Student Misconduct Procedure

<table>
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<th>Version</th>
<th>Approved by</th>
<th>Approval date</th>
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<tbody>
<tr>
<td>2.10</td>
<td>Deputy Vice-Chancellor Academic</td>
<td>XX Month Year</td>
<td>XX Month Year</td>
<td>November 2015</td>
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Procedure Statement

**Purpose**

To outline the process for handling allegations of student misconduct that are within the Scope of this Procedure. This Procedure does not preclude the University from reporting matters to NSW Police, professional accrediting bodies or other regulatory authorities.

**Scope**

This Procedure applies to:

- all enrolled students and their activities undertaken within or with members of the UNSW community.
- former students, students not currently enrolled and students previously enrolled, where the behaviour occurred whilst they were a member of the UNSW community.
- prospective students where the relevant conduct directly relates to their enrolment or admission to a UNSW program.

in respect of student misconduct occurring less than twelve months prior to the raising of the allegation under this Procedure.

**Outside of Scope but assistance offered**

The University retains the discretion to investigate and determine allegations of student misconduct that are outside the Scope of this Procedure, where the allegations are serious and have or may impact upon the UNSW Community or reputation.

Where the matter is outside of scope of this Procedure, appropriate corrective action, reasonable directions, support services and referrals may be issued as appropriate by UNSW.

Where allegations concern non-compliance with the UNSW Research Code of Conduct by Higher Degree Research Students, it should be referred to the Director, UNSW Conduct & Integrity under the Handling Allegations of Research Misconduct Procedure.¹

**Are Local Documents on this subject permitted?**

☒ Yes, however Local Documents must be consistent with this University-wide Document

☐ No

Procedure Processes and Actions

1. How misconduct matters are handled

The University has four processes for handling student misconduct:

- **Plagiarism Procedure** (Coursework students): To be followed where plagiarism is alleged and the matter is considered to be either academic misconduct or serious academic misconduct. Allegations of Level 3 plagiarism are treated as serious academic misconduct and must be referred to the Director, UNSW Conduct & Integrity.

- **Misconduct process**: For straightforward matters or where the matter is deemed not to be serious (see Appendix A). To be handled by the Designated Officer within the School, Department or Faculty (see section 2).

- **Serious Misconduct process**: To be followed where the matter is deemed serious (see Appendix A) or complex or the possible penalty, should the allegation be substantiated, is suspension or exclusion.

¹ Refers to alleged breaches committed by Higher Degree Research (HDR) students fulfilling any requirement of their degree candidature.
Appeals or external review: A student may appeal on the grounds of procedural unfairness to either the Director, UNSW Conduct & Integrity or a Deputy Vice-Chancellor (see section 5). Students may also refer the matter to an external body for review (see section 8).

2. Misconduct

2.1. The allegation is referred to the Faculty, School or Department Designated Officer.

2.2. The Designated Officer (DO) may investigate the matter or may appoint a delegate in writing to carry out some or all of the investigation.

2.3. At the conclusion of a misconduct investigation, the Designated Officer will determine the outcome (see section 4.2).

3. Serious Misconduct

3.1. The matter is referred to the DO (see Appendix A). Allegations must be made in writing and be supported by evidence.

3.2. The DO will appoint an Investigating Officer (IO) or instruct the Student Conduct & Integrity Unit to investigate the matter.

3.3. The Investigating Officer undertakes an investigation in accordance with Section 4 of this Procedure.

3.4. At the conclusion of a serious misconduct investigation, the Investigating Officer will prepare a report setting out only the findings of fact. The DO, on the basis of that report, shall determine the outcome (see section 4.2).

4. Procedure

4.1. Investigation

   a) Allegations must be made in writing and supported by evidence. Allegations may be altered during the course of an investigation but the student must be given notice of any change and the opportunity to respond to altered allegations.

   b) The student will receive the allegation(s) by email addressed to their student email address and/or another email address belonging to the student if necessary. The notification should include the information included in the pro forma letter (Appendix C).

   c) Where a student does not respond, the notification should be repeated. If there is no response, the Student Conduct & Integrity Unit should be notified.

   d) In investigating the matter, parties may be interviewed where possible and relevant University policy and procedure followed.

4.2. Determination

4.2.1. Making a determination

   a) Any prior misconduct offences found against the student must not be taken into account at the determination stage.

   b) After evaluating the evidence, the DO determines whether it is more likely than not, on the balance of probabilities, that each or any allegation is substantiated.

   c) The information in Appendix A should be referred to and the Student Conduct & Integrity Unit consulted before imposing or recommending any penalty (see section 4.3) to ensure consistency.

