



POLICY AND PROCEDURES

SUBJECT	ICTE Student Misconduct Policy UQ Student Misconduct Policy and ICTE Application
SECTION MANUAL	ICTE
OTHER SECTIONS COPIED	
WRITTEN BY	TESOL Director of Studies / Manager Student Administration
AUTHORISED BY	ICTE Executive
DATE	18/03/2019

Notes: This policy application is based on the UQ Student integrity and Misconduct Policy (3.60.04). It focuses on both general and academic misconduct.

Related Policy

This policy should be read in conjunction with section 2 of the [ICTE Student Charter](#), which sets out the expectations that ICTE has for students studying at the institute, and the [UQ Student Charter](#).

1. Purpose

The purpose of this policy is to:

- a) promote the principle of mutual respect by informing students of behaviour which ICTE considers appropriate;
- b) discourage behaviour which ICTE considers inappropriate;
- c) implement fair and just procedures for dealing with possible cases of misconduct;
and
- d) provide for the enforcement of penalties for misconduct.

2. Policy Scope/Coverage

This policy applies to all ICTE students enrolled in any course or program at the Institute

3. Policy Statement

Students must conduct themselves in a manner consistent with the standards of behaviour set out in the UQ and ICTE Student Charter. These standards of behaviour are intended to promote the highest standards of honesty and academic integrity and to promote the good order and management of the Institute.

4. Conflicts of interest

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.

A decision-maker who has a conflict of interest must refer the alleged misconduct to an appropriate decision-maker at the same or higher level. The appointed decision-maker will then hear the allegation in place of the original decision-maker but will apply the same level of misconduct as the original decision-maker.

5. Student Rights

In accordance with the requirements of procedural fairness, students have the right to:

- a) have a case of alleged misconduct dealt with as promptly as possible;
- b) receive a copy of, or an opportunity to inspect, all relevant evidence held by the decision-maker;
- c) be given an opportunity to appear before the decision-maker to answer the allegation;
- d) appeal a decision to a designated person or body who is not the decision-maker.

6. Student Misconduct

6.1 Definition of General Misconduct

6.1.1 General misconduct is conduct on the part of a student that:

- a) impairs the reasonable freedom of others to pursue their studies, research, duties and other lawful activities in the Institute/University or on University land or sites or to participate in the life of the Institute/University; or
- b) amounts to improper use of Institute/University facilities or information or improper use of the property of others on University land or sites.

Without limiting the generality of section 6.1.1, instances of general misconduct include conduct as outlined in Section 6.1.2 of UQ's [Student Misconduct and Integrity Policy](#)

NB. A student who attempts to commit misconduct is guilty of misconduct

6.1.2 General misconduct at level 3 (See 8.2 below) will be deemed to have been committed by any student found guilty of any offence of a sexual nature under criminal law in relation to conduct that is connected to ICTE or UQ, including conduct that:

- a) occurs during, or in connection with, any UQ related function, activity or event (whether sanctioned by UQ or otherwise);
- b) occurs when a person is representing UQ in any capacity;
- c) occurs during, or in connection with, the performance of duties for UQ;
- d) occurs using, or is facilitated by, UQ ICT resources or other UQ equipment; or
- e) occurs on, or in connection with, any property owned, leased or occupied by UQ (or any entities it controls) or any lands or roads occupied or used in connection with UQ.

6.2 Definition of academic misconduct:

Academic misconduct is conduct on the part of a student that:

- a) includes cheating, collusion and plagiarism; and
- b) seeks to gain for himself or herself, or for any other person, any academic advantage or advancement through the improper use of information;

NB. A student who attempts to commit misconduct is guilty of misconduct

6.2.1 Definition of Cheating

Cheating occurs when a student acts before, during or after an assessment or examination in such a way as to seek to gain unfair advantage or assist another student to do so and includes, but is not limited to:

- a) plagiarising the work of another person and presenting that work as if it is the student's own work, without appropriate acknowledgement
- b) colluding with other students on individual assessment items
- c) fabricating data or inventing references
- d) bringing unauthorised material into an examination without the permission of the supervisor or leaving the material with the examination supervisor immediately on entering an examination
- e) submitting the same work or recycling work without prior permission of the course coordinator

- f) violating rules governing administration of examinations
- g) violating any rules relating to academic conduct of a course or program.

