



This regulation is made pursuant to Statute 4.1 – *Student Misconduct*.

Purpose

1. The purpose of this Regulation is to provide a framework for dealing with breaches of academic integrity and breaches of research integrity by students. The University may make policies, procedures, rules and guidelines to give effect to this Regulation.

Definitions

2. In this regulation:

Breach of Academic Integrity means conduct by a Student that is designed or calculated to, or has the effect of, providing a misleading basis for admission, assessment or academic progress.

Breach of Research Integrity means conduct by a Student in connection with Research that is dishonest, reckless or negligent or seriously deviates from accepted standards within the scientific and scholarly community for proposing, conducting or reporting research; and may constitute a research code breach or serious research code breach as defined by the Australian Code for the Responsible Conduct of Research 2018.

Academic Integrity Committee means a committee established by the faculty board of each faculty for purposes which include investigating, hearing and determining matters relating to a Breach of Academic Integrity in accordance with this regulation, as well as to monitor trends and issues in relation to student academic integrity and to report and make recommendations for continuous quality improvement; and includes a sub-committee established for and by the Committee for some or all of those purposes.

Code means the Australian Code for the Responsible Conduct of Research 2018.

Research means work undertaken by a Student for the purposes of producing their own or someone else's:

- (a) thesis for a graduate or postgraduate degree; or
- (b) research paper or report intended for publication or communication to a person or body outside the University.

Schedule of Penalties means the schedule of penalties applicable to Breaches of Academic Integrity and/or Breaches of Research Integrity that is located in the University's policies, procedures or rules made pursuant to this Regulation.

Student includes:

- (a) a person enrolled in a course or unit in the University pursuant to Statute 5.1 – Admission Selection and Enrolment;
- (b) a student of another higher education institution to whom Deakin grants rights of access to University Premises and facilities;
- (c) a candidate for an award of the University whose work has been examined or assessed but on whom the award has not been conferred;
- (d) a person who was a student at the time the alleged conduct occurred;

- (e) a person who is on leave of absence from or who has deferred enrolment in a unit or course of the University;
- (f) a person designated as a student by Council.

Student Research Integrity Committee means a Committee established by the Deputy Vice-Chancellor Research for purposes which include hearing and determining allegations of a Breach of Research Integrity.

University Appeals Committee means a committee established by the Academic Board for purposes which include hearing and determining student appeals in relation to findings of Breaches of Academic Integrity and/or Breaches of Research Integrity.

University Premises means any campus of the University or any property owned or occupied by the University, and includes any property or precincts or institution occupied or used by one or more Students in the course of or in relation to academic or practical work forming part of a course of study at the University.

Management of a Breach of Academic Integrity

3. A Breach of Academic Integrity includes but is not limited to:
- (a) passing off the work of any other person as the Student's own work, including plagiarism, contract cheating, collusion, and could include submission of non-original work for assessment in a course or unit;
 - (b) impersonating any other person in, or for the purpose of, any examination, essay, assignment, course requirement or any other work relevant to assessment or allowing impersonation by another person for those purposes;
 - (c) failing to comply with the University's directions given in connection with any examination or assessment, including having, possessing, accessing or using unauthorised material in the examination or assessment, whether or not with the intention of using the material to obtain an advantage;
 - (d) obtaining from, or giving to, any other person during any examination, or other assessment any information relating to that examination or other assessment or any part of it without the approval of the supervisor of that examination or other assessment;
 - (e) undertaking an examination in breach of the conditions set down by the University for the supervision and conduct of the examination;
 - (f) providing false information or fraudulent documentation including academic transcripts or medical certificates;
 - (g) acting in a manner that fails to meet or promote the standards of academic integrity required by the University.

Reporting a Breach of Academic Integrity

4. A member of the University staff who has reasonable grounds to believe that a Breach of Academic Integrity has been committed by a Student must promptly report the matter to the Chair of the relevant Academic Integrity Committee.
5. A Student who has reasonable grounds to believe that a Breach of Academic Integrity has been committed by another Student may report the matter to the Chair of the relevant Academic Integrity Committee.
6. A report made under sections 4 or 5 is an allegation of a Breach of Academic Integrity under this regulation.

