Student Integrity and Misconduct Guideline

Section 1 - Purpose and Scope

(1) These Guidelines supplement The University of Queensland's (UQ or the University) Student Integrity and Misconduct Policy and support the application of the Policy and Student Integrity and Misconduct Procedure by providing:

a. an outline of the process for staff to identify, assess, manage and determine misconduct matters; and
b. further information on staff responsibilities to manage the misconduct process.

(2) A flowchart on the process for managing alleged misconduct is set out in the Appendix of this document.

Section 2 - Staff Guidelines

Course Coordinator Responsibilities

(3) Course Coordinators should:

a. be familiar with the content of the Student Code of Conduct and the academic integrity tutorial (online module) and ensure that advice to students on academic integrity is consistent with the detail and requirements as outlined in the module;
b. clearly explain academic expectations of assessment items, including referencing styles, in the course profile; and
c. set realistic assessment loads, change assessment tasks from semester to semester, and design assessment tasks that encourage original thinking.

(4) Any staff involved in teaching should refer matters of suspected academic misconduct to the Course Coordinator to raise with the relevant Integrity Officer who will determine the next steps.

Support for Staff

(5) The Student Conduct and Grievance Resolution webpage provides templates for documents referred to in these Guidelines that are used throughout the misconduct process, such as:

a. investigation report
b. conduct counselling notice
c. conduct notice
d. allegation notice
e. hearing agenda
f. outcome notice.

(6) The University acknowledges that teaching evaluation(s) for academic teaching staff may be adversely impacted where a large number of misconduct matters are identified in a particular course. Academic staff are encouraged to

raise this during Annual Performance and Development conversations.

Requirement to Act Fairly, Impartially and Exercise Independent Judgment

(7) Staff who investigate or decide allegations or appeals need to act fairly and impartially. While they may seek advice about the process or their responsibilities under the Policy, they must exercise independent judgment about the particular allegation or appeal, based on their objective assessment of the evidence.

Confidentiality

(8) Staff who investigate or hear allegations or appeals must treat them as confidential and not discuss them with anyone not involved in the process. Any disclosure of information to others involved in the process needs to be on a "need-to-know" basis, depending on the nature of their role in the process.

Conflicts of Interest

(9) Staff involved in misconduct or appeals processes must disclose actual, perceived or potential conflicts of interest (whether personal, financial, or otherwise) as soon as they become aware of them. Staff who have previously advised or supported a student should not normally be involved in any investigation or decision-making in relation to that student's complaint or appeal without disclosing a potential conflict of interest. The staff member's supervisor (or other person to whom they are accountable under the process) then assesses whether the potential conflict is or is likely to (or be seen to) preclude that staff member from acting fairly and impartially. If so, then another person will be appointed to replace the staff member. If in doubt, a cautious approach should be taken, and the situation discussed with the Integrity Officer or the Associate Director, Student Conduct and Integrity.

Investigation

(10) The Integrity Officer or professional staff member who conducts an investigation should consider the following:

a. whether the student should attend a preliminary meeting;
b. whether the student's written response to the concerns be sought in the first instance;
c. whether IT investigations would be useful in determining the allegation; and
d. whether others should be approached to provide statements.

(11) Once the information has been collected, an investigation report on the findings should be developed. The report should include:

a. an impartial summary of the evidence collected;
b. copies of the information collected (including meeting minutes if relevant);
c. on the balance of the evidence collected, a recommendation on whether there is sufficient evidence to allege misconduct; and
d. whether the investigation has uncovered any other concerns that should be considered prior to deciding the outcome of the matter.

Investigation Outcome

(12) Once the Integrity Officer or Associate Director has an investigation report, their role is to consider what, if any further, action should be taken.

(13) At this stage, a recidivist check should be sought from the Student Conduct and Grievance Resolution unit to determine whether the student has previously been subject to allegations of misconduct. To do so, send an email to studentconduct@uq.edu.au with details of the student including their name and student number. A history of poor

academic practice or lapses in general conduct may suggest the current allegation should be considered in respect of the penalties applicable under the Student Integrity and Misconduct Policy.

(14) Following review of the investigation report, the Integrity Officer or Associate Director will:

a. take no further action as there is not enough evidence to substantiate a claim of misconduct; or
b. issue a conduct counselling notice if the misconduct has been determined to be inadvertent or unintentional; or
c. issue a conduct notice to the student; or
d. refer the matter to the University Misconduct Board if a more significant penalty than those available to a Misconduct Committee could be considered appropriate.