4.2.2. Where the student admits the allegation/s in full the allegation is substantiated.

   a) The DO may proceed to penalty considerations and determine to impose:
i. No penalty
ii. One or more of the penalties (see section 4.3) that they are empowered to impose.

4.2.3. **Where the student denies some or all of the allegation/s**

a) The DO may determine that:
   i. The allegation/s are not substantiated and should be dismissed
   ii. The misconduct is proven and one or more of the penalties that they are empowered to impose are appropriate.

4.3. **Penalty**

4.3.1. **Factors to be taken into account:**
   - Any previous findings of misconduct and the penalty/ies imposed
   - The year or level of study of the student
   - Any intention or deliberation behind the conduct
   - Any personal health, family or other factors that is found to have contributed to the misconduct
   - Any other matter considered relevant in the particular circumstances.

4.4. **Typical timeframes**

- Student will be notified within 10 working days of the University's receipt of the written allegation/s.
- Referral or appointment of IO will typically be communicated within 5 working days of the preliminary enquiry conclusion.
- Formal investigations will usually be completed within 20 working days.
- The determination will be notified in writing with reasons and the detail of any penalty typically within 5 working days of the conclusion of the investigation.
- If a fine is imposed, the notification of the penalty must include instructions on how, and by when, the fine is payable.
- The student will be informed of any delays and advised of new timeframes.

4.5. **UNSW Canberra**

Where an allegation is received about a student who is also Australian Defence Force personnel, the matter may be investigated under this Procedure but may also be subject to investigation and/or action under the Australian Defence Force Academy (ADFA) procedures.

Where an allegation is made which concerns both UNSW and ADFA, the University will liaise with ADFA to determine an appropriate investigation process.

4.6. **Student accommodation**

Where an allegation of misconduct is made relating to a student's conduct in UNSW-owned, operated or Affiliated Accommodation, the matter may be investigated under this Procedure.
5. Appeals

5.1. Lodging an appeal

5.1.1. A valid appeal may only be made on the grounds of lack of procedural fairness at the conclusion of a matter.

5.1.2. Appeals are to be made in writing and must state the procedural grounds relied upon by the student.

5.1.3. Students should lodge the misconduct appeal with the Director, UNSW Conduct & Integrity within 20 days of the conclusion of a matter. Determinations made under the serious misconduct procedures (Section 3) can be appealed to a Deputy Vice-Chancellor.

5.1.4. The Deputy Vice-Chancellor or Director, UNSW Conduct & Integrity may determine that the appeal should not proceed on the grounds that it is frivolous, vexatious or fails to identify any procedural unfairness. In making this determination, a Deputy Vice-Chancellor or Director, UNSW Conduct & Integrity may review the record of the misconduct investigation and/or obtain further information from the appellant.

5.1.5. If it is determined that the appeal should not proceed because of matters in 5.1.4, the appellant will be notified of the decision and all avenues of appeal within the University will then be exhausted.

5.2. Typical timeframes

- Appeals must be lodged within 20 working days of the notification of outcome. No extensions will be granted.
- Appeals will typically be acknowledged within 5 working days.
- Decision as to whether to hear the appeal will normally be made within 5 working days of receipt of the appeal.
- Determination on an appeal will usually be made within 20 working days of the receipt of the appeal.
- The outcome, including reasons, will be communicated to the student within 5 working days of the determination.
- The student will be informed of any delays and advised of new timeframes.

6. Serious matters

It is the responsibility of the person initially receiving an allegation concerning a serious matter to refer it to the Director, UNSW Conduct & Integrity. Advice on what may constitute a complaint of a serious nature can be sought from the Student Conduct & Integrity Unit (see also Appendix A, Definitions). Upon receipt of a serious matter the Director, UNSW Conduct & Integrity may refer the matter to be investigated as serious misconduct (see Section 3) or refer the matter to an external body.

6.1. Appeals of Serious Misconduct

a) A Deputy Vice-Chancellor may appoint a delegate or Investigating Officer in writing to have some or all of the powers concurrent with their own for the purposes of the appeal procedures.

b) A Deputy Vice-Chancellor may decide to impose no penalty or may impose any one or more of the penalties available under this Procedure.

c) Following the determination of the appeal, all avenues of appeal within the University will have been exhausted. Notification of the final decision to the student shall include information about external appeal or review rights.

d) Timeframes for serious misconduct appeals are consistent with Section 5.2.
7. Suspension or restriction in urgent circumstances

7.1. The power to suspend or restrict a student from all or part of the University or from access to its facilities, including student accommodation, is to be used only to prevent or minimise an imminent and serious threat from the student concerned to the safety of any person within the University, the proper functioning of any University activity or damage to University resources.

