

## Health Education and Training Institute Higher Education Student Academic Misconduct Policy

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<b>Summary</b>	This policy defines academic misconduct by students and details the process for dealing with allegations. In particular it covers plagiarism, cheating, collusion, and other forms of academic misconduct.
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v1.0	24 February 2016	Final	Mark Wilbourn	As approved by Health Education and Training Institute Higher Education Governing Council
v1.1	16 May 2017	Draft	Valerie Rhodes	Policy name amended to Student Academic Misconduct Policy with the introduction of the Academic Staff Misconduct Policy
v2.0	29 June 2017	Final	Mark Wilbourn	Approved as a minor wording change in policy by Chair T&L Committee

**Issued under the authority of the Health Education and Training Institute Higher Education Governing Council**

# Student Academic Misconduct Policy

## Policy Statement

Health Education and Training Institute Higher Education is committed to academic integrity, honesty and the promotion of ethical scholarship. It expects students to respect these values and to learn and observe the accepted academic referencing and other academic requirements of their field/s of study

## Aims and Objectives

1. This Policy defines the actions that constitute academic misconduct by students and describes Health Education and Training Institute Higher Education's processes for investigating and hearing allegations of academic misconduct. It also describes the penalties that will apply, where allegations are proven.
2. The Policy is a key component of the Health Education and Training Institute Higher Education's approach to Ethical Scholarship, which is student focussed and aims to integrate all areas of the student experience that impinge on ethical scholarship. They include the educational aspects of studying ethically, learning the ethical requirements of the professions, as well as understanding the policies that govern ethical behaviour.
3. The Policy applies to all Health Education and Training Institute Higher Education students who are enrolled in coursework units of Health Education and Training Institute Higher Education.
4. The Policy only applies to alleged or proven academic misconduct, as defined in the Policy. Other types of misconduct or misbehaviour will be dealt with according to NSW Health Policies.

## Overview

5. Actions by students such as plagiarism and collusion (see Definitions below) are not permitted. These actions will be treated by Health Education and Training Institute Higher Education as academic misconduct and will be penalised.
6. Information will be made available about proper referencing and other academic requirements available to students, including clear instructions about the nature and extent of collaboration that is permissible in group work.
7. All investigations of alleged academic misconduct by students are to be conducted with close regard for procedural fairness. The processes prescribed in this Policy for the hearing of allegations provide students with opportunities to respond to allegations and, on specified grounds, to appeal disciplinary decisions.
8. All meetings to hear allegations of academic misconduct will be conducted with the principal object of impartially and fairly investigating the facts surrounding the allegation. Proceedings will be formal, but will not be adversarial. A student invited to attend such meetings to respond to an allegation may be assisted by a fellow enrolled student, or a member of Health Education and Training Institute Higher Education's staff, such as one of their teachers. The support person may provide the student with advice, but may not act as an advocate, nor make direct comment in the meeting, unless given permission to do so by the convenor of the meeting.
9. In some cases an allegation of academic misconduct may arise from a student's ignorance or misunderstanding of appropriate referencing or other academic requirements. Unit coordinators should have the opportunity to determine whether this has been the case, and to advise the student accordingly. Allegations of academic misconduct by students must, therefore, be thoroughly investigated by the unit coordinator, in the first instance.
10. The Director Education and Training may, in circumstances defined in this Policy, dismiss an allegation, or counsel, warn or discipline a student. Wherever a student's ignorance or misunderstanding of academic requirements can be demonstrated through careful investigation and use of evidence, the Director Education and Training will ensure that the student receives academic advice, whether or not a penalty for academic misconduct is imposed.

11. The Director Education and Training may determine that a student who has committed academic misconduct as a result of ignorance or misunderstanding will not have an offence recorded on file on the first occasion of such an offence.
12. In determining that academic misconduct has occurred, it is not necessary to show that a student has achieved an improper academic advantage. Some acts of plagiarism or collusion might not actually confer an academic advantage. For example, plagiarising an essay that does not address the question that has been asked, leading to a mark of zero, does not confer any academic advantage, but is still academic misconduct.
13. In determining a penalty for proven academic misconduct, Health Education and Training Institute Higher Education will take into account the following:
  - a. whether the misconduct is minor or substantial misconduct;
  - b. whether the student has been able to demonstrate that there were any mitigating circumstances; and
  - c. whether the student has a record of previous, proven misconduct.

