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# **Student Academic Misconduct Policy**

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# Governance Academy

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# Student Academic Misconduct Policy

## Policy Statement

Governance Institute of Australia (hereafter referred to as Governance Institute) is committed to academic integrity, honesty and the promotion of ethical scholarship. It expects students to respect these values and to learn and observe the accepted academic referencing and other academic requirements of their field/s of study. This policy supports the Academic Integrity Policy.

## Aims and Objectives

1. This policy defines the actions that constitute academic misconduct by students and Governance Institute's processes for investigating and hearing allegations of academic misconduct. It also describes the penalties that will apply, where allegations are proven.
2. The policy is a key component of Governance Institute's approach to Academic Integrity, which is student focussed and aims to integrate all areas of the student experience that impinge on ethical scholarship, including the educational aspects of studying ethically.
3. The policy applies to all students who are enrolled in postgraduate subjects at Governance Institute.
4. The policy only applies to alleged or proven academic misconduct, as defined in the policy.

## Definitions

5. For the purpose of this policy:
  - **Academic Integrity:** The expectation that academic contractors, staff and students, and all members of the academic community act with honesty, trust, fairness, respect and responsibility in all academic activities and assessments.; Breaching academic integrity is also known as academic misconduct, as defined below in this policy.
  - **Academic Misconduct:** is a breach of academic integrity by an academic contractor, or student that includes collusion, engaging in contract cheating, inappropriate use of



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artificial intelligence (AI), plagiarism, self-plagiarism, or cheating in examinations or other assessable work.

- **Allegation:** a matter relating to academic misconduct reported against an academic contractor or student of the Institute that has not yet been investigated to determine if the allegation is upheld or dismissed.
- **AI (Artificial Intelligence)** means online software and / or chatbots that can quickly provide information and/ or that may have capacity to resolve a question posed by the user. The use of generative artificial intelligence for content production in assessments is only permitted where the type of use is stipulated in the subject assessment *and* is acknowledged in accordance with the *Referencing Styles Policy* and *Referencing Guide*.
- **AIGC:** means Artificial Intelligence-Generated Content, which refers to the use of AI to automate the information creation process while fulfilling the personalised requirements of users. AIGC, must not be used to generate academic work that a student then claims as their own intellectual property.
- **Collusion:** A student working with another student/s or person/s external to the Institute who partially or fully develop an assessment that the student submits and declares is their own work.
- **Contract Cheating:** when a student outsources their assessments for completion to a third party, whether that is a commercial provider or an individual or any other type of arrangement.
- **Plagiarism:** occurs in a student's work when the student submits work in which ideas, words or other work are taken from a source, for example, a website or computer program (includes the unapproved use of generative artificial intelligence), another student's essay or presentation, a book or journal article, a lecture, and presented as if they are the student's own, without appropriate acknowledgement of the original author. In this definition of plagiarism, it is the act of presenting material as one's own without appropriate acknowledgement that constitutes plagiarism, not the intention of the student when doing so.
- **Proctoring:** is another word for online examination invigilation. It utilises software that allows students to take their online examinations in a location of their choice, which is invigilated through their device's camera and use of screen share during the examination.

- **Self-plagiarism:** when a student resubmits academic work they completed previously for another assessment item and declares that the academic work has not been submitted for any other assessment item at the Institute or any other education provider.
- **Text-matching Software:** software used that compares students submitted academic work that is electronically submitted against a database of documents.

## Overview

6. Actions by students such as plagiarism and collusion (see definitions below) are not permitted. These actions will be treated by Governance Institute as academic misconduct and will be penalised.
7. Information about proper referencing and other academic requirements will be made available to students.
8. All investigations of alleged academic misconduct by students are to be conducted with due regard for procedural fairness. The procedures prescribed in this policy for the hearing of allegations provide students with opportunities to respond to allegations and, on specified grounds, to appeal disciplinary decisions.
9. All meetings to hear allegations of academic misconduct will be conducted with the principal object of impartially and fairly investigating the facts surrounding the allegation. Proceedings will be formal but will not be adversarial. A student invited to attend such meetings to respond to an allegation may be assisted by a fellow enrolled student, or a member of Governance Institute's staff. The support person may provide the student with advice, but may not act as an advocate, nor make direct comment in the meeting, unless given permission to do so by the convenor of the meeting.
10. In some cases, an allegation of academic misconduct may arise from a student's ignorance or misunderstanding of appropriate referencing or other academic requirements. Academic Leads should have the opportunity to determine whether this has been the case, and to advise the student accordingly.
11. The General Manager, Education or delegate may in circumstances defined in this policy, dismiss an allegation, or counsel, warn or discipline a student. Wherever a student's ignorance or



