

Misconduct Policy

Purpose

This policy establishes the principles and processes by which ICAT will deal with allegations of academic or non-academic misconduct committed by a student or group of students. The purpose of this policy is to provide:

- a fair and equitable framework for determining alleged instances of academic and non-academic misconduct
- procedures for reporting and investigating alleged instances of academic and non-academic misconduct
- procedures for determining penalties for confirmed instances of academic and non-academic misconduct

Scope

This policy applies to all students enrolled in a course of study at ICAT. This policy also applies to College staff when dealing with allegations of misconduct or implementing a decision by ICAT to suspend or cancel a student's enrolment due to misconduct.

Related Policies

This policy should be read in conjunction with the following policies:

- Student Code of Conduct Policy
- Assessment Policy
- Deferral, Suspension or Cancellation of Enrolment Policy
- Complaints & Appeals Policy
- Monitoring Academic Progression Policy
- Academic Integrity Policy
- Attendance and Participation Policy

All College policies referenced in this document can be accessed via the Student Resources section of the MyICAT student portal at <http://myICAT.edu.au/login/index.php>.

Definition of Key Terms

Academic Misconduct means all circumstances where students attempt to cheat, plagiarise or act dishonestly when undertaking assessment tasks, or assisting fellow students to do so.

Academic Honesty/Integrity means demonstrating and upholding the highest integrity and honesty in all the academic work that you do

Cancellation means forced withdrawal from the enrolled course of study activated by ICAT as a result of misconduct by the student.

Cheating means seeking to obtain an unfair advantage in an examination or in other written or practical work required to be submitted or completed by a student for assessment.

Collusion means unauthorised collaboration on assessable written, oral or practical work with another person or persons.

Non-Academic Misconduct means any behaviour which is contrary to a policy of the College.

Plagiarism means to take and use another person's ideas and/or manner of expressing them and to pass them off as one's own by failing to give appropriate acknowledgement.

Student means a person enrolled in a course of study at an ICAT campus.

Suspension means a forced finite break from studies which is activated by ICAT as a result of misconduct by the student.

Principles

In assessing an instance of alleged misconduct, the following principles will be observed:

- Students will be judged innocent of any misconduct until such time as they have admitted to it, or evidence is found of such behaviour.
- Any misconduct in the past will not be regarded as evidence that the student has again behaved dishonestly.
- Each case of misconduct will be treated separately.

Types of Misconduct

Academic Misconduct

All students are expected to maintain high standards of academic honesty and integrity.

ICAT sets an assessment task for completion with the expectation that it is either:

- the sole effort of the student; or
- the sole efforts of a designated group of students who hand in a joint piece of work.

A student may discuss general principles with others to understand a topic or base their assessment on an outline in the course material but is responsible for submitting an individual piece of work. If a student works with another student to complete an

individual assessment task and submits that work as their own, it is considered collusion.

It is the responsibility of the student to acknowledge all sources used in an assignment or work submitted for assessment. Failure to do so is considered plagiarism. In group assignments, each member is jointly responsible for the assignment's integrity.

Students are considered guilty of cheating if they act in a way that gives them an unfair academic advantage. Students may be guilty of this if they copy another student's work, duplicate, or recycle their own work for submission in another unit or course of study, or in any way mislead their teachers or Course/Program Coordinator about their ability, knowledge, or skills.

The penalty for confirmed instances of collusion, plagiarism, and cheating, will be dealt with according to the severity of the instance and any damage, or potential damage, to the reputation of ICAT.

The electronic text-matching software Turnitin will be used to check all written assessments for plagiarism and referencing issues. It highlights any common text and provides a similarity score with other submitted documents. All submitted written assessments will be saved in the Turnitin library for future cross-checking. The lecturer (not Turnitin) will decide if a text identified as matching another constitutes plagiarism.

When AI tools and generated text are identified in pieces of assessment, a sliding penalty scale applies. Any text matching or AI generation is flagged and noted by the marker and within the scope of 20% assessment criteria is permissible. Any percentage of AI tool and text use over 20% will be flagged by the marker and documented both in the marker's feedback and on the Academic Misconduct Register next to the student's name – this is a First Warning. The student will have three days to resubmit and will be penalised 10% of their grade for that piece of assessment.

Should this occur again – within the same unit or by the student in any separate unit – this will be flagged as a Second Warning on the Academic Misconduct Register and referred to the Academic Skills Advisor (ASA). The student will meet with the ASA and be advised if there is an opportunity for resubmission. If so, the student will receive a 30% reduction on their overall mark for that piece of assessment and/or the unit as a whole [at the discretion of the Academic Skills Advisor].

A third instance will be flagged as a Third Warning on the Academic Misconduct Register, and the student will be referred to the Academic Progression Committee for review. The student's grades for that unit will be withheld until the APC meets in Week 14 of the trimester. The student may receive a 0 grade for that piece of assessment and/or will fail the unit as a whole [at the discretion of the Academic Progression Committee].

