

## STUDENT ACADEMIC CONDUCT STATUTE

### University Statute

## 1 SCOPE

The University has a statutory responsibility to encourage the development of intellectual independence in its students. It assesses the achievement of this goal through coursework and examinations. The University expects all students to complete coursework, examinations and theses with integrity and honesty. Such integrity maintains the reputation and quality of its degrees and diplomas and protects their international recognition.

The University of Auckland will not tolerate cheating, or assisting others to cheat. It views cheating as a serious academic offence. To ensure that the standard of all University of Auckland qualifications is maintained, students and staff have a responsibility to prevent, discourage and report cheating.

This Statute is to be read in conjunction with information pertaining to the Register of Academic Misconduct. It covers any dishonest practice occurring in the preparation and submission of work which counts towards the attainment of a pass in any subject. It addresses:

- a) 'Academic misconduct': This includes dishonest or inappropriate practices occurring in the preparation and submission of coursework (which includes, but is not restricted to, assessable work produced by students and normally submitted during periods of teaching) and work produced in the preparation and submission of dissertations, theses or other products of research which count towards the attainment of a degree or diploma.
  
- b) 'Academic misconduct in Examinations': This includes any practice which takes place in the context of University examinations which is dishonest or

inappropriate or inconsistent with the principles of integrity and which in turn is exemplified in Clause 2 of this Statute and/or in breach of relevant parts of clauses 7 and 8 of the Examination Regulations.

## **2 'ACADEMIC MISCONDUCT' AND 'ACADEMIC MISCONDUCT IN EXAMINATIONS'**

The following are examples of academic misconduct and academic misconduct in examinations. This list is not exhaustive:

- a) Using the work of others without explicit acknowledgement and referencing, that is, plagiarism. It includes: use of other people's data without acknowledgement; use of published or unpublished expressions and ideas from other people without adequate attribution; use of published or unpublished charts, diagrams.
- b) Copying from another student's work (with or without their knowledge).
- c) Using coursework that had been submitted previously at any educational institution by the student.
- d) Submitting without acknowledgement work to which others have contributed.
- e) Submitting the same, or a substantially similar, assignment for more than one assessment.
- f) Submitting for assessment material obtained from commercial essay or assignment services, including web-based sources.
- g) Impersonation or arranging to impersonate someone else during the performance of academic work or any examination.
- h) Cheating in examinations by bringing prohibited materials and devices into an examination room; referring to such material in the course of the examination.
- i) Misrepresenting disability, temporary illness or injury or exceptional circumstances beyond the student's control, and then claiming special conditions and/or special consideration.
- j) Misrepresenting or presenting false or misleading information in application for course credit.

- k) Claiming results that have not been obtained.
- l) The fabrication or falsification of data, including changing research records.
- m) Misleading ascription of authorship, including failing to acknowledge work primarily produced by any other person.
- n) A breach of a duty of confidentiality, privacy or the terms of any ethical approvals.
- o) Interference, including taking, sequestering or materially damaging any research-related material of another researcher intentionally and without authorisation, including the apparatus, reagents, biological materials, writings, data, hardware, software, or any other substance or device or data used or produced in the conduct of research.
- p) Other serious misdemeanours in specific disciplines including breaches of the Code of Conduct for Research, and relevant professional practices and codes of ethics. This includes, but is not restricted to, departing from protocols approved by the University in the course of human or animal experimentation, behavioural standards whilst on clinical assignment or similar course or programme placements.

### **3 CLASSIFYING ACADEMIC MISCONDUCT AND ACADEMIC MISCONDUCT IN EXAMINATIONS**

Instances of academic misconduct and academic misconduct in examinations ('misconduct') may be classified by reference to the intention of the offender, the degree of culpability attending the offence and the magnitude of the offence:

- a) Intention: Misconduct may be deliberate, that is, carried out with an adequate understanding of the requirements of academic integrity, or inadvertent, that is, carried out in ignorance of these requirements and/or their appropriate application.
- b) Culpability: the blame attributed to a student who has engaged in misconduct will vary according to presuppositions on which the student acted; misconduct may thus be either naïve or non-naïve.