## **Definitions**

### **What is Student Academic Misconduct?**

14. There is an important distinction to be understood between student academic misconduct and other forms of misconduct which are not of an academic nature. This policy concerns alleged and established academic misconduct only. All other forms of alleged or established misconduct on the part of a student will be managed in accordance with NSW Health Policy Directive Managing Misconduct PD2014\_042 (or other relevant NSW Health policy directives). Student academic misconduct is one or more of the following: Plagiarism; Collusion; and any other academic misconduct as described below.
15. Plagiarism: occurs in a student's work when the student submits work in which ideas, words or other work are taken from a source, for example, a website or computer program, another student's essay or presentation, a book or journal article, a lecture, and presented as if they are the student's own, without appropriate acknowledgement of the original author. In this definition of plagiarism, it is the act of

presenting material as one's own without appropriate acknowledgement that constitutes plagiarism, not the intention of the student when doing so. Plagiarism includes a student re-purposing their own written material, from a previous assessment for example, without providing proper attribution by citing the original content. 'Appropriate acknowledgement' is defined as the conventions of citation recognised as acceptable to Health Education and Training Institute Higher Education.

16. Collusion: is when two or more students, or a student and any other person(s), act together to plagiarise or engage in academic misconduct, or incite others to do so.
17. Other academic misconduct includes, but is not limited to:
  - a. tampering, or attempting to tamper, with class work, grades or class records;
  - b. failing to abide by directions of a member of academic staff regarding individual responsibility for the submission of assessable work, including that for any group work submitted;
  - c. impersonating another student, or arranging for anyone to impersonate a student, in an assessment task;
  - d. falsifying or fabricating reports;
  - e. altering group assessment work that has been agreed as final by all participating students prior to submission without the collaborating students' consent; and
  - f. use of taped, recorded or videotaped lectures, tutorials or other classes in a way that infringes another person's privacy or intellectual property rights - for example, by publishing or distributing a recording without permission from the Teacher of the Unit.
18. Minor and Substantial Misconduct: The terms 'minor misconduct' and 'substantial misconduct' in the Policy indicate Health Education and Training Institute Higher Education's view of the gravity of the impact of the alleged breach of the Policy, according to the following definitions:
  - a. Minor misconduct: is behaviour that is judged by Health Education and Training Institute Higher Education to be a minimal threat to the integrity of assessment

- processes in the unit of study or to be the result of the student's lack of understanding of appropriate referencing or other academic conventions required for the course, or both;
- b. Substantial misconduct: is behaviour that is judged by Health Education and Training Institute Higher Education to be either a significant threat to the integrity of Health Education and Training Institute Higher Education's assessment processes or behaviour where the student's level of experience might reasonably be interpreted as evidence that the student was aware that the behaviour was not in keeping with standards or practices related to ethical scholarship, or both;
19. The following instances of alleged misconduct will always be treated as 'substantial misconduct':
- a. once a student has been found to have committed minor or substantial misconduct, any subsequent allegation;
  - b. all allegations of collusion, provided students have been given clear instructions about the nature and extent of collaboration that is permissible in group work.

## **Procedures**

### **Part A - Processes for Investigating and Hearing Allegations of Misconduct**

20. Investigations and hearings of allegations of academic misconduct by students, or of appeals by students, will be conducted in accordance with the following summary of processes and in as non-adversarial a manner as possible. The summary is to be read and implemented in conjunction with "Guidelines", of this Policy.

#### **Initial Notification**

##### **Suspected Academic Misconduct**

21. Where the unit coordinator or other person, has reason to believe that a student has engaged in academic misconduct, they must provide to the Director Education and Training a signed report, setting out information and any evidence relating to the suspected academic misconduct. Copies of relevant original documents must be kept securely, for later reference if required.