Instances of academic misconduct include:

- e) tampering, or attempting to tamper, with examination scripts, class work, grades or class records
- f) failing to abide by reasonable directions of a member of staff in relation to assessable work or any other direction by staff relating to assessment at ICTE
- g) acquiring, or attempting to acquire, possess, or distribute examination materials or information without approval
- h) impersonating another student, or arranging for anyone to impersonate a student, in an examination or other assessment task
- i) altering or falsifying any document that the ICTE or the University requires of the student (e.g. medical certificate, English Language Proficiency Certificate or any other supporting documentation) for the purposes of gaining academic advantage

7. Decision-making

7.1 Decision-makers for general misconduct

The decision-makers for each level of general misconduct are –

- a) level 1 – the ICTE General Student Misconduct Committee (see 9.1 below)
- a) level 2 – the ICTE General Student Misconduct Committee (see 9.1 below)
- b) level 3 – the Institute Director, ICTE

7.2 Decision-makers for academic misconduct

The decision-makers for each level of academic misconduct are –

- b) level 1 – the ICTE Academic Student Misconduct Committee (see 9.1 below)
- c) level 2 – the ICTE Academic Student Misconduct Committee (see 9.1 below)
- d) level 3 – the Institute Director, ICTE

8. Level of Misconduct and Penalties

8.1 Disciplinary Action

Disciplinary action for misconduct will be taken in accordance with the following principles:

- a) Disciplinary procedures must be fair and just, and consistent with the requirements of procedural fairness
- b) Penalties imposed for misconduct must be appropriate and proportionate
- c) Decision-making on general misconduct will be carried out in accordance with appropriate levels of responsibility within the Institute and University
- d) Decision-making on misconduct will be carried out in accordance with appropriate levels of responsibility within ICTE.
- e) The initial focus of decision-making is on whether there is evidence of misconduct, with judgments of intentionality being taken into account in determining any penalty that might be applied.
- f) Confidentiality must be respected and maintained by all parties within the constraints of the need to hear a misconduct allegation or fully investigate misconduct allegations

8.2 Levels of misconduct

Student misconduct is determined according to a system of three levels of misconduct –

- a) Level 1 – minimal
- b) Level 2 – moderate
- c) Level 3 – serious

8.3 Penalties available for general misconduct

Penalties are imposed by the ICTE General Misconduct Committee, which comprises a minimum of two members of the ICTE management team. For general misconduct on TESOL programs, one member must be a member of the TESOL management team. See 9.1 for members of ICTE management team.

Penalties that may be imposed by a decision-maker are based on the three levels of general misconduct as follows:

Level 1 general misconduct – the General Misconduct Committee may impose one or more of the following penalties for level 1 general misconduct (the General Misconduct committee comprises of a minimum of two members of the ICTE management team – see 9.1 for members of ICTE management team):

- a) a written warning
- b) recording the incident on the student's record within the ICTE student information management system which may then be passed on to UQ
- c) a change of class

Level 2 general misconduct – the General Misconduct Committee may impose one or more of the following penalties for level 2 general misconduct:

- a) any level 1 penalty
- b) a final written warning

Level 3 general misconduct – the Director ICTE may impose one or more of the following penalties for level 3 general misconduct:

- a) any level 1 or 2 penalty
- b) suspension from ICTE
- c) immediate cancellation of enrolment
- d) cancellation of enrolment and refusal to re-enrol at ICTE for a specified or indefinite period

8.4 Penalties available for academic misconduct

Penalties are imposed by the ICTE Academic Misconduct committee, which comprises a minimum of two members of the ICTE management team. For academic misconduct on TESOL programs, one member must be a member of the TESOL management team. See 9.1 for members of ICTE management team.

Penalties that may be imposed are based on the level of academic misconduct as follows:

Level 1 academic misconduct – the Academic Misconduct Committee may impose one or more of the following penalties for level 1 academic misconduct:

- a) a written warning
- b) recording the incident on the student's academic record within the ICTE student information management system which may then be passed on to UQ
- c) a requirement for the student to resubmit or revise the assessment item in relation to which misconduct occurred by a specified date

Level 2 academic misconduct – the Academic Misconduct Committee may impose one or more of the following penalties for level 2 academic misconduct:

- a) any level 1 penalty
- b) a final written warning
- c) zero marks in relation to a specific component of a piece of assessment which is the subject of the academic misconduct
- d) zero marks for the piece of assessment in which misconduct occurred; or
- e) imposition of a limit on the grade the student may be awarded for the piece of assessment in which misconduct occurred

Level 3 academic misconduct – the Director, ICTE may impose one or more of the following penalties for level 3 academic misconduct:

- a) any level 1 or 2 penalty
- b) suspension from ICTE
- c) immediate cancellation of enrolment
- d) cancellation of enrolment and refusal to re-enrol at ICTE for a specified or indefinite period

8.5 Factors in determining level of misconduct and relevant penalty

Relevant factors for the decision makers in determining an appropriate level of misconduct and the penalty for misconduct include:

- a) the nature and extent of misconduct
- b) the student's disciplinary record
- c) whether the decision maker believes the student did not intend to commit the misconduct
- d) in the case of plagiarism, whether the student should be deemed to have intended to engage in academic misconduct because:
 - (i) the student was provided with a detailed and specific definition of what constitutes plagiarism and;
 - (ii) the student signed a declaration in respect of the relevant piece of work that they read and understood the information on plagiarism, and the penalties that may be imposed where an academic offence is committed; and
 - (iii) the student's act of plagiarism is clearly covered by the information on plagiarism which the student received;
- e) the nature and relative weighting of an assessment
- f) whether there is evidence of a deliberate and premeditated decision to engage in misconduct
- g) the impact of the conduct on other people; or
- h) whether there are any mitigating circumstances

9. Reporting and Referral of Allegations of Misconduct

9.1 Reporting a complaint

Any person may report a complaint of misconduct by a student to a member of the ICTE management team.