Investigation

7. If the Chair of the Academic Integrity Committee is of the view that an allegation of a Breach of Academic Integrity has no merit, the Chair may dismiss the allegation. This will constitute formal retraction of the allegation.
8. If after receiving an allegation of a Breach of Academic Integrity the Chair of the Academic Integrity Committee is of the view that a Breach of Academic Integrity may have occurred, the Chair must:
 - (a) where the allegation relates to a Breach of Academic Integrity for an academic task representing 10% or less of the total marks for a unit, appoint a single member of the Academic Integrity Committee;
 - (b) where the allegation relates to a Breach of Academic Integrity for an academic task representing more than 10% of the total marks for a unit, convene a full Academic Integrity Committee;to investigate, hear and determine in accordance with this regulation the allegation of a Breach of Academic Integrity.
9. No member of an Academic Integrity Committee may be appointed under section 8 if they have been in anyway involved in or associated with, or alleged to have been involved in or associated with, the circumstances relating to the alleged Breach of Academic Integrity, or if they have, or have in the past had, a close association with the Student the subject of the allegation or the Student who made the allegation of a Breach of Academic Integrity under section 5.
10. Where an Academic Integrity Committee is convened under section 8(b), the membership of the Committee must remain the same throughout the hearing of the matter notwithstanding any adjournment of the hearing. A quorum for a full Academic Integrity Committee shall be any three members.
11. An investigation into an allegation of a Breach of Academic Integrity by an Academic Integrity Committee under either section 8(a) or 8(b) must be carried out in accordance with the following rules:
 - (a) the investigation must be carried out expeditiously with as little formality and technicality as possible;
 - (b) Committee members:
 - (i) must act fairly and impartially;
 - (ii) must treat all information gathered in the course of the investigation as confidential;
 - (iii) must make all enquires they believe to be relevant, including seeking information or material from the Student the subject of the allegation, the person who reported the matter under sections 4 or 5, and other witnesses; and
 - (iv) are not bound by legal rules of evidence and may inform themselves as the Committee thinks fit.
 - (c) the Student must be provided with adequate particulars of all allegations and any information or material relied on by the Committee;
 - (d) the Student must be given a reasonable opportunity to be heard either orally or in writing or both;
 - (e) the Committee can at any time co-opt persons onto the Committee or to advise it in any way that it considers appropriate.

12. If an oral hearing is conducted, the Student the subject of the allegation is entitled to be accompanied by a person of their choice, provided that the person is not a practising lawyer. The University is not entitled to be legally represented.

Decision

13. When an investigation is complete, a decision must be made on the balance of probabilities (ie it is more probable than not) that the allegation of a Breach of Academic Integrity is either proved or not proved.
14. A decision by an Academic Integrity Committee convened under section 8(b) is to be made by simple majority.
15. A decision that an allegation of a Breach of Academic Integrity is not proved must be advised in writing as soon as practicable to each of the following:
- (a) the Student the subject of the allegation; and
 - (b) the person who reported the Breach of Academic Integrity.
16. If a single member of the Academic Integrity Committee convened under section 8(a) or a full Academic Integrity Committee convened under section 8(b) reach a decision that an allegation of a Breach of Academic Integrity has been proved they:
- (a) may impose one or more of the outcomes or penalties within their powers, listed in the Schedule of Penalties; and
 - (b) may make appropriate recommendations to the Student the subject of the proved allegation, for example the benefit of attending counselling.
17. As soon as practicable after a decision that a Breach of Academic Integrity has been proved the Student must be informed in writing of:
- (a) the decision, the penalty imposed and any other recommendations;
 - (b) the reasons for the decision, including the findings on material facts; and
 - (c) their right to appeal to the University Appeals Committee and the time within which an appeal may be made.

Management of a Breach of Research Integrity

18. A Breach of Research Integrity includes but is not limited to:
- (a) a research code breach;
 - (b) a serious research code breach;
 - (c) not meeting required research standards as defined by the Code or good research practice;
 - (d) fabrication, falsification or misrepresentation of data and research results;
 - (e) plagiarism;
 - (f) failure to properly manage research data;
 - (g) failure to adequately acknowledge or attribute the contributions of others;

- (h) failure to disclose and manage a conflict of interest in research; and
- (i) any other deviation from good academic and research practices including but not limited to the submission of research for assessment.

