



UNSW College

UNSW College
Transnational
Education

Student Misconduct

Procedure

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|--|-----------|
| 1. Background | 3 |
| 2. Purpose | 3 |
| 3. Scope | 3 |
| 4. Definitions | 3 |
| 5. Student Misconduct | 4 |
| 5.1. Non-academic Misconduct types and penalties | 5 |
| 5.2. Academic Misconduct | 5 |
| 6. Student Misconduct Process | 8 |
| 6.1. Step 1: Allegation | 9 |
| 6.2. Step 2: Notification and Investigation | 9 |
| 6.3. Step 3: Determination | 9 |
| 6.4. Step 4: Apply Penalties | 10 |
| 7. Recordkeeping | 10 |
| 8. Withdrawal of Allegations | 11 |
| 9. Appeals or External Review | 11 |
| 10. Suspension or Restriction in Urgent Circumstances | 11 |

1. Background

UNSW College is committed to delivering a high standard of education and training services to all its students and ensuring that the same high standard applies when its programs are delivered outside Australia through its TNE Providers, enabling all students to achieve their full academic potential. To help meet this commitment, UNSW College requires that all students in the TNE network maintain a standard of conduct that is consistent with this objective.

2. Purpose

This document describes how UNSW College and the TNE Provider deal with allegations of student misconduct.

3. Scope

This procedure applies to:

- all TNE students, which includes students previously enrolled, not currently enrolled and students on Program leave, where the event forming the basis of the complaint occurred while they were enrolled or is directly related to their enrolment in the Program;
- UNSW College, their employees, and contractors; and
- TNE Providers, their employees, and contractors, including teachers, Sub-Providers and TNE Centres.

This procedure applies to all student misconduct that takes place in the course of, or is related to, study of the Program. It applies only to misconduct that occurs no more than one year prior to the making of the allegation. This procedure does not preclude UNSW College or the TNE Provider from instituting civil or criminal proceedings.

4. Definitions

Academic Misconduct means behaviour or conduct undertaken to obtain an academic advantage, including for another person, to which the student or the other person is not legitimately entitled. It includes, but is not limited to, the misconduct identified in section 5.2

Bullying means behaving unreasonably towards another person in a manner that creates a risk to the health, wellbeing and/or safety of such person. Intimidating, threatening, or humiliating another person is considered bullying under this procedure.

Exclusion means the permanent cancellation of a student's enrolment and termination of all rights and privileges as a student of the Program, including the right to re-enrol in the Program or UNSW College.

Harassment means conduct which causes someone to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; or sexual orientation.

ICT means information and communication technology.

Non-academic Misconduct all student misconduct other than Academic Misconduct and includes, but is not limited to, the forms of misconduct referred to in section 5.1.

Plagiarism means using the words or ideas of others and representing them as your own.

Probation means a defined period of time during which any finding of misconduct in accordance with this procedure will result in Exclusion.

Program means the relevant TNE program as might be delivered by the TNE Provider, including the Foundation English Entry Course or UNSW Foundation Studies.

Student Misconduct Register means the centrally held register where findings of student misconduct are recorded.

Sub-Provider means a provider of education services engaged or subcontracted by the TNE Provider.

Suspension means the withdrawal of all rights and privileges as a student of the Program for a defined period of time.

Territory means the place outside Australia where the TNE Provider delivers the Program.

TNE or transnational education means the provision of education to students located in a country other than the one in which the awarding institution is based. TNE can be delivered offshore (through licensed delivery providers or branch campuses) or online to serve as a consistent pathway for international students to study at the awarding institution.

TNE Centre means the school, campus, centre, or site where the TNE Provider delivers the Program.

TNE Provider means the organisation who is licensed by UNSW College to deliver the Program in the Territory.

TNE student means a student who is enrolled with a TNE Provider to study the Program.

5. Student Misconduct

Student misconduct is divided into two categories: Non-academic Misconduct and Academic Misconduct. It is not possible to cover every circumstance and situation in this document. If a circumstance or situation arises which is not expressly covered by this procedure, individuals are expected to act in accordance with the underlying principles of this procedure.

