

ACADEMIC MISCONDUCT POLICY

The integrity of the academic processes of the Sydney College of Divinity requires that academic misconduct be identified, discouraged and disciplined when it occurs, because it interferes with the awarding of appropriate recognition of legitimate effort. This policy is concerned with academic misconduct on the part of current or previous students.

Alleged misconduct, academic or other, on the part of a faculty member or any other staff member may be addressed through the *Student Grievance Policy and Procedures* (for student allegations against staff) or the *Staff Grievance Policy and Procedures* (for staff allegations against staff).

Academic misconduct is the fabrication or misuse of intellectual property. It includes, but is not limited to, the following:

- a) **PLAGIARISM:** Plagiarism is the representation of another's works or ideas as one's own; it includes the unacknowledged word for word use or paraphrasing of another person's work, and the inappropriate unacknowledged use of another person's ideas.
- b) **CHEATING:** Cheating is the providing or receiving of information during tests and examinations; or providing or using unauthorized assistance at the computer terminal, or on field work. Cheating would not usually include consultation with others or discussion amongst students about the preparation of assignments unless that was specifically forbidden. It includes unauthorized collusion.
- c) **FRAUD:** Academic fraud is the falsification and fabrication of, or dishonesty in reporting, research results.
- d) **IMPROPER BEHAVIOUR:** Improper behaviour is behaviour that interferes with students or staff in the pursuit of their academic endeavours. It includes disruptive behaviour in class or institutional facilities such as libraries.
- e) **MISREPRESENTATION:** Misrepresentation is the giving of false or misleading information in academic matters. It includes falsely claiming credit for past study and falsely stating that thesis material has not been used in another thesis.
- f) **UNETHICAL BEHAVIOUR:** Unethical behaviour is behaviour that breaches accepted ethical standards. It includes failing to observe the terms of an ethical approval to conduct research; misuse of confidential information obtained in field education.

The question to be asked in relation to demonstrated academic misconduct will be whether the student is to be excluded from the course, suspended from the course, or otherwise penalized in a lesser way, to be determined with regard to proportion, for example, loss or reduction of marks for an item of assessment or for a whole unit.

The procedures for addressing complaints of academic misconduct are set out below.

General Procedures

Complaints may be made against:

- any person enrolled or previously enrolled in any SCD course, whether or not proceeding to an award;
- any person holding an award conferred by the SCD.

Complaints may be made by any person who has direct knowledge of academic misconduct.

A complaint must:

- identify the person against whom it is made;
- identify the nature of the misconduct complained of;
- provide appropriate evidence of the alleged misconduct, including the names of witnesses where appropriate.

Specific Procedures

Addressing complaints of academic misconduct on the part of students enrolled as follows:

(i) For Coursework in Teaching Bodies

The complaint should be made to the Academic Dean, who will undertake a preliminary enquiry into the matter. Both the person complaining and the person against whom the complaint is brought will be invited to speak with the Academic Dean separately.

The person against whom the complaint is brought may at this or any stage be assisted by another person acting as advocate.

Pursuant to academic misconduct being established, any penalty imposed by a Teaching Body on an assessment item, or an entire unit of study, will be recorded with the other Exceptional Grades in the Monitoring process for that Semester. The SCD Academic Director will report these occurrences of academic misconduct and the penalties imposed to the Academic Board.

If the matter is not resolved at this stage to the satisfaction of all concerned, the Academic Dean will convene a panel of three people to consider the matter including the Academic Dean and two other persons of appropriate seniority and experience, one or both of whom may be SCD faculty members from other Teaching Bodies or external academics. If the matter is not resolved at this stage, unless the person bringing the complaint has preferred to go directly to the SCD Dean at an earlier stage, the Academic Dean will bring the matter to the SCD Dean.