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misunderstanding of academic requirements can be demonstrated through careful investigation and use of evidence, the General Manager, Education or delegate will ensure that the student receives academic advice, whether or not a penalty for academic misconduct is imposed.

12. The General Manager, Education or delegate may determine that a student who has committed academic misconduct as a result of ignorance or misunderstanding will not have an offence recorded on file on the first occasion of such an offence.
13. In determining that academic misconduct has occurred, it is not necessary to show that a student has achieved an improper academic advantage. Some acts of plagiarism or collusion might not actually confer an academic advantage. For example, plagiarising an essay that does not address the question that has been asked, leading to a mark of zero, does not confer any academic advantage, but is still academic misconduct.
14. In determining a penalty for proven academic misconduct, Governance Institute will take into account the following:
  - a. whether the misconduct is minor or substantial misconduct;
  - b. whether the student has been able to demonstrate that there were any mitigating circumstances; and
  - c. whether the student has a record of previous, proven misconduct.
15. Students are expected to conduct themselves according to the Academic Integrity Policy. There is an important distinction to be understood between student academic misconduct and other forms of misconduct which are not of an academic nature. This policy concerns alleged and established academic misconduct only. Student academic misconduct is a breach of the Academic Integrity Policy
16. Other academic misconduct includes, but is not limited to:
  - a. tampering, or attempting to tamper, with class grades or class records;
  - b. failing to abide by directions of a member of academic staff regarding individual responsibility for the submission of assessable work;

- c. impersonating another student, or arranging for anyone to impersonate a student, in an assessment task;
  - d. falsifying or fabricating reports; and
  - e. use of taped, recorded or videotaped lectures, tutorials or other classes in a way that infringes another person's privacy or intellectual property rights — for example, by publishing or distributing a recording without permission from the teacher of the subject.
17. Minor and Substantial Misconduct: The terms 'minor misconduct' and 'substantial misconduct' in the policy indicate Governance Institute's view of the gravity of the impact of the alleged breach of the policy, according to the following definitions:
- a. **Minor misconduct:** is behaviour that is judged by Governance Institute to be a minimal threat to the integrity of assessment processes in the subject or to be the result of the student's lack of understanding of appropriate referencing or other academic conventions required for the course, or both;
  - b. **Substantial misconduct:** is behaviour that is judged by Governance Institute to be either a significant threat to the integrity of Governance Institute's assessment processes or behaviour where the student's level of experience might reasonably be interpreted as evidence that the student was aware that the behaviour was not in keeping with standards or practices related to ethical scholarship, or both.
18. The following instances of alleged misconduct will always be treated as 'substantial misconduct':
- a. once a student has been found to have committed minor or substantial misconduct, any subsequent allegation;
  - b. all allegations of collusion.

## **Part A — Processes for Investigating and Hearing Allegations of Misconduct**

19. Investigations and hearings of allegations of academic misconduct by students, or of appeals by students, will be conducted in a non-adversarial manner and in accordance with the following summary.

### **Suspected Academic Misconduct**

20. Where the Academic Lead or other person, has reason to believe that a student has engaged in academic misconduct, they must provide to the General Manager, Education a completed allegation of academic misconduct checklist form, setting out information and any evidence relating to the suspected academic misconduct. Copies of relevant original documents must be kept securely, for later reference if required.

