



## ACADEMIC MISCONDUCT POLICY AND PROCEDURES

<b>Policy Statement</b>	This policy and procedures support: <ul style="list-style-type: none"> <li>• TEQSA, Higher Education Standards Framework, (Threshold Standards) 2015, Domains 5, 6, and 7 Sections 5.2, 6.2 &amp; 6.3 Standard 2, 7.2 and 7.3 Standard 3.</li> <li>• Standards of Registered Training Organisations 2015 (Standard 1 Clause 1.8)</li> </ul>
<b>Responsibility for Implementation</b>	Executive Dean, Associate Deans, Head of Vocational Education
<b>Compliance and Monitoring</b>	Executive Dean, Head of Vocational Education, Academic Board

### Purpose

The purpose of the policy is to promote and reinforce student understanding of and respect for academic integrity and ethical practices in the pursuit of knowledge. Dishonest practices contravene academic values, compromise the integrity of research and devalue the quality of learning. Kent Institute Australia (Kent) protects the academic integrity of its courses and students through prevention, detection and action addressing academic misconduct by students.

### Scope

This policy applies to:

1. enrolled students who are undertaking a higher education or VET course at Kent; and
2. all Kent staff in terms of their promoting of academic integrity and management of academic misconduct for students.

### Aim

To ensure all Kent Student and Staff clearly understand the importance of academic integrity, what constitutes academic misconduct and the process at Kent for addressing academic misconduct.

### Definitions

In this Policy –

**Student** includes a person who was an enrolled student at Kent at a time when he or she is alleged to have engaged in academic misconduct.

**Academic offender:** A student who commits an academic misconduct either minor and/or serious breaches of policy (plagiarism, contract cheating, exam cheating, etc.).

**Assessment** has the same meaning as in the Assessment Policy and Procedures (Kent Website [MyKent Student Link](#)> Student Policies and Forms > POLICY - Assessment Policy and Procedures – Student Login Required).

**Examination** has the same meaning as in the Assessment Policy and Procedures (*refer above*).

**Academic misconduct** includes cheating, plagiarism or other act or omission to act or attempted act engaged in by a student that may result in unfair or unjustified academic advantage to one or more individuals.

**Cheating** means fraud, dishonesty or deceit of any kind in relation to an assessment item. Examples include but are not limited to:

- a) contract cheating where a student arranges, attempts to arrange, acquires or allows any form of paid or unpaid assessment to be undertaken fully or partially by another party and the student represents or represented the work as if it were their own;
- b) completing an assessment for another person or engaging another person to assist in the completion of an assessment;
- c) taking an examination or test for another person or engaging another person to take examination or test;
- d) unauthorised collusion with another person or other persons in an examination or in the completion of other forms of assessment;
- e) copying or attempting to copy from other students in an examination or other forms of assessment;
- f) communicating with others during an examination;
- g) bringing material or device into an examination or other forms of assessment other than the approved items specified for that assessment task;
- h) tampering with examination materials;
- i) leaving examination or test answer papers exposed to the view of other students;
- j) providing forged or falsified medical or other documents to gain an academic advantage;
- k) falsification of data, information or citations as part of an assessment;
- l) taking actions to prevent other students from completing their assessment work;
- m) making a false claim, e.g. the contribution to a group assignment, in relation to an assessment in order to obtain an unfair academic advantage.

**Plagiarism** the presentation of work or ideas of others as one's own without due acknowledgement and referencing. Examples include but are not limited to:

- a) self-plagiarism, that is, reusing one's work, whole or part, that has been submitted, marked and counted towards to the fulfilment of the requirement of another unit, or the present unit, or a previous offering of the present unit without the permission from the relevant Unit Co-ordinator's and due acknowledgement and reference;
- b) the inclusion of one or more sentences from another person's work, or tables, graphs, images, designs, computer programs and any other data, ideas or work without the use of quotation marks and acknowledgement of the source;
- c) the use of one or more sentences from the work of another person where a few words have been changed or where the order of copied phrases or sentences has been changed;
- d) the use of one or more lines of computer program from the work of another person where the name of variables or functions or methods have been changed or where the order of the functions or methods has been changed.