Upon receiving the complaint the SCD Dean will:

- a) acknowledge receipt of the complaint within seven days;
- b) examine the complaint to establish whether a *prima facie* case is established; in making such a determination the Dean will consider:
 - whether the behaviour complained about would, if established, constitute academic misconduct under this policy;
 - whether the evidence provided is sufficient to support the allegation;
- c) inform the complainant and the person against whom the complaint has been brought that no further action is proposed if it is considered that a *prima facie* case has not been established;
- d) refer the complaint to an Academic Misconduct Committee if it is considered that a *prima facie* case has been established and notify the person bringing the complaint that this has been done;
- e) notify the person against whom the complaint has been brought that the matter has been referred to an Academic Misconduct Committee, ensuring that the person receives clear

details of the allegation and clear information about the procedures of the Academic Misconduct Committee and their implications;

- f) appoint an Academic Misconduct Committee of three persons of appropriate seniority and experience, one or two of whom may be SCD faculty members from other Teaching Bodies and at least one of whom will be an external academic, and none of whom will be a staff member in the Teaching Body in which the student is enrolled.

The Academic Misconduct Committee thus appointed will:

- a) elect a Chair from amongst the members;
- b) receive summary information from the SCD Dean but otherwise inform itself about the alleged misconduct in any appropriate way it thinks fit;
- c) give the person against whom the misconduct is alleged sufficient notice of its deliberations to allow the person to present a defence in writing and in person;
- d) if the circumstances warrant it, conduct an interview of the person against whom the misconduct is alleged, allowing the person to be accompanied by another person to act as advocate;
- e) having considered the evidence before it, will make its findings on the balance of probabilities: where the complaint is a grave one or likely to be attended by serious consequences, the Committee should be more clearly convinced of the misconduct than would be required in less serious kinds of case.

The Academic Misconduct Committee may:

- a) dismiss a complaint;
- b) find a complaint established and impose no penalty;
- c) find a complaint established and admonish the person;
- d) find a complaint established and order that the person forfeit marks in an assignment, fail a course unit or all the units in which the person is enrolled in a semester;
- e) find the complaint established and suspend the person from enrolling in the SCD for a period not exceeding two semesters: a person who is suspended may not enrol in the SCD for anything from which the person is suspended while the suspension is in force; at the expiration of the suspension the person may re-enrol without further permission;
- f) find the complaint established and exclude the person from enrolment in the SCD for a period not less than four semesters: a person who is excluded may not enrol in the Sydney College of Divinity while the exclusion is in force; at the expiration of the period of exclusion the person may not re-enrol without the express permission of the Academic Board;
- g) find the complaint established and recommend to Council that a degree or other award conferred on the person be revoked and annulled;
- h) find the complaint established and impose a combination of the above penalties;
- i) notify the SCD Dean of the outcome.

The SCD Dean will then:

- a) if the complaint has been established, include a record of the incident in the person's file;
- b) if the Committee's order involves forfeiture of marks, failure in one or more course units, suspension of enrolment or exclusion from enrolment, ensure that the relevant results and/or bars to enrolment are enacted and inform Academic Board of the incident;
- c) if the order involves a recommendation that a degree or other award conferred on the person be revoked and annulled, ensure that this recommendation is brought to Council for final determination, and enact Council's decision;
- d) ensure that the person is informed of the final outcome.

(ii) For Coursework in the SCD Korean School of Theology

The complaint should be made to the Dean of Studies (Korean Program), who will undertake a preliminary enquiry into the matter. Both the person complaining and the person against whom the complaint is brought will be invited to speak with the Dean of Studies (Korean Program) separately.

The person against whom the complaint is brought may at this or any stage be assisted by another person acting as advocate.

If the matter is not resolved at this stage to the satisfaction of all concerned, the Dean of Studies (Korean Program) will convene a panel of three people to consider the matter including the Dean of Studies (Korean Program) and two other persons of appropriate seniority and experience, one or both of whom may be SCD faculty members from one of the SCD MIs or external academics. These two should include at least one person fluent in both Korean and English. If the matter is not resolved at this stage, or unless the person bringing the complaint has preferred to go directly to the SCD Dean at an earlier stage, the Dean of Studies (Korean Program) will bring the matter to the SCD Dean.

Procedure then follows as for (i) above, with the proviso that, if an Academic Misconduct Committee is appointed, its members will include at least one person fluent in both Korean and English.