- c) Magnitude: offences may be judged 'minor' or 'major' with respect to their impact on the integrity of the work presented, the legitimate interests of others and the interests and reputation of the University.

As a general principle, instances of academic misconduct that are classified as 'inadvertent' or 'naïve' result from a lack of understanding of what academic integrity entails or an innocent failure to give effect to its requirements. Educative responses are appropriate to such offending but it may also be necessary to eliminate any unfair advantage resulting from it, by, for example, reducing the marks awarded for a piece of work. In these cases the adjustment will reflect the magnitude of the advantage gained. Second and subsequent acts of academic misconduct are unlikely to be classified as inadvertent or naïve.

#### **4 ACADEMIC MISCONDUCT - PROCEDURES**

Allegations of Academic Misconduct shall be dealt with by processes consistent with the principles of natural justice. The following procedures must be followed (see Schedule 1):

- a) *Coursework*
- i) Where a staff member, a student or any other person has grounds for believing that academic misconduct has taken place, the course convenor must be informed.
  - ii) The student(s) concerned should be contacted and interviewed by the course convenor. The purpose of the interview is to assist the course convenor to investigate whether academic misconduct has taken place. One other person must be present at this interview. If this person is nominated by the course convenor, the student will also be invited to bring a support person if they wish.

### *Research*

- iii) If misconduct arises during the preparation of work for a research dissertation or thesis, it should be drawn to the attention of the primary supervisor who will notify the Academic Head. The Academic Head or nominee will then interview the student as per the provisions in ii) above.
- b) If academic misconduct is not confirmed, no further action is needed.
- c) If academic misconduct is confirmed, form AS-75 must be completed.
- d) In the event of a student being non-responsive to requests either for an interview or to complete form AS-75 the process will, within a reasonable length of time, proceed with the student *in absentia*.
- e) If academic misconduct is determined by the Academic Head or nominee to be 'inadvertent or naïve' (See Schedule 2 below for examples illustrating these terms), it should be resolved within the academic unit, usually through educative means. Marks may be adjusted.
- f) If academic misconduct is confirmed and it is determined by the Academic Head or nominee to be 'deliberate and non-naïve', the Head should (i) determine whether it is a major or minor offence and (ii), in the case of a minor offence only, decide on the appropriate penalty. In order to assist in determining whether an offence is major or minor, the Register of Academic Misconduct should be consulted at this stage for any evidence of previous offending. Any penalty is subject to the approval of the Associate Dean or, in the case of research exercises worth more than 30 points, to the Dean of Graduate Studies.
- g) If the Academic Head or nominee determines the offence to be a major offence, the case must be referred through the Associate Dean to the DVC (A) who will decide whether to send the matter to Discipline Committee or to refer it back to the Academic Head or nominee who makes a decision on the penalty to be imposed, as in 4e) and f).
- h) Confirmed minor and major offences which are 'deliberate and non-naïve' are recorded in the University's Register of Academic Misconduct in accordance with the procedures relating to the Register. At this point, the Register should also

be consulted for evidence of any prior offences committed by the student to assist in the determination of the appropriate penalty.

## **5 ACADEMIC MISCONDUCT IN EXAMINATIONS – PROCEDURES**

Suspected Academic Misconduct in Examinations will be dealt with according to the following procedures:

- a) If the suspected offence occurs within the Examination Room:
  - i) The Room Supervisor must fill out either form AS-36 (Report on Suspected Misconduct in an Examination) or AS-37 (Report on Unauthorised Material in an Examination).
  - ii) The student concerned will be invited to make a written statement.
  - iii) Where appropriate, the Examiner will be asked to provide a report (on the form provided) on the significance of the suspected offence. Where such a report is requested, it must be shown to the candidate suspected of the misconduct prior to extending the invitation outlined in clause 6 a iii).
  - iv) The procedure then follows that outlined in 5d and e.
  
