

THE AUSTRALIAN NATIONAL UNIVERSITY

Academic Integrity Rule 2021

I, Professor Brian P. Schmidt, Vice-Chancellor, make the following rule.

Dated 15 July 2021

Professor Brian P. Schmidt AC FAA FRS
Vice-Chancellor

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Part 1—Preliminary

1 Name

This is the *Academic Integrity Rule 2021*.

2 Commencement

This instrument commences on 1 December 2021.

3 Authority

This instrument is made under the *Australian National University (Governance) Statute 2020*, section 68(1) (General power to make rules and orders).

4 Application of instrument

This instrument applies to all students of the University.

5 Object of instrument

The object of this instrument is to ensure that the academic integrity principle is respected and observed at the University.

6 Definitions

In this instrument:

academic integrity inquiry, or ***inquiry***, in relation to conduct engaged in (or that may have been engaged in) by a student, means an inquiry into the conduct under Part 5 (Academic integrity inquiries).

academic integrity principle: see section 7 (What is the *academic integrity principle*?).

academic integrity review, or ***review***, in relation to conduct engaged in (or that may have been engaged in) by a student, means a review of the conduct under Part 4 (Academic integrity reviews).

course means a subject of scholarly study, whether it is taught:

- (a) in a connected series of classes or demonstrations; or
- (b) by means of practical work, including, for example, the production by students of essays, theses or case studies or the attendance and participation by students in seminars or workshops; or
- (c) by clinical or professional practice; or
- (d) in another way or in a combination of ways.

course convener, for a course, means a person who is appointed as course convener for the course.

coursework means the courses, and other written or oral work (if any), undertaken by a student for a program for a coursework award, but does not include any thesis component of the program of at least 24 units duration.

coursework award has the meaning given by the Coursework Awards Rule, section 7 (Coursework awards).

Dean, in relation to a student and:

- (a) in relation to conduct engaged in (or that may have been engaged in) by the student in relation to a course offered by the University—the College Dean of the ANU College responsible for the course; or
- (b) in any other case—the College Dean of the ANU College responsible for the program or course offered by the University in which the student is or was enrolled or that the student was given permission to audit.

engage in conduct means:

- (a) do an act; or
- (b) omit to do an act.

inquiry: see the definition of *academic integrity inquiry*.

inquiry officer, in relation to an inquiry into conduct engaged in (or that may have been engaged in) by a student: see section 33(3) to (5) (Referral of conduct to inquiry officer).

poor academic practice: see section 13 (What is *poor academic practice*?).

property includes any form of real or personal property.

Example of property

Intellectual property, including intellectual property in any data or information.

research award has the meaning given by the Research Awards Rule, section 6 (Research awards).

review: see the definition of *academic integrity review*.

reviewable decision: see section 62 (Meaning of *reviewable decision*).

student means a person who is or was enrolled in a program or course offered by the University, or who is or was given permission by the University to audit a program or course offered by the University.

supervisor, of a student, means a person who is:

- (a) a supervisor (however described) of the student under the Research Award Rule; or
- (b) a supervisor of a thesis of the student (if any) under the Coursework Awards Rule.

University premises means land or premises owned or occupied by the University, and includes, for example, any of the following:

- (a) University House or a hall of residence;
- (b) an affiliated college;
- (c) any other accommodation arranged or provided by the University.

[Note: For definitions applying to University legislation generally, see the dictionary in the Legislation Statute. That dictionary defines terms relevant to this instrument, including the following:

- breach
- College Dean
- order
- working day.]

Part 2—Academic integrity

Division 2.1—The academic integrity principle

7 What is the *academic integrity principle*?

The *academic integrity principle* is the principle that every student of the University:

- (a) is committed to engaging in academic work in ways that are consistent with, and actively support, academic integrity; and
- (b) upholds this commitment by behaving honestly, responsibly and ethically, and with respect and fairness, in scholarly practice.

8 Application of the academic integrity principle

The academic integrity principle applies to, and is binding on, every student of the University, regardless of:

- (a) whether the student is engaged in research or education; or
- (b) the student's academic discipline.