## **Assessment and proceeding to Investigation**

22. Within five working days of receiving a report of alleged student academic misconduct, the Director Education and Training will notify the Chair of the Health Education and Training Institute Higher Education Academic Board, advising that the allegation has been received, that it is being assessed and may proceed to investigation. This ensures that Health Education and Training Institute Higher Education meets its requirements for proper record-keeping and compliance.
23. Within 10 working days of receiving an allegation, the Director Education and Training will:
  - a. confer with the Unit Coordinator and the Framework Coordinator, to decide whether the allegation requires further investigation, making whatever enquiries considered necessary;
  - b. if it is decided that the allegation requires further investigation, invite the student in writing, to a meeting to investigate the matter further and advise the student that they may be assisted at the meeting by a fellow enrolled student, or a member of Health Education and Training Institute Higher Education's staff ;
  - c. schedule the meeting as soon as practicable after eight working days, or more, from the date of despatch of the invitation, but no later than 15 working days after the date of despatch;
  - d. enclose with the notification a copy of all documentation related to the allegation that will be considered at the meeting with the Director Education and Training; and
  - e. arrange for at least one additional member of Education and Training Institute Higher Education's academic staff to be present at the meeting.
24. Within seven working days of the date the invitation was despatched, the student must respond to the invitation, advising whether they will attend the meeting. Failure to do so will mean that a determination about the allegation will be made in the student's absence.
25. Following the meeting, or its scheduled date if the student does not attend, the Director Education and Training in consultation with the Unit Coordinator and the



Framework Coordinator, will determine an appropriate course of action from among the following options:

- a. if it is decided that the allegation is not substantiated, the Director Education and Training will dismiss the allegation and will not impose a penalty for misconduct;
  - b. if it is decided that misconduct has occurred, but that it is minor misconduct, the Director Education and Training will decide on one of the following courses of action, or a combination of them:
    1. arrange for appropriate academic counselling of the student;
    2. require the student to re-submit an item of work in which misconduct has been detected, after the student has edited or totally re-written it, as appropriate, so that it meets the required academic referencing and other conventions and standards, specifying a maximum mark or grade that can be awarded for this re-submitted work - for example, 50%;
    3. require the student to submit a replacement for any relevant assessment task, with a requirement that the student must satisfactorily achieve the outcomes for the assessment task, specifying a maximum mark or grade that can be awarded for this replacement task - for example, 50%; or
    4. downgrade the mark for a relevant assessment task, in consultation with the Unit Coordinator and the Framework Coordinator (this mark may be zero); or
  - c. if the Director Education and Training judges that the alleged misconduct is substantial, as defined in the Policy (including a second or later case of minor misconduct or any case of collusion), the Director Education and Training will refer the allegation of academic misconduct to the Teaching and Learning Committee for further investigation and decision.
26. Within five working days of determining that a student is suspected of substantial academic misconduct, the Director Education and Training will:
- a. the notify student in writing, of the misconduct alleged and that it is considered to be of a substantial nature;
  - b. invite the student to respond to the allegation, in person, at a meeting with the Teaching and Learning Committee, which will be held as soon as practicable

- after eight working days, but no later than 15 working days from the date of despatch of the invitation;
- c. inform the student that, at the meeting, the Committee will seek information from the Framework Coordinator and that the student may be accompanied by a fellow student or a member of staff (such as one of their teachers); and
  - d. enclose with the notification a copy of all documentation related to the allegation that will be considered by the Committee.
27. Within seven working days of the date on the invitation, the student must respond to the invitation, advising whether they will attend the meeting. Failure to do so will mean that a determination about the allegation will be made in the student's absence.

### **Meeting with the Teaching and Learning Committee**

28. At the commencement of the meeting, the Chair of the Teaching and Learning Committee must outline the allegation against the student and the purpose of the meeting. The Chair must invite the student to respond to the allegation and to inform the Committee whether the student agrees that the allegation is correct and, if so, whether the student wishes any mitigating circumstances to be considered.
29. At the end of the meeting, the Chair must inform the student that the student may then confirm that the allegation is correct and that the student is therefore prepared to accept the determination of the Committee. If the student says that they are not prepared to accept the Committee's determination, the Chair will advise the student of their right of appeal in accordance with 'Appeals' provisions of this Policy.