Further instances of academic misconduct will be assessed on a case-by-case basis and may affect a student's overall academic progression.

Non-Academic Misconduct

All students enrolled in a course of study at ICAT are expected to act with honesty and integrity, in line with Institute policies and in compliance with Australian law. Non-academic misconduct is characterized by a student or group of students behaving contrary to accepted standards of behaviour and includes, but is not limited to, conduct by which a student knowingly or recklessly:

- a) engages in dishonest or fraudulent activity or makes a dishonest, fraudulent, or false statement or representation to another person, during any dealings with ICAT or member of staff
- b) causes or threatens personal injury or harm of any kind to another person
- c) attacks, harasses, intimidates, stalks, or bullies or threatens to attack, harass, intimidate, stalk, or bully another person
- d) disrupts or causes unreasonable interruption to the orderly conduct of ICAT, lecture, tutorial, or any other College learning activity
- e) fails to comply with, contravenes a Commonwealth Act, or breaches any National or State statute, regulation, or rule while on campus, using campus facilities and/or equipment or engaging in a College activity
- f) breaches a College policy, code of conduct, procedure, or guideline to which a student is subject as a condition of enrolment in a course of study at ICAT
- g) Academic misconduct in the form of cheating, collusion, fraud, fabrication/misrepresentation, interference/obstruction, plagiarism, and self-plagiarism
- h) fails to comply with a reasonable direction of a member of College staff
- i) causes or threatens or behaves in a manner likely to cause damage to, destroy, loss of, interference with or obstruction of the use of the property of ICAT or another person

- j) alters or destroys ICAT documents or records
- k) mars the good name of ICAT or may bring the College into disrepute
- l) encourages, persuades, or incites any other person to engage in conduct or behaviour constituting non-academic misconduct;
- m) or otherwise acts in an inappropriate manner

ICAT will report all criminal acts committed by a student or group of students to the relevant authorities.

Procedures

Reporting an allegation of misconduct

Responsible: any student or member of staff

Any student or member of college staff (the Complainant) may report an alleged act of academic or non-academic misconduct by a student. An allegation of misconduct must be submitted in writing by lodging a *Misconduct Report* to the Director of Education (and Academic Coordinator) outlining the details of the breach of conduct (i.e., the act of misconduct). The Director of Education can investigate an allegation of misconduct made against a student enrolled in their program of responsibility.

Preliminary enquiry into complaint of alleged misconduct

Responsible: Director of Education (or nominee)

The Director of Education (or nominee) will acknowledge receipt of the Misconduct Report in writing, and then has seven working days to determine whether the alleged misconduct warrants investigation.

If the Director of Education (or nominee) determines the conduct:

- does not warrant investigation, no further action will be taken. The complainant will be notified of the outcome in writing. The student will be notified of the allegation made against them, the name of the complainant making the allegation, the enquiries made and the outcome of the allegation in writing. *An outcome may be an academic penalty of 10% or more of marks for that assessment, being placed on*

academic risk for one trimester, being placed on academic probation for one trimester, or being required to submit supplementary work/assessment for the unit in question. An outcome may be a non-academic penalty of withdrawal from internship opportunities for three months [3] or temporary removal for three months [3] from Student Council [if applicable].

- warrants investigation, the Director of Education will proceed with the investigation by referring it to the Academic Progression Committee to review at the end of the trimester. *The student's grade for this assessment will be withheld, and released once an outcome is reached and the query resolved.*

Investigation of alleged misconduct

Where the Director of Education (or nominee) determines the conduct warrants investigation, they shall refer the investigation to the Academic Progression Committee to review at the end of the trimester.

In this interim, the student's grade is withheld, and they are notified that their case has been referred to the Academic Progression Committee.

Once the outcome is resolved at this Committee, a grade is awarded and the student is notified of the outcome, and the penalty applied. *An outcome may be an academic penalty of 30% or more of the marks for the final grade for the unit, or a fail grade awarded. An outcome may be a non-academic penalty of withdrawal from internship opportunities for six months [6] or permanent removal from Student Council [if applicable].*

Should the allegation not be resolved through the Academic Progression Committee, it will be referred to a Misconduct Advisory Panel for review.

Investigation Stage 1: Academic Progression Committee

The Director of Education (or nominee) will send written notification to the student advising the College's intention to investigate the allegations as referred to in the written complaint. The written notification will include the following information:

- the details of the allegation of misconduct
- the name of the complainant making the allegation
- any preliminary enquiries made on receipt of the written complaint and the outcomes
- an invitation to respond the allegations in writing

The student will be invited to submit a written statement in response to the allegation and

identify any individuals who may have directly witnessed this situation and should be interviewed as part of the investigation. The written statement, any evidence and list of witnesses must be submitted to the Director of Education (or nominee) within seven working days of the date of the notification of the allegation. The Director of Education (or nominee) may grant an extension of time to respond where the student requires additional time to seek advice.