Conduct Counselling

(15) Where the Integrity Officer or Associate Director concludes from an investigation that the alleged actions of the student warrant an educative outcome, then a Conduct Counselling notice can be issued.

(16) This would be an appropriate outcome in circumstances where the actions of the student are due to poor academic practice, unintentional or inadvertent consequences to their actions, or actions from a misunderstanding.

Description of the Conduct being Counselled

(17) A description of the alleged conduct or action by the student and the circumstances in which if occurred, including reference to evidence to support the conclusions about the behaviour or action. When framing and/or setting out the conduct, reference to and language used should be consistent with section 3 of the Student Code of Conduct Policy.

Directions

(18) Conduct counselling notices may specify one or more directions to the student, including a direction to refrain from engaging in specified conduct in the future and the consequences should such conduct be repeated. It may also direct the student to access specified learning activities or to reflect on their actions through an apology.

Response

(19) The conduct counselling notice should provide advice for the student to respond with an acceptance of the conduct counselling and a due date for the response. Students should be given 14 calendar days to respond.

(20) If a student responds within the timeframe and accepts the counselling, the directions listed in the conduct counselling notice can be applied. The information that the Student Conduct and Grievance Resolution unit record on the Conduct Register with this outcome will not be conveyed to external agencies in formal student conduct reports but will be available through recidivist checks if future matters arise.

(21) If a student does not respond in the prescribed timeframe, or does not accept the counselling, the matter may then proceed to the issuing of a conduct notice, which may include alternative outcomes such as a penalty; or be heard by a Misconduct Committee through the issuing of an allegation notice.

Conduct Notices

(22) Where a matter requires the imposition of a penalty, an allegation of misconduct can be addressed with a conduct notice in the first instance.

(23) As the conduct notice is the first formal notification to a student subject to formal misconduct proceedings, it will contain the information as set out in clauses 24-28 of these Guidelines.

Description of the Alleged Misconduct

(24) A description of the alleged student misconduct and the circumstances in which it occurred, including reference to evidence to support the allegations of misconduct, must be included in the conduct notice. When framing and/or setting out the allegation, reference to and language used should be consistent with section 3 of the Student Code of Conduct Policy.

Penalty

(25) The conduct notice must list the penalty that will be imposed if the student admits they engaged in the misconduct that has been alleged. The full range of penalties listed in section 4 of the Student Integrity and Misconduct Policy are available to be included in the conduct notice.

Response

(26) The conduct notice should provide advice for the student to respond with an admission to the alleged misconduct and a due date for the response. Students should be given 14 calendar days to respond.

(27) If a student responds within the timeframe and admits to the misconduct, the penalty listed in the conduct notice can be applied. The information that the Student Conduct and Grievance Resolution unit record on the Conduct Register with this outcome will not be conveyed to external agencies in formal student conduct reports but will be available through recidivist checks if future matters arise.

(28) If a student does not respond in the prescribed timeframe, or does not admit to the alleged misconduct, the matter will then proceed to be heard by a Misconduct Committee through the issuing of an allegation notice.

Misconduct Committee

(29) Misconduct Committees are comprised of two authorised staff who have undertaken training in decision making. They may be senior academic or professional staff. The Student Conduct and Grievance Resolution Unit is required to keep records of the staff who are authorised to act as members of Misconduct Committees. Misconduct Committees do not need to be comprised only of staff from within one organisational unit. Some matters may benefit from forming the Committee from authorised staff across multiple disciplines.

(30) When a matter is referred to be heard by a Misconduct Committee, the Integrity Officer responsible needs to convene the committee and issue the allegation notice.

University Misconduct Board

(31) The University Misconduct Board is established in accordance with clause 28-35 of the Student Integrity and Misconduct Policy.

Guidance on Referral of Matters to the University Misconduct Board

(32) Clause 18-20 of the Student Integrity and Misconduct Procedure sets out when matters should be referred to the University Misconduct Board rather than a Misconduct Committee. Integrity Officers may seek advice from the Associate Director, Student Conduct and Integrity on particular matters if required.