### **Following the Meeting**

30. If the Teaching and Learning Committee decides, after meeting with the student, that the allegation is not substantiated, the Committee will dismiss the allegation, impose no penalty and the Chair will advise the student in writing of the decision.
31. If the Committee decides, after meeting with the student, that the allegation is substantiated, the Committee will decide whether the misconduct is minor or substantial, as defined in this Policy. The Committee will also consider whether there

are any mitigating circumstances and note whether the student has been found to have engaged in any other incidents of academic misconduct.

### **Actions and Penalties available to the Teaching and Learning Committee**

32. Whether or not the student attends, the Teaching and Learning Committee will then determine an appropriate course of action from among the following options, 'a.' to 'g.', or any appropriate combination of them, or proceed as provided for in sub-section 'h.', below, and the Chair will advise the student in writing, giving reasons for the decision:
- a. arrange for appropriate academic counselling of the student;
  - b. reprimand the student;
  - c. require the student to meet with and apologise formally to any relevant party(ies);
  - d. require the student to re-submit an item of work in which misconduct has been detected, after the student has edited or totally re-written it, as appropriate, so that it meets the required academic referencing and other conventions and standards (the Committee may specify a maximum mark that can be awarded for this re-submitted work - for example, 50%); this mark may be zero;
  - e. require the student to submit a replacement for any relevant assessment task, with a requirement that the student must satisfactorily achieve the outcomes for the assessment task. The Committee may specify a maximum mark that can be awarded for this replacement task (for example, 50%); this mark may be zero;
  - f. downgrade the mark for a relevant assessment task, in consultation with the Framework Coordinator; this mark may be zero;
  - g. downgrade a final grade or impose a grade of fail in a relevant unit; or
  - h. if the Committee decides the alleged misconduct is so substantial and serious that it warrants more severe penalties, than those available at the Committee level, including suspension or exclusion from Health Education and Training Institute Higher Education, refer the allegation to the Education and Training Institute Higher Education Academic Board.

33. In advising the student of the decision, the Chair of the Teaching and Learning Committee must also advise the student of their right of appeal in accordance with the 'Appeals' provisions in this Policy, below.

### **Referral to the Health Education and Training Institute Higher Education Academic Board**

34. If the Teaching and Learning Committee has decided the alleged misconduct is so substantial and serious that it warrants more severe penalties than those available to the Committee, including suspension or exclusion from Health Education and Training Institute Higher Education, the Chair will, no later than five working days after the meeting scheduled with the student, refer the allegation of misconduct to the Chair of the Health Education and Training Institute Higher Education Academic Board.

### **Consideration by the Health Education and Training Institute Higher Education Academic Board**

35. When an allegation of student academic misconduct is referred to the Health Education and Training Institute Higher Education Academic Board, the Chair of the Board (or delegate) will, within 10 working days of receiving the allegation:
- a. notify the student in writing, of the misconduct alleged;
  - b. invite the student to respond to the allegation in writing, and/or in person at a meeting of the Board, to be held for the purposes of investigating the alleged misconduct and making appropriate decisions;
  - c. enclose with the notification a copy of all documentation related to the allegation that will be considered by the Board;
  - d. advise the student that they may be assisted at the meeting by a fellow enrolled student or a member of the Education and Training Institute Higher Education's staff (such as one of their teachers); and
  - e. advise the student that he/she must respond, in writing, to the invitation to attend the meeting within seven working days of the date on the notification.

36. The Health Education and Training Institute Higher Education Academic Board will meet as soon as is practicable after eight, but no later than 15, working days from the date of despatch of the notification and invitation.
37. While the matter is being investigated, and until the matter is determined, the student may continue to attend classes and submit work for assessment.
38. A student who wishes to attend the Health Education and Training Institute Higher Education Academic Board hearing must confirm their attendance, in writing, within seven working days of the notification. If a student does not attend the hearing, it will be held in their absence. Any written response to the allegation from the student will be taken into account at the hearing.