Student misconduct will be dealt with by either the TNE Provider or UNSW College according to the areas of responsibility set out in the table below. Generally, Non-academic Misconduct and minor Academic Misconduct will be managed by the TNE Provider in accordance with the TNE Provider's policies and procedures. Where the Non-academic Misconduct relates to UNSW College's assets, property or materials, the matter will be referred to and handled by UNSW College in accordance with this document. All "serious" Academic Misconduct will be referred to and managed by UNSW College in accordance with this procedure.

| TNE Provider responsibility | UNSW College responsibility |
|--|---|
| Misconduct regarding misuse of TNE Provider or TNE Centre property and assets | Misconduct regarding misuse of UNSW College property, assets, or materials |
| TNE student behaviour or Non-academic Misconduct that: <ul style="list-style-type: none">• could be fraudulent or criminal• is offensive to others (such as Bullying or Harassment)• puts others at risk | Misconduct in relation to or misuse of UNSW College information and communication technology (ICT) systems such as the LMS or email |

| | |
|---------------------------|--|
| | Misconduct in relation to falsified documents or misrepresentation during the admissions and enrolment process |
| Minor Academic Misconduct | Serious Academic Misconduct |

5.1. Non-academic Misconduct types and penalties

The appropriate penalties or outcomes are determined according to the form and circumstances of the misconduct. The severity of the penalties or outcomes imposed will correspond to the seriousness of the misconduct, as set out in the table below.

| Forms of misconduct: | Potential penalties or outcomes: |
|---|--|
| <ul style="list-style-type: none"> • misconduct in relation to or misuse of assets, property, or materials • misconduct in relation to or misuse of email and ICT resources • any behaviour: • that may be fraudulent or a criminal offence; • that potentially puts staff or other students at risk; or • that is offensive to others such as Harassment, Bullying or failing to treat staff or students with courtesy, tolerance, or respect • any other Non-Academic Misconduct not referred to above | <ul style="list-style-type: none"> • formal reprimand or formal warning • remedial educative action • withdrawal of access to assets, property or materials for a period not exceeding the remainder of the current semester • loss or restriction of access to ICT resources • conditions on enrolment or re-enrolment • compensation or restitution • referral to an external agency, such as the police • Probation, Suspension or Exclusion • non-issue or revocation of award • any other penalty or outcome available in accordance with this document or the TNE Provider's procedures. |

5.2. Academic Misconduct

Generally, the TNE Provider will handle all instances of "minor" Academic Misconduct. UNSW College will handle all "serious" instances of Academic Misconduct.

"Serious Academic Misconduct" is Academic Misconduct that is deliberate, intentional, reckless, negligent, or persistent conduct leading to significant advantage to a TNE student. It might entail:

- Plagiarism that is intentional or persistent including colluding with others or purchasing the work of others;
- bringing notes into an exam or other breach of exam security;
- falsifying documents to enter the Program or to obtain some other reward or advantage; or
- taking unauthorised copies of exam papers and disclosing to others.

In contrast, "minor Academic Misconduct" is conduct where little advantage is gained or where the TNE student does not act with deliberate intent. Some examples include:

- minor Plagiarism due to inexperience and lack of academic skill;
- bringing a non-approved calculator into an exam; or
- talking to another student during an exam.

In determining what is a minor and what is a serious matter, regard is had to the following considerations:

- the seriousness of the matter and the extent of academic advantage gained;
- the extent of deviation from expected standards of behaviour;
- the extent to which others are affected by the conduct;
- any prior instances of Academic Misconduct;
- the TNE student’s level of academic experience;
- whether there are other institutional failures that may have contributed to the misconduct; and
- any other mitigating circumstances.

The type of penalties or outcomes to be imposed for Academic Misconduct are determined according to the level and the circumstances of the Academic Misconduct. The severity of the penalties or outcomes imposed will correspond to the seriousness of the Academic Misconduct.