For the purposes of this policy, the ICTE management team includes: members of the TESOL management and Senior Teacher team, Manager Program Operations, Manager Student Administration, Manager Test Administration, Manager Homestay, Manager Admissions, Manager Student Services, Manager Business Development, Manager International Development, and members of the ICTE Executive Management Team.

- a) All incidents should be reported as soon as possible to the relevant member of the ICTE management team either in person or in writing. The relevant member is the manager responsible for the program in which the student is enrolled - for TESOL programs this is the academic manager for that program.
- b) If not already completed, the person reporting the incident should write an incident report and submit it to the relevant manager. The incident report must contain the name of the person reporting the alleged misconduct, the date of the incident, the date the report was written, a brief description outlining the key details of the alleged misconduct and the name(s) and student number(s) of students involved.
- c) As soon as an allegation is received the manager should where possible meet with the person reporting the incident to confirm the details of the incident.

9.2 Third Party Notifier

9.2.1 If a person reports a complaint of alleged misconduct, an acknowledgement letter of receipt will be issued to the notifier

9.2.2 The acknowledgement email of a reported instance of alleged misconduct must include:

- a. the date the report was received and a brief description of the alleged misconduct;
- b. reference to the UQ's Privacy Management Policy and Procedures PPL 1.60.02;
- c. reference to the ICTE Student Misconduct Policy and the confidentiality of misconduct matters; and
- d. a statement that the outcome of the Institute's enquiries or investigations will not be advised to the Notifier.

10. Procedures for Allegations of Misconduct

10.1 Initial decision making

When an allegation of misconduct is received, the following procedures are to be followed:

The manager who receives the complaint must:

- a. Notify the Director, ICTE and/or other relevant members of the ICTE management team (relevant members would be those who have a direct responsibility for the program in which the student is enrolled).
- b. Conduct a preliminary investigation into the alleged misconduct and consult with the Director, ICTE and/or other relevant members of the ICTE management team on initial decision making

There are three possible outcomes from the initial decision making process:

- No case to answer
- Counselling for alleged misconduct
- Further investigation of alleged misconduct

10.2 No case to Answer

After receiving and reviewing the allegation, the manager may, in his or her discretion, find that further investigation and/or action under this policy is not warranted.

10.3 Counselling for alleged misconduct

10.3.1 After reviewing the allegation, the manager may in his or her discretion decide to counsel a student if the student's conduct was inadvertent or unintentional and it is appropriate to counsel the student, giving consideration to the nature of the allegation and the disciplinary record of the student.

10.3.2 Counselling under this section does not form part of the student's disciplinary record.

10.4 Further investigation of alleged misconduct

If the manager decides that further investigation of the alleged misconduct is appropriate, the following procedures are to be followed:

10.4.1 The manager, if required, consults with the Director ICTE to ascertain whether or not the level of the misconduct is at a Level 3. If it is at a Level 3, the allegation will be investigated by the Director, ICTE. If not, the manager will follow the procedures below.

10.4.2 The student(s) alleged to have been involved in misconduct shall receive an allegation notice once the details in incident report have been confirmed. The allegation notice will contain the following information as a minimum:

- a. A description of the alleged student misconduct and the circumstances in which the alleged misconduct occurred
- b. A statement inviting the student(s) to attend the hearing with a person other than a legally qualified person if they wish.
- c. The date, time and location of the hearing (this should be as soon as is practicable).
- d. A statement that the hearing may proceed in the student's absence if the student(s) does not attend the hearing.

- e. Reference to this policy
- f. Advice that the student(s) can request a copy of all substantive material on which an allegation is based.
- g. Advice that they may provide written statements in the event they cannot attend the hearing.
- h. If appropriate, it may also be advisable that the manager encourage students to seek assistance from the Student Union or Student Services.