(33) Considerations regarding referral of matters to the University Misconduct Board include:

a. A repeated report of alleged misconduct after a similar allegation has been proven may warrant referral to the University Misconduct Board, however, a student who has previously had an allegation of low-level academic misconduct proven, should not automatically be referred to the University Misconduct Board for their second offence.

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b. If the relative weight of the assessment is high (for example > 50%), or the type of misconduct suggests that removal of credit for a course is appropriate, a referral to the University Misconduct Board may be appropriate.
c. If the student has no prior history of misconduct, but the matter is deemed serious due to the impact on other students, referral to the University Misconduct Board would be appropriate.

Misconduct Hearings

(34) Sections 2 and 3 of the Student Integrity and Misconduct Procedure includes detail of referring a matter to be heard by a Misconduct Committee, and how that Committee hears a matter. The University Misconduct Board hears matters in a manner similar to the Misconduct Committees, with support provided by the staff of the Student Conduct and Grievance Resolution unit.

Allegation Notice

(35) The Student Integrity and Misconduct Procedure outlines the details that are required to be included in an allegation notice, and includes:

a. a description of the alleged student misconduct and the circumstances in which the alleged misconduct occurred;
b. why the allegations amount to misconduct;
c. a proposed penalty if the allegation is proven;
d. the date, time and location of the hearing;
e. a copy of all material that will be provided to the Misconduct Committee (such as the reports from any investigations);
f. advice that the student may provide material (such as written submissions) to support their case;
g. a statement advising the student they need to request attendance if they wish to be present at the hearing; and
h. a timeframe to respond regarding attendance at the hearing.

Date, Time and Location of the Hearing

(36) In setting the date and time of the hearing, consideration should be given to:

a. time limits - the Committee will make all attempts to hear a case of alleged misconduct within 14 calendar days from the date that the allegation notice was issued;
b. whether the hearing will be taking place during an examinations period. Scheduling a hearing close to a student's examination should be avoided and instead should be held well in advance of, or following, examinations; and
c. the time of the hearing should avoid any clashes with the student's academic timetable.

Additional Information

(37) The receipt of an allegation notice and the process that ensues can be an anxious time for a student. Generally, the more information on the process the student has, the better placed they are to manage this anxiety. In acknowledging this, the student needs to be provided with additional information in the notice, including:

a. reference to the Student Code of Conduct Policy and Student Integrity and Misconduct Policy and Procedure; and
b. advice that the student may be accompanied to the hearing by a support person who is not a lawyer in accordance with Student Integrity and Misconduct Procedure provisions under 'Hearing the Allegations'.

(38) It is also advisable that Misconduct Committees encourage students to seek assistance from the Student Union or Student Support Services.

Hearing Agenda

(39) The agenda of a Misconduct Committee hearing should follow a model where the Committee clarifies points of fact and provides the student with an opportunity to be heard before deciding on the allegation.

(40) While there is discretion for a Misconduct Committee to conduct a hearing in a manner deemed appropriate, a hearing where the student requests attendance will usually proceed as follows:

a. The student, and support person if applicable, is welcomed into the hearing by the Misconduct Committee and introduced to the secretary and other members if relevant.
b. The Misconduct Committee states the allegation under consideration and provides the student with an opportunity to inspect all substantive material evidence available (if the student has not already been provided with copies).
c. The Misconduct Committee asks for the student's plea or, if previously indicated, whether they would like to change the plea.
d. The student is provided with an opportunity to make verbal submissions and to provide any additional information for the Misconduct Committee's consideration.
e. The Misconduct Committee seeks to clarify any outstanding questions from the material provided.
f. If applicable, witnesses are invited to appear. The witnesses and student should not interact with each other directly, but direct questions instead through the Misconduct Committee. The student and their support person should remain in the room while the witnesses give statements.
g. Any additional points of clarification are made and the student is provided further opportunity to submit any comments before the Misconduct Committee deliberates the case.
h. The student is given the opportunity to wait in another room for the Misconduct Committee to make a decision.
i. The Misconduct Committee invites the student and his or her support person to re-join the hearing and asks whether there are any issues about the proceedings they would like recorded.
j. The decision is delivered and any penalties imposed before the Misconduct Committee calls the hearing to an end.
k. Should the Misconduct Committee determine that matters raised at the hearing warrant further investigation prior to making a decision, the hearing may be adjourned to facilitate that investigation, and subsequently re-convened at a later time.
l. An adjourned hearing should be reconvened as soon as practicable and preferably not later than 10 working days after the original adjournment.