#### **Meeting of the Health Education and Training Institute Higher Education Academic Board - First Stage**

39. Early in the first part of the meeting, the Chair of the Health Education and Training Institute Higher Education Academic Board will:
  - a. present to all attending (including the student, if they are attending) details of the allegation;
  - b. invite the student to respond to the allegation; and
  - c. ask staff of Health Education and Training Institute Higher Education, or others invited to present evidence, to provide the Board with relevant facts and information. (To ensure procedural fairness, no new evidence should be introduced, but staff of Health Education and Training Institute Higher Education may explain and clarify the documentation that was supplied to the student).

#### **Meeting of the Health Education and Training Institute Higher Education Academic Board - Second Stage**

40. In the second part of the meeting, after everyone except Board members and the Secretary have left, the Board will consider all written and oral information presented to it and arrive at a recommendation.
41. If the Board decides that an allegation referred to the Board by the Teaching and Learning Committee is not substantiated, it will determine that the allegation be dismissed.

## **Actions and Penalties Available to the Health Education and Training Institute Higher Education Academic Board**

42. If the Board decides that an allegation referred to it by the Teaching and Learning Committee is substantiated, the Board will determine an appropriate course of action from among the following options, or any appropriate combination of them:
- a. the actions and penalties that were available to the Teaching and Learning Committee;
  - b. deny the student access to specified facilities for a specified period;
  - c. suspend the student for a period of time no less than six months, but no greater than 12 months;
  - d. exclude the student for a period of time no less than 12 months, but no greater than 24 months, noting that the student would need to apply for re-admission to Health Education and Training Institute Higher Education following expiration of this period and would be subject to entry criteria and advanced standing policies at the time of that application [refer to the Admission Policy the Enrolment Policy and the Advanced Standing Policy]; or
  - e. expel the student permanently.

## **Part B – Appeals**

### **Appeals against Determinations made in relation to Academic Misconduct by the Director Education and Training**

43. A student found by the Director Education and Training to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to the Health Education and Training Institute Higher Education Academic Board.
44. The student must ensure that any appeal, together with supporting evidence, is received by the Chair of the Health Education and Training Institute Higher Education Academic Board, within 15 working days from the date of the letter advising of the Director Education and Training's decision.
45. An appeal can only be made on one or more of the following grounds, which must be addressed in the appeal letter:

- a. that the student considers there is evidence that a determination made by the Director Education and Training was made in breach of procedural fairness;
  - b. that the student does not agree that the allegation is correct;
  - c. that the student considers that there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Director Education and Training; and
  - d. that the student considers that the penalty imposed by the Director Education and Training was too severe.
46. The Chair of the Health Education and Training Institute Higher Education Academic Board may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

### **Hearing of an Appeal**

47. If the Chair of the Health Education and Training Institute Higher Education Academic Board judges that there appear to be valid grounds for an appeal, the Chair will arrange a meeting of the Board to hear the appeal. The meeting will be held no later than 14 working days from the date on which the appeal is received and the student will be given no less than seven working days' notice of the meeting.
48. The Chair of the Health Education and Training Institute Higher Education Academic Board (or delegate) will advise the student in writing, of the date, time and place of the meeting, send them copies of all papers to be considered at the meeting and invite the student to attend, to present a case in person. The Chair will also inform the student that the student may be assisted at the meeting by a fellow enrolled student or a member of Health Education and Training Institute Higher Education's staff (such as one of their teachers).
49. In hearing an appeal, the Health Education and Training Institute Higher Education Academic Board will investigate any procedural irregularities referred to in the student's letter of appeal and the evidence on which the determination was made by the Director Education and Training . After such a hearing the Health Education and Training Institute Higher Education Academic Board will:

- a. allow the appeal, if the Board considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or that a penalty should be varied, in the light of demonstrated procedural irregularities or the available evidence;
- b. dismiss the appeal, if the Board considers that the decision and/or the penalty should not be set aside or varied; or
- c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, as in sub section a. of this clause, subject to the following conditions:
  1. that, if the appeal is made on procedural grounds, the Board may not impose a more severe penalty than that originally imposed; and
  2. that, if the appeal is made on the basis of new evidence now available, the Board will determine an appropriate course of action from among those that are available to the Board, as provided above.