### **Assessment and proceeding to Investigation**

21. Within five (5) working days of receiving a report of alleged student academic misconduct, the General Manager, Education or delegate will notify the Chair of Governance Institute's Academic Board, advising that the allegation has been received, that it is being assessed and may proceed to investigation.
22. Within ten (10) working days of receiving an allegation, the General Manager, Education or delegate will:
  - a. confer with the Academic Lead, to decide whether the allegation requires further investigation, making whatever enquiries considered necessary;
  - b. if it is decided that the allegation requires further investigation, invite the student in writing, to a meeting to investigate the matter further and advise the student that they may be assisted at the meeting by a fellow enrolled student, or a member of Governance Institute's staff;
  - c. schedule the meeting as soon as practicable after eight (8) working days, or more, from the date of despatch of the invitation, but no later than fifteen (15) working days after the date of despatch;



- d. enclose with the notification a copy of all documentation related to the allegation that will be considered at the meeting with the General Manager, Education or delegate; and
  - e. arrange for at least one additional member of Governance Institute's academic staff to be present at the meeting.
23. Within seven (7) working days of the date the invitation was despatched, the student must respond to the invitation, advising whether they will attend the meeting. Failure to do so, other than in the case of extenuating circumstances, will mean that a determination about the allegation will be made in the student's absence.
24. Following the meeting, or its scheduled date if the student does not attend, the General Manager, Education or delegate in consultation with the Academic Lead, will determine an appropriate course of action from among the following options:
- a. if it is decided that the allegation is not substantiated, the General Manager, Education or delegate will dismiss the allegation and will not impose a penalty for misconduct;
  - b. if it is decided that misconduct has occurred, but that it is minor misconduct, the General Manager, Education or delegate will decide on one of the following courses of action, or a combination of them:
    - arrange for appropriate academic counselling of the student;
    - require the student to re-submit an item of work in which misconduct has been detected, after the student has edited or totally re-written it, as appropriate, so that it meets the required academic referencing and other conventions and standards, specifying a maximum mark or grade that can be awarded for this re-submitted work — for example, 50%;
    - require the student to submit a replacement for any relevant assessment task, with a requirement that the student must satisfactorily achieve the outcomes for the assessment task, specifying a maximum mark or grade that can be awarded for this replacement task — for example, 50%; or
    - downgrade the mark for a relevant assessment task, in consultation with the Academic Lead (this mark may be zero).



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- c. if the General Manager, Education or delegate judges that the alleged misconduct is substantial, as defined in the policy (including a second or later case of minor misconduct or any case of collusion), the General Manager, Education or delegate will refer the allegation of academic misconduct to the Academic Board for further investigation and decision.
25. Within five (5) working days of determining that a student is suspected of substantial academic misconduct, the General Manager, Education or delegate will:
  - a. notify the student in writing of the misconduct alleged and that it is considered to be of a substantial nature;
  - b. invite the student to respond to the allegation at a meeting with the Academic Misconduct Sub-committee, which will be held as soon as practicable after eight (8) working days, but no later than fifteen (15) working days from the date of despatch of the invitation;
  - c. inform the student that, at the meeting, the Academic Misconduct Sub-committee will seek information from the Academic Lead and that the student may be accompanied by a fellow student or a member of staff; and
  - d. enclose with the notification a copy of all documentation related to the allegation that will be considered by the Academic Misconduct Sub-committee.
26. Within seven (7) working days of the date on the invitation, the student must respond to the invitation, advising whether they will attend the meeting. Failure to do so, other than in the case of extenuating circumstances, will mean that a determination about the allegation will be made in the student's absence.

### **Meeting with the Academic Misconduct Sub-committee**

27. At the commencement of the meeting, the chair of the Academic Misconduct Sub-committee must outline the allegation against the student and the purpose of the meeting. The chair must invite the student to respond to the allegation and to inform the committee whether the student agrees that the allegation is correct and, if so, whether the student wishes any mitigating circumstances to be considered.

28. At the end of the meeting, the chair must inform the student of the need to confirm that the allegation is correct, and that the student is therefore prepared to accept the determination of the sub-committee. If the student says that they are not prepared to accept the sub-committee's determination, the chair will advise the student of their right of appeal in accordance with 'Appeals' provisions of this policy.

### **Following the Meeting**

29. If the Academic Misconduct Sub-committee decides, after meeting with the student, that the allegation is not substantiated, the sub-committee will dismiss the allegation, impose no penalty and the chair will advise the student in writing of the decision.
30. If the sub-committee decides, after meeting with the student, that the allegation is substantiated, the sub-committee will decide whether the misconduct is minor or substantial, as defined in this policy. The committee will also consider whether there are any mitigating circumstances and note whether the student has been found to have engaged in any other incidents of academic misconduct.