(iii) For Research Degrees in the SCD

The complaint should be made to the SCD Director of Research, who will undertake a preliminary enquiry into the matter. Both the person complaining and the person against whom the complaint is brought will be invited to speak with the Director of Research separately.

The person against whom the complaint is brought may at this or any stage be assisted by another person acting as advocate.

If the matter is not resolved at this stage to the satisfaction of all concerned, the Director of Research will convene a panel of three people to consider the matter including the Director of Research and two other persons of appropriate seniority and experience, one or both of whom may be SCD faculty members from one of the SCD MIs or external academics. If the matter is not resolved at this stage, or unless the person bringing the complaint has preferred to go directly to the SCD Dean at an earlier stage, the Director of Research will bring the matter to the SCD Dean.

Procedure then follows as for (i) a) above.

APPEALS

A person against whom a complaint of misconduct has been established under these procedures or the procedures of a Teaching Body may appeal to the Academic Board within thirty days of receiving the

decision of an Academic Misconduct Committee. If a person lodges an appeal, the implementation of any penalty will be stopped until the appeal is resolved.

The Chair of the Academic Board will, as required, appoint an Academic Misconduct Appeals Committee of three persons to hear appeals on matters of academic misconduct. The members of this Committee will be the Academic Board Chair and two other senior and experienced persons external to the SCD and its Teaching Bodies.

The Academic Misconduct Appeals Committee thus appointed:

- a) may establish its own procedures, including the election of a Chair;
- b) must allow the appellant to present an appeal in writing and in person;
- c) must permit the person to be accompanied to any hearing by person acting as advocate;
- d) having considered the evidence before it, will make its findings on the balance of probabilities: where the complaint is a grave one or likely to be attended by serious consequences, the Committee should be more clearly convinced of the misconduct than would be required in less serious kinds of case;
- e) may affirm, vary or set aside the decision under appeal;
- f) will report its decision to:
 - the appellant;
 - the Academic Board Chair, who will report the outcome of any misconduct appeal to the Academic Board and to Council; and
 - the Dean, who will be responsible for implementing the decision of the Committee.

Independent Third Party

If a student who has been accused of plagiarism or other cheating does not accept the verdict and wants to clear his or her name, or does not accept the penalty, it effectively becomes a grievance against SCD for wrong treatment, and falls under the *Student Grievance Policy*. This sets out detailed information addressing various circumstances. It provides for an independent third party as a last step, as follows:

If the matter remains unresolved by the process outlined above and the student wishes to pursue it further, the Dean either arranges for the External Grievance Officer to investigate and report on the matter within four weeks (for domestic students) or refers the student to the Overseas Student Ombudsman (for overseas students).

The *Student Grievance Policy* is readily available on the SCD website and through the websites of Member Institutions.

RECORDS AND COMMUNICATION

Records of the making and resolution of a complaint about academic misconduct will be kept in a separate file for each complaint. When a complaint is established, a note recording the nature of the complaint and any penalty imposed will be placed on the person's file. A person's academic transcript will not contain any reference to academic misconduct as the reason for a course result or other record.

In general, information about established complaints will be kept confidential.

The Dean is authorised to inform another educational institution of an established complaint of academic misconduct if the Dean considers it appropriate to do so. In the case of the revocation and

annulment of a degree or other award, the Dean is authorised to make such public announcement as the Dean, on the advice of Council, may think appropriate in the circumstances of the case. Nothing in this paragraph prevents the transmission of information within the Sydney College of Divinity for the purpose of giving effect to these procedures.

Author(s), Latest (Role) and Previous	G. Moore, L. Gainer (Academic Registrar), N. Holm, D. Speed (Dean) /Coursework Committee
Last Approval (Date)	Approved Academic Board June 2015
Date for Review	June 2020
Previous Approval(s)	Approved Academic Board (5 November 2011) Amended Academic Board (5 November 2012) Reviewed Academic Board Standing Committee (25 May 2015);
Minor Amendments from 1 January 2017	Standing Committee of Academic Board (24 February 2017)