinations.
- (5) For the avoidance of doubt, the Pro Vice-Chancellor may impose, or substitute, one or more Category 1 Penalties even where the appeal concerned only the determination relating to Academic Misconduct.
- (6) The Pro Vice-Chancellor is to give written notice of his or her decision to each of the parties and to the Academic Registrar.
- (7) The decision of the Pro Vice-Chancellor is final.

4.6 Hearing of appeals by the Student Discipline Appeals Board

- (1) An appeal that is to be heard by the Student Discipline Appeals Board 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 3 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 Misconduct or the determination relating to penalty, or both.
- (5) To avoid 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 Misconduct.
- (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, B and C have effect.

5.2 Temporary exclusion or denial of access

- (1) This rule applies where a Respondent Student -
- (a) is the subject of an inquiry into possible Academic Misconduct; or
 - (b) has had an adverse determination of Academic Misconduct against him or her.
- (2) Where this rule applies, the Vice-Chancellor or a member of staff specified in Schedule C may direct that the Respondent 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 University (including the health and welfare of Students and Staff Members);
 - (b) is necessary or appropriate to minimise the risk of further misconduct;
 - (c) is necessary or appropriate to minimise any opportunity for the Respondent Student to cover up possible Academic Misconduct; 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 Respondent Student; and
 - (c) be reported in accordance with Schedule C. The period of the exclusion or the denial of access, to be specified under subrule (4)(a) -

- (d) 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
- (e) 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 Relevant Student Discipline Panel takes effect; or
 - (ii) any appeal against a determination has been finalised by the Pro Vice-Chancellor or the Student Discipline Appeals Board,
 whichever is the later.
- (5) A direction under this rule may be amended or withdrawn at any time by the Vice-Chancellor or a Staff Member specified in Schedule C.
- (6) A direction under this rule is not, and is not to be taken to be, a penalty.

5.3 Reporting to the Academic Registrar

Each Authorised Officer, Pro Vice-Chancellor, Chair of a Student Discipline Panel and Chair of the Student Discipline Appeals Board must 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 Misconduct.
- (2) An Authorised Officer, an Inquiry Officer, the Academic Registrar, a Pro Vice-Chancellor, a Student Discipline Panel and the Student Discipline Appeals Board are to have regard to the guidelines, and are to act in accordance with the procedures, issued under this rule.

5.5 Repeal

The *Academic Misconduct Rules*, made in accordance with –

- (a) Council Resolution C145/09 on 21 October 2009;
- (b) Council Resolution C178/10 on 8 December 2010;
- (c) Council Resolution C70/14 on 14 May 2014; and
- (d) Council Resolution C20/16 on 17 February 2016, is repealed.

SCHEDULE A – REPORTING POSSIBLE ACADEMIC MISCONDUCT

1. Interpretation

(1) In this Schedule -

Faculty means any of the following -

- (a) Faculty of Business and Law;
- (b) Faculty of Science and Engineering;
- (c) Faculty of Humanities;
- (d) Faculty of Health Sciences; and
- (e) Centre for Aboriginal Studies,

however each might be described from time to time;

Head of School means -

- (a) in relation to the Centre for Aboriginal Studies – the Head of that Centre; and
- (b) in relation to each other Faculty – the senior academic position in charge of each School in the Faculty,

who is located at the Bentley Campus and with whom the Student (whether or not from an Off-shore Campus) is most closely associated by way of -

- (c) the course to which he or she is admitted; or
- (d) the unit or units in which he or she is enrolled; and

Off-shore Campus means a campus of the University that is not in Australia.

(2) If, in a particular case, there is a doubt about who is the relevant Head of School, the Academic Registrar is to determine the matter and the Academic Registrar's determination is final.

2. Authorised Officer

Possible Academic Misconduct	Authorised Officer
Suspected cheating in an exam, test or supervised assessment activity	Head of School
Suspected plagiarism in assignments or other assessable	Head of School

work	
Suspected collusion or cheating in assignments or other assessable work	Head of School
Suspected falsification of data or other content in assignments or other assessable work	Head of School
Suspected Academic Misconduct by a Student who has graduated	Academic Registrar
Other Academic Misconduct	Academic Registrar

Note: under rule 1.4, the Academic Registrar may appoint a particular person to be the Authorised Officer either for a specified period or in respect of a particular instance of possible Academic Misconduct.