7.2. A suspension or restriction may also include a suspension from accessing UNSW information technology resources, from clinical sites, from laboratories, and affiliated entities used for UNSW research and teaching.

7.3. The Vice-Chancellor or a Deputy Vice-Chancellor can suspend or restrict a student. The Pro-Vice-Chancellor (Research Training), the Rector of University College, Australian Defence Force Academy, the University Librarian, the Director Facilities Management, and the Director Information Technology can restrict a student.

7.4. A student may be suspended or restricted from part or all of a UNSW owned, managed or Affiliated Accommodation by the Head of the College, the Director of UNSW Residential Communities Services or a Deputy Vice-Chancellor.

7.5. A suspension or restriction in urgent circumstances must be notified to a student in writing via their student email address.

7.6. A suspension or restriction imposed on a student does not preclude the making of an allegation of student misconduct or serious misconduct.

7.7. A suspension or restriction shall not in the first instance exceed 14 days.

7.8. Any suspension or restriction (other than IT restrictions) shall be reported to the Deputy Vice-Chancellor Academic.

7.9. The Deputy Vice-Chancellor Academic may extend the suspension or restriction period to cover the time taken to finalise any misconduct investigation, including any appeal, and may broaden or reduce the areas from which the student is suspended or restricted.

7.10. If in the course of an investigation it is found that a suspension or restriction of a student was not warranted, the suspension or restriction may constitute a ground upon which the student may apply for special consideration in the assessment of any courses being taken.

8. Corrective actions and referrals

8.1. At any stage of the misconduct process, the University may take appropriate corrective action, make reasonable directions, offer support services and provide referrals to other internal policies and procedures, as appropriate.

8.2. At any stage of the misconduct process, the University may deem the matter serious enough to refer the matter to an external agency. In these circumstances it may be necessary for the University to suspend its misconduct process until the outcome of any external process is known. External agencies include:
   - The Anti-Discrimination Board
   - The Australian Human Rights Commission
   - The Independent Commission against Corruption
   - The NSW Ombudsman
   - The NSW Police.

9. Withdrawal of allegations

The University may withdraw an allegation or decline to proceed with an investigation at any time. Where the formal process is underway, all parties will be notified in writing that the allegation has been withdrawn. In most instances, the University will then deem the matter resolved.
10. Recordkeeping

10.1. Notes and documentation must be retained, including records of meetings, discussions, appeal hearings and actions proposed or taken and stored on an appropriate, confidential University file. The file must be created and stored in line with University policy.

10.2. No record of any misconduct allegation or proceedings brought against a student will be included on the student’s academic transcript. However, penalties imposed, such as a mark adjustment, suspension or exclusion from the University will appear on their academic transcript.

10.3. When the allegations are upheld, in whole or in part, the details should be added to the Student Misconduct Register. At the conclusion of a plagiarism matter, when it is determined that a student has plagiarised, the details should be placed on the Level 1 Plagiarism Register or the Student Misconduct Register (Level 2 or Level 3 Plagiarism).

10.4. Access to the Register is restricted and monitored by the Student Conduct & Integrity Unit on behalf of the Director, UNSW Conduct & Integrity.

10.5. The Student Conduct & Integrity Unit compiles de-identified records to ensure consistency in penalties imposed upon students. Extracts may also be provided to Faculties, Schools or units to facilitate process improvement.

10.6. The Director, UNSW Conduct & Integrity provides a bi-annual report on de-identified student misconduct matters to the University Academic Board to monitor trends and facilitate process and quality improvement.

11. Confidentiality

All parties involved in a case are to maintain confidentiality. Information and records about a misconduct matter are divulged to those with direct involvement in the case with the following exceptions:

- Where there is risk of harm to any person
- Where the matter is subject to legal proceedings or other action which require the presentation of UNSW-held records by way of subpoena or similar
- Where a student lodges a complaint or appeal regarding a decision made under this Procedure
- Where there is a clear public interest or obligation to share information (such as a duty to disclose information to a professional accreditation board, the Australian Defence Force Academy or a duty to report under legislation).

