

SPL0001 Student Academic Integrity and Misconduct Policy

Appendix A Student Academic Misconduct Procedures

These procedures describe how Nan Tien Institute (NTI) will respond to allegations of academic misconduct, the imposition of penalties and the appeals process.

Review and investigation of academic misconduct allegations

This procedure establishes a staged review and investigation of academic misconduct allegations:

- 1) Subject coordinator review and investigation
- 2) Academic Integrity Officer (AIO) review and investigation
- 3) Academic Integrity Committee (AIC) review and investigation

STAGE 1 - SUBJECT COORDINATOR REVIEW AND INVESTIGATION

1. In most cases, the allegation of academic misconduct will be made by the Subject Coordinator of the subject for which the allegation is raised. If another person makes an allegation of academic misconduct, it must be brought to the attention of the Subject Coordinator.
2. The Subject Coordinator will conduct a preliminary review and collect evidence relating to the allegation. This may involve informally meeting with the student to discuss their work. The Subject Coordinator may consult the Head of Program.
3. The Subject Coordinator must make the determination as to whether academic misconduct has occurred as soon as possible and within a maximum of ten (10) working days from the allegation.
4. If the Subject Coordinator has a conflict of interest in conducting the review and investigation, they will pass the allegation onto the AIO.
5. If the Subject Coordinator determines there is not sufficient evidence to support the allegation of academic misconduct, the allegation will be dismissed. The Subject Coordinator will advise the student (if the student had been made aware of the allegation) and no further action will be taken.
6. If the Subject Coordinator determines there is sufficient evidence to support the allegation of academic misconduct, the allegation will be referred to the AIO with all the evidence collated by the Subject Coordinator during the preliminary review.

STAGE 2 - ACADEMIC INTEGRITY OFFICER (AIO) REVIEW AND INVESTIGATION

1. The AIO will contact the student, advising them that an allegation of academic misconduct has been made against them and will provide details of the alleged breach of academic integrity, including the name of the person who made the allegation and the evidence provided (Notification Letter).
2. In the event that the AIO is the Subject Coordinator who made the allegation or the AIO has a conflict of interest, the matter will be referred to another AIO at NTI.

3. The student will be offered the opportunity to attend a meeting with the AIO to respond to the allegation. During this meeting the AIO will explain the allegation to the student and present any evidence. The meeting will take place within ten (10) working days of the Notification Letter.
4. The student has the right to decline to respond to the allegation.
5. Students who wish to respond to the allegations in person are entitled to be accompanied by a support person. The support person may not act as a legal representative.
6. If the student doesn't respond to the meeting invitation and all reasonable efforts have been made to contact the student, the investigation will proceed without discussion with the student.
7. Based on the evidence collected, including information gathered during the meeting with the student (if this has taken place), the AIO will make a finding of whether academic misconduct has occurred. The AIO must make this finding as soon as possible and within a maximum of ten (10) working days of the scheduled meeting with the student (whether this occurred or not).
8. If the allegation is dismissed by the AIO, the AIO will inform the student and the Subject Coordinator who made the allegation in writing and no further action will be taken.
9. If the allegation is upheld by the AIO, the AIO will determine whether the academic misconduct constitutes a minor or a major breach.
10. Examples of minor academic misconduct are:
 - a) A first offence of plagiarism
 - b) A minor contravention of acknowledgement practice, academic standards or requirements
 - c) A genuine lack of understanding of academic standards and requirements – poor academic practice
11. Examples of major academic misconduct are:
 - a) Repeat offences of plagiarism
 - b) Serious offences of plagiarism amounting to extensive copying and a deliberate intention to deceive
 - c) Collusion
 - d) Falsification of marks or data
 - e) Repeated deliberate unauthorised use of generative AI
12. In the case of a minor breach, the AIO will determine the appropriate outcome and the student will be notified in writing.
13. If the AIO finds that the academic misconduct constitutes a major breach, the matter will be referred to the AIC and the student will be informed in writing.

STAGE 3 - ACADEMIC INTEGRITY COMMITTEE (AIC) REVIEW AND INVESTIGATION

1. The Academic Integrity Committee will comprise the AIO, the Subject Coordinator, the Dean of Studies and the Director, Student Services.
2. The AIC will meet to consider the evidence related to the allegation and speak to any person who it considers might help it reach a decision (this may include speaking to the student).
3. The AIC members will apply the balance of probabilities test in determining whether academic misconduct has taken place and will:
 - a) Apply an open, impartial and unprejudiced mind to their duties;

- b) Base findings and recommendations solely on relevant considerations;
 - c) Maintain confidentiality about all matters before them;
 - d) Not be involved in a case or have any involvement in the finding and recommendation of a case before them if they have a personal relationship with the student or direct or indirect financial or personal interest in that case, or who otherwise has a conflict of interest in the case, even if they do not believe that their interest would affect their duties.
4. The student will be notified of the outcome of this formal inquiry in writing within ten (10) working days of the formal inquiry.