- b) If the suspected offence is noticed at the time of marking:
  - i) The member of staff who is marking the examination paper must fill out form AS-36 (Report on Suspected Misconduct in an Examination).
  - ii) The Examiner will then be asked to provide a report (on the form provided) on the significance of the suspected offence.
    - a) The report must be shown to the candidate suspected of the misconduct prior to extending the invitation outlined in clause 5 b iii).
  - iii) The student concerned must then be invited to make a written statement.
  - iv) The procedure then follows the procedure outlined in clause 5 c, d and e.

c)

- i) On receipt of the report from the Examiner (where one has been requested) the Examinations Manager and Deputy Manager will review the documentation and decide whether or not an offence has been committed.
- ii) Where evidence is not clear or conclusive and does not have the endorsement of the examiner, the Examinations Manager warns the student in writing. This warning is recorded in the Register of Academic Misconduct. When there is evidence or an admission, the case is referred to the DVC (A) with a recommendation for forwarding to Discipline Committee.
- d) The DVC (A) reviews the documentation and decides either to return the case to the Examinations Manager who issues a written warning to the student, or to refer it to Discipline Committee.
- e) If Academic Misconduct is confirmed, it must be logged in the Register of Academic Misconduct and the Register then must be consulted for evidence of any prior offences committed by the student to assist in the determination of the appropriate penalty.

## **6 PENALTIES**

- a) The penalties for academic misconduct and academic misconduct in examinations vary with such factors as the seriousness of the offence, previous instances of academic misconduct by the student, and extenuating circumstances. Where appropriate, penalties should be imposed by Academic Units.
- b) Academic units may impose the following penalties in cases of minor offences of academic misconduct:
  - i) Reduce the grade for the piece of work to which the academic misconduct refers, down to and including a grade of zero.
  - ii) Cancel any marks previously given for the piece of work concerned.
  - iii) Not mark the piece of work, thus giving it zero.

- iv) Issue oral or written reprimand.
- c) Any penalties imposed by academic units must be approved by an Associate Dean or, in the case of research exercises worth more than 30 points, to the Dean of Graduate Studies. These parties must confirm that:
- i) The appropriate process was followed in coming to a decision about the penalty and,
  - ii) The imposed penalty is appropriate to the offence, taking into account all the circumstances.
- d) Discipline Committee may impose the penalties listed below in confirmed cases of major deliberate and non-naive cases of academic misconduct and in cases of academic misconduct in examinations:
- i) A fine not exceeding \$1,000.
  - ii) Suspend attendance at the University for a period to be determined.
  - iii) Cancel enrolment, i.e., expulsion from the University.
  - iv) Not credit a course or courses to the student's degree programme.
  - v) Cancel any previously-credited pass in a course associated with the offence.

## **7 RIGHT OF REVIEW**

- a) Penalties imposed under this Statute may only be reviewed as specified in 7b-e. The grounds for review are only that:
- i) There was a failure of the University's process and/or,
  - ii) The basis of the decision was manifestly at odds with the evidence.
- b) *Reviewing decisions/penalties imposed by academic units:* A student may request the DVC (A) to refer the decision and/or penalty to Discipline Committee for review. Any review request against a decision or penalty imposed by academic units must be notified in writing to the University Registrar within one calendar



month of the decision or the penalty being notified to the student. The decision of Discipline Committee in these cases is final.

- c) *Reviewing decisions/penalties originally imposed by Discipline Committee:* A student may request the DVC (A) to refer the decision and/or penalty to the Appeals Committee of the Council, as specified in the University's Disciplinary Statute.
- d) When seeking a review, the student must clearly indicate the grounds on which the review is being sought and in particular whether the student seeks review of:
  - i) the decision to find the student guilty of the offence; or
  - ii) the penalty imposed on the student; or
  - iii) both the decision and the penalty imposed.

The student must also provide sufficient supporting details to enable the DVC (A) to determine if the appeal can proceed.

- e) Where the DVC (A) declines a request under 7b) or 7c) the student will be notified in writing of the reason for the decision by reference to 7a) or 7d). The DVC (A)'s decision on these requests is final.