12. Acknowledgements and resources

Additional resources:
- Student Life
- UNSW Current Student Gateway

Policies, procedures and guidelines for students:
- [https://student.unsw.edu.au/policy](https://student.unsw.edu.au/policy)
- Arc@UNSW: [www.arc.unsw.edu.au](http://www.arc.unsw.edu.au)

A range of documents were reviewed in developing these procedures and are gratefully acknowledged: Discussion Paper 30 (1993) Review of the Anti-Discrimination Act 1977 (NSW), Lawlink NSW, in relation to behaviours that are considered harassing and discriminatory.

Misconduct procedures from the following Universities: Australian National University, Macquarie University, Queensland University of Technology, University of Melbourne, University of Newcastle, University of Technology Sydney, University of Queensland, Western Sydney University, Monash University, University of Adelaide.
Accountabilities

Responsible Officer
President and Vice-Chancellor

Contact Officer
Director, UNSW Conduct & Integrity

Supporting Information

Legislative Compliance
This Procedure supports the University’s compliance with the following legislation:
*University of New South Wales Act 1989 (NSW)*
This Procedure operates within the context of, and subject to, State and Commonwealth anti-discrimination and harassment legislation and within the context of other University policies.

Parent Document (Policy)
Student Code of Conduct

Supporting Documents
Nil

Related Documents
Student Complaint Procedure
Managing Plagiarism for Students Enrolled in Coursework Programs - Procedure
Research Code of Conduct
Health and Safety Policy
Sexual Misconduct Prevention and Response Policy
Acceptable use of UNSW Information and Communication Technology Resources Policy
Acceptable use of UNSW Information and Communication Technology Resources Procedures
Handling Allegations of Research Misconduct Procedure

Superseded Documents
Student Misconduct Procedure, v2.9

File Number
2018/15289

Definitions and Acronyms

Academic Misconduct
A broad term which includes practices such as cheating, copying and using another person’s work without appropriate acknowledgement. It covers misconduct during examinations and concerning academic works (see also plagiarism). Allegations of academic misconduct may be dealt with under these procedures.

ADFA
Australian Defence Force Academy

Admissions Fraud
Submitting falsified documentation to obtain entry into a UNSW Program.

Advocate
An independent person who can provide support and guidance to a student or help in presenting a case. The student association Arc at UNSW provides free legal advice and advocacy to UNSW students for issues both on and off campus.

Affiliated Accommodation
Means Shalom College, New College, New College Village. The University reserves the right to add institutions to this list from time to time without further notice.

Allegation
A formal complaint or accusation made about a student’s conduct. Any student or member of staff may make a written allegation of student misconduct to a Designated Officer or the Director, Conduct & Integrity. Allegations made by an external organisation or anonymous allegations will only be investigated where the Director, UNSW Conduct & Integrity determines that an investigation is warranted.

