

## ACADEMIC MISCONDUCT REGULATIONS

The integrity of the academic processes of the Sydney College of Divinity requires that academic misconduct be identified, discouraged and disciplined when it occurs. Academic misconduct threatens the reputation of the College and its Member Institutes. It interferes with the appropriate recognition of legitimate effort. The College has responsibility for the management of postgraduate research awards and for complaints laid against persons who have already graduated. For these reasons the College has adopted the following policy.

- (1) Every Member Institute of the Sydney College of Divinity shall have a policy on the academic misconduct of current and former undergraduate and postgraduate research students that conforms generally to the Sydney College of Divinity Academic Misconduct Procedure set out below with the exception of appeals procedures.
- (2) Member Institutes are authorised to invite faculty from other Member Institutes to assist in the investigation, determination and appeal processes of complaints about academic Misconduct.
- (3) The Academic Board of the Sydney College of Divinity shall be the appeal body for decisions about complaints of academic misconduct in the Member Institutes.
- (4) The Chairperson of the Academic Board shall, as required, appoint a committee of three persons to hear appeals on matters of academic misconduct that have been determined by Member Institutes. The Committee will act as set out below in the Sydney College of Divinity Academic Misconduct Procedures. A member of the faculty of the Member Institute in which the misconduct occurred shall not be appointed to that particular appeals committee.
- (5) A person who is suspended or excluded from a Member Institute or an Affiliated Institution may not, during such suspension or exclusion, enrol in any course in another Member Institute without the permission of the Academic Board.
- (6) Academic misconduct includes, but is not limited to, the following:
  - (a) **PLAGIARISM:** Plagiarism is the representation of another's works or ideas as one's own; it includes the unacknowledged word for word use or paraphrasing of another person's work, and the inappropriate unacknowledged use of another person's ideas.
  - (b) **CHEATING:** Cheating is the providing or receiving of information during tests and examinations; or providing or using unauthorized assistance at the computer terminal, or on field work. Cheating would not usually include consultation with others or discussion amongst students about the preparation of assignments unless that was specifically forbidden. It includes unauthorised collusion.
  - (c) **FRAUD:** Academic fraud is the falsification and fabrication of, or dishonesty in reporting research results.
  - (d) **IMPROPER BEHAVIOUR:** Improper behaviour is behaviour that interferes with students or staff in the pursuit of their academic endeavours. It includes disruptive behaviour in class or institutional facilities such as libraries.
  - (e) **MISREPRESENTATION:** Misrepresentation is the giving of false or misleading information in academic matters. It includes falsely claiming credit for past study; falsely stating that thesis material has not been used in another thesis.
  - (f) **UNETHICAL BEHAVIOUR:** Unethical behaviour is behaviour that breaches accepted ethical standards. It includes failing to observe the terms of an ethical approval to conduct research; misuse of confidential information obtained in field education.

- (7) Any person who has direct knowledge of academic Misconduct may make a complaint.
- (8) A complaint of academic misconduct may be made under these procedures against:
  - (a) any person enrolled as a postgraduate research student of the Sydney College of Divinity whether proceeding to an award or not;
  - (b) any person formerly enrolled as a postgraduate research student of the Sydney College of Divinity whether proceeding to an award or not;
  - (c) any person holding a degree or other award conferred by the Sydney College of Divinity.
- (9) Complaints against persons enrolled as undergraduate or postgraduate research students of the Sydney College of Divinity will be made under the provisions of the Member Institute in which the person is enrolled.
- (10) A person who wishes to make a complaint of academic misconduct shall make it in writing to the Dean.
- (11) A complaint must
  - (a) identify the person against whom it is made;
  - (b) identify the nature of the misconduct complained of;
  - (c) provide appropriate evidence of the alleged misconduct, including the names of witnesses where appropriate.
- (12) On receiving a complaint, the Dean shall:
  - (a) acknowledge its receipt within seven days;
  - (b) examine the complaint to establish whether a *prima facie* case is established;
    - (i) in making such a determination the Dean shall consider whether the behaviour complained about would, if established, constitute academic misconduct under this policy;
    - (ii) the Dean shall consider whether the evidence provided is sufficient to support the allegation.
  - (c) inform the complainant that no further action is proposed if it is considered that a *prima facie* case has not been established;
  - (d) refer the complaint to an Academic Misconduct Committee if it is considered that a *prima facie* case has been established;
  - (e) notify the person complained against, giving details of the alleged misconduct and that the matter has been referred to an Academic Misconduct Committee.
- (13) The Academic Misconduct Committee shall be appointed as follows:
  - (a) In the case of a current or former postgraduate research student the Research Degree Committee shall appoint an Academic Misconduct Committee of three persons who will determine a complaint referred to it by the Dean. A person who teaches or supervises the person complained of shall not be a member of that Academic Misconduct Committee.
  - (b) In the case of a graduate or holder of another award the Dean shall appoint an Academic Misconduct Committee of three persons who will determine the complaint. A person who taught or supervised the person complained of shall not be a member of that Academic Misconduct Committee.
- (14) An Academic Misconduct Committee
  - (a) may inform itself about the alleged misconduct in any way it thinks fit;
  - (b) must give the person against whom the misconduct is alleged sufficient notice of its deliberations and allow the person to present a defence in writing and in person;
  - (c) must permit the person to be accompanied to any hearing by a friend.
- (15) Having considered the evidence before it, an Academic Misconduct Committee shall make its findings on the balance of probabilities. Where the complaint is a grave one, or likely to be attended by serious consequences if established, the committee should be more clearly convinced of the misconduct than would be required in less serious kinds of case.
- (16) An Academic Misconduct Committee may:

- (a) dismiss a complaint;
- (b) find a complaint established and impose no penalty;
- (c) find a complaint established and admonish the person;
- (d) find a complaint established and order that the person forfeit marks in an assignment, fail a course unit or all the units in which the person is enrolled in a semester;
- (e) find the complaint established and suspend the person from enrolling for a course unit or units, an award or from enrolling for any award in the Sydney College of Divinity for a period not exceeding four semesters;
- (f) find the complaint established and exclude the person from enrolment in the Sydney College of Divinity for a period not less than two years.;
- (g) find the complaint established and recommend to Council that a degree or other award conferred on the person be revoked and annulled; or
- (h) find the complaint established and impose a combination of the above penalties.

(17) A person who is suspended may not enrol in the Sydney College of Divinity for anything from which the person is suspended while the suspension is in force. At the expiration of the suspension the person may reenrol without further permission.

(18) A person who is excluded may not enrol in the Sydney College of Divinity while the exclusion is in force. At the expiration of the period of exclusion the person may not reenrol without the express permission of the Academic Board.

(19) An Academic Misconduct Committee shall report its findings to the person complained of and to the Dean who will:

- (a) be responsible for implementing the decision of the Committee;
- (b) report the outcome of any academic misconduct complaint to the Academic Board and to Council.

(20) A person against whom a complaint of misconduct has been established under these procedures or the procedures of a Member Institute may appeal to the Academic Board within 30 days of receiving the decision of an Academic Misconduct Committee. If a person lodges an appeal, the implementation of any penalty will be stopped until the appeal is resolved.

(21) The Chairperson of the Academic Board shall, as required, appoint a committee of three persons to hear appeals on matters of academic misconduct. A person who teaches or supervises the person complained of or who was a member of the original Academic Misconduct Committee shall not be a member of that Misconduct Appeals Committee.

(22) A Misconduct Appeals Committee

- (a) may establish its own procedures;
- (b) must allow the appellant to present an appeal in writing and in person;
- (c) must permit the person to be accompanied to any hearing by a friend.

(23) Having considered the evidence before it, a Misconduct Appeals Committee shall make its findings on the balance of probabilities. Where the complaint is a grave one, or likely to be attended by serious consequences if the appeal is affirmed, the committee should be more clearly convinced of the misconduct than would be required in less serious kinds of case.

(24) A Misconduct Appeals Committee

- (a) may affirm, vary or set aside the decision under appeal;
- (b) will report its decision to
  - (i) the appellant;
  - (ii) the Chairperson of the Academic Board who will report the outcome of any misconduct appeal to the Academic Board and to Council; and
  - (iii) the Dean who will be responsible for implementing the decision of the Committee.

(25) Records of the making and resolution of a complaint about academic misconduct will be kept in a separate file for each complaint. When a complaint is established, a note recording the nature of the complaint and any penalty imposed will be placed on the person's file. A person's academic

transcript will not contain any reference to academic misconduct as the reason for a course result or other record.

(26) In general, information about established complaints will be kept confidential. The Dean is authorised to inform another educational institution of an established complaint of academic misconduct, if the Dean considers it appropriate to do so. In the case of the revocation and annulment of a degree or other award, the Dean is authorised to make such public announcement as the Dean, on the advice of Council, may think appropriate in the circumstances of the case. Nothing in this paragraph prevents the transmission of information within the Sydney College of Divinity for the purpose of giving effect to these procedures.