9 Background to the academic integrity principle

- (1) The matters set out in the following subsections apply, so far as relevant but subject to the orders, in applying and interpreting the academic integrity principle.
- (2) As Australia's national university, the University seeks:
 - (a) to advance the pursuit, dissemination and application of knowledge, particularly:
 - (i) by promoting scholarship, critical and free inquiry, informed debate, and academic independence; and
 - (ii) by undertaking research and education of the highest quality; and
 - (b) to maintain and further develop:
 - (i) its strong focus on research; and
 - (ii) its educational philosophy that its students are part of a community of scholars; and
 - (c) to aspire to the highest international standards of scholarship.
- (3) Academic integrity is a core part of the University's culture as a community of scholars. The University's students are an integral part of that community of scholars.
- (4) At its heart, academic integrity is about behaving ethically. All students are expected, both individually and collectively and to the best of their ability, to advance the pursuit, dissemination and application of knowledge ethically, and by behaving honestly and responsibly, and with respect and fairness, in scholarly practice.
- (5) Misleading or deceptive conduct (including cheating) in scholarly practice is a breach of the standard of academic integrity expected of all students. However, academic integrity can be breached in other ways.
- (6) For example, a characteristic of the scholarly practice expected of all students is the clear and unambiguous attribution of academic outputs to those who created them. This requires the full and unambiguous acknowledgement in each academic output of the contribution of

others towards the academic output. Failure to comply with this requirement in an academic output is a breach of the standard of academic integrity expected of all students.

10 Orders about the academic integrity principle etc.

- (1) Orders may prescribe matters:
 - (a) with respect to the academic integrity principle; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to the academic integrity principle.
- (2) Without limiting subsection (1), orders may make provision with respect to all or any of the following matters:
 - (a) furthering the object of this instrument;
 - (b) the application or interpretation of the academic integrity principle;
 - (c) conduct that is (or is not) a breach of the academic integrity principle;
 - (d) conduct that is (or is not) academic misconduct or academic misconduct of a particular kind;
 - (e) conduct that is (or is not) poor academic practice or poor academic practice of a particular kind;
 - (f) best practice in respecting and observing the academic integrity principle.
- (3) Without limiting subsections (1) and (2), orders may prescribe conduct that is (or is not) to be regarded, for all or stated purposes, as:
 - (a) scholarly practice; or
 - (b) ethical, honest, responsible, respectful or fair scholarly practice; or
 - (c) conduct engaged in relation to:
 - (i) a course or program offered by or in connection with the University; or
 - (ii) research conducted in or in connection with the University; or
 - (d) cheating, plagiarism, impersonation, collusion, the sharing of material, contract cheating, the passing off of work of others, or any other kind of conduct mentioned in section 12(2) (What is *academic misconduct*?); or
 - (e) conduct that is improper; or
 - (f) the correct or appropriate acknowledgement of the work of others; or
 - (g) an advantage that is unethical, dishonest, unfair or unjustified.
- (4) Without limiting subsections (1), (2) and (3), orders may make provision with respect to a matter by prescribing guidance (whether binding or non-binding) or examples.
- (5) To remove any doubt, a provision of an order must not be treated as inconsistent with this instrument only because the provision deals with a matter dealt with by this instrument if the provision can be obeyed without breaching this instrument.

Division 2.2—Particular kinds of breaches of academic integrity principle

11 Kinds of breaches of academic integrity principle

For this instrument, breaches of the academic integrity principle may be either:

- (a) academic misconduct; or
- (b) poor academic practice.

12 What is *academic misconduct*?

- (1) A student engages in conduct that is *academic misconduct* if:
 - (a) the student engages in conduct that breaches the academic integrity principle, including, for example, by engaging in any conduct of a kind mentioned in subsection (2); and
 - (b) the conduct is in relation to:
 - (i) a course or program offered by or in connection with the University; or
 - (ii) research conducted in or in connection with the University; and
 - (c) the conduct is not poor academic practice.
- (2) For this instrument, a student breaches the academic integrity principle if, in scholarly practice, the student:
 - (a) cheats; or
 - (b) impersonates another person; or
 - (c) engages in plagiarism; or
 - (d) colludes with another person; or
 - (e) improperly shares material with another person; or
 - (f) engages in contract cheating or improperly engages another person to prepare, or assist in preparing, work for the student; or
 - (g) submits or publishes anything that fails to correctly or appropriately acknowledge the work of another person or otherwise improperly appropriates the intellectual property or contribution of another person; or
 - (h) otherwise passes off the work of another person as the student's own work; or
 - (i) improperly recycles work or otherwise improperly submits or publishes work that is not original; or
 - (j) takes a prohibited item into an examination or other assessment venue or otherwise breaches the University's directions (however described) in relation to an examination or other assessment; or
 - (k) fabricates or falsifies any document, data or other information, or anything else, including, for example, by intentionally omitting data to obtain a desired result, or by falsely representing observations as genuinely held; or
 - (l) otherwise intentionally or recklessly engages in conduct:
 - (i) that impedes the progress of research; or
 - (ii) that risks corrupting research records or compromising the integrity of research practices; or
 - (iii) that uses research data from another person without appropriate acknowledgement; or
 - (iv) that breaches a research protocol approved by a research ethics committee or a statutory licence condition applying to research; or
 - (m) otherwise engages in conduct with the intention of gaining, or assisting another person to gain, an unethical, dishonest, unfair or unjustified advantage; or
 - (n) otherwise engages in conduct, or assists another person to engage in conduct, that is unethical, dishonest or unfair; or
 - (o) engages in any other conduct declared to be academic misconduct by the orders.

