
Academic Misconduct Procedure

1. Purpose

The purpose of this Procedure is to give effect to the Student Conduct Statute (the Statute) in relation to Academic Misconduct.

2. Application of Procedure

This Procedure applies to Students.

Procedure Content

3. Advice and Support

3.1 There is a range of support options and specialised advice available for staff considering an allegation of Academic Misconduct or Serious Misconduct.

- (a) Any staff member can contact the Principal Adviser, Academic Integrity to seek further information about managing academic integrity issues
- (b) Any staff member can seek confidential legal advice from Legal Services by emailing Legal-Services@vuw.ac.nz.
- (c) Any staff member can seek advice from the Student Interest and Conflict Resolution Team about the best way to support a student facing allegations under this Procedure by emailing studentinterest@vuw.ac.nz.
- (d) Any staff member can seek additional emotional support for themselves while managing a complaint under this Procedure. To view support options for staff see <https://intranet.wgtn.ac.nz/human-resources/health-wellbeing/emotional-and-social-wellbeing>
- (e) Any member of the University community can seek advice from the Faculty of Graduate Research about suspected Misconduct or Serious Misconduct related to a thesis student.

3.2 There is a range of support options and specialised advice available for students facing an allegation of Academic Misconduct or Serious Misconduct.

- (a) Any student can seek independent advice and representation from the Victoria University of Wellington Students' Association (VUWSA) Advocacy Service by emailing advocate@vuwsa.org.nz; and
- (b) Any student can seek advice from the Student Interest and Conflict Resolution Team about support pathways by emailing studentinterest@vuw.ac.nz.

4. Suspected Academic Misconduct or Serious Misconduct related to non-thesis students

4.1 Any member of the University community can make a complaint alleging that a Student has committed Academic Misconduct or Serious Misconduct by referring the complaint to an appropriate person.

4.2 An appropriate person to refer the complaint to in the first instance is usually the course coordinator.

4.3 Nothing in this section is intended to preclude an allegation of Academic Misconduct or Serious Misconduct from being referred directly to the Head of School.

5. Determining the process to be followed for non-thesis students

5.1 The relevant processes for resolving complaints about Academic Misconduct are an alternative resolution process or a formal process.

5.2 The course coordinator or Head of School will weigh the seriousness of the possible academic misconduct and make a preliminary assessment regarding whether the allegations can be managed under the [Academic Integrity: Educative Measures Procedure](#). Where the complaint does not meet the criteria set out in the [Academic Integrity: Educative Measures Procedure](#), the allegations may require a formal process in accordance with paragraph 7 of this Procedure.

5.3 Where the course coordinator considers that a formal process is appropriate, they will refer the relevant information to the Head of School.

5.4 Where the Head of School considers that there is sufficient information to indicate that Academic Misconduct or Serious Misconduct may have occurred, and a formal process should be followed, they will assess the information and consider which category of formal process to follow.

6. Determining the category for a formal process for non-thesis students

6.1 To follow a formal process for Academic Misconduct the Head of School must form the view that the allegation relates to conduct that fits within the definition set out in section 4.3 of the Statute.

6.2 A formal process for Serious Misconduct is reserved for serious allegations and will be used only when the allegation relates to conduct that fits the definition set out in section 4.5 of the Statute.

6.3 If the Serious Misconduct category is suspected, the Head of School must consult with Legal Services by emailing Legal-Services@vuw.ac.nz.

7. Action after the category of Academic Misconduct or Serious Misconduct is decided for non-thesis students

7.1 When a decision is made that the suspected Academic Misconduct requires a formal process, the Head of School will either commence the formal process or appoint a nominee to act as a decision-maker to commence the formal process.

7.2 When a decision is made that the complaint should be treated as Serious Misconduct, the Head of School must refer the complaint to the Student Interest and Conflict Resolution Team. This is to ensure that a Disciplinary Committee is set up in accordance with Appendix 2 of the Statute and that consideration is given to the best way to support the student through the process.

7.3 All available information relevant to the complaint will be provided to the appointed decision-maker who will commence the relevant process in accordance with paragraph 12 below.

Note: The decision-maker in the Serious Misconduct category cases is the Disciplinary Committee.

8. Suspected Academic Misconduct related to thesis students

8.1 Any member of the University community can make a complaint alleging that a student has committed Academic Misconduct or Serious Misconduct by referring the complaint to the Dean of Faculty of Graduate Research (FGR).

9. Determining the process to be followed for thesis students

- 9.1 It is acknowledged that the University is entitled to expect a very high level of compliance with academic integrity principles from post-graduate students and that this will impact how the allegations are considered. However, minor academic integrity issues related to a thesis student prior to submission of the thesis for examination can be managed in accordance with the [Academic Integrity: Educative Measures Procedure](#).
- 9.2 The Dean FGR will assess the information and consider which process to follow and, where necessary, which category of formal process to follow.