### **Actions and Penalties available to the Academic Misconduct Sub-committee**

31. Whether or not the student attends, the Academic Misconduct Sub-committee will determine an appropriate course of action from among the following options, 'a.' to 'g.', or any appropriate combination of them, or proceed as provided for in sub-section 'h.', below, and the chair will advise the student in writing, giving reasons for the decision:
- a. arrange for appropriate academic counselling of the student;
  - b. reprimand the student;
  - c. require the student to meet with and apologise formally to any relevant party(ies);
  - d. require the student to re-submit an item of work in which misconduct has been detected, after the student has edited or totally re-written it, as appropriate, so that it meets the required academic referencing and other conventions and standards (the sub-committee

- may specify a maximum mark that can be awarded for this re-submitted work — for example, 50% (this mark may be zero));
- e. require the student to submit a replacement for any relevant assessment task, with a requirement that the student must satisfactorily achieve the outcomes for the assessment task (the sub-committee may specify a maximum mark that can be awarded for this replacement task — for example, 50% (this mark may be zero));
  - f. downgrade the mark for a relevant assessment task, in consultation with the Academic Lead (this mark may be zero);
  - g. downgrade a final grade or impose a grade of fail in a relevant subject; or
  - h. if the Academic Misconduct Sub-committee decides the alleged misconduct is so substantial and serious that it warrants more severe penalties than those available at the sub-committee level, including suspension or exclusion from Governance Institute, refer the allegation to Governance Institute's full Academic Board.
32. In advising the student of the decision, the chair of the Academic Misconduct Sub-committee must also advise the student of their right of appeal in accordance with the 'Appeals' provisions in this policy, below.

### **Referral to Governance Institute's Academic Board**

33. If the Academic Misconduct Sub-committee has decided the alleged misconduct is so substantial and serious that it warrants more severe penalties than those available to the sub-committee, including suspension or exclusion from Governance Institute, the Chair will, no later than five (5) working days after the meeting scheduled with the student, refer the allegation of misconduct to the Chair of Governance Institute's Academic Board.

### **Consideration by Governance Institute's Academic Board**

34. When an allegation of student academic misconduct is referred to Governance Institute's Academic Board, the Chair of the Academic Board (or delegate) will, within ten (10) working days of receiving the allegation:



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- a. notify the student in writing, of the misconduct alleged;
  - b. invite the student to respond to the allegation in writing, and/or in person at a meeting of the Committee, to be held for the purposes of investigating the alleged misconduct and making appropriate decisions;
  - c. enclose with the notification a copy of all documentation related to the allegation that will be considered by the Committee;
  - d. advise the student that they may be assisted at the meeting by a fellow enrolled student or a member of Governance Institute's staff; and
  - e. advise the student that he/she must respond, in writing, to the invitation to attend the meeting within seven (7) working days of the date on the notification.
35. Governance Institute's Academic Board will meet as soon as is practicable after eight (8), but no later than fifteen (15), working days from the date of despatch of the notification and invitation.
36. While the matter is being investigated, and until the matter is determined, the student may continue to attend classes and submit work for assessment.
37. A student who wishes to attend Governance Institute's Academic Board hearing must confirm their attendance, in writing, within seven (7) working days of the notification. If a student does not attend the hearing, it will be held in their absence unless there are extenuating circumstances for not attending. Any written response to the allegation from the student will be taken into account at the hearing.

### **Meeting of Governance Institute's Academic Board — First Stage**

38. The Chair of Governance Institute's Academic Board will:
- a. present to all attending (including the student, if they are attending) details of the allegation;
  - b. invite the student to respond to the allegation; and

- c. ask staff of Governance Institute, or others invited to present evidence, to provide the Committee with relevant facts and information. (To ensure procedural fairness, no new evidence should be introduced, but staff of Governance Institute may explain and clarify the documentation that was supplied to the student)

### **Meeting of Governance Institute's Academic Board — Second Stage**

39. After everyone except Committee members have left, the Committee will consider all written and oral information presented to it and arrive at a recommendation.
40. If the Committee decides that an allegation referred to the Committee by the Academic Misconduct Sub-committee is not substantiated, it will determine that the allegation be dismissed.