Imposition of sanctions – minor misconduct

1. The outcome of a case of minor academic misconduct will be determined by the AIO.
2. The penalty applied by the AIO for a case determined as minor academic misconduct may include:
 - a) A warning or reprimand to the student
 - b) A requirement that the student resubmit the assessment to correct poor academic practice – this may be accompanied by the imposition of a mark reduction penalty on the resubmitted assessment or restriction of the subject grade to a maximum of 50 (Pass)
 - c) Reducing the mark of the assessment (possibly to 0)
 - d) Requiring the student to undertake counselling, or attend academic support workshops when available

Imposition of sanctions – major misconduct

1. The outcome of a case of major misconduct will be determined by the AIC.
2. The penalty applied by the AIC for a case determined as major misconduct may include:
 - a) A requirements that the student resubmit the assessment with a maximum possible subject grade of a pass (if appropriate and if the resubmitted assessment is satisfactory)
 - b) Reducing the marks of the assessment to 0
 - c) Reducing the grade of the subject (to 0 or Technical Fail)
 - d) Placing the student on probation with, as appropriate, restrictions on enrolment or a requirement to attend academic support sessions
 - e) Suspension or expulsion from NTI (for serious repeated offences)

Notification to student and record keeping

1. The AIO or the AIC will provide a report on the determination and penalty to the Director Student Services who will advise the student in writing of the decision and the penalty.
2. The communication to student (Letter of Outcome) will contain the following information:

- a) sufficient details of the allegation to allow the student to understand the nature of the alleged misconduct
 - b) details of the basis on which the misconduct was determined
 - c) the penalty imposed
 - d) a referral to the appeals process
 - e) a reference to further advice and support available through NTI
3. The Director Student Services will record the details of the offence and the penalty imposed in the Misconduct Database.
 4. Any consequential changes to grades and marks will be reported to the Dean of Studies.
 5. If the allegation of academic misconduct is dismissed at any stage of the review and investigation process, there will be no record of the case in either the Misconduct Database or the student's academic record.

Appeals

The student has the right to appeal any decision made as a result of an academic misconduct investigation or the penalty imposed.

INFORMAL APPEALS

1. The first stage of an appeal is through informal consultation with the Dean of Studies.
2. The student must seek a meeting with or notify the Dean of Studies of their intention to appeal in writing within ten (10) days of the Letter of Outcome.
3. If the student remains dissatisfied by the review of the judgement by the Dean of Studies, the second stage for an appeal is a formal appeal.

FORMAL APPEALS

1. A student can formally appeal an academic misconduct investigation decision or penalty imposed on one of the following grounds:
 - a) procedural grounds – i.e. where it is thought that this Academic Misconduct Procedure was not followed
 - b) severe extenuating circumstances which must be validated with supporting documentation
2. The appeal must include the following:
 - a) the student's full name, NTI student number and contact details
 - b) the nature of the decision or matter being appealed
 - c) the basis for the appeal
 - d) details of the specific outcome(s) sought by the student
 - e) copies of all relevant documents

3. The formal appeal, with all relevant supporting documentation, will be submitted by the student to the Director Student Services within ten (10) days of the Letter of Outcome or the informal meeting with the Dean of Studies.
4. The Director Student Services will submit the formal appeal and supporting documentation to the NTI President for resolution.
5. The President may interview the student and anyone who may have information about the case. The President may also set up an Appeal Committee to make a determination on the appeal. The President may appoint a senior member of staff or an external person to undertake the review.
6. The President will advise the student in writing of the decision on their appeal within ten (10) working days from the date the appeal is submitted.
7. If the student's formal appeal to the President is unsuccessful, the notification of the outcome will contain the reasons the appeal has been unsuccessful.
8. If the student's formal appeal to the President is successful, the record of the case will be removed from the Misconduct Database and the student's academic record.

*An appeal at any level may be rejected if:

- a) no reasonable grounds are stated for the appeal
- b) no new or different grounds are stated for the appeal from those already considered by the previous hearing/adjudicator
- c) the student has not ensured that they are in a position to receive all notifications from NTI (late or non-receipt of official communication will not be accepted as grounds for appeal if changes of personal details have not been notified to NTI)
- d) the appeal is lodged outside the time limits stipulated

EXTERNAL APPEALS

1. If a student is dissatisfied with the outcome of an internal appeal, they have a right to appeal to an external agency. Similarly, a matter may be referred to an external agency by NTI.
2. Where this occurs, NTI may cease any internal process pending the outcome of external investigation.
3. External agencies may include:
 - a) NSW Ombudsman
 - b) Anti-Discrimination NSW Board
 - c) Australian Human Right Commission
 - d) NSW Independent Commission Against Corruption
4. If the external appeal results in a decision or recommendation in favour of the student, NTI will immediately implement that decision or recommendation and advise the student in writing.