10. Determining the category for a formal process for thesis students

- 10.1 A formal process is required if the allegation relates to conduct that fits within the definition set out in section 4.3 of the Statute and if the allegation relates to:
- (a) an academic integrity issue in a thesis prior to submission for examination that is not considered minor; or suspected misconduct by a thesis student including in any research paper, presentation, publication, or report to an external organisation; or
 - (b) an issue of academic integrity in a thesis under examination.
- 10.2 A formal process for the Serious Misconduct category is reserved for the most serious allegations and will be used only when the allegation relates to conduct that fits the definition set out in paragraph 4.5 of the Statute.
- 10.3 If Serious Misconduct is suspected, the Dean of FGR must consult with Legal Services by emailing Legal-Services@vuw.ac.nz.

11. Action after the category of Misconduct is decided for thesis students

- 11.1 When a decision is made that the suspected Academic Misconduct requires a formal process, the Dean of FGR will either commence the formal process or appoint a nominee to act as a decision-maker to commence the formal process.
- 11.2 When a decision is made that the complaint should be treated as Serious Misconduct, the complaint must be referred to the Student Interest and Conflict Resolution Team. This is to ensure that a Disciplinary Committee is set up in accordance with Appendix 2 of the Statute and that consideration is given to the best way to support all parties through the process.

Note: The decision-maker in the Serious Misconduct category of cases is the Disciplinary Committee.

12. Procedural requirements after the appointment of a decision-maker in all cases

- 12.1 To commence a formal process the decision-maker must:
- (a) notify the student suspected of Academic Misconduct or Serious Misconduct in writing; and
 - (b) inform the student that the formal process will be used;
 - (c) set out a clear explanation of the allegations and the possible penalties;
 - (d) provide the student with all relevant information relating to the complaint held by the decision-maker. (Note: where the release of any material could lead to adverse consequences for any person, the decision-maker should contact Legal Services for advice).
 - (e) advise the student of the next steps in the process and invite them to a meeting to discuss the matter; and

- (f) advise the student of their entitlement to support and/or representation, and the advisory and support services offered by the VUWSA student advocacy service and of its contact details at advocate@vuwsa.org.nz; and
- (g) advise the student if anyone other than the decision-maker will be present at the meeting, and in the case of a Serious Misconduct case, advise the student of the composition of the Disciplinary Committee.

12.2 The decision-maker may:

- (a) seek additional information from any relevant person and then must put any information provided from that person to the student for comment; and
- (b) seek advice from Student Interest and Conflict Resolution or Legal Services at any time throughout the process.

12.3 To follow a fair process a decision-maker must:

- (a) try to convene a meeting with the student as soon as practicable; and
- (b) provide a reasonable opportunity for the student to respond to the complaints either in person, in writing or by other appropriate means of communication such as audio-visual conference or teleconference; and
- (c) consider the student's response.

13. Imposing Outcomes

13.1 The possible outcomes for a finding of Academic Misconduct and Serious Misconduct are set out at paragraph 7 of the Statute.

13.2 If a finding of Academic Misconduct or Serious Misconduct is made, the decision-maker may receive further information or advice from the Student Interest and Conflict Resolution Team before deciding the outcome, to consider whether any support is required.

14. Notify Decision

14.1 Where the decision-maker determines that Academic Misconduct or Serious Misconduct has been established on the balance of probabilities, the decision-maker must, as soon as practicable, notify the student of that decision. Such notice must:

- (a) inform the student of the decision in writing, including reasons for the finding and any outcome (if applicable); and
- (b) advise the student that the finding of Misconduct or Serious Misconduct will not appear on the student's academic record but that a record will be kept by the University; and
- (c) advise the student that if they do not agree with the outcome, they have the right to appeal the decision in accordance with paragraph 15 below and/or to consult the VUWSA student advocacy service; and
- (d) include details about available University support services. (The timing of the decision being delivered should take into account the opening hours of student support services.)

14.2 The decision-maker may seek advice and guidance from the Student Interest and Conflict Resolution Team to ensure that the emotional well-being of the student is considered at the time that the decision is communicated.

14.3 The decision-maker will advise the person who referred the complaint whether or not the complaint was upheld.

- 14.4 The decision-maker must ensure the Academic Misconduct or Serious Misconduct finding is recorded in the appropriate University system.
- 14.5 If the decision-maker determines that Academic Misconduct or Serious Misconduct has not been established on the balance of probabilities, the decision-maker must:
- (a) dismiss the matter; and
 - (b) advise the student in writing.
- 14.6 Notwithstanding the dismissal of the Academic Misconduct or Serious Misconduct allegations, nothing prevents a decision-maker from recommending in an advisory note that a student should undertake further education to strengthen the student's understanding of related issues.

