



Cairnmillar  
INSTITUTE

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# Student Misconduct Policy

<b>Policy name</b>	Student Misconduct Policy
<b>Policy number</b>	SSP002
<b>Date approved</b>	4 February 2015
<b>Approving body</b>	The Academic Board (Senatus)
<b>Responsible officer</b>	The Head of School
<b>Implementation officer</b>	The Academic Registrar
<b>Next review date</b>	June 2017
<b>Linked policies</b>	Grievance Procedures – Academic and Non-Academic Matters Plagiarism Policy Safe Work Study Environment
<b>Linked forms</b>	

## Purpose of this policy

The Cairnmillar Institute (the Institute) is committed to ensuring that the learning environment is one which promotes academic honesty and integrity; and which is a safe environment, without discrimination, or instances of bullying or harassment. The Institute ensures that it meets its obligations under Victorian and Commonwealth legislation.

The purpose of this policy is to encourage and endorse honesty and integrity in the academic activities of students; to respect the work of others; and to ensure all staff and students work in an equitable and inclusive environment, free from harassment and bullying.

This policy identifies the Institute's expectations for:

- Academic integrity on the part of students in their academic practice
- The provision of an equitable and inclusive study and work environment

- All staff and students at the Institute being able to work effectively and participate fully in all aspects of their work and student life
- All staff and students respecting the differences in cultural norms, expectations and values which may be practiced by those from diverse backgrounds
- Personal integrity suited to professionals in training.

## Student misconduct

Student misconduct is one or more of the following:

<p><b>Cheating in an assessment task</b></p>	<p>Cheating in an assessment task is:</p> <ul style="list-style-type: none"> <li>• A breach of rules</li> <li>• Dishonest practice</li> </ul> <p>Examples of a breach of rules and/or dishonest practice include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Bringing unauthorised information in any form into the assessment task</li> <li>• Unauthorized consultation with another person during the course of the assessment</li> <li>• A student arranging for another person to complete an assessment task on the student's behalf</li> <li>• Copying part or all of the work of another student who is unaware of this action</li> <li>• Fabricating or falsifying data</li> </ul>
<p><b>Sexual Harassment</b></p>	<p>Sexual harassment is:</p> <ul style="list-style-type: none"> <li>• Any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated</li> <li>• unlawful in any work or study related context</li> <li>• not tolerated in any form at the Institute</li> </ul> <p>Sexual harassment may:</p> <ul style="list-style-type: none"> <li>• initially appear mild or trivial, particularly where there is a relationship of power or formal inequality of personal status between individuals</li> <li>• take many different forms – it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex.</li> </ul> <p>Refer to Safe Work Study Environment</p>
<p><b>Discrimination</b></p>	<p>Discrimination is:</p> <ul style="list-style-type: none"> <li>• disadvantaging someone in the workplace or in an educational setting, because of their:</li> <li>• race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.</li> <li>• Not tolerated in any form at the Institute</li> </ul> <p>Discrimination may:</p> <ul style="list-style-type: none"> <li>• Take many forms, and could include being treated differently, missing out on an opportunity, or having different terms and conditions applied to their education</li> <li>• Occur as an adverse reaction. e.g. treating a student differently to another because of their sexuality; or not offering a student a placement because of their race or colour.</li> </ul>

<p><b>Bullying</b></p>	<p>Bullying is:</p> <ul style="list-style-type: none"> <li>• verbal, physical, social or psychological abuse by your peers, a member of the academic staff or organization, or another person or group of people in your educational setting</li> <li>• not tolerated in any format at the Institute</li> </ul> <p>Bullying:</p> <ul style="list-style-type: none"> <li>• takes many forms, but can include such actions as:</li> <li>• making repeated hurtful remarks or attacks, or making fun of your work or you as a person</li> <li>• Excluding or stopping a person from working or taking part in school activities</li> <li>• Playing mind games, ganging up on you, or other types of psychological harassment</li> <li>• Intimidation, which may make you feel less important and undervalued</li> <li>• Deliberately holding back information which may be required</li> <li>• Pushing, shoving, tripping, grabbing</li> <li>• Attacking, threatening of any item or object that can be turned into a weapon</li> <li>• Making a person undertake humiliating or inappropriate things in order to be accepted as part of the group</li> </ul> <p>Refer to Safe Work Study Environment</p>
<p><b>Collusion</b></p>	<p>Collusion is the presentation of work by a student as their own when the work is the result in whole or in part of unauthorized collaboration with another person or persons</p> <p>Refer to the Plagiarism Policy</p>
<p><b>Plagiarism</b></p>	<p>Plagiarism is the use by a student of another person’s words, ideas, concepts or research findings without correct or appropriate acknowledgement of the author or source of the material</p> <p>Refer to the Plagiarism Policy</p>
<p><b>Refusal to accept legitimate direction from academic staff and supervisors</b></p>	<p>Enrolled students are expected to accept legitimate direction from supervising staff. Students may ask questions about the reasons for the direction and may even appeal direction. However, the student is expected to honour the appeal. This also applies to the manager or principal of an agency where a student is placed.</p>
<p><b>Unlawful and unethical activities</b></p>	<p>Students are expected to exercise integrity and lawful behaviour at all times. They are expected to be cognisant of the code of ethics for their profession and to act professionally at all times. Students are expected to provide Police Checks and Working with Children Checks as and when required.</p>