### **Actions and Penalties Available to Governance Institute's Academic Board**

41. If the Committee decides that an allegation referred to it by the Academic Misconduct Sub-committee is substantiated, the Committee will determine an appropriate course of action from among the following options, or any appropriate combination of them:
  - a. the actions and penalties that were available to the Academic Misconduct Sub-committee;
  - b. deny the student access to specified facilities for a specified period;
  - c. suspend the student for a period of time no less than six (6) months, but no greater than twelve (12) months;
  - d. exclude the student for a period of time no less than twelve (12) months, but no greater than twenty four (24) months, noting that the student would need to apply for re-admission to Governance Institute following expiration of this period and would be subject to entry criteria and advanced standing policies at the time of that application [refer to the Admissions Policy, the Enrolment Policy and the Advanced Standing Policy]; or
  - e. expel the student permanently.

## **Part B — Appeals**

### **Appeals against Determinations made in relation to Academic Misconduct by the General Manager, Education or delegate**

42. A student found by the General Manager, Education or delegate to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to Governance Institute’s Academic Board at:

Governance Institute of Australia  
Level 11, 10 Carrington Street  
Sydney NSW 2000 Australia

43. The student must ensure that any appeal, together with supporting evidence, is received by the Chair of Governance Institute’s Academic Board, within fifteen15 working days from the date of the letter advising of the General Manager, Education's decision.
44. An appeal can only be made on one or more of the following grounds, which must be addressed in the appeal letter:
- a. that the student considers there is evidence that a determination made by the General Manager, Education or delegate was made in breach of procedural fairness;
  - b. that the student does not agree that the allegation is correct;
  - c. that the student considers that there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the General Manager, Education or delegate; and
  - d. that the student considers that the penalty imposed by the General Manager, Education or delegate was too severe.
45. The Chair of Governance Institute’s Academic Board may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

## **Hearing of an Appeal**

46. If the Chair of Governance Institute's Academic Board judges that there appear to be valid grounds for an appeal, the Chair will arrange a meeting of the Committee to hear the appeal. The meeting will be held no later than fourteen (14) working days from the date on which the appeal is received, and the student will be given no less than seven (7) working days' notice of the meeting.
47. The Chair of Governance Institute's Academic Board (or delegate) will advise the student in writing, of the date, time and place of the meeting, send them copies of all papers to be considered at the meeting and invite the student to attend. The Chair will also inform the student that the student may be assisted at the meeting by a fellow enrolled student or a member of Governance Institute's staff.
48. In hearing an appeal, Governance Institute's Academic Board will investigate any procedural irregularities referred to in the student's letter of appeal and the evidence on which the determination was made by the General Manager, Education or delegate. After such a hearing Governance Institute's Academic Board will:
  - a. allow the appeal, if the Committee considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or that a penalty should be varied, in the light of demonstrated procedural irregularities or the available evidence;
  - b. dismiss the appeal, if the Committee considers that the decision and/or the penalty should not be set aside or varied; or
  - c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, as in sub section a. of this clause, subject to the following conditions:
    - that, if the appeal is made on procedural grounds, the Committee may not impose a more severe penalty than that originally imposed; and
    - that, if the appeal is made on the basis of new evidence now available, the Committee will determine an appropriate course of action from among those that are available to the Committee, as provided above.



### **Following the Meeting with Governance Institute's Academic Board**

49. The Chair of Governance Institute's Academic Board (or delegate) will, within five working days of the conclusion of the meeting to hear the appeal, advise the student in writing, of the outcome of the appeal.

### **Appeals against Determinations made in relation to Academic Misconduct by the Academic Misconduct Sub-committee**

50. A student found by the Academic Misconduct Sub-committee of Governance Institute's Academic Board to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to Governance Institute's Academic Board by writing to the Chair of the Committee.
51. The student must ensure that any appeal, together with supporting evidence, is received by the Chair within 15 working days from the date of the letter advising of the Academic Misconduct Sub-committee's decision.