Anonymous
Where the complainant withholds their name and does not wish to be identified in any way.
<table>
<thead>
<tr>
<th>Term</th>
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<tbody>
<tr>
<td>Appeal</td>
<td>A request for a decision to be reconsidered on the grounds of procedural unfairness.</td>
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<td>Appellant</td>
<td>A person who makes an appeal.</td>
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<td>Bullying</td>
<td>Repeated unreasonable or less favourable treatment of a person by another in order to intentionally hurt, offend, intimidate, threaten or gain power over another person. Bullying behaviour may be physical or psychological. Bullying can be carried out by one person or a group and may be done privately, openly or via social media. Any staff member or student who is found to have been bullying a person will be subject to misconduct proceedings under appropriate University policies and procedures. If you are concerned about any form of bullying, information about services which offer advice and support is available at <a href="http://www.studentlifelearning.unsw.edu.au">www.studentlifelearning.unsw.edu.au</a>.</td>
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<td>Conflict of interest</td>
<td>Interest, involvement or information which may influence or be perceived to influence a person’s ability to make objective recommendations or decisions in investigating an issue of misconduct.</td>
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<td>Complaint</td>
<td>A complaint is any type of problem, concern or grievance about the University or the University environment. Students may make a complaint in accordance with the Student Complaint Procedure.</td>
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<td>Contract cheating</td>
<td>See ‘Plagiarism’.</td>
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<td>Designated Officer</td>
<td>A person with the authority to determine allegations of student misconduct because of occupation of a particular role or by delegated appointment. Designated Officers include Deans, Heads of School, Master of the Colleges, Director of Residential Communities Services, Rector at UNSW Canberra, the University Librarian, the Director, Information Technology, Director, UNSW Conduct &amp; Integrity and Director, Student Services and Systems. Any of these Designated Officers can delegate all or part of their responsibility in this Procedure to another appropriate senior UNSW staff member.</td>
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<td>Educational Support Service</td>
<td>A team of advisers available at the Hub on Kensington Campus who can provide guidance, support and advice on a range of issues.</td>
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<td>Exam cheating</td>
<td>A breach of the UNSW Examination Rules and/or any behaviour in a UNSW examination (whether internally or externally invigilated) engaged in to obtain academic advantage over others (or to assist another obtain academic advantage over others).</td>
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<td>Exclusion</td>
<td>The permanent cancellation of the enrolment of a student and termination of all rights and privileges as a student of the University including the right to re-enrol as a student and the right to enter or to be on University grounds. The student must apply for re-admission to UNSW under the relevant admissions process at the conclusion of the exclusion.</td>
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<tr>
<td>Falsified documents</td>
<td>Submission of documents that have been fabricated to obtain academic advantage. Examples include falsified medical certificates in support of applications for special consideration.</td>
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<td>Harassment</td>
<td>Unwelcome behaviour that is offensive, belittling or abusive to another person or group of people. Any staff member or student who is found to have been harassing a person will be subject to misconduct proceedings under appropriate University policies and procedures. If you are concerned about any form of harassment information about services which offer advice and support is available at <a href="http://www.studentlifelearning.unsw.edu.au">www.studentlifelearning.unsw.edu.au</a>.</td>
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<td>Investigating Officer (IO)</td>
<td>A person appointed by a Designated Officer to investigate an allegation of misconduct or hear an appeal of a determination of misconduct and make recommendations based on the outcome.</td>
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<td>Misconduct matters (process)</td>
<td>Used where the matter is deemed not to be serious but straightforward. See examples in Appendix A.</td>
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Plagiarism at UNSW is using the words or ideas of others and passing them off as your own. Below are examples of plagiarism including self-plagiarism. This list is not intended to be exhaustive:

**Copying:** Using the same or very similar text or idea to the original text or idea without acknowledging the source or using quotation marks. This includes copying materials, ideas or concepts from a book, article, report or other written document, presentation, composition, artwork, design, drawing, circuitry, computer program or software, website, internet, other electronic resource, or another person's assignment, without appropriate acknowledgement. This can also include combining cited and non-cited (copied) passages.

**Inappropriate paraphrasing:** Changing a few words and phrases while mostly retaining the original structure and/or progression of ideas of the original, and information without acknowledgement. This also applies in presentations where a student paraphrases another’s ideas or words without credit and to piecing together quotes and paraphrases into a new whole, without appropriate referencing.

**Collusion:** Presenting work as independent work when it has been produced in whole or part in collusion with other people. Collusion includes providing work to another student before the due date for the purpose of them plagiarising at any time, obtaining the help of another person to perform an academic task (including online quizzes) and passing off the work as the student’s own, stealing or acquiring another person's academic work and copying it, offering to complete another person’s work or seeking payment for completing academic work. This should not be confused with academic collaboration where there has been general group discussion about a project or question but where each student writes his/her own answer.

**Contract cheating:** A form of collusion, where a student obtains the help of another person to perform all or part of an academic task (including non-assessable learning contributions such as blog posts/discussion boards) that the student subsequently submits as their own work, whether or not they have paid for this service. This includes circumstances where a student:
- submits work they edited which was substantially the work of another person
- submits work based on a draft they prepared that is substantially modified by another, that goes beyond minor editing
- has a proxy complete an exam on their behalf (both physical and virtual examinations)
- submits materials for misconduct investigations that were prepared by another person.

**Inappropriate citation:** Citing sources which have not been read, without appropriately acknowledging the 'secondary' source from which knowledge of them has been obtained.

**Self-plagiarism:** Republishing work previously written by the student and presenting it as new findings without referencing the earlier work, either in its entirety or partially. Self-plagiarism is also referred to as 'recycling' or 'duplication' without disclosure. Self-plagiarism includes re-using parts of, or all of, a body of work that has already been submitted for assessment without proper citation.

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**Plagiarism Procedure**

**Plagiarism Procedure (Coursework students)**

To be used where plagiarism is alleged, and the matter is considered to be either academic misconduct or serious academic misconduct. (See Appendix A, Definitions). Allegations of Level 3 plagiarism are to be considered as serious academic misconduct. Such matters must be referred to the Director, Conduct & Integrity.