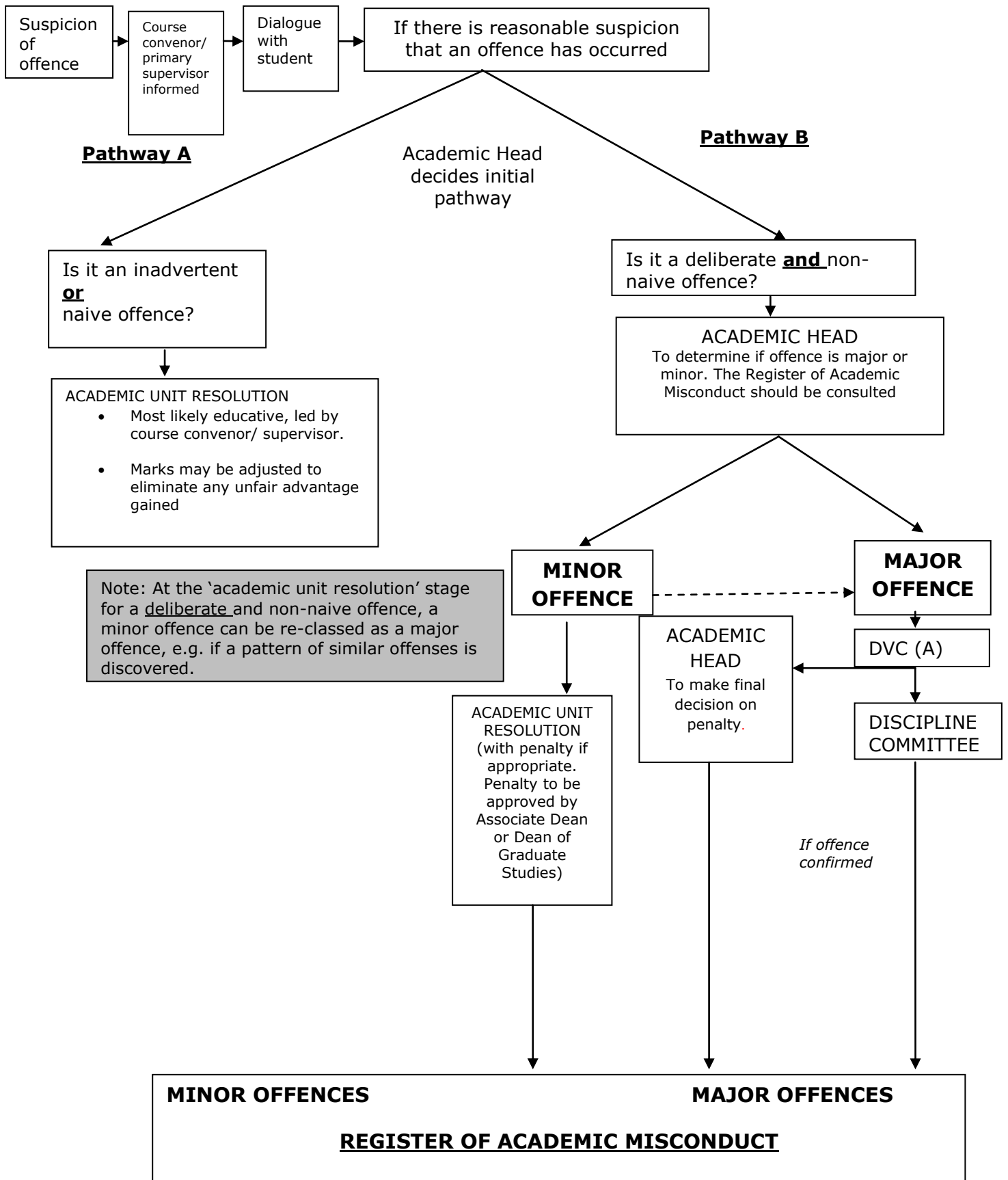
## **8. AMENDMENTS TO STATUTE**

This Statute may be reviewed, amended or replaced from time to time.