**Minor academic misconduct.** An academic misconduct incident may be treated as a minor academic misconduct if and only if **all** of the following criteria apply:

- a) the alleged student has no prior record of serious academic misconduct; and
- b) the student is in the early stage of their academic study at Kent Institute Australia, defined as the first eight units of their study; and
- c) the breach has, or appears from the available evidence to have, occurred inadvertently; and
- d) the breach is not significant in scale or scope with plagiarised content being minimal.

**Repeat academic offender:** A student who has a previous record of an academic misconduct either minor and/or serious breaches of policy (plagiarism, contract cheating, exam cheating, etc.) which have been upheld.

**Serious academic misconduct** means academic misconduct that is not minor academic misconduct.

## 1.0 Copyright

All Kent staff and students are required to comply with legislation under the Australian Copyright Act 1968 and the Copyright Amendment (Digital Agenda) Act 2000 by abiding by the law and not photocopying more than 10% or one chapter (whichever is greater) of a book.

The *Copyright Act 1968* (Cth) provides the legislative framework for the creation, copying, and communication of electronic, print, graphic, and audio-visual works. Staff are expected to comply with the Copyright Act.

The Copyright Act gives authors and other copyright owners of original 'works' the exclusive right to reproduce, publish, communicate, and adapt their material; and to licence, transfer, or sell it to other people.

Almost all written material, images, as well as music and other sound recordings, films and other visual media, are considered as 'works' protected by copyright, whether they are in print format or digital, in a book, a magazine, a DVD, or on a website.

Using copyright protected works without permission from the copyright owner, or according to the provisions of the Copyright Act, could lead to infringement of the Act, with possibly severe repercussions for both the individual and Kent.

## 2.0 Procedures

### 2.1 Prevention

Kent provides education in academic writing and referencing conventions of academic work.

i. **Student Education**

Students will be made aware of what constitutes academic misconduct. This information will be available to them via:

- Orientation Program presentations
- Academic Learning Support Workshops
- Unit Outlines
- Kent website
- Academic staff communications and directives at the beginning of each trimester or block of study.

ii. **Mitigation Strategies**

Kent teaching staff are required to

- a) inform students of the requirement for academic integrity during their studies at Kent and of the consequences of academic misconduct, and
- b) implement mitigation strategies in assessment tasks and approaches.

Kent teaching staff are instructed to undertake the following activities to inform students:

- Discuss academic integrity in class, make students aware of the definitions, levels and penalties;
- Make sure students know that you are aware, in particular, of contract cheating. Many students assume that their lecturers/tutors/trainers are not aware of such issues;
- Refer students with poor writing skills to the Academic Learning Support (ALS) staff;

- Read the Unit Outline and assessment guidelines from the perspective of the student and check with students if they require clarification about ambiguities or lack of sufficient instructions;
- Be sensitive to the pressures students are under and reassure them by providing the information they need to succeed and provide assessment information in a timely fashion;
- Inform students they should contact their lecturers/tutors/trainers with any concerns about breaches of academic integrity; and
- Create opportunities for dialogue about plagiarism and for students to raise questions about their understanding and application of academic writing.

Kent teaching staff implement mitigation strategies in assessment tasks and approaches to minimise the likelihood of academic misconduct occurring through the following:

- i. If a quiz or online assessment contributes significantly to the assessment mark for the unit of study, the Unit Co-ordinator (HEd) must take appropriate steps to assure its academic integrity and it is consistent with the Kent policies and procedures.
- ii. If a quiz or online assessment contributes a small percentage of the overall unit mark, academic integrity should still be considered as part of its design but assurance of the overall academic integrity of assessment for the unit of study may be through consideration of the complete assessment approach for the unit.
- iii. If class tests or final examinations contribute to the assessment mark, the Exam Invigilator (Lecturer/Trainer) must take active measures to provide seating arrangements which prevent copying. Where it is not possible to ensure students cannot see another student's paper one of the following techniques should be used:
  - sorted seating where students are sitting with adjacent students taking different examinations;
  - scrambling multiple choice questions between candidates; or
  - other appropriate methods
- iv. Where there is a possibility that ghost-writing or contract cheating might occur, the lecturer/trainer must take reasonable steps to eliminate or minimise the opportunity to do so, so that assessors can be reasonably satisfied that the submitted work was written by the student without assistance except for legitimate co-operation. Such measures may include, but are not limited to:
  - requiring an oral presentation of the work as part of the assessment;
  - assessing outlines, drafts and other iterations of the written work as it is developed;
  - requiring that students demonstrate learning outcomes in a supervised examination, where the student is required to pass, or reach a reasonable threshold in, the examination in order to pass the unit of study;
  - conducting an oral examination.