10.4.3 The manager and another member of ICTE management team will be present at the hearing, and form the ICTE Misconduct Committee, which will make the decision on what penalties, if any, will be imposed at the end of the meeting. Minutes of the hearing will be taken by the additional manager. While there is discretion for the manager to conduct a hearing in any manner they see fit, a hearing will usually proceed as follows:

- a. The student(s), and support person(s) if applicable, is welcomed into the hearing by the manager and introduced to the additional manager and other Board members if relevant.
- b. The manager 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 manager asks for the student's plea or, if previously indicated, whether they would like to change the plea.
- d. The student(s) is provided with an opportunity to make verbal submissions and to provide any additional information for the Misconduct Committee's consideration.
- e. The manager seeks to clarify any outstanding questions from the material provided.
- f. If appropriate, witnesses are invited to appear. The witnesses and student(s) should not interact with each other directly, but direct questions instead through the manager. The student(s) and his or her support person must be allowed to remain in the room while the witnesses give statements.
- g. Any additional points of clarification are made and the student(s) is provided further opportunity to submit any comments before the Misconduct Committee deliberates the case.
- h. The manager asks the student(s) whether there are any issues about the proceedings they would like recorded.
- i. Should the 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.
- j. An adjourned hearing must be reconvened as soon as practicable and preferably not later than 10 working days after the original adjournment.

10.4.4 Role of the manager in hearing

The manager is responsible for:

- the general conduct of the hearing and for upholding order throughout the proceedings
- leading the discussions and ensuring that the student has sufficient opportunity to submit evidence, including verbal submissions

- considering all the material and independently determining a decision based on findings of facts established on sound reasoning and relevant evidence.

10.4.5 Role of additional manager in hearing

The role of the additional the manager in a hearing is to keep minutes of the discussions that take place. It is not expected that notes are verbatim but that the substantive discussion is captured sufficiently. The additional manager will provide advice to the decision-maker on matters of process and policy, and also has involvement in the decision making.

10.4.6 Role of support person to student in hearing

The role of the support person is to provide support to the student throughout the hearing process.

In some circumstances, a student may request the support person represent them at a hearing by speaking on their behalf. This is not prohibited by policy and should be accepted particularly in situations, where the student believes their ability to adequately represent themselves is impaired in some way. It is important that the manager checks that the representative is not legally qualified.

10.4.7 Role of witness

The role of the witness is to provide evidence as requested by the manager. Witnesses may include course coordinators, other academic staff members or administrative staff, fellow students and librarians. The witness does not have a role in suggesting outcomes of the hearing and should be judicious in providing opinion.

10.4.8 Other persons

In order to ensure an independent decision is made, the only people to be present for the full hearing and during deliberations are the manager and the additional manager.

10.5 Notice of decision

The Misconduct Committee will make a decision as soon as practicable after the meeting, and no longer than 20 business days from the date of the allegation notice. Upon making the decision, the Committee must:

- a) inform the Institute Director, and/or relevant members of the ICTE management team of the decision reached
- b) give the student a written notice of the decision. The decision will be communicated by email to the student in a timely manner, and where possible prior to the date and time that the end-of-course results are released; and
- c) inform the student of any appeal rights and timeframes; and
- d) save a copy of the notice to the student's academic record

The notice must state:

- a) the decision
- b) the misconduct level
- c) the reasons for the decision
- d) the student's right to appeal and applicable timeframes; and
- e) that the outcome of the appeal may be:
 - no change to original decision
 - reduced severity and or level of penalty, or
 - increased severity and or level of penalty

11. Appeals

A student may appeal a decision as to:

- a) whether the student has committed misconduct; or
- b) the penalty imposed

To appeal a decision the student must lodge an appeal application with the Manager Student Administration, Level 5 Reception, ICTE within 5 business days of being given notice of the decision.

An appeal application must clearly state:

- a) the decision being appealed and the grounds for appeal; and
- b) grounds of appeal which must include one or more of the following:
 - a. since the decision was made substantive new information that supports their case has become available;
 - b. the process for making the decision was procedurally incorrect or unfair;
 - c. the penalty imposed by the decision-maker was disproportionate to the level of alleged misconduct.

A student must attach all relevant supporting appeal documentation at the time of lodging the appeal application.

An appeal will be heard by the appeal body by way of 'new hearing' and consider all disciplinary material at first instance. The appeal must be heard within 20 business days from the date the student gives notice of the appeal.

Appeals for Level 1 and Level 2 general or academic misconduct will be heard by the Misconduct Appeals Committee, comprising of the Manager Student Administration and another member of the ICTE Management Team.

Appeals for Level 3 misconduct must be made, at no cost to yourself, to an independent external body. Appeals must be made within ten (10) working days.

Contact:

Queensland Ombudsman

Level 17, 53 Albert Street

GPO Box 3314, Brisbane, QLD 4001

Telephone: 07 3005 7000 Email: ombudsman@ombudsman.qld.gov.au

<https://www.ombudsman.qld.gov.au/make-a-complaint/makecomplaint.aspx>

Office hours: Monday–Friday, 9:00am–5:00pm