This Statute comes into effect on 1 January 2013 and repeals or amends the following documents:

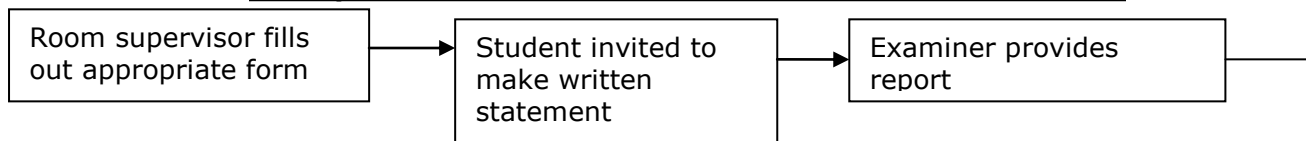
Guidelines: Conduct of Coursework  
Guidelines for the Conduct of Research  
Examination Regulations

**Schedule 1: Process for considering cases of alleged academic misconduct**

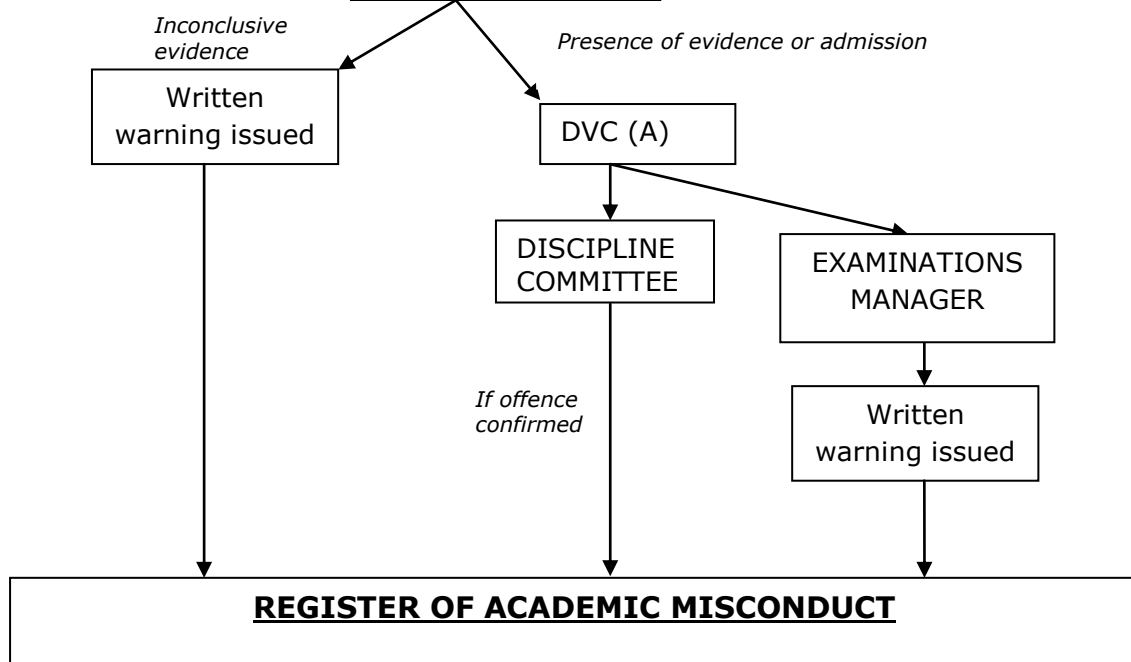
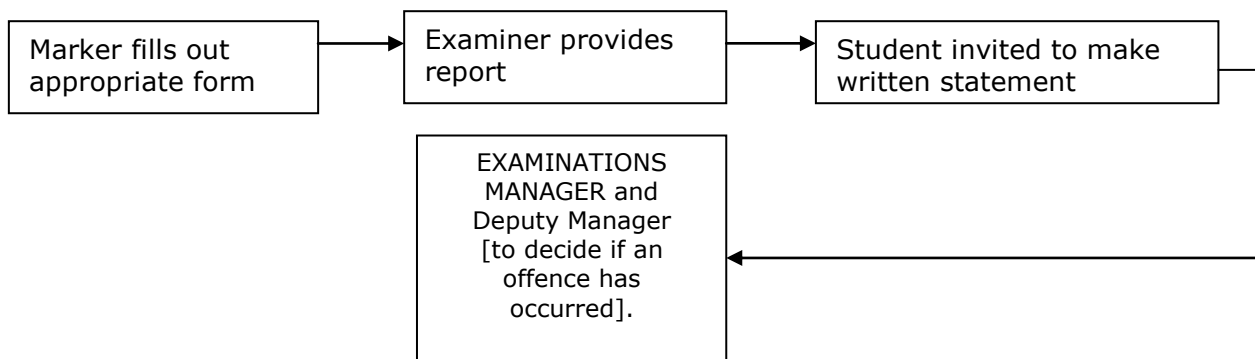