# Responsibilities

## The institute

The Institute is responsible for:

- Promoting to students the importance and practices of academic honesty and integrity
- Promoting to students that the Institute is committed to an educational and working environment which is free from all forms of discrimination and harassment.
- Informing students about what constitutes academic misconduct, bullying, sexual harassment, and discrimination and unethical behaviour
- Making information available to students about:
  - Plagiarism, collusion and cheating
  - Sexual harassment
  - Discrimination
  - Bullying
- Identifying academic or personal misconduct by a student
- Promoting character traits expected by the Psychology Board of Australia.
- Identify unethical, incompetent and impaired students as per the mandatory reporting guidelines issued by the Psychology Board of Australia.

## Students

Students must comply with this policy. Students guilty of academic or personal misconduct and in breach of this policy will be penalised in accordance with this policy.

Students are responsible for ensuring:

- They are familiar with the Institute's expectations for academic integrity and honesty
- They submit for assessment work that is their own
- They act in a manner which is free from all forms of discrimination
- They do not partake in any forms of bullying, nor allow any such acts to occur
- They do not partake in any forms of sexual harassment
- They do not knowingly assist other students in academic misconduct
- They are ethical, competent, and that they have reported any disability or medical condition that might adversely affect their academic performance.

# Investigation of allegation of misconduct

## Appointment of a student review panel

To investigate an allegation of misconduct, the Head of School must convene a student review panel ("Panel").

The Panel normally comprises:

- The Head of School
- The Course Coordinator
- The Unit Coordinator
- Placement Coordinator

The Head of School may also appoint a fifth member of the Panel who may be:

- A member of the academic staff or
- A school staff member or
- A supervisor

The Panel must:

- Investigate the allegation of academic or personal misconduct
- Determine whether there has been a breach of this policy by a student

The Panel's investigation and determination must be conducted in accordance with the requirements and principles of natural justice.

### **Information provided to the student**

The Head of School must inform the student:

- There is information to suggest they have behaved in a manner of academic or personal misconduct
- A student review panel has been convened to investigate and determine whether the student has breached this misconduct policy
- The substance and basis of the allegations of academic or personal misconduct including:
  - The specific actions of the student that raised concern
  - The evidence which may be available
- The student has the opportunity to explain:
  - Why the allegation of academic or personal misconduct may not be well founded
  - Whether there are extenuating circumstances which explain the breach of this policy by the student
- The student may present information in response to the allegation of academic misconduct in writing or in person to the Panel
- The Panel must schedule a hearing to determine whether the student's actions amount to academic or personal misconduct
- The student must be invited to attend the hearing

### **Investigation by the student review panel**

As part of its investigation, and in preparation for a decision, the Panel may:

- Identify information in the student's work that is said to be copied and cross reference it against the sources from which it is alleged to have been taken
- Compare the student's work with the work of another student
- Review the original copy of any signed student declaration of the originality and sources for the work
- Review statements about the actions of the student provided by those involved in the incident giving rise to the allegation
- Assess whether the academic or personal misconduct was intentional or unintentional having regard to previous work or behaviour undertaken by the student and information provided by the student
- Identify whether the student has a record of previous proven academic or personal misconduct or whether misconduct is in other domains of the students work
- Assess whether the student requires support, counselling, or other assistance including to improve their academic or personal skills

## **Show cause hearing**

### **Student's information in response**

The student should provide to the Head of School any information on which they wish to rely to show, as appropriate:

- They did not breach the policy
- The breach, if established, should be seen as minor rather than substantial misconduct for instance because it was the result of the student's lack of understanding or experience of the applicable academic conventions

The information the student might provide includes:

- A signed statement from another student about the actions leading to the allegation of academic misconduct
- A letter explaining the student's lack of experience or understanding of the relevant academic or personal conventions
- A letter about the student's past record of academic and personal honesty and integrity

The information must be provided to the Head of School before or at the Panel's show cause hearing date.

### **Attending the hearing**

The student should advise the Head of School whether they intend to attend the hearing.

The student can choose a support person to attend the hearing with them.

If the student has a disability or requires special assistance to attend a hearing, they should advise the Head of School so that any reasonable provisions can be arranged.

The student does not have to attend the hearing. If the student does not attend, the Head of School will consider the written information provided by the student.