#### **Following the Meeting with the Health Education and Training Institute Higher Education Academic Board**

50. The Chair of the Health Education and Training Institute Higher Education Academic Board (or delegate) will, within five working days of the conclusion of the meeting to hear the appeal, advise the student in writing, of the outcome of the appeal.

#### **Appeals against Determinations made in relation to Academic Misconduct by the Teaching and Learning Committee**

51. A student found by the Teaching and Learning Committee of the Health Education and Training Institute Higher Education Academic Board to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to the Health Education and Training Institute Higher Education Academic Board by writing to the Chair of the Board.
52. The student must ensure that any appeal, together with supporting evidence, is received by the Chair within 15 working days from the date of the letter advising of the Teaching and Learning Committee's decision.



## **Grounds for Appeal**

53. An appeal can only be made on one or more of the following grounds, which must be addressed in the appeal letter:
- a. that the student considers there is evidence that a determination made by the Teaching and Learning Committee was made in breach of procedural fairness;
  - b. that the student considers there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Committee; and
  - c. the student considers that the penalty imposed by the Committee was too severe.
54. The Chair of the Health Education and Training Institute Higher Education Academic Board may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

## **Hearing of an Appeal**

55. If the Chair of the Health Education and Training Institute Higher Education Academic Board judges that there appear to be valid grounds for an appeal, the Chair will arrange a meeting of the Health Education and Training Institute Higher Education Academic Board, to hear the appeal. The meeting will be held no later than 20 working days from the date on which the appeal is received and the student will be given no less than seven working days' notice of the meeting.
56. The Chair of the Health Education and Training Institute Higher Education Academic Board (or delegate) will advise the student, in writing, of the date, time and place of the meeting, send them copies of all papers to be considered at the meeting and invite the student to attend, to present a case in person. The Chair will also inform the student that they may be assisted at the meeting by a fellow enrolled student, or a member of Health Education and Training Institute's staff (such as one of their teachers).

## **Meeting of the Health Education and Training Institute Higher Education Academic Board**

57. In hearing an appeal, the Health Education and Training Institute Higher Education Academic Board will investigate any procedural irregularities referred to in the

student's letter of appeal and/ or consider any new evidence not available at previous meetings. After such a hearing the Board will:

- a. allow the appeal, if it considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or a penalty be varied, in the light of demonstrated procedural irregularities or new evidence;
- b. dismiss the appeal, if it considers that the decision and/or the penalty should not be set aside or varied; or
- c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, as in sub section a. of this clause, subject to the following conditions:
  1. that, if the appeal is made on procedural grounds, the Board may not impose a more severe penalty than that originally imposed; and
  2. that, if the appeal is made on the basis of new evidence, the Board will determine an appropriate course of action from among those that are available to the Board (refer to the section above, heading, 'Actions and Penalties Available to the Health Education and Training Institute Higher Education Academic Board).

### **Following the Meeting of the Health Education and Training Institute Higher Education Academic Board**

58. The Chair of the Health Education and Training Institute Higher Education Academic Board will, within five working days of the decision being made, write to the student informing them of the decision and giving reasons for the decision.
59. The determination of the Health Education and Training Institute Higher Education Academic Board is conclusive.

### **Appeals against Determinations made in relation to Academic Misconduct by the Health Education and Training Institute Higher Education Academic Board**

#### **Right to Appeal**

60. A student found by the Health Education and Training Institute Higher Education Academic Board to have engaged in academic misconduct may, provided they have

grounds as specified below, appeal, in writing, to the Health Education and Training Institute Higher Education Governing Council.