In conducting the investigation, the Academic Progression Committee has the authority to request any student or member of College staff attend an interview to assist with the investigation, however no person called is obliged to answer any question posed to them. The meeting date must not be set before the seven working days allowed for submission of the written response to the allegation.

The Committee will reach a decision within twenty-one working days of the meeting date, unless granted an extension of time by the Director of Education for further investigation or for the College to seek advice. Where the student was granted an extension to respond to the written notification, this same period will apply to ICAT.

Investigation Stage 2: Misconduct Advisory Panel

The Director of Education will appoint a three-person Misconduct Advisory Panel to hear matters of misconduct where it has been decided that the allegations warranted investigation beyond the Academic Progression Committee. In the interim, the student's grade will remain withheld and a grade will only be awarded once an outcome is reached. The purpose of Panel is to:

- act on behalf of ICAT by making enquiries to determine whether or not an act of misconduct has occurred
- recommend to the Academic Progression Committee, and Director of Education penalties to be imposed for misconduct

The Panel shall comprise of at least one male and one female and will include one senior leader, and one member of academic and operational staff.

The Director of Education will appoint members of the Panel however no person with a conflict of interest may be appointed to the panel. The Director of Education will also appoint a Head of Panel who will have the deciding vote.

The Panel will convene within seven working days of receipt of the request and will send written notification to the student advising its intention to conduct an investigation into the allegations as referred to in the written complaint. The written notification will include the following information:

- the details of the allegation of misconduct
- the name of the complainant making the allegation
- any preliminary enquiries made on receipt of the written complaint and the outcomes
- an invitation to respond the allegations in writing
- inform the student they may be accompanied by a support person at interview

The student will be invited to submit a written statement in response to the allegation and identify any individuals who may have directly witnessed this situation and should be interviewed as part of the investigation. The written statement, any evidence and list of witnesses must be submitted to the Panel within seven working days of the date of the notification of the allegation. The Panel may grant an extension of time to respond where the student requires additional time to seek advice.

In conducting the investigation, the Panel has the authority to request a meeting with any student or member of College staff to assist with the investigation. However, no person called is obliged to answer any question posed to them.

The Panel shall conclude its enquiry, reach a recommendation and report to the Director of Education within twenty-one working days of convening, unless granted an extension of time by the Director of Education for further investigation or for the College to seek advice. Where the student was granted an extension of time to respond to the written notification, this same time will apply to the Panel.

Penalties arising from the act of misconduct

Responsible: Director of Education (or nominee)

Where the College has completed investigations into the allegation of misconduct, the Director of Education (or nominee) will make one of the following decisions:

- a) declare the student not guilty of misconduct; or
- b) declare the student guilty of misconduct, and will activate one of the following outcomes:

- i. take no further action against the student;
- ii. caution or reprimand the student;
- iii. require the student to pay compensation to ICAT equal to the cost of restoring or replacing an item damaged as a result of the misconduct;
- iv. a reduction of marks or the receiving a grade of NN (Fail) for assessment tasks or as a final grade;
- v. a period of probation requiring regular meetings of review with the Program Leader;
- vi. suspend the student from the use of a specific facility or equipment;
- vii. suspend the student from the membership of any committee or student leadership;
- viii. Suspend the student from participation and eligibility in the internship and work placement program
- ix. suspend the student's enrolment for a finite period of no more than twelve months in accordance with the College's *Deferral, Suspension or Cancellation of Enrolment Policy*;
- x. cancel the student's enrolment in accordance with the College's *Deferral, Suspension or Cancellation of Enrolment Policy*;
- xi. or a combination of the above penalties.

Indicative Penalties:

- i. Letter of Warning
- ii. Request for more information
- iii. A mark penalty for the task
- iv. Resubmission with mark penalty
- v. Submission of a different task
- vi. Zero marks for the tasks
- vii. Technical fail of the subject
- viii. Financial fine for compensation purposes
- ix. Suspension from study
- x. Expulsion from ICAT

Where a penalty will be imposed for the act of misconduct, the Director of Education (or nominee) will:

- a) advise the Course/Program Coordinator for the department in which the student is enrolled (where the Director of Education's Nominee was responsible for the investigation process)
- b) notify the complainant who made the allegation in writing
- c) notify the student in writing of the decision and outcome, and their right to appeal.

Any criminal act will be reported to the relevant authorities.

For international students only:

Where the penalty imposed will change the Confirmation of Enrolment (CoE) recorded for an international student, ICAT will report the changes to the Department of Home Affairs (DHA) via PRISMS, which may affect the student's visa and length of stay in Australia. In this event, the student will be advised of the same in the written notification letter outlining the College decision.