## 2.2 Identifying academic misconduct and reporting (Higher Education)

- i. Depending on the type of assessment, the marker, examination invigilator or other member of staff who reasonably suspects a possible case of academic misconduct will

- bring it to the attention of relevant Course Co-ordinator with appropriate supporting evidence.
- ii. If the Course Co-ordinator believes, on reasonable ground, an academic misconduct incident has occurred, they shall complete a *Student Academic Misconduct Form* ([Kent Website MyKent Staff Link](#)> *Staff Policies and Forms > FORM – Student Academic Misconduct Form – Staff Login Required*) detailing the nature of the alleged case.
- iii. Notwithstanding other provisions in this section, all Higher Education *Invigilator Report Examination Incidents* are sent to the Associate Dean on the relevant campus. The Associate Dean shall then complete a *Student Academic Misconduct Form* detailing the nature of the case.
- iv. All appropriate details, including relevant original submissions, TurnItIn reports, *Invigilator Report Examination Incidents* and other supporting evidence, must be attached to the *Student Academic Misconduct Form* for adjudication and sent to the Associate Dean immediately but no later than five (5) working days of detection.
- v. All modes of conduct assessment and/or final assessment tasks (including examinations) which may result in a request for the student to attend a formal interview with relevant Academic Unit staff (HEd) to address matters arising during the undertaking of these assessments tasks and will require Academic Unit staff record. The record of interview outcomes will be completed on the *Examination Interview Record* ([Kent Website MyKent Staff Link](#)> *Staff Policies and Forms > FORM – Examination Interview Record – Staff Login Required*).
- vi. In situations where academic misconduct cases are pending at the time of grade finalisation, the Course Co-ordinator is responsible for setting the student's mark for assessment items in question to zero marks and adding a comment in the Kent Learning Management System (Moodle) and Kent Student Information System (RTOManager) that the result is withheld due to pending academic misconduct investigation.

### 2.3 Identifying academic misconduct and reporting (VET)

- i. If the Trainer believes, on reasonable ground, an academic misconduct incident has occurred, they shall complete a *Student Academic Misconduct Form* ([Kent Website MyKent Staff Link](#)> *Staff Policies and Forms > FORM – Student Academic Misconduct Form – Staff Login Required*) detailing the nature of the alleged case and submit to the Head of Vocational Education for review.
- ii. All appropriate details, including relevant original submissions, , and other supporting evidence, must be attached to the *Student Academic Misconduct Form* for adjudication and sent to the Head of Vocational Education immediately, but no later than five (5) working days of detection.

### 2.4 Adjudicating by Associate Dean or the Head of Vocational Education

- i. The Associate Dean or the Head of Vocational Education will make a decision as to whether the case should be treated as minor academic misconduct (if the criteria are met) or serious academic misconduct.
- ii. Where the allegation is considered by the Associate Dean or the Head of Vocational Education to be too serious or inappropriate to be resolved under this Section - Adjudicating and penalising by Associate Dean or the Head of Vocational Education, the case will be referred to the Academic Misconduct Tribunal for adjudicating and penalising under Section - Adjudicating and penalising by Academic Misconduct Tribunal.
- iii. The second or any subsequent allegation of serious academic misconduct offences must be referred to the Academic Misconduct Tribunal for adjudicating and penalising.

- iv. In case of a minor academic misconduct allegation, the student will be sent correspondence by Higher Education Administrator or VET Administrator with an invitation to respond in writing to the allegation of a minor academic misconduct incident. The student is required to respond within five (5) working days of the date of the invitation. Any response from the student will then be taken into account by the Associate Dean or the Head of Vocational Education in reaching a final decision to:
  - a) Uphold the minor academic misconduct incident; or
  - b) Upgrade to serious academic misconduct; or
  - c) Dismiss the case.
- v. In the case of a serious academic misconduct allegation, the student will be sent correspondence by the Higher Education Administrator or VET Administrator with an invitation to attend a hearing to respond to the allegation of a serious academic misconduct incident within five (5) working days of the date of the invitation. The student may be accompanied by a support person who does not have a law degree and who is not a legal practitioner. Any response from the student will then be taken into account by the Associate Dean or the Head of Vocational Education in reaching a final decision to:
  - a) Uphold the serious academic misconduct incident; or
  - b) Downgrade to minor academic misconduct; or
  - c) Dismiss the case.