**Plagiarism Register**

Details of substantiated Level 1 Plagiarism are entered into the Register with access limited and records are stored confidentially.
**Procedural Fairness**

The legal principles that provide that when making a decision that may adversely affect a person:

- They must be informed, with adequate notice, of the allegations
- They must be provided with an opportunity to respond and be heard
- Decision makers must act impartially, without bias or conflicts of interest.

**Property**

Includes material, personal, intellectual and shared property in any form.

**Research Misconduct (Handling Allegations of Research Misconduct Procedure)**

To be used where there are allegations of research misconduct however in the first instance refer to the [Plagiarism Policy](#) as this provides the UNSW context.

**Serious misconduct matters (process)**

A matter is considered serious where:

- There is reason to believe that there is a significant risk to the University and its staff and/or students
- A serious criminal offence may have been committed
- There are a number of allegations of a similar nature received against a respondent
- A possible penalty for the conduct, if proven, is suspension or exclusion.

See examples in Appendix A.

**Sexual Misconduct**

Sexual misconduct concerns behaviours that are in breach of the University’s [Sexual Misconduct Prevention and Response Policy](#).

**Staff**

Includes affiliates, conjoints, and contractors.

**Student Conduct & Integrity Unit**

Designated for the oversight of the Student Complaints Procedures and Conduct Procedures for the University. Undertakes and co-ordinates investigations and provides advice and guidance to students and staff.

**Student Misconduct Register**

A centrally held register where findings of student misconduct, serious misconduct and academic misconduct are recorded. A finding is entered on the register whether or not a penalty had been awarded. This Register is used for Level 2 and Level 3 plagiarism findings. Access to the Register is limited and records are stored confidentially.

**Support person**

A person who may help a student, provide support or give advice on the misconduct procedures. A support person may be a friend, student, staff member or family member. A support person does not speak on behalf of the student and is not an advocate.

Student Participation Advisers are available to provide free advice and guidance to students about University procedures. [www.studentlifelearning.unsw.edu.au](http://www.studentlifelearning.unsw.edu.au).

**Suspension**

The cancellation of enrolment of a student and the withdrawal, for a specified time, of all rights and privileges as a student of the University, including the right to re-enrol and the right to enter or to be on University grounds. Unless otherwise advised, the student has the right to recommence their studies at the end of the suspension.

**Temporary suspension**

A temporary suspension of a student from all or select circumstances University grounds, made in accordance with Section 7 of these procedures.
### UNSW Community

Students become members of the UNSW community upon enrolment and their behaviour is governed by this Code in respect of behaviour occurring:

- on UNSW campuses or other facilities, including the live-in accommodation at ADFA
- in virtual spaces (including online forums, communities and platforms) arranged or facilitated by UNSW or where the virtual space is connected to study or student experience
- whilst using UNSW information and communication technology (ICT) resources
- at premises in which research study or work integrated learning is undertaken as part of a UNSW activity including but not limited to placements, internships, fieldwork, or other type of practicum
- whilst staff, students or affiliates are representing UNSW (e.g. at sporting events, cultural activities, competitions, conferences), student clubs or whilst on exchange or sabbatical
- between a UNSW staff members or affiliates and a UNSW student
- in University owned, operated or Affiliated Accommodation
- at separate legal entities controlled by the University
- at Arc@UNSW and associated student society and club activities.

### Victimisation

To be treated badly or unfairly because of being the subject of an allegation, investigation or finding of student misconduct. To be treated badly or unfairly because of making, intending to make or helping someone make a complaint or allegation of student misconduct. Any student or staff member who is found to have victimised a person will be subject to misconduct proceedings under appropriate University policies and procedures. Any party involved in a misconduct investigation fearing or experiencing victimisation should immediately discuss the matter with the Student Conduct & Integrity Unit.

### Vilification

A public act which incites others to treat a person badly, with contempt or to severely ridicule. Any staff member or student who is found to have vilified a person in relation to a misconduct investigation will be subject to misconduct proceedings under appropriate University policies and procedures. Any party involved in a misconduct investigation fearing or experiencing vilification should immediately discuss the matter with the Student Conduct & Integrity Unit.