Role of Misconduct Committee Chair in a Hearing

(41) The Misconduct Committee Chair is responsible for:

a. the general conduct of the hearing and for upholding order throughout the proceedings;
b. leading the discussions and ensuring that the student has sufficient opportunity to submit evidence, including verbal submissions;
c. considering all the material presented to the Committee;
d. ensuring the decision of the Committee is based on findings of facts established on sound reasoning and relevant evidence;
e. deciding on the outcome of the matter through deliberation with the Misconduct Committee member. Where there is disagreement about the outcome of the matter, the Chair will have the casting vote; and

f. finalising the outcome of the hearing notice to the student.

Role of Misconduct Committee Member in Hearing

(42) The Misconduct Committee member is responsible for:

a. considering all the material presented to the Committee;
b. reaching a decision based on findings of facts established on sound reasoning and relevant evidence; and
c. deciding on the outcome of the matter through deliberation with the Misconduct Committee chair.

Role of Support Person to Student in Hearing

(43) If the student brings a support person to the hearing, their role is to provide support to the student throughout the hearing process, however they are not there to advocate on the student's behalf.

(44) It is important that the Misconduct Committee confirms that the representative is not a lawyer.

Role of Witness

(45) Not all hearings will require witnesses, however if they are called, the role of the witness is to provide evidence as requested by the Misconduct Committee. The witness does not have a role in suggesting outcomes of the hearing and should be judicious in providing opinion.

Other Persons

(46) To ensure an independent decision is made, the only people to be present for the full hearing and during deliberations are the members of the Misconduct Committee. A secretary may also be present if the Misconduct Committee decides it is required.

Decision and Penalties

Decision

(47) A decision made about an allegation of misconduct should be based on findings of facts that are established on sound reasoning and relevant evidence.

(48) In forming a decision, the Queensland Ombudsman 'Good Decisions' resource encourages Misconduct Committees to:

a. determine the weight to be given to competing factors in a decision and to be clear about which factors more weight is placed on, and why; and
b. clearly identify the critical issues in the decision (that is, the issues on which a decision relies). This can be done by considering what issues would need to change for the opposite decision to be made. It is important that sufficient evidence exists to establish each of these issues.

Penalty

(49) Where there is sufficient evidence to substantiate a claim of misconduct a penalty should be applied. Section 4 of the Student Integrity and Misconduct Policy lists the full range of penalties that are available for general or academic misconduct.

(50) Clause 51 of the Student Integrity and Misconduct Procedure provides relevant factors to consider when determining a penalty. The collective consideration of these factors should assist in achieving a proportionate and appropriate penalty. A matrix of these factors to assist with achieving appropriate penalty outcomes is provided on

the Student Conduct and Grievance Resolution unit website.

(51) The University Misconduct Board is able to impose any penalty available to a Misconduct Committee, and is also able to impose:

a. refusing or cancelling credit for any course;
b. revocation of an award;
c. suspension from the University for a specified period of more than 2 weeks; and/or
d. expulsion from the University.

Outcome Notification

(52) As soon as possible following the conclusion of the matter, whether that is acceptance of a conduct notice or following a Misconduct Committee hearing, an outcome letter should be sent to the student to be advised of the outcome.

(53) To ensure procedural fairness, the outcome letter should include:

a. a statement relating to acceptance of the conduct notice or the decision made by the Misconduct Committee; and
b. any penalty to be imposed.

(54) For matters heard by a Misconduct Committee, it is important to also include:

a. the reasons for the decision;
b. the student's right to appeal and the appeal timeframes; and
c. the possible outcomes of any appeal.

(55) It is important to provide a copy of this outcome notification to the Student Conduct and Grievance Resolution Unit so the Conduct Register can be updated. This includes acceptance of Conduct Counselling.

(56) Any person notifying the University of an allegation of misconduct should be advised that the matter has been resolved and an outcome reached. The notifier is not advised of the detail of the outcome unless it has a direct impact on them (such as a need for the respondent to maintain a specified distance from the notifier).

Section 3 - Appendix

Misconduct Flowchart

Status and Details

Status	Current
Effective Date	20th December 2021
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Approval Authority	Deputy Vice-Chancellor (Academic)
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Policy Owner	Kathryn Blyth Director, Academic Services Division and Academic Registrar
Enquiries Contact	Academic Services Division

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