### **Grounds for Appeal**

52. An appeal can only be made on one or more of the following grounds, which must be addressed in the appeal letter:
- a. that the student considers there is evidence that a determination made by the Academic Misconduct Sub-committee was made in breach of procedural fairness;
  - b. that the student considers there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the sub-committee; and
  - c. the student considers that the penalty imposed by the sub-committee was too severe.
53. The Chair of Governance Institute's Academic Board may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

## **Hearing of an Appeal**

54. If the Chair of Governance Institute's Academic Board judges that there appear to be valid grounds for an appeal, the Chair will arrange a meeting of Governance Institute's Academic Board, to hear the appeal. The meeting will be held no later than 20 working days from the date on which the appeal is received and the student will be given no less than seven working days' notice of the meeting.
55. The Chair of Governance Institute's Academic Board (or delegate) will advise the student, in writing, of the date, time and place of the meeting, send them copies of all papers to be considered at the meeting and invite the student to attend. The Chair will also inform the student that they may be assisted at the meeting by a fellow enrolled student, or a member of Governance Institute's staff.
56. In hearing an appeal, Governance Institute's Academic Board will investigate any procedural irregularities referred to in the student's letter of appeal and/or consider any new evidence not available at previous meetings. After such a hearing the Committee will:
- a. allow the appeal, if it considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or a penalty be varied, in the light of demonstrated procedural irregularities or new evidence;
  - b. dismiss the appeal, if it considers that the decision and/or the penalty should not be set aside or varied; or
  - c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, as in sub section a. of this clause, subject to the following conditions:
    - that, if the appeal is made on procedural grounds, the Committee may not impose a more severe penalty than that originally imposed; and
    - that, if the appeal is made on the basis of new evidence, the Committee will determine an appropriate course of action from among those that are available to the Committee (refer to the section above, heading, 'Actions and Penalties Available to Governance Institute's Academic Board').

### **Following the Meeting of Governance Institute's Academic Board**

57. The Chair of Governance Institute's Academic Board will, within five working days of the decision being made, write to the student informing them of the decision and giving reasons for the decision.
58. The determination of Governance Institute's Academic Board is conclusive.

### **Appeals against Determinations made in relation to Academic Misconduct by Governance Institute's Academic Board**

#### **Right to Appeal**

59. A student found by Governance Institute's Academic Board to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to Governance Institute's Board of Directors.
60. A student must ensure that any appeal, together with supporting evidence, is received by the Chair of Governance Institute's Board of Directors (via the Education Department) within 15 working days of the date of the letter advising of Governance Institute's Academic Board's decision.

#### **Grounds for Appeal**

61. An appeal can only be made on one or both of the following grounds, which must be addressed in the appeal letter:
  - a. that the student considers there is evidence that a determination made by Governance Institute's Academic Board was made in breach of procedural fairness; and
  - b. that the student considers there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available Governance Institute's Academic Board.
62. The Chair of Governance Institute's Board of Directors may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

63. If the Chair of Governance Institute's Board of Directors judges that there appear to be valid grounds for an appeal, the Chair (or delegate) will arrange a meeting of a panel of the Board, to hear the appeal. The meeting will be held no later than 20 working days from the date on which the appeal is received and the student will be given no less than seven working days' notice of the meeting.
64. The Chair (or delegate) will advise the student, in writing, of the date, time and place of the meeting, send them copies of all papers to be considered at the meeting and invite the student to attend. The student will be advised that they may be assisted at the meeting by a fellow enrolled student, or a member of the staff.

### **Meeting of a Student Academic Misconduct Panel from Governance Institute's Board of Directors**

65. In hearing an appeal, the student academic misconduct panel from Governance Institute's Board of Directors will investigate any procedural irregularities referred to in the student's letter of appeal and/or consider any new evidence not available at previous meetings. After such a hearing the panel will:
- a. allow the appeal, if it considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or that a penalty should be varied, in the light of demonstrated procedural irregularities or new evidence;
  - b. dismiss the appeal, if it considers that the decision and/or the penalty should not be set aside or varied; or
  - c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, as in sub section a. of this clause, subject to the following conditions:
    - if the appeal is made on procedural grounds, the panel may not impose a more severe penalty than that originally imposed; and
    - if the appeal is made on the basis of new evidence now available, the panel will determine an appropriate course of action from among those that were available to Governance Institute's Academic Board.