SCHEDULE B – DISCIPLINE PANELS AND APPEALS BOARD

Part 1 - Interpretation

1.1 Interpretation

(1) In this Schedule, unless the contrary intention appears -

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; or
- (b) who is on Special Leave of Absence under the *Admission and Enrolment Manual (Coursework Students) Policy and Procedures*, as amended or replaced from time to time;

Faculty means any of the following -

- (a) Faculty of Business and Law;
- (b) Faculty of Science and Engineering;
- (c) Faculty of Humanities;
- (d) Faculty of Health Sciences; and
- (e) Centre for Aboriginal Studies,

however each might be described from time to time;

Head of School means -

- (a) in relation to the Centre for Aboriginal Studies – the Head of that Centre; and
- (b) in relation to each other Faculty – the senior academic position in charge of each School in the Faculty,

who is located at the Bentley Campus and with whom the Respondent Student (whether or not from an Off-shore Campus) is most closely associated by way of -

- (c) the course to which he or she is admitted; or
- (d) the unit or units in which he or she is enrolled;

Off-shore Campus means a campus of the University that is not in Australia;

Pro Vice-Chancellor means -

- (a) in relation to a Faculty listed in paragraphs (a) – (d) respectively of the definition of Faculty – the Pro Vice-Chancellor of that Faculty; or

- (b) in relation to the Centre for Aboriginal Studies – the Deputy Vice-Chancellor, Academic; and

Relevant Faculty in relation to a Respondent Student (whether or not from an Off-shore Campus), means the Faculty with which the Respondent Student is most closely associated by way of -

- (a) the course to which he or she is admitted; or
 - (b) the unit or units in which he or she is enrolled.
- (2) If, in a particular case, there is a doubt about which is the Relevant Faculty, the Academic Registrar is to determine the matter and the Academic Registrar's determination is final.

Part 2 - Student Discipline Panels

2.1 The Panels

- (1) The Student Discipline Panels are -
- (a) the Faculty of Business and Law Discipline Panel;
 - (b) the Faculty of Science and Engineering Student Discipline Panel;
 - (c) the Faculty of Humanities Student Discipline Panel;
 - (d) the Faculty of Health Sciences Student Discipline Panel;
 - (e) the Centre for Aboriginal Studies Student Discipline Panel; and
 - (f) the Central Student Discipline Panel.
- (2) Subject to subclauses (3) and (4), the Relevant Student Discipline Panel, in respect of a Respondent Student –
- (a) is the Central Student Discipline Panel where –
 - (i) the Respondent Student is admitted to a Curtin English Course;
 - (ii) the Respondent Student is enrolled in a UniReady program; or
 - (iii) the Head of School considers, and notifies the Academic Registrar, that the suspected Academic Misconduct by the Respondent Student should be determined by the Central Student Discipline Panel, rather than by the Student Discipline Panel for the Relevant Faculty; or
 - (b) in any other case, is the Student Discipline Panel for the Relevant Faculty.
- (3) If the Academic Registrar considers that an instance of possible Academic Misconduct by a Respondent Student, if established, would be serious enough for an Award Rescission Penalty to be considered, the Academic Registrar is to determine that the Relevant Student Discipline Panel is the Central Student Discipline Panel, constituted in accordance with clause 2.2(2).

- (4) If, in a particular case, there is a doubt about which is the Relevant Student Discipline Panel, the Academic Registrar is to determine the matter and the Academic Registrar's determination is final.