13 What is *poor academic practice*?

- (1) A student engages in conduct that is *poor academic practice* if:
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- (a) the student engages in conduct that breaches the academic integrity principle; and
 - (b) the conduct:
 - (i) is engaged in during, or is otherwise in relation to, an examination or other assessment for coursework in a program for a coursework award; or
 - (ii) is in relation to material submitted for coursework in a program for a coursework award; and
 - (c) the conduct is excusable:
 - (i) because of mitigating circumstances (including, for example, personal, emotional or health-related circumstances); or
 - (ii) because the conduct is unintended or merely careless, inadvertent or uninformed; and
 - (d) the breach is not of a serious nature; and
 - (e) the conduct is not a recurrence of conduct engaged in by the student.
- (2) To remove any doubt, conduct by a student in relation to a program for a research award cannot be poor academic practice.

[Note: Conduct in relation to any thesis component of a program for a coursework award of at least 24 units duration also cannot be poor academic practice (see section 6 (Definitions), definition of *coursework*).]

Part 3—Reporting breaches and interim action

Division 3.1—Reporting breaches of academic integrity principle

14 Reports of breaches

- (1) If any person considers that a student has, or may have, engaged in conduct that breaches the academic integrity principle, the person may report the conduct to any of the following (a *relevant authority*):
 - (a) if the conduct is, or may be, in relation to a course—the course convener for the course; or
 - (b) if the student has a supervisor—the supervisor; or
 - (c) in any case—the Registrar.
- (2) To remove any doubt, if a relevant authority considers that a student has, or may have, engaged in conduct that breaches the academic integrity principle, the relevant authority may report the student’s conduct to another relevant authority or to the Vice-Chancellor.
- (3) However, if the conduct is, or may be, in relation to a course and the relevant authority is not the course convener for the course, the relevant authority must report the student’s conduct to the course convener for the course unless the relevant authority considers that the conduct is, or may be, academic misconduct.
- (4) Also, if the relevant authority considers that the conduct is, or may be, academic misconduct and the relevant authority is not the Registrar, the relevant authority must report the student’s conduct to the Registrar.

[Note See section 32 (Application of Part 5 (Academic integrity inquiries)).]

15 Action for breach without report

- (1) This section applies if a relevant authority or the Vice-Chancellor considers that a student has, or may have, engaged in conduct that breaches the academic integrity principle, but the relevant authority or Vice-Chancellor has not received a report under section 14 (Reports of breaches) about the conduct.
- (2) The relevant authority or Vice-Chancellor may exercise functions under this instrument in relation to the student’s conduct even though the relevant authority or Vice-Chancellor has not received a report under section 14 about the conduct.
- (3) In this section:
relevant authority: see section 14(1).

Division 3.2—Interim action for breaches of academic integrity principle

16 Interim action by Vice-Chancellor

- (1) This section applies if the Vice-Chancellor is satisfied that a student is likely to have engaged in conduct that breaches the academic integrity principle.

[Note: See also section 17 (Interim action: procedure and review).]

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- (2) The Vice-Chancellor may, before a review or inquiry has been held or completed into the conduct:
- (a) deny the student access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University:
 - (i) for a specified period (ending no later than the completion of a review or inquiry into the conduct); or
 - (ii) until a review or inquiry has been completed into the conduct; or
 - (b) if the conduct was engaged in during an examination or other assessment—exclude the student from attendance at that assessment.
- [Note 1: For certain conduct in relation to information infrastructure or services, action may be taken under the Information Infrastructure and Services Rule.]
- [Note 2: For the effect of a denial of access or exclusion from an assessment, see sections 54 (Denial of access) and 55 (Exclusion from assessment).]
- (3) However, the Vice-Chancellor may, under this section, deny the student access to facilities, premises or activities only if the Vice-Chancellor considers:
- (a) that the student’s conduct has caused serious harm, or is of a nature that presents a significant risk of serious harm, to the health, safety or wellbeing of any person; or
 - (b) that the student’s continued access to the facilities, premises or activities otherwise presents a significant risk of serious loss, damage or other harm (including reputational harm) to the University or its students, staff or property.
- (4) Also, the Vice-Chancellor may, under this section, exclude the student from attendance at an examination or other assessment only if the Vice-Chancellor considers that the exclusion is necessary to preserve:
- (a) the integrity of the assessment; or
 - (b) order and decorum at the place of the assessment.
- (5) For this section and to remove any doubt, a review or inquiry has been **completed** only when its findings and decisions have been finalised under this instrument and, if applicable, the Appeals Rule.