61. A student must ensure that any appeal, together with supporting evidence, is received by the Chair of the Health Education and Training Institute Higher Education Governing Council within 15 working days of the date of the letter advising of the Health Education and Training Institute Higher Education Academic Board's decision.

### **Grounds for Appeal**

62. An appeal can only be made on one or both of the following grounds, which must be addressed in the appeal letter:
- a. that the student considers there is evidence that a determination made by the Health Education and Training Institute Higher Education Academic Board was made in breach of procedural fairness; and
  - b. that the student considers there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Health Education and Training Institute Higher Education Academic Board.
63. The Chair of the Health Education and Training Institute Higher Education Governing Council may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.
64. If the Chair of the Health Education and Training Institute Higher Education Governing Council judges that there appear to be valid grounds for an appeal, the Chair (or delegate) will arrange a meeting of the Council, to hear the appeal. The meeting will be held no later than 20 working days from the date on which the appeal is received and the student will be given no less than seven working days' notice of the meeting.
65. The Chair (or delegate) will advise the student, in writing, of the date, time and place of the meeting, send them copies of all papers to be considered at the meeting and invite the student to attend, to present a case in person. The student will be advised that they may be assisted at the meeting by a fellow enrolled student, or a member of the staff (such as one of their teachers).

### **Meeting of the Health Education and Training Institute Higher Education Governing Council**

66. In hearing an appeal, the Health Education and Training Institute Higher Education Governing Council will investigate any procedural irregularities referred to in the student's letter of appeal and/or consider any new evidence not available at previous meetings. After such a hearing the Council will:
- a. allow the appeal, if it considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or that a penalty should be varied, in the light of demonstrated procedural irregularities or new evidence;
  - b. dismiss the appeal, if it considers that the decision and/or the penalty should not be set aside or varied; or
  - c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, as in sub section a. of this clause, subject to the following conditions:
    1. if the appeal is made on procedural grounds, the Council may not impose a more severe penalty than that originally imposed; and
    2. if the appeal is made on the basis of new evidence now available, the Council will determine an appropriate course of action from among those that were available to the Health Education and Training Institute Higher Education Academic Board.

### **Following the Meeting of the Health Education and Training Institute Higher Education Governing Council**

67. The Chair of the Health Education and Training Institute Higher Education Governing Council will, within five working days of the conclusion of the meeting to hear the appeal, forward the recommendation to the Health Education and Training Institute Higher Education Academic Board who will make the decision on the recommended sanction.
68. The student will be informed of the decision and the reasons for it in writing within five working days of it being made.

69. The determination of the Health Education and Training Institute Higher Education Academic Board is conclusive.

## **GUIDELINES**

70. The following clauses outline the general procedural principles that Health Education and Training Institute Higher Education will apply at all stages of the processes described in Section 4 of the Policy.

### **Advice to Students about an Allegation**

71. Wherever further investigation of an allegation is required under the provisions of this Policy, the Director Education and Training, Chair of the Teaching and Learning Committee, Chair of the Health Education and Training Institute Higher Education Academic Board or Chair of the Health Education and Training Institute Higher Education Governing Council (or their respective delegates) as appropriate, must, in writing:
- a. notify the student who is the subject of the allegation of what they are alleged to have done;
  - b. giving appropriate notice, invite the student to attend a meeting, as appropriate in accordance with Section 4 of this Policy, in order for him or her to respond to the allegation;
  - c. advise the student of the time and date of the meeting ;
  - d. provide the student with copies of all relevant documentation, including evidence of the allegation, to be considered at the meeting, and invite the student to respond to the allegation in writing also, if they wish, prior to the meeting; and advise the student that they may be assisted at the meeting by a fellow enrolled student, or member of the staff, who may provide the student with advice, but may not act as an advocate, nor make direct comment in the meeting, unless given permission to do so by the convenor of the meeting.

72. The student must also be advised:
- a. that it is in the student's interests to attend any meeting held in accordance with this Policy, because otherwise a decision, which may include the imposition of a penalty, will be taken in their absence; and
  - b. that at any such meeting, the student may be assisted by a fellow enrolled student or a member of staff such as a teacher.