## **Decision after a show cause hearing**

After the Panel has considered all of the information available to it at the hearing, the Panel must decide:

- Whether or not the student is guilty of academic or personal misconduct
- The appropriate penalty for any established academic or personal misconduct
- To postpone the panel for further consideration of the issues and reconvene at a later time

### **Penalties**

If the Panel determines the student is guilty of misconduct, the Panel may determine that any one or more of the following actions is the appropriate penalty to impose on the student for the misconduct:

- A warning
- A reprimand
- Academic or personal counselling
- A course in referencing, essay writing or other topic identified by the Panel
- Resubmission of the task
- Allocation of a zero mark for the task
- Allocation of a zero mark for the unit
- Placing the student on probation
- Suspension from the course
- Exclusion from the course
- Any of the above together with referral outside the Institute if the complainant so decides.

## Notice of decision

The Head of School is required to notify the student in writing of the Panel's decision and the reasons for the decision within five (5) working days of the show cause hearing.

## Appealing the decision

In accordance with the Institute's Grievance Policy – Academic and Non-Academic Matters, the student can appeal the decision within 14 days of the notice of the decision.

The appeal should be a written submission delivered to the Executive Director:

- Identifying the grounds for the appeal
- Providing supporting documents

## Identification of allegation of bullying, harassment or discrimination

Any staff member, student or visitor may identify cases of bullying, harassment or discrimination. Both men and women may make complaints of bullying, harassment or discrimination.

The Institute takes seriously, its responsibilities to handle complaints of harassment, bullying and discrimination. The Institute undertakes to train individuals involved in the resolution of complaints, and to have available staff with relevant expertise to provide advice.

Sexual harassment, discrimination and bullying not only are unacceptable, but may result in legal action being undertaken by a complainant.

## Investigation of allegation of bullying, harassment or discrimination

Staff members, students and visitors, who believe that they are being bullied, harassed or discriminated against in contravention of this policy and the relevant Legislative Acts, may take action as follows.

Incidents are to be reported to the Head of School, via the Course Co-Coordinator, or directly. The Head of School will advise the Executive Director, and/or Assistant Director of the report.

Complainants are strongly encouraged to report incidents which may constitute a criminal offence, including rape, sexual assault or stalking, to the Police.

Complainants who report incidents to the Police or to the Psychology Board of Australia must advise the Head of School, Executive Director, and /or Assistant Director of the report.

All complaints must be treated in a confidential, sensitive, fair and timely manner, taking into account that each instance will have individual circumstances and consequences, which may result in individual actions of investigation.

Staff who require counselling are required to contact the Personal Assistant to the Head of School for appropriate assistance.



## Dissemination of information

The Head of School is required to:

- Disseminate this policy throughout the school
- Establish processes to ensure students and staff understand the policy

The processes for dissemination and to promote understanding may include:

- Providing information about academic integrity, academic misconduct, copyright, bullying, discrimination and harassment, cheating, failure to follow direction, poor performance, and other forms of misconduct
  - During orientation
  - In introductory sessions
  - On Moodle
  - In hard copy
- Establish support networks for students requiring additional assistance
- Requiring that all assignments be submitted with a statement signed by the student that the work is their own and that they are aware of this policy
- Professional development for staff about academic integrity, academic misconduct, copyright, bullying, discrimination and harassment

## Records

A register of cases of student academic and personal misconduct is maintained by the Academic Registrar

The confidential register includes:

- Documentation collated in all Panel investigations
- Records of decisions by the Panel

Records of alleged academic misconduct, and all associated documentation, must be retained for up to 10 years. The register may be consulted for an academic or personal reference if requested by a student.

## Definitions

Definitions of undefined terms used in this policy:

<b>Exclusion</b>	A student who is excluded is not permitted to re-enrol in the course
<b>Probation</b>	A student on probation: <ul style="list-style-type: none"><li>• Must see the Course Coordinator before re-enrolling in the course</li><li>• May have conditions attached to their re-enrolment</li></ul>
<b>Suspension</b>	A student who is suspended is not permitted to re-enrol in the course for a period of at least one trimester up to a period of 12 months

## References

Reference material relevant to the development of this policy:

<b>References</b>	<a href="#"><u>Disability Discrimination Act 1992 (Commonwealth)</u></a> <a href="#"><u>Equal Opportunity Act 2010 (Vic)</u></a> <a href="#"><u>Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)</u></a> <a href="#"><u>Racial and Religious Tolerance Act 2001 (Vic)</u></a> <a href="#"><u>Racial Discrimination Act 1975 (Commonwealth)</u></a> <a href="#"><u>Racial Hatred Act 1995 (Commonwealth)</u></a> <a href="#"><u>Sex Discrimination Act 1984 (Commonwealth)</u></a>
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