15. Appeal process

- 15.1 When a finding of Academic Misconduct or Serious Misconduct is made in a formal process, the person against whom the finding is made can lodge an appeal.
- 15.2 The appeal against any finding made in a formal process must be submitted in accordance with the requirements below. The relevant Disciplinary Appeal Committees are set out in Appendix 2 of the Statute, depending on the category of the Academic Misconduct.
- 15.3 A student must:
- (a) submit an appeal related to a finding of Academic Misconduct or Serious Misconduct or the imposition of outcomes by writing to the Convenor of the relevant Disciplinary Appeal Committee within 20 working days of the date of receiving the letter notifying the outcome; and
 - (b) set out the reasons for their appeal in accordance with the grounds set out in paragraph 17.1 below; and
 - (c) indicate in their submission whether they wish to appear in person in support of the appeal.
- 15.4 The Convenor of the relevant Disciplinary Appeal Committee may extend the timeframe if satisfied that there is a good reason why the appeal was not submitted within the specified timeframe.
- 15.5 Within 10 working days of receipt of an appeal, the Convenor of the appropriate Disciplinary Appeal Committee must respond in writing to the student and:
- (a) acknowledge receipt of the appeal; and
 - (b) outline the anticipated timeframe for the appeal; and
 - (c) advise the names of the committee members who will be determining the appeal.

16. Consideration of the appeal

- 16.1 Any Disciplinary Appeal Committee responsible for determining an appeal must review:
- (a) evidence submitted to the decision-maker; and
 - (b) the decision.
- 16.2 The Disciplinary Appeal Committee may request:
- (a) any further evidence that is deemed relevant; and
 - (b) to meet the student appealing or other relevant parties; and

- (c) to meet the decision-maker (or, where the decision-maker was the Disciplinary Committee, the Convenor of the Disciplinary Committee).

16.3 Where a meeting is arranged in accordance with paragraph 16.2(b) above:

- (a) any meetings with the parties must be held separately; and
- (b) the parties may bring a support person and/or representative who may speak on their behalf.

17. Decision on the appeal

17.1 The Disciplinary Appeal Committee must not allow an appeal unless satisfied that:

- (a) the decision was unfair because of some material defect in the procedure followed; or
- (b) the decision was incorrect on the basis of:
 - (i) the information considered by the decision-maker; or
 - (ii) additional information not available to the decision-maker; or
 - (iii) additional information available to the decision-maker but not considered; or
- (c) the penalty imposed by the decision-maker was manifestly excessive.

17.2 If the Disciplinary Appeal Committee decides that an appeal should be allowed because:

- (a) the decision was unfair because of some material defect in the procedure, the Disciplinary Appeal Committee will set aside the decision and refer it back to the decision-maker;
- (b) the decision was incorrect, the Disciplinary Appeal Committee will set aside the decision and substitute another decision;
- (c) the penalty was manifestly excessive, the Disciplinary Appeal Committee will set aside the penalty and substitute another penalty.

17.3 The Disciplinary Appeal Committee must provide written reasons for its decision to allow or not allow an appeal to:

- (a) the student appealing; and
- (b) the decision-maker.

18. External Complaints

18.1 A person who is not a Member of the University Community can provide information regarding suspected Misconduct by a student to any staff member. The staff member will refer the information to Legal Services for consideration as to whether a complaint alleging misconduct should be made in accordance with the Student Conduct Statute and this Procedure.

19. Definitions

In this Procedure, unless the context otherwise requires:

Academic Misconduct	has the meaning given in paragraph 4.3 of the Student Conduct Statute
Alternative Resolution Process	means an informal process and, in the context of Academic Misconduct means an educative approach, as defined in the Academic Integrity for Students Policy.
Complaint	means any report of possible Misconduct

Decision-maker	means a decision-maker identified in Appendix 1 of the Student Conduct Statute
Delegated Authority Level	refer to Appendix 1 of the Delegations Statute
Disciplinary Appeal Committee	means a Disciplinary Appeals Committee convened in accordance with Appendix 2 of the Student Conduct Statute
Disciplinary Committee	means a Disciplinary Committee convened in accordance with Appendix 2 of the Student Conduct Statute
Formal Process	means a formal disciplinary process to determine if Academic Misconduct or Serious Misconduct has occurred
Members of the University	
Community	means all Staff Members and Students of the University, and any other person providing services to the University
Misconduct	has the meaning given in section 4 of the Student Conduct Statute.
Revisions	when related to a thesis, revisions refer to changes to the thesis that usually involve only minor amendments to the text. This does not include cases where the student would be required to do additional research or analysis, nor does it include cases where major structural changes would be required to the text.
Serious Misconduct	has the meaning given in section 4.5 of the Student Conduct Statute
Staff Member	means an employee of the University
Student	means any person enrolled in a personal course of study at the University, or a person who is studying at the University under an exchange agreement with another institution, and includes a resident in a Hall of Residence
University Precincts	includes all premises, grounds and buildings owned by, in the possession of, or administered by the University (including Halls of Residence)

Note: Any other term that is used in this Procedure that is also used and defined in the Student Conduct Statute will have the meaning given in that Statute.

Related Documents and Information

20. Related Documents

- [Education and Training Act 2020](#)
- [Victoria University of Wellington Act 1961](#)
- [Academic Integrity: Educative Measures Procedure](#)
- [Student Conduct Statute](#)

21. Document Management and Control

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