Appeal the decision, the penalty or the severity of the penalty

Responsible: Complaints and Appeals Committee

Students wishing to appeal against the decision, the penalty imposed, or the severity of the penalty imposed, should refer to the College's *Complaints & Appeals Policy*. The appeal will be heard by the Complaints and Appeals Committee in accordance with the following conditions:

- a) A student may not appeal the decision taken, no further action or to caution or reprimand.
- b) The Complaints and Appeals Committee will hear the appeal against the decision, the penalty to be imposed or the severity of the penalty to be imposed where it was decided that an act of misconduct had occurred.
- c) The Complaints and Appeals Committee shall comprise of the Director of Education, at least one male and one female and one student member and one staff member. No person who served on the Misconduct Advisory Panel for the same misconduct

investigation may serve on the Complaints and Appeals Committee for the appeal.

- d) The appellant will be invited to appear before the Complaints and Appeals Committee to present their case in person. The appellant may be assisted by an adviser however the adviser may not be called to give evidence or be a practicing barrister or solicitor.
- e) ICAT will be invited to appear before the Complaints and Appeals Committee to present their case in person. The College may be assisted by an adviser, but they may not be called to give evidence or be a practicing barrister or solicitor.
- f) The decision of the Complaints and Appeals Committee is final and there is no further avenue for appeal within the college. Appellants who are dissatisfied with the decision of the Complaints and Appeals Committee must lodge an external appeal with the Student Appeals Committee as outlined in the College *Complaints & Appeals Policies*.

All matters of the appeal procedure will be in accordance with the College *Complaints & Appeals Policies*.

Enforcing the penalty

Responsible: Director of Education (or nominee)

Where the student has chosen not to appeal, the Director of Education (or nominee) will arrange for the penalty to be imposed and will advise the complainant, the student, and the Program Coordinator of the same in writing. The Course/Program Coordinator (or Director of Education's Nominee) will also advise any College member of staff responsible for the enforcement of the penalty.

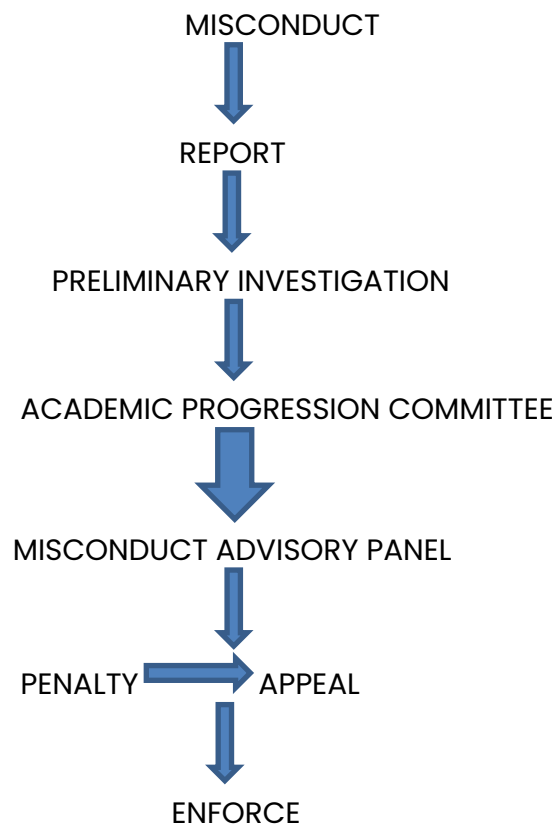
Where the Complaints and Appeals Committee has chosen to uphold the appeal or vary the penalty imposed by the Course/Program Coordinator (or Director of Education's Nominee), the Director of Education will arrange for the penalty to be imposed and will advise the appellant, the student and the Course/Program Coordinator (or Director of Education's Nominee) of the same in writing. The Course/Program Coordinator (or Director of Education's Nominee) will also advise any College member of staff responsible for the enforcement of the penalty.

A copy of the Misconduct Report, decision and outcomes will be kept on the student file.

For international students only:

Where the decision of the appeal will change the Confirmation of Enrolment (CoE) recorded for an international student, ICAT will report the changes to DHA via PRISMS which may affect the student's visa and length of stay in Australia. In this event, the student will be advised of the same in the written notification letter outlining the College decision.

FLOWCHART – HOW MISCONDUCT IS IDENTIFIED AND ACTIONED



Change and Version Control

Version	Date Approved	Authored by	Approved by	Description
2021	2021	QA Manager	CEO	Policy approved by previous ownership
280423	4 May 2023	Collaborative	Academic Board	Addition of Student Council ineligibility to 4viii. Updated to ICAT template.
04092023	6 Sep 2023	Collaborative	Teaching and Learning Committee	Clarification on misconduct communication lines

Policy Information

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