Reporting

- 19. Any person who has reasonable grounds to believe that a Breach of Research Integrity has been committed by a Student may report the matter to the Deputy Vice-Chancellor Research (or nominee), who is responsible for the oversight, investigation and evaluation of a potential research code breach.
- 20. A report made under section 19 is an allegation of a Breach of Research Integrity under this Regulation and a research code breach under the Code.

Preliminary Assessment

- 21. The Deputy Vice-Chancellor Research (or nominee) shall appoint an assessment officer to conduct an independent investigation.
- 22. The Deputy Vice-Chancellor Research (or nominee) shall consider the seriousness of a potential code breach and the independent investigation conducted by the assessment officer, and shall determine as the outcome:
 - (a) where there are no reasonable grounds to support an allegation of research code breach, that the matter be dismissed; or
 - (b) where the allegation relates to a potential research code breach, that the matter be appropriately actioned at the local level with oversight by the Deputy Vice-Chancellor Research (or nominee); or
 - (c) where there are reasonable grounds for an allegation of a serious research code breach that the matter be formally heard and determined in accordance with this Regulation and the relevant procedure; or
 - (d) where the allegation refers (either in part or in whole) to matters not pertaining to a research code breach but involves other alleged breaches of University Regulation or policy, that the matter be pursued in accordance with those other University Regulations, policies or procedures.

(Preliminary Assessment)

- 23. Both the Student and the person who reported the matter will be informed of the outcome of the preliminary assessment by the Deputy Vice-Chancellor Research (or nominee).

Formal Hearing of an Allegation of Breach of Research Integrity

- 24. Where the Deputy Vice-Chancellor Research considers that there are reasonable grounds for an allegation serious research code breach by a Student, the Deputy Vice-Chancellor Research (or nominee) will establish a Student Research Integrity Committee to hear and determine the matter in accordance with the relevant procedure.
- 25. The Student Research Integrity Committee will be constituted by no less than three persons in accordance with the relevant procedure and will act fairly and impartially to:

- (a) formally advise the Student in writing of the allegations and any evidence adduced in support of the allegations that is to be relied upon by the Committee, and give the Student a reasonable opportunity to put forward the Student's case, both orally or in writing or both;
 - (b) cause the allegation of serious research code breach to be impartially and expertly investigated to adduce and hear evidence that is before it;
 - (c) after hearing the matter, make findings that the allegation is proved or not proved;
 - (d) impose an appropriate penalty from the Schedule of Penalties if the allegation is proved, as well as any appropriate recommendations both to the Student and the Deputy Vice-Chancellor Research (or nominee).
26. If an oral hearing is conducted, the Student the subject of the allegation is entitled to be accompanied by a person of their choice, provided that the person is not a practising lawyer. The University is not entitled to be legally represented.
27. A decision of the Student Research Integrity Committee convened under section 25 is to be made by simple majority and must be in writing and supported by adequate reasons for the decision. The decision, any penalty imposed and any recommendations must as soon as practicable be conveyed to:
- (a) the Student the subject of the allegation; and
 - (b) the person who reported the Breach of Research Integrity ; and
 - (c) the Deputy Vice-Chancellor Research or nominee who may inform affected persons, research parties and any other appropriate person or agency.
28. Where relevant, the Student Research Integrity Committee must also inform the Student of their right to appeal to the University Appeals Committee and the time in which an appeal must be made.