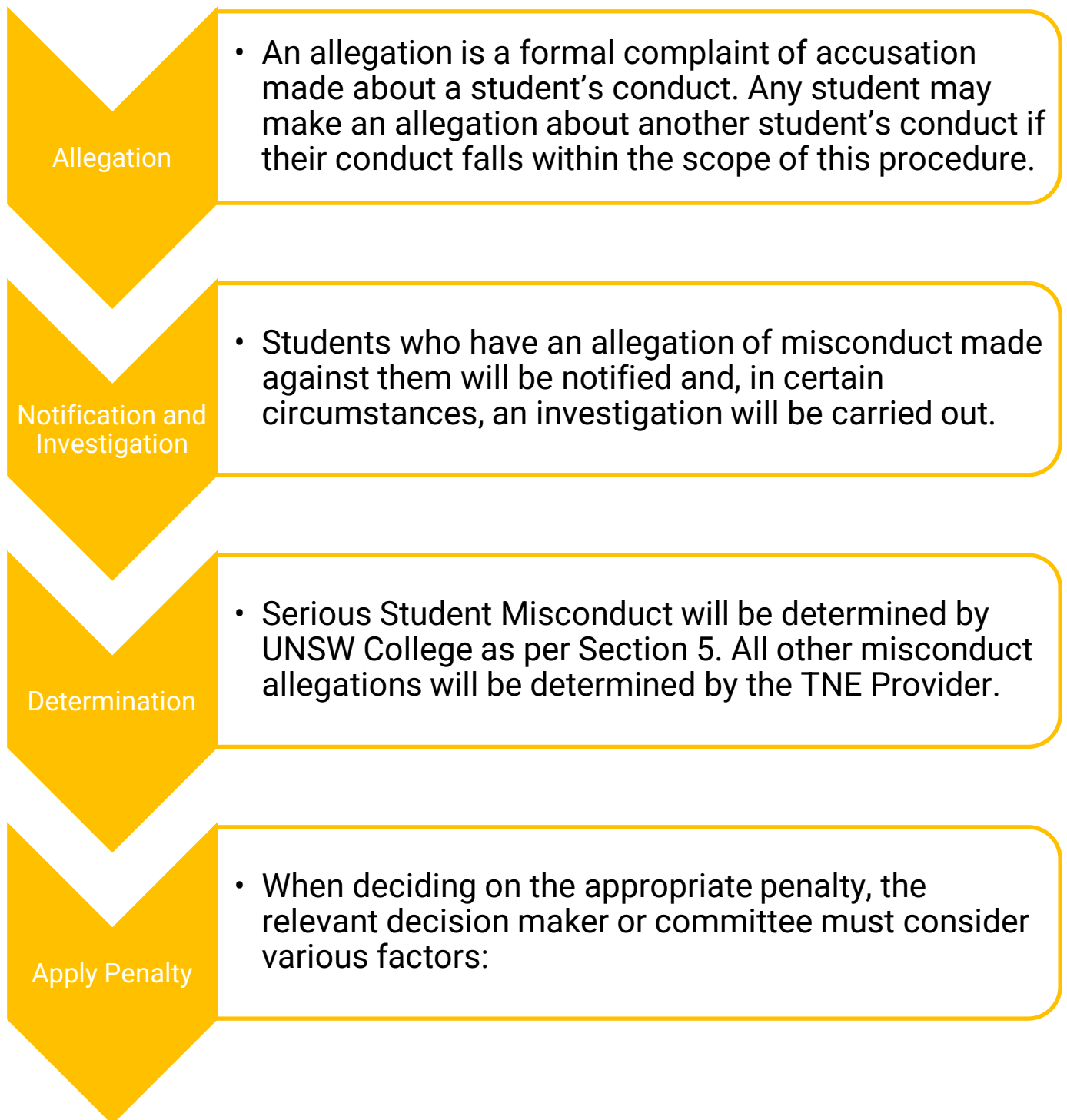
| Levels of misconduct: | Potential penalties or outcomes: |
|--|--|
| <p>Minor</p> <ul style="list-style-type: none"> • minor Plagiarism where inexperience is a mitigating factor (e.g., insufficient, or inappropriate citation due to lack of academic skill) • moderate Plagiarism (e.g., more than one instance of minor Plagiarism, minor collusion) • Academic Misconduct leading to little or no advantage to student (e.g., bringing a • non-approved calculator into an exam or talking to another student about exam- related content during an exam) • Academic Misconduct leading to some advantage for the student (e.g., notes containing exam-related content that is of very little or no use to the overall exam) • any other minor Academic Misconduct not referred to above | <ul style="list-style-type: none"> • formal reprimand or formal warning • remedial educative action • reduction of marks • student resubmits work for a capped mark or capped pass • conditions on enrolment or re-enrolment • any penalty or outcome available in accordance with the TNE Provider’s procedures |
| <p>Serious</p> <ul style="list-style-type: none"> • Plagiarism which is considered to be deliberate, reckless and/or involves gross and persistent negligence (e.g., repeated instances of minor Plagiarism, significant collusion, submission of the complete work of another person, purchasing academic work) • Other Academic Misconduct leading to moderate to significant advantage for the student or someone else (e.g., notes containing exam-related content that is directly related to exam, intentional breach of exam security, assisted or | <ul style="list-style-type: none"> • failure of the Course or Program • probation • suspension • exclusion • annulment of grades • non-issue or revocation of award • any penalty or outcome available in accordance with this document |