2.2 Membership

- (1) Except where clause 2.1(3) applies, the members of the Central Student Discipline Panel are to be -
- (a) the Chair – who is to be a Staff Member appointed by the Academic Registrar;
 - (b) one other Staff Member appointed by the Academic Registrar; and
 - (c) an Eligible Student appointed by the Academic Registrar –
 - (i) from the list of nominations under clause 2.3 – if subparagraph (ii) does not apply; or
 - (ii) from all Eligible Students - if the Academic Registrar considers that, having regard to the skills, experience or other attributes necessary to deal with a particular matter, none of the Eligible Students from the list of nominations under clause 2.3 is suitable.
- (2) Where clause 2.1(3) applies, the members of the Central Student Discipline Panel are to be -
- (a) the Chair – who is to be a Staff Member appointed by the Academic Registrar;
 - (b) 2 other Staff Members appointed by the Academic Registrar; and
 - (c) 2 Eligible Students appointed by the Academic Registrar –
 - (i) from the list of nominations under clause 2.3 – if subparagraph (ii) does not apply; or
 - (ii) from all Eligible Students – if the Academic Registrar considers that, having regard to the skills, experience or other attributes necessary to deal with a particular matter, none of the Eligible Students (or none of the remaining Eligible Students) from the list of nominations under clause 2.3 is suitable.
- (3) The members of each other Student Discipline Panel are to be -
- (a) the Chair – who is to be a Staff Member of the Relevant Faculty appointed by the Pro Vice-Chancellor of the Relevant Faculty;
 - (b) one other Staff Member, whether or not from the Relevant Faculty, appointed by the Pro Vice-Chancellor of the Relevant Faculty; and
 - (c) an Eligible Student appointed by the Academic Registrar –
 - (i) from the list of nominations under clause 2.3 – if subparagraph (ii) does not apply; or

- (ii) from all Eligible Students – if the Academic Registrar considers that, having regard to the skills, experience or other attributes necessary to deal with a particular matter, none of the Eligible Students from the list of nominations under clause 2.3 is suitable.
- (4) If, during a particular period, or for a particular matter, the Chair is temporarily unavailable, the Pro Vice-Chancellor of the Relevant Faculty may appoint any Staff Member of the Relevant Faculty to be Acting Chair for all or part of that period, or for the particular matter.
 - (5) The Pro Vice-Chancellor of the Relevant Faculty may, at any time -
 - (a) revoke an appointment under this clause; or
 - (b) revoke or amend a term or condition of appointment under this clause.
 - (6) A person cannot be a member of a Student Discipline Panel in respect of a particular matter if that person –
 - (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.

2.3 Student member

- (1) The Curtin Student Guild President is -
 - (a) to call for nominations, at least annually, of at least 6 Eligible Students (each of whom must attend the Bentley campus) for each Student Discipline Panel, to be included in a list of nominations for appointment as a member of a Student Discipline Panel for the Relevant Faculty; and
 - (b) to give the Pro Vice-Chancellor of the Relevant Faculty the list of nominations relating to that Relevant Faculty.
- (2) If -
 - (a) there is no person holding, acting in or performing the functions of the position of Curtin Student Guild President; or
 - (b) the Curtin Student Guild President is unable or unwilling to call for nominations under subclause(1)(a),

the nominations are to be called by the Pro Vice-Chancellor of the Relevant Faculty.

2.4 Chair

The Chair of a Student Discipline Panel -

- (a) is to be appointed for a term of no more than 2 years;
- (b) may be reappointed;
- (c) may be appointed ex officio; and
- (d) is disqualified from continuing to hold the office of Chair if he or she ceases to have the qualifications referred to in clause 2.2.

2.5 Quorum

- (1) The quorum is the Chair (or Acting Chair) and one other 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 3 - Student Discipline Appeals Board

3.1 Jurisdiction

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

3.2 Membership

- (1) The members of the Student Discipline Appeals Board are to be -
 - (a) the Chair – who is to be a legal practitioner (whether or not employed by the University) appointed by the Vice-Chancellor for a term of no more than 2 years and who –
 - (i) may be reappointed; and
 - (ii) may be appointed ex officio;
 - (b) 2 full-time Staff Members appointed (subject to subclause (2)) by the Academic Registrar; and
 - (c) 2 Eligible Students appointed (subject to subclause (2)) by the Academic Registrar –
 - (i) from the list of nominations under clause 3.3 – if subparagraph (ii) does not apply; or
 - (ii) from all Eligible Students – if the Academic Registrar considers that, having regard to the skills, experience or other attributes necessary to deal with a particular matter, none of the Eligible Students (or none of the remaining Eligible Students) from the list of nominations under clause 3.3 is suitable.
- (2) There must be at least one male member and one female member on the Student Discipline Appeals Board.
- (3) The Vice-Chancellor may, at any time, revoke the appointment of the Chair under this clause.
- (4) A person cannot be a member of the Student Discipline Appeals Board in respect of a particular matter if that person –
 - (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.