Appeals

29. A Student the subject of an adverse decision by:
- (a) a single member of an Academic Integrity Committee or
 - (b) a full Academic Integrity Committee;
- that an allegation of a Breach of Academic Integrity has been proved, and/or the penalty imposed; or
- (c) the Student Research Integrity Committee that an allegation of a Breach of Research Integrity has been proved, and/or the penalty imposed;
- may appeal to the University Appeals Committee.
30. The Student must lodge a written notice of appeal setting out the grounds of appeal with the Chair of the University Appeals Committee within 20 working days of the day the relevant decision was notified to them.
31. An appeal may only be made on one or more of the following grounds:
- (a) there is new evidence which was not available or known to the Student the subject of the decision at the time the allegation was heard;
 - (b) the penalty imposed was too severe;
 - (c) there was a misapplication of procedures resulting in some disadvantage to the Student;

- (d) the decision is unreasonable in all the circumstances or cannot be supported by the evidence that was available at the time the decision was made;
 - (e) relevant evidence was not considered or irrelevant evidence was relied on in reaching the decision;
 - (f) there was bias on the part of the original decision maker.
32. The Chair of the University Appeals Committee must consider the notice of appeal and any other relevant papers, and may dismiss the appeal if the Chair considers it to be lacking in substance. If an appeal is not dismissed it must proceed to a hearing in accordance with this regulation.
33. If an appeal is dismissed under section 32, the Chair must notify the Student as soon as practicable. A decision by the Chair of the University Appeals Committee to dismiss an appeal is final.
34. The membership of the University Appeals Committee convened to hear an appeal must remain the same throughout the hearing of the matter notwithstanding any adjournment. A quorum for each meeting of the Committee will be any three members.
35. No member of the University Appeals Committee may be appointed to hear an appeal if they have been in any way involved in or associated with, or alleged to have been involved in or associated with, circumstances relating to the allegation of breach of Academic Integrity or Research Integrity (as the case may be) or its initial investigation, or if they have, or have in the past had, a close association with the Student the subject of the allegation or the Student who made the allegation under section 5 or section 19.
36. A Student making an appeal is entitled to receive at least five (5) working days' notice of the hearing of the appeal.
37. Appeals must be conducted as follows:
- (a) expeditiously with as little formality and technicality as possible;
 - (b) members of the University Appeals Committee conducting the appeal:
 - (i) must act fairly and impartially;
 - (ii) must treat all information gathered in the course of the investigation as confidential;
 - (iii) are not bound by the legal rules of evidence and may inform themselves as the Committee thinks fit;
 - (c) the Student appealing the decision must be given an opportunity to be heard orally or in writing or both;
 - (d) the Student appealing the decision bears the onus of establishing one or more grounds of appeal on a balance of probabilities (ie that it is more probable than not).
38. Neither the Student nor the University is entitled to be legally represented at the hearing.
39. If the University Appeals Committee determines that the grounds of appeal relied upon by the Student appealing have not been established, the appeal must be dismissed.
40. If the University Appeals Committee determines that one or more grounds of appeal have been established, it may:
- (a) vary the penalty where the only successful ground of appeal is excessive penalty; or
 - (b) rehear the matter in whole or in part as the case requires, such rehearing must be conducted in accordance with section 11 or section 25 (as applicable); or

- (c) set aside the decision and outcome/s of the original decision maker and direct the original decision maker to rehear the matter in accordance with section 11 or section 25 (as applicable).

41. If the matter is reheard under section 40(b) the Committee may:

- (a) uphold, vary or set aside the original decision;
- (b) uphold, vary or set aside the original penalty.

42. A decision of the University Appeals Committee on appeal from a decision of an Academic Integrity Committee or Student Research Integrity Committee (or any rehearing under section 40(b)) is final and binding.

43. When the Committee has reached a decision on an appeal (or any rehearing under sections 40(b)), the Chair must as soon as practicable inform:

- (a) the Student the subject of the allegation; and
- (b) the person who reported the Breach of Academic Integrity or Breach of Research Integrity (as applicable);
- (c) and in the case of an allegation of Breach of Research Integrity, the Deputy Vice-Chancellor Research or nominee who may inform affected persons, research parties and any other appropriate person or agency;

of the decision, the reasons for decision and any penalty imposed and any recommendations made.

Recording a Decision

44. All findings of Breaches either of Academic Integrity or Research Integrity, the penalties imposed and any recommendations made and undertakings given by the Student will be recorded on the Student record and must be reported in writing to the Academic Board. Breaches of Research Integrity must also be reported to the Deputy Vice-Chancellor Research or nominee.

45. The University will maintain a central database of Academic Integrity and Research Integrity matters.

Approved by Council on 25 July 2019.