otherwise, or unauthorised disclosure of material to another person)

- Misconduct in relation to entry into a Program or receiving an award the student was not legitimately eligible for, or entitled to
- Misconduct in relation to falsified documents or other misrepresentations
- ny other serious Academic Misconduct not referred to above

6. Student Misconduct Process

The process for dealing with Academic and Non-academic Misconduct is set out below. Students who need help or have questions about the process should speak to their TNE Provider in the first instance.



6.1. Step 1: Allegation

An allegation is a formal complaint of accusation made about a student's conduct. Any student may make an allegation about another student's conduct if their conduct falls within the scope of this procedure.

All allegations must be made in writing and supported by evidence (where available). Evidence includes any records, emails, text messages, screenshots, witness statements or other relevant materials.

If an allegation is assessed to be properly made and falls within the scope of this document, it progresses to Step 2: Notification and Investigation.

If you wish to make an allegation you must:

1. Book an appointment to see a Student Advisor at your Centre.
2. Provide details of the allegation you are making during your appointment with the Student Advisor. You may be required to give a statement and/or sign a form confirming the allegation you are making.

The responsible party (either the TNE Provider or UNSW College) will:

1. Complete an assessment of all allegations made within 5 working days of the meeting with the Student Advisor.
2. Inform the person who made the allegation, within the above timeframe, if it is determined that an allegation will not progress to Step 2: Notification and Investigation.

6.2. Step 2: Notification and Investigation

Students who have an allegation of misconduct made against them will be notified and, in certain circumstances, an investigation will be carried out.

The responsible party (either the TNE Provider or UNSW College) will:

1. Notify the student of the allegation made against them (and confirm whether an investigation is to be conducted) within 10 working days of the completion of Step 1. The student will be notified by email or, where appropriate, in person (e.g., notification of alleged Level 1 Academic Misconduct at the end of an exam).
2. Appoint an investigator if investigation of the allegations is required. The investigator may need to conduct interview with relevant people and review relevant UNSW College and/or Provider policies and procedures.
3. Complete all investigations within 20 working days of completion of Step 1.

Upon being notified that an allegation of Misconduct has been made against you, you must:

1. Provide any written response to the allegations made within 5 working days.
2. Attend a meeting with a staff member to discuss the allegations made.

Note: A determination of the allegation is conducted in Step 3, regardless of whether or not the student provides a written response to the allegations made or attends the required meeting.

Investigations of certain Academic Misconduct (including misconduct in relation to examinations or assessments) may take longer than 20 working days. The student will be informed of any delays.

6.3. Step 3: Determination

Serious student misconduct will be determined by UNSW College as per Section 5. All other misconduct allegations will be determined by the TNE Provider.