## 2.5 Adjudicating by Academic Misconduct Tribunal

- i. An *Academic Misconduct Tribunal* for Higher Education, consisting of the Executive Dean, an Associate Dean, a relevant Course Co-ordinator and a student representative shall be convened to hear cases referred to it by the Associate Deans.

- a) **Student Representative on the Academic Misconduct Tribunal**

The Student Representative will be nominated from the membership of the Student Representative Group (SRG) by the Executive Dean. Depending on availability at the time of the Tribunal meeting, either the SRG President or a Vice President will be contacted to participate. The SRG has one President who is elected from the student body and is located at either Melbourne or Sydney Campus and there are two Vice Presidents with one located at each Kent campus.

The Student Representative will be nominated and contacted in writing by the Executive Dean. This communication will include details to duly inform the student representative of the meeting date schedule and request a returned signed copy accepting the responsibilities assigned to the tasks of the Academic Misconduct Tribunal.

The written communication to the Student Representative will also advise that all discussions pertaining to any Academic Misconduct Tribunal, either pre-meeting or during the meeting, shall remain confidential according to the Kent *Privacy Policy* and also details in compliance with the *Academic Misconduct Policy & Procedures* (Website Links to these documents will be stated in the communication to ensure the student representative is referred to them to be fully informed (Kent Website [MyKent Student Link](#)>POLICY – Privacy Policy and Academic Misconduct Policy & Procedures – Student Login Required).

The importance of maintaining the confidentiality of all information related to the misconduct cases will be re-emphasised by the Associate Deans at the meeting so that the student being the subject of the Tribunal meeting is also aware of the confidentiality pertaining to the Student Representative being present at the meeting.

- ii. An Academic Misconduct Tribunal for VET, consisting of the Head of Vocational Education, VET Administrator, an independent person to be nominated by the Head of Vocational Education, such as a senior academic staff member and a student representative, shall be convened to hear cases referred to it by the Head of Vocational Education. The Head of Vocational Education will refer to Clause 2.5 ia) above and enact the same procedures for the nomination of the student representative to be a member of the Academic Misconduct Tribunal.
- iii. The student will be sent correspondence by Higher Education Administrator or VET Administrator with an invitation to attend an Academic Misconduct Tribunal Hearing to respond to the allegation of a serious academic misconduct incident within five (5) working days of the date of the invitation. The student may be accompanied by a support person who does not have a law degree and who is not a legal practitioner.

Any response from the student will then be taken into account by the Academic Misconduct Tribunal in reaching a final decision to:

- a) Uphold the serious academic misconduct incident; or
- b) Downgrade to minor academic misconduct; or
- c) Dismiss the case.

## 2.6 Penalising

- i. Where the final decision is upheld by the Associate Dean or the Head of Vocational Education, they will determine the penalty by imposing one or more of the following options in case of minor academic misconduct incidents:
  - a) mandatory successful completion of an ALS session on the foundations of academic integrity or other relevant learning program decided by the Associate Dean or the Head of Vocational Education;
  - b) downgrade the marks for the assessment in which academic misconduct has been detected and any mark awarded is to be based only on the non-plagiarised content of the submitted work;
  - c) failing grade for the assessment item (zero marks);
- ii. or by imposing one or more of the following options in case of serious academic misconduct incidents:
  - a) mandatory successful completion of an ALS session on the foundations of academic integrity or other relevant learning program decided by the Associate Dean or the Head of Vocational Education;
  - b) downgrade the marks for the assessment in which academic misconduct has been detected and any mark awarded is to be based only on the non-plagiarised content of the submitted work;
  - c) failing grade for the assessment item (zero marks);
  - d) downgrading the final grade letter in a unit;
  - e) imposing a Fail grade for the unit;
- iii. Where the final decision is upheld by the Academic Misconduct Tribunal, they will determine the penalty by imposing one or more of the following options in case of minor academic misconduct incidents:

- a) mandatory successful completion of an ALS session on the foundations of academic integrity or other relevant learning program decided by the Associate Dean or the Head of Vocational Education;
- b) downgrade the marks for the assessment in which academic misconduct has been detected and any mark awarded is to be based only on the non-plagiarised content of the submitted work;
- c) failing grade for the assessment item (zero marks);
- iv. or by imposing one or more of the following options in case of serious academic misconduct incidents:
  - a) Mandatory successful completion of an ALS session on the foundations of academic integrity or other relevant learning program decided by the Associate Dean or the Head of Vocational Education;
  - b) downgrade the marks for the assessment in which academic misconduct has been detected and any mark awarded is to be based only on the non-plagiarised content of the submitted work;
  - c) failing grade for the assessment item (zero marks);
  - d) downgrading the final grade letter in a unit;
  - e) imposing a Fail grade for the unit;
  - f) academic probation (i.e. escalate to the next stage in Academic Monitoring and Intervention program);
  - g) suspension from Kent for such a period of time as the Academic Misconduct Tribunal shall deem necessary;
  - h) cancellation of enrolment and exclusion for such a period of time as the Academic Misconduct Tribunal shall deem necessary;
  - i) such other outcome or penalty as authorised by Academic Board;
- v. The penalty imposed shall be of a severity appropriate in all the circumstance of the offence, taking into consideration the following factors:
  - a) whether the offence is, or appears from the evidence to be, accompanied by an intention to contravene the Policy;
  - b) whether the offence is, or appears from the evidence to be, carefully and deliberately planned or organised;
  - c) whether the offence is, or appears from the evidence to be, significant in scale or scope;
  - d) if the student is a repeat academic offender and review of the number of prior academic misconduct records;
  - e) other relevant mitigating or aggravating factors;
- vi. Students will not be able to access course/unit material on Moodle for future periods of study and a sanction will be placed on their account until and unless they successfully complete the required ALS session on the foundations of academic integrity. This will not restrict access to Moodle in the period of study in which the academic misconduct decision is made.
- vii. The Course Co-ordinator or the Head of Vocational Education is ultimately responsible for ensuring the penalty is applied to the student's grade and updated in the relevant systems, e.g. Moodle, RTO.
- viii. The Associate Dean or the Head of Vocational Education or nominee will record, by an intervention entry on the Academic Misconduct Register in the Kent Student Information System (SIS), the details of the academic misconduct including the *Student Academic Misconduct Form*, relevant original submission, TurnItIn reports, *Invigilator Report Examination Incidents* and other supporting evidence.



- ix The student will receive a notice from the Associate Dean or the Head of Vocational Education or nominee. This notice shall contain the following information:
  - a) Details of the basis on which the misconduct was determined;
  - b) The outcome including any penalty imposed; and
  - c) Confirmation of student's appeal right in accordance with the Complaints and Appeals Policy and Procedures.
- x. If the penalty has enrolment implications, the Associate Dean or the Head of Vocational Education shall notify Executive Manager Student Engagement within five (5) working days of the notification date of the decision.

### 3.0 Appeals Process

A Kent student may appeal against a decision in regard to Academic Misconduct. Students have access to Kent's complaints and appeals process by referring to the *Complaints and Appeals Policy and Procedures* (Kent Website [MyKent Student Link](#)> Student Policies and Forms > POLICY - Complaints & Appeals Policy and Procedures – Student Login Required). A Student Complaints & Appeals Form (Kent Website [MyKent Student Link](#)> Student Policies and Forms > FORM - Complaints & Appeals Form – Student Login Required) must be lodged with twenty (20) working days from the notification date of the Kent decision.

### 4.0 Records and Reporting

Records of all cases of student academic misconduct will be maintained in strict confidence in the student's file on the Kent Student Information System (SIS). The Associate Dean or the Head of Vocational Education will record all details on the **Academic Misconduct Register**.