### Revision History

<table>
<thead>
<tr>
<th>Version</th>
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<th>Sections modified</th>
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<tbody>
<tr>
<td>1.0</td>
<td>Deputy Vice-Chancellor (Academic)</td>
<td>5 November 2009</td>
<td>1 December 2009</td>
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<tr>
<td>2.0</td>
<td>Vice-President and Deputy Vice-Chancellor (Academic)</td>
<td>30 November 2012</td>
<td>30 November 2012 to 25 June 2013</td>
<td>Full review</td>
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<tr>
<td>2.1</td>
<td>Vice-President and Deputy Vice-Chancellor (Academic)</td>
<td>26 June 2013</td>
<td>26 June 2013</td>
<td>Appendix B</td>
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<td>2.2</td>
<td>Vice-President and Deputy Vice-Chancellor (Academic)</td>
<td>30 January 2014</td>
<td>30 January 2014</td>
<td>Section 1.1; 1.3-6; 2.1; 2.3-4; 4.1; 7.1(b); 7.3.1; 8.1.4;10.4; 10.5(del); 12.1; 12.3; 14; Appendix A and Appendix B; PVC(S) title update</td>
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<td>2.3</td>
<td>Administrative update by Acting Head of Governance</td>
<td>1 December 2015</td>
<td>1 December 2015</td>
<td>Amendment to contact officer and position titles</td>
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<tr>
<td>2.4</td>
<td>Senior Deputy Vice-Chancellor</td>
<td>29 February 2016</td>
<td>29 February 2016</td>
<td>Amendment to contact officer and position titles</td>
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<td></td>
<td>Senior Deputy Vice-Chancellor</td>
<td>3 August 2016</td>
<td>3 August 2016</td>
<td>Section 1.6, 4.1, 5, 6, 7.2.1(c), 7.2.2(c), 7.2.3(c), 8.13-6, 8.2, 9, 12.3-4, Appendix A-C.</td>
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<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2.6</td>
<td>Senior Deputy Vice-Chancellor</td>
<td>16 August 2016</td>
<td>16 August 2016</td>
<td>Section 4.1; 8.1.4-6; 8.2</td>
</tr>
<tr>
<td>2.7</td>
<td>Deputy Vice-Chancellor Academic</td>
<td>25 July 2017</td>
<td>15 August 2017</td>
<td>Update reflecting changes in senior leadership roles</td>
</tr>
<tr>
<td>2.8</td>
<td>Director of Governance</td>
<td>21 June 2018</td>
<td>21 June 2018</td>
<td>Administrative update to section 8.3 to align content with the Education Services for Overseas Students (ESOS) National Code</td>
</tr>
<tr>
<td>2.9</td>
<td>Deputy Vice-Chancellor, Academic</td>
<td>16 July 2018</td>
<td>16 July 2018</td>
<td>Administrative update to Section 2.1; Appendix A; and to change the title of the Student Conduct and Integrity Unit and Director, UNSW Conduct &amp; Integrity</td>
</tr>
<tr>
<td>2.10</td>
<td>Deputy Vice-Chancellor Academic</td>
<td>XX Month Year</td>
<td>XX Month Year</td>
<td>Minor amendment to align with UNSW 3+ and the Sexual Misconduct and Prevention Policy and address audit requirements.</td>
</tr>
</tbody>
</table>
## MISCONDUCT

<table>
<thead>
<tr>
<th>ALLEGED MISCONDUCT</th>
<th>DESIGNATED OFFICER</th>
<th>POSSIBLE PENALTIES IF MISCONDUCT IS PROVEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misuse of the property of a School or Department; alleged failure to treat teaching or other staff and other students with courtesy, tolerance and respect within the School environment.</td>
<td>Head of School or Dean of the Faculty</td>
<td>Formal reprimand or formal warning; Withdrawal of student access to the property of the School or Faculty for a period not exceeding the remainder of the current term or semester; Restitution of damages; Remedial educative action.</td>
</tr>
<tr>
<td>Misuse of Library resources.</td>
<td>University Librarian</td>
<td>In accordance with the Library conditions of use, published by the University Librarian available on the Library website.</td>
</tr>
<tr>
<td>Misuse of the resources of a UNSW affiliated residential college.</td>
<td>Master of the College</td>
<td>In accordance with the published policy of the College.</td>
</tr>
<tr>
<td>Misuse of the resources of UNSW owned or operated self-care residential accommodation.</td>
<td>Director, UNSW Residential Communities</td>
<td>Formal reprimand or formal warning; Take action to terminate a tenancy; Take action for restitution of damages.</td>
</tr>
<tr>
<td>Misconduct that is alleged to have been committed by a student enrolled at UNSW Canberra.</td>
<td>Rector, UNSW Canberra</td>
<td>Formal reprimand or formal warning; Reduction in marks for the course: Failure in the course [00FL]; Restitution of damages or a fine not exceeding $1200, whichever is the greater; Remedial educative action.</td>
</tr>
<tr>
<td>Academic misconduct that did not occur in a formal examination conducted by the Examinations Unit and that is not addressed by the UNSW Plagiarism Policy Statement.</td>
<td>Head of School or Dean of the Faculty, Dean of Graduate Research</td>
<td>Formal reprimand or formal warning; Reduction in marks for the course; Failure in the course [00FL]; Remedial educative action.</td>
</tr>
</tbody>
</table>
### Appendix A