### **Standard of Proof**

73. Hearings of allegations under this Policy are not legal proceedings. Officers of Health Education and Training Institute Higher Education who conduct the hearings will, therefore, consider evidence, to the best of their abilities, in order to determine the facts on the basis of the balance of probabilities, not on the basis of a more strict legal standard of proof.

### **Availability of Evidence**

74. Information supplied as evidence relating to an allegation of academic misconduct against a student will be made available to the student, who will normally be informed of its source. In exceptional cases, the Health Education and Training Institute Higher Education officer in charge of an investigation or hearing of a student academic misconduct matter may determine that the identity of the person providing the information may need to remain confidential or that proceedings be conducted with appropriate safeguards for the student's privacy and safety.

### **Variations to Timeframes**

75. While allegations of academic misconduct will be considered by Health Education and Training Institute Higher Education as promptly as possible, the timeframes contained in the policy may be affected by a number of factors, including availability of committee/board/council members and the need for Health Education and Training Institute Higher Education officers, or the student who is the subject of an allegation, to obtain additional evidence or specialist advice. In such exceptional circumstances, the timeframes prescribed in the policy may be varied, with the approval of the Director Education and Training.

## **Recording of all Misconduct Allegations and Proceedings**

76. At every stage of the above processes for consideration of an allegation of academic misconduct, the relevant Health Education and Training Institute Higher Education officer must ensure that all proceedings and associated papers are formally recorded in an appropriate academic misconduct 'meeting' file, in TRIM and that a record of the decision(s) made is placed in the student's file.

## **Related Documents**

- Health Education and Training Institute Higher Education Admissions Policy
- Health Education and Training Institute Higher Education Advanced Standing Policy
- Health Education and Training Institute Higher Education Enrolment Policy
- NSW Health Policy Directive Managing Misconduct PD2014\_042

### **Acknowledgement:**

Health Education and Training Institute Higher Education gratefully acknowledges the permission granted by Western Sydney University (WSU) for the use of its policy template and policy content in the development of this publication.

## IMPLEMENTATION CHECKLIST – COMPLIANCE SELF ASSESSMENT

<b>Assessed by:</b>	<b>Date of Assessment:</b>		
<b>IMPLEMENTATION REQUIREMENTS</b>	<b>Not commenced</b>	<b>Partial compliance</b>	<b>Full compliance</b>
1.			
	<b>Notes:</b>		
2.			
	<b>Notes: Relevant Director</b>		
3.			
	<b>Notes: TRIM reference number -</b>		
4.			
	<b>Notes:</b>		
5.			
6.			
	<b>Notes:</b>		



## Attachment 1

### RISK ASSESSMENT

<Document Title>

1.	Policy/Process being assessed	Notes
	Document Number	
	Publication date	
	Scheduled review date	
	Date of this risk assessment	
	Name & position of assessing officer	
2.	<b>Summary of policy purpose (from PD Cover Page)</b>	
3.	<b>Agency (HETI) key roles &amp; responsibilities as per PD</b>	
4.	<b>Risk Assessment</b>	
4.1	<b><u>Identification of risks</u> – what might happen &amp; how?</b>	
	1.	
	2.	
4.2	<b><u>Analysis of risks</u> – combined estimate of the consequence &amp; likelihood of the risk, using NSW Health Risk Matrix (attached)</b>	
	<ul style="list-style-type: none"> <li>• Consequence:</li> <li>• Likelihood:</li> <li>• Risk rating :</li> </ul>	
4.3	<b><u>Evaluation of risks</u> – comparison of the level of risk as determined against a predetermined criteria to determine whether a level of risk is acceptable or needs to be treated.</b> Risk level assessed after implementing treatment:	
	<ul style="list-style-type: none"> <li>• Consequence:</li> <li>• Likelihood:</li> <li>• Risk rating :</li> </ul>	
	<b>Evaluation –</b>	

#### Risk Assessment Approval

<b>Name &amp; position of approving T2 Officer:</b>	
<b>Date:</b>	