The *Academic Misconduct Register* will be regularly reported to Academic Board by the Executive Dean (HEd) at the completion of each Trimester for Higher Education and by the Head of Vocational Education (VET) at the end of each term as designated by the Kent Academic Calendar. Particular details of cases that are addressed by a convened Academic Misconduct Tribunal will be reported to Academic Board.

The Executive Manager Risk and Compliance/Governing Board Secretary may report matters arising from the Risk Register and Internal Audit Schedule through the standard reporting requirement to the Audit & Risk Management Committee.

<b>Document Title:</b> Academic Misconduct Policy and Procedures	
<b>Date Compiled:</b> January, 2012	<b>By:</b> Associate Dean
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<b>Date Updated:</b> 10 <sup>th</sup> September, 2014 22 <sup>nd</sup> June, 2015 4 <sup>th</sup> October, 2016 11 <sup>th</sup> April, 2017 7 <sup>th</sup> December, 2017 27 <sup>th</sup> August, 2018 24 <sup>th</sup> May, 2019 (minor amendment – no version control change) 11 <sup>th</sup> November, 2019 22 <sup>nd</sup> June, 2020	<b>Reviewed By:</b> <b>V2</b> – CEO <b>V3</b> – Executive Dean <b>V4</b> – Executive Dean <b>V5</b> – Associate Dean <b>V6</b> – General Manager Campus Ops/CD <b>V7</b> – Associate Dean (Melbourne)  Executive Dean Executive Dean Associate Dean (Sydney)/Head of Vocational Education
<b>Version Control Update (Current):</b> Version 2 – 10 <sup>th</sup> September, 2014 Version 3 – 22 <sup>nd</sup> June, 2015 Version 4 – 4 <sup>th</sup> October, 2016 Version 5 – 11 <sup>th</sup> April, 2017 Version 6 - 7 <sup>th</sup> December, 2017 Version 7 – 27 <sup>th</sup> August, 2018 Version 8 – 11 <sup>th</sup> November, 2019	<b>Endorsed By:</b> Academic Board <b>Meeting Dates:</b> <b>V2</b> - 13 November, 2014 - Written Resolution 28/10/2014 <b>V3</b> – 16 <sup>th</sup> July, 2015 <b>V4</b> – Written Resolution 11 October, 2016 <b>V5</b> – 23 <sup>rd</sup> May, 2017 <b>V7</b> – 4 <sup>th</sup> September, 2018 <b>V8</b> – 6 <sup>th</sup> November, 2019/11 March 2020  <b>Approved By:</b> Governing Board <b>Meeting Dates:</b> <b>V2</b> - 10 <sup>th</sup> December, 2014 <b>V3</b> – 12 <sup>th</sup> August, 2015 <b>V4</b> – 15 <sup>th</sup> November, 2016 <b>V5</b> – 7 <sup>th</sup> June, 2017 <b>V6</b> – Managing Director – 7 <sup>th</sup> December, 2017 <b>V7</b> - Governing Board 17 <sup>th</sup> October, 2018 <b>V8</b> – 4 <sup>th</sup> December, 2019 <b>CEO</b> – 24 <sup>th</sup> May, 2019 <b>Managing Director/CEO</b> – 28 <sup>th</sup> June, 2020
<b>AMENDMENTS:</b> <b>11/04/2017</b> – inclusion of clauses related to Copyright Laws and additional minor word changes. <b>07/12/2017</b> – minor word changes and additions related to clarification of ‘academic misconduct’ and ‘plagiarism’ definitions. Update of Kent staff position titles and responsibilities for administration and reporting of the procedures in this policy. <b>27/08/2018</b> – Revise Definitions to be aligned with TEQSA Standards, revise procedures and detail prevention strategies to be implemented and update to Kent staff position titles. <b>24/05/2019</b> – 12 month review noting minor amendments with 2 added Definitions – Academic Offender and Repeat Academic Offender and minor word amendment to Clause 2.6 v) d). Update the Hyperlinks to documents to the new Kent Website Business Management System (BMS) links. <b>11/11/2019</b> – amend the membership of the Academic Misconduct Tribunal to include a student representative as proposed by the Academic Board 6 <sup>th</sup> November, 2019 Agenda Item 8.1. <b>22/06/2020</b> – update and review of Clause 2.0 and addition of Examination Interview Record for Higher Education student interview following assessment tasks and other minor word amendments.	