The TNE Provider will:

1. Refer misconduct allegations to the appropriate decision maker as per Section 6.
2. Ensure that the decision maker is provided with all materials submitted during the investigation process, including any statements made by the student and the records of any interviews conducted.
3. Make the determination and notify the student of the decision made within 5 working days of the conclusion of Step 2. The person who made the allegation will be informed of the outcome where appropriate.

6.4. Step 4: Apply Penalties

When deciding on the appropriate penalty, the relevant decision maker or committee must consider various factors:

- a) take into consideration any previous findings relating to a past misconduct;
 - o evaluate the evidence presented and consider whether it is more likely than not, on the balance of probabilities, that the allegations or any number of the allegations against the student are proven;
 - o refer to the matters set out in paragraphs 6.4 b) to d) before imposing or recommending any penalty; and
 - o produce a written report of its determination and the reasons for the outcome.
- b) Where the student **admits** the allegations and the conduct is found to have occurred, the decision maker or committee may determine:
 - o to impose no penalty because no penalty is warranted; or
 - o that one or more of the possible penalties are to be applied.
- c) Where the student **denies** the allegations the decision maker or committee may determine:
 - o the student has satisfactorily addressed the allegations and the allegations should be dismissed; or
 - o the misconduct is proven and that one or more of the possible penalties are to be applied.
- d) To determine whether or not a penalty is appropriate, the following factors should be considered and may be considered by the decision maker or committee:
 - o seriousness of the misconduct;
 - o previous findings of misconduct and the penalties imposed;
 - o level of study;
 - o student's intention or personal circumstances; and
 - o any other matters considered relevant in the particular circumstances.

7. Recordkeeping

- Records must be kept at all stages of a student misconduct investigation. Only authorised individuals have access to these records.
- Information and records about an allegation are confidential and are disclosed only to staff of UNSW College or the TNE Provider staff with direct involvement in the process to enable proper investigation of the matter. However, UNSW College or TNE Provider may disclose records about an allegation to its legal advisers, insurers and, if necessary, to an external agency.
- At the conclusion of a student misconduct matter the details will be added to the Student Misconduct Register. A finding is entered on the Register whether or not a penalty had been imposed. Access to the Register is limited and records are stored confidentially.
- No record of any student misconduct allegation or proceedings brought against a student will be included on the student's academic transcript.

8. Withdrawal of Allegations

At any stage, UNSW College, the TNE Provider or the person making the allegation, may withdraw an allegation of misconduct or decline to proceed with an investigation. Where the formal process is underway all parties will be notified in writing that the allegation has been withdrawn. In most instances, the matter will be deemed resolved. However, in certain circumstances UNSW College or the TNE Provider may deem the matter serious enough for an internal investigation to continue or for referral to an external agency.

9. Appeals or External Review

If a student is dissatisfied with the way in which a determination was made, they may lodge a Stage 3: Internal Appeal Process under the TNE Complaints and Appeals Procedure.

10. Suspension or Restriction in Urgent Circumstances

UNSW College reserves the right to suspend or restrict a student in urgent circumstances from the Program, where necessary to prevent or terminate a clear and present threat from the student to the safety of any other person, the proper functioning of the Program or to prevent any damage to UNSW College, TNE Provider's or TNE Centre's assets, property, or materials.

The TNE Provider may suspend or restrict a student in accordance with its own policies.

The suspending or restricting authority must notify the student of the suspension or restriction in writing via their student email address within 24 hours of the penalty being applied.

A suspension or restriction in urgent circumstances may:

- Include restricting the access of TNE Centre spaces.
- Include a suspension from accessing UNSW College ICT resources.

A suspension or restriction in urgent circumstances may not:

- in the first instance, exceed 14 days, however, the suspending or restricting authority may extend the period to cover the time taken to finalise any misconduct investigation, including any appeal, and may broaden the areas from which the student is suspended or restricted.
- preclude the making of an allegation of student misconduct.

If, during misconduct proceedings or after a determination, it appears that a suspension or restriction of a student was not warranted, the suspension may constitute a ground on which the student may apply for special consideration in the assessment of any courses being taken.