#### SERIOUS MISCONDUCT

<table>
<thead>
<tr>
<th>ALLEGED SERIOUS MISCONDUCT</th>
<th>DESIGNATED OFFICER</th>
<th>POSSIBLE PENALTIES IF MISCONDUCT IS PROVEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Examination misconduct in a formal examination conducted by the Examinations Unit.</td>
<td>Director, UNSW Conduct &amp; Integrity or Deputy Vice-Chancellor</td>
<td>Formal reprimand or formal warning; Reduction in marks; Failure in the course [00FL]; Conditions placed on the student’s enrolment or re-enrolment; Suspension or exclusion from UNSW (as per 7.5.9B &amp; 7.5.22A Register of Delegations); return from a period of suspension may be conditional; Delay graduation [and certification of program completion] for a period not exceeding 12 months; A fine not exceeding $1200; Remedial educative action.</td>
</tr>
<tr>
<td>Behaviour that is considered in breach of the Student Code Policy, unlawful, discriminatory, sexually inappropriate, bullying, harassing, invades another’s privacy or causes any person to fear for their personal safety.</td>
<td>Director, UNSW Conduct &amp; Integrity or Deputy Vice-Chancellor</td>
<td>Any one or more of the penalties listed above, as appropriate.</td>
</tr>
<tr>
<td>Misconduct when assessed at the decentralised level results in a recommended penalty greater than those permitted at that level; Appeals against decisions made at the decentralised level.</td>
<td>Director, UNSW Conduct &amp; Integrity or Deputy Vice-Chancellor</td>
<td>Any one or more of the penalties listed above, as appropriate.</td>
</tr>
<tr>
<td>Serious misconduct relating to entry into a program (e.g. Admissions Fraud) or receiving an award the student was not legitimately eligible for, or entitled to.</td>
<td>Director, UNSW Conduct &amp; Integrity, Director, Student Services and Systems or Deputy Vice-Chancellor</td>
<td>To revoke an award [degree, diploma, certificate, prize or scholarship]; To annul grades awarded on an academic statement; To amend grades previously awarded on an academic statement to “XF” (excluded for fraud); To rescind an offer of entry into a program; Any one or more of the penalties listed above, as appropriate.</td>
</tr>
<tr>
<td>Misuse of UNSW email, information technology, or computing resources.</td>
<td>Director Information Technology, Director UNSW Conduct &amp; Integrity</td>
<td>Formal reprimand or formal warning; financial penalty of up to $1200; loss or restriction of access to UNSW IT Facilities; Remedial educative action.</td>
</tr>
<tr>
<td>Any other misconduct not covered elsewhere.</td>
<td>Director, UNSW Conduct &amp; Integrity or Deputy Vice-Chancellor</td>
<td>Any one or more of the penalties listed above, as appropriate.</td>
</tr>
</tbody>
</table>
Pro Forma to notify a student of an allegation

Dear [student's name]

An allegation of [delete the one not applicable academic/student] misconduct concerning you has been referred to me by [staff member's name]. It is alleged that (insert details of the allegation).

In accordance with the University's Student Misconduct Procedure, I have been appointed as the Investigative Officer. The purpose of this letter is to advise you of the allegation and outline the process that will follow:


You should read these procedures carefully. I also draw your attention to the UNSW Student Code of Conduct:


In order to investigate a matter I usually invite the student to an interview. If you wish to attend an interview you need to contact me by [insert date not less than seven days away]. You may bring a support person or friend to the interview if you wish.

Alternatively, you can provide a written statement by [insert date not less than seven days away] and I will finalise the investigation on the basis of the information that I have before me which includes [ ].

For information on the range of student support services available at UNSW please refer to the UNSW Current Student Gateway.

The student association on campus, Arc@UNSW, have student advocates available to provide independent advice about the University's student misconduct procedure. You may contact a Student Support Officer on (02) 9385 7700 or email advice@arc.unsw.edu.au for help. All students can access this service and it is free.

If you have any questions about these allegations or the misconduct processes please contact me.