### **Following the Meeting of a Student Academic Misconduct Panel from Governance Institute's Board of Directors**

66. The Chair of Governance Institute's Board of Directors will, within five working days of the conclusion of the meeting to hear the appeal, forward the recommendation to Governance Institute's Academic Board who will make the decision on the recommended sanction.
67. The student will be informed of the decision and the reasons for it in writing within five working days of it being made.
68. The determination of Governance Institute's Academic Board is conclusive.

### **Guidelines**

69. The following clauses outline the general procedural principles that Governance Institute will apply at all stages of the processes described in Section 4 of this policy.

### **Advice to Students about an Allegation**

70. Wherever further investigation of an allegation is required under the provisions of this policy, the General Manager, Education, Chair of the Academic Misconduct Sub-committee, Chair of Governance Institute's Academic Board or Chair of Governance Institute's Board of Directors (or their respective delegates) as appropriate, must, in writing:
  - a. notify the student who is the subject of the allegation of what they are alleged to have done;
  - b. giving appropriate notice, invite the student to attend a meeting, as appropriate in accordance with Section 4 of this policy, in order for him or her to respond to the allegation;
  - c. advise the student of the time and date of the meeting;
  - d. provide the student with copies of all relevant documentation, including evidence of the allegation, to be considered at the meeting, and invite the student to respond to the allegation in writing also, if they wish, prior to the meeting; and advise the student that they

may be assisted at the meeting by a fellow enrolled student, or member of the staff, who may provide the student with advice, but may not act as an advocate, nor make direct comment in the meeting, unless given permission to do so by the convenor of the meeting.

71. The student must also be advised:
- a. that it is in the student's interests to attend any meeting held in accordance with this policy, because otherwise a decision, which may include the imposition of a penalty, will be taken in their absence; and
  - b. that at any such meeting, the student may be assisted by a fellow enrolled student or a member of staff.

### **Standard of Proof**

72. Hearings of allegations under this policy are not legal proceedings. Officers of Governance Institute who conduct the hearings will, therefore, consider evidence, to the best of their abilities, in order to determine the facts on the basis of the balance of probabilities, not on the basis of a stricter legal standard of proof.

### **Availability of Evidence**

73. Information supplied as evidence relating to an allegation of academic misconduct against a student will be made available to the student, who will normally be informed of its source. In exceptional cases, the officer of Governance Institute in charge of an investigation or hearing of a student academic misconduct matter may determine that the identity of the person providing the information may need to remain confidential or that proceedings be conducted with appropriate safeguards for the student's privacy and safety.

### **Variations to Timeframes**

74. While allegations of academic misconduct will be considered by Governance Institute as promptly as possible, the timeframes contained in the policy may be affected by a number of factors, including availability of committee/board members and the need for Governance Institute

officers, or the student who is the subject of an allegation, to obtain additional evidence or specialist advice. In such exceptional circumstances, the timeframes prescribed in the policy may be varied, with the approval of the General Manager, Education.

### Recording of all Misconduct Allegations and Proceedings

75. At every stage of the above processes for consideration of an allegation of academic misconduct, the relevant Governance Institute officer must ensure that all proceedings and associated papers are formally recorded in an appropriate academic misconduct 'meeting' file, and that a record of the decision(s) made is placed in the student's file.

### Related Documents

- Governance Institute of Australia Admissions Policy
- Governance Institute of Australia Advanced Standing Policy
- Governance Institute of Australia Enrolment Policy
- Governance Institute of Australia Student Code of Conduct and Non-Academic Misconduct Policy

### External Legislation

- Higher Education Standards Framework: Threshold Standards 2021 (Cth)

### Version History

Policy title	Student Academic Misconduct Policy
Current version	1.1
Policy Sponsor	General Manager, Education, or delegate
Policy Approver	GIA Academic Board
Date of approval	26/02/2024
Date of implementation	26/02/2024
Date of next review	26/02/2027
Changes in this version	All revised
Previous version	V1.0 2018

\*\*\*\*\*END OF POLICY\*\*\*\*\*