**Process for considering cases of alleged academic misconduct in an examination:**

**If suspected offence occurs within the Examination Room:**



**If suspected offence occurs at time of marking:**



## Schedule 2 - Protocols to assist in classifying academic offences

1. Is the matter in question an offence, in terms of a violation of academic norms or conventions? This decision is made on the merits of the case, with no access/referral to the student's previous record. It is typically the course convenor who determines the possible existence of an offence, discusses the incident with the student, and makes the initial classification of the nature of the offence and the subsequent pathway (see flow chart diagram) under which it will be considered.

If it is determined that there is an offence:

2. Determine whether the offence should be classified as one which is: (A) "inadvertent **or** naïve"; or (B) "deliberate **and** non-naïve". This requires a judgment about the student's intentions and reasonable understandings at the time of the offence.

	<b><u>Pathway A</u></b> <b><u>Inadvertent or naïve</u></b>	<b><u>Pathway B</u></b> <b><u>Deliberate and non-naïve</u></b>
General Points	<p>The student:</p> <ul style="list-style-type: none"> <li>- did not intend to commit an offence</li> <li>- is new to the University and did not know what they did was wrong; the problem is a lack of knowledge</li> </ul>	<p>The student:</p> <ul style="list-style-type: none"> <li>- committed the offence, and</li> <li>- admits they knew it was wrong, or</li> <li>- was given clear instructions, and has had sufficient time to learn referencing practices and standards</li> <li>-</li> <li>- There is evidence the student knew what they were doing was wrong</li> </ul>
Examples	<p><i>A first-year undergraduate student submits a first essay assignment in a course. The essay includes several un-referenced 'cut and pastes' from the web, and a bibliography of references. The offence probably reflects a lack of understanding of academic referencing conventions. While intentional, the incident may be found to be 'naïve'.</i></p> <p><i>During a research team</i></p>	<p><i>In a Stage 2 course, four students work as a team to conduct a lab experiment. The course instructor encouraged this collaboration, but also made it clear that each student should prepare their lab assignment submission separately. However, one student copies a section from the written assignment of another student in the team. The student has not observed the assignment ground rule that each</i></p>

*meeting, an MSc candidate is given a small amount of data from one of their colleague's recent experiments for inclusion as background in the introduction to their thesis. The student fails properly to attribute it believing that, as the data were produced as part of a collaborative project and was not central to their thesis argument, such attribution was unnecessary. Again, while the inclusion of the data was intentional, it may be considered to be 'naive'.*

*A case may arise where the incident is determined to be 'deliberate' yet there is still an element of naivety. For example, a student copies material without referencing but believes this is acceptable and there is a plausible reason for so believing, e.g., there has been no exposure to academic conventions and referencing norms. This case may be determined to be deliberate but it is still naïve.*

*student's submission should reflect their own learning. The copying may be determined to be 'deliberate and non-naive'.*

*For a second semester course, a substantial amount (e.g., 50%) of a postgraduate student's essay comprised word-for-word material that the student had submitted previously for grading in another course. The student considered that it was their intellectual property, and could be re-used as needed. The student admitted that they were aware of the Enrolment and Programme Regulations' clause that work submitted for credit in one course cannot be resubmitted for credit in another course. Given this admission, the student's academic level, and the amount of material re-used, the incident may be determined to be 'deliberate and non-naive'.*

*A PhD candidate applies for approval from the University's Human Participants Ethics Committee because their research involves the working with human participants. However, instead of waiting for approval, the PhD candidate commences the collection of data with human participants before receiving approval from the*

*committee. In this case  
the incident could be  
determined to be  
'deliberate and non-  
naïve'.*