3.3 Student members

- (1) The Curtin Student Guild President is -
 - (a) to call for nominations, at least annually, for a list of at least 6 Eligible Students (each of whom must attend the Bentley Campus) to be included in a list of nominations for appointment as a member of the Student Discipline Appeals Board; and
 - (b) to give to the Academic Registrar the list of nominations.
- (2) If -
 - (a) there is no person holding, acting in or performing the functions of the position of Curtin Student Guild President; or
 - (b) the Curtin Student Guild President is unable or unwilling to call for nominations under subclause (3)(a),

the nominations are to be called by the Academic Registrar.

Note: under clause 3.2(4), an Eligible Student cannot be a member of the Student Discipline Appeals Board in respect of an appeal if, for example, the Eligible Student was a member of the Student Discipline Panel from which the appeal is to be heard.

3.4 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.

SCHEDULE C – TEMPORARY EXCLUSION OR DENIAL OF ACCESS

1.1 Interpretation

(1) In this Schedule -

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

exclusion means exclusion of a Respondent 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));

Faculty means any of the following -

- (c) Faculty of Business and Law;
- (d) Faculty of Science and Engineering;
- (e) Faculty of Humanities;
- (f) Faculty of Health Sciences; and
- (g) Centre for Aboriginal Studies,

however each might be described from time to time;

Head of School means -

- (a) in relation to the Centre for Aboriginal Studies – the Head of that Centre; and
- (b) in relation to each other Faculty – the senior academic position in charge of each School in the Faculty,

who is located at the Bentley Campus and with whom the Respondent Student (whether or not from an Off-shore Campus) is most closely associated by way of -

- (c) the course to which he or she is admitted; or
- (d) the unit or units in which he or she is enrolled; and

Pro Vice-Chancellor means the Pro Vice-Chancellor of the Relevant Faculty, as those terms are defined in clause 1.1 of Schedule B.

(2) If, in a particular case, there is a doubt about who is the relevant Head of School, the Academic Registrar is to determine the matter and the Academic Registrar's determination is final.

1.2 Table – periods for exclusion or denial (rule 5.2)

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(5) -

Period of exclusion or denial	Power to take action	Reporting
Up to 1 week	Head of School	Action taken by the Head of School must be reported to the Pro Vice-Chancellor and the Academic Registrar
Up to 2 weeks	Pro Vice-Chancellor	Action taken by the Pro Vice-Chancellor must be reported to the Academic Registrar
Up to 8 weeks	Academic Registrar	Action taken by the Academic Registrar must be reported to the Vice-Chancellor
Over 8 weeks	Vice-Chancellor	N/A

1.3 Power to amend or withdraw a direction

The power (under rule 5.2(5)) to amend or withdraw a direction may be exercised -

- (a) by the Academic Registrar or the Pro Vice-Chancellor – if the direction had been given by the Head of School;
- (b) by the Academic Registrar – if the direction had been given by the Pro Vice-Chancellor; and
- (c) by the Vice-Chancellor - in respect of any direction.

The Common Seal of CURTIN UNIVERSITY)
 was hereto affixed on 5)
 December 2017)
 by the authority of the Vice-Chancellor)


 Vice-Chancellor




 A/ Administrative Secretary

Revision / Ref. No.	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Resolution	Document Reference
	Approved	21/10/2009	Council	C 145/09	Attachment 2 to Document No. 01477/09
	Promulgated	15/04/2010			Posted on Administration Building Notice Board
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	Promulgated	17/12/2010			Posted on Administration Building Notice Board
	Amended	14/05/2014	Council	C 70/14	Document No. 00383/14
	Promulgated	25/07/2014			Posted on Administration Building Notice Board
	Amended	17/02/2016	Council	C 20/16	Appendix 1 to Item 9.2.1
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