17 Interim action: procedure and review

- (1) This section applies if the Vice-Chancellor takes action under section 16 (Interim action by Vice-Chancellor) in relation to a student.
- (2) The Vice-Chancellor must, as soon as possible (but no later than 5 working days after the day the Vice-Chancellor takes the action):
- (a) tell the student in writing about the action taken; and
 - (b) give the student a statement of reasons for the decision to take the action.
- (3) Within 5 working days after the day the Vice-Chancellor complies with subsection (2), the student may give the Vice-Chancellor a written submission about the action.
- (4) If the student gives the Vice-Chancellor a submission under subsection (3), the Vice-Chancellor must consider the submission and must decide, as soon as possible (but no later than 5 working days after the day the submission is given to the Vice-Chancellor), whether to confirm, vary or end the denial of access or exclusion.
- (5) As soon as possible after (but no later than 5 working days after the day) the Vice-Chancellor complies with subsection (4), the Vice-Chancellor must:
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- (a) tell the student in writing about the decision; and
 - (b) if the decision is to confirm the denial of access or exclusion or not to vary it as sought by the student—give the student a statement of reasons for the decision.

Part 4—Academic integrity reviews

Division 4.1—Preliminary

18 Application of Part 4

This Part applies if a course convener for a course becomes aware that a student has, or may have, engaged in conduct in relation to the course that breaches the academic integrity principle.

Division 4.2—Initial decision whether to conduct review

19 Decision whether to conduct review

- (1) The course convener must initially decide whether to conduct a review of the student's conduct.
- (2) The course convener may decide not to conduct a review of the student's conduct if the course convener considers that there are not adequate grounds for believing any 1 or more of the following:
 - (a) that the student engaged in the conduct;
 - (b) that the conduct is a breach of the academic integrity principle;
 - (c) that the conduct is conduct in relation to a course for which the course convener is a course convener.
- (3) The course convener must decide not to conduct a review of the student's conduct if the course convener considers that the student's conduct appears to be academic misconduct.
- (4) If the course convener considers that the student's conduct appears to be academic misconduct, the course convener must refer the conduct to the Registrar.
[Note See section 32 (Application of Part 5 (Academic integrity inquiries)).]
- (5) If the student's conduct is referred to the Registrar under subsection (4), the course convener must tell the student in writing about the referral within 5 working days after the day the course convener makes the referral.
- (6) Without limiting subsection (5), the notice must include a brief description of the student's conduct that has been referred to the Registrar.

20 Making decision whether to conduct review

- (1) The course convener may make a decision under section 19 (Decision whether to conduct review) in a summary way based on the information available to the course convener and without conducting a hearing or seeking a submission from the student.
- (2) Without limiting subsection (1), in making the decision the course convener is not bound by the rules of evidence and may be informed on any matter in the way the course convener considers appropriate.

21 Effect of decision whether to conduct review

- (1) Subject to section 69 (Vice-Chancellor may call in certain decisions), a decision of the course convener under section 19 (Decision whether to conduct review) is final.
- (2) However, if the course convener decides not to conduct a review of the student's conduct, this section does not prevent the course convener (or another course convener) from later deciding to conduct a review of the conduct.

Division 4.3—Review process

22 Application of Division 4.3

- (1) This Division applies if the course convener decides to conduct a review of the student's conduct.
- (2) The review must be conducted in accordance with this Division.

23 Initial notice of review

- (1) Within 5 working days after the day that the course convener decides to conduct a review of the student's conduct, the course convener must give the student a written notice that tells the student that the course convener is to conduct a review of the student's conduct.

[Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]

- (2) Without limiting subsection (1), the notice must:
 - (a) include a description of the conduct that is to be reviewed; and
 - (b) state the purpose of the review; and

[Note: See section 24 (Review process: purpose of review).]

 - (c) include, or be accompanied by, copies of the material in the course convener's possession on which the course convener may rely in the review; and
 - (d) tell the student that the student is encouraged to meet with the course convener to discuss the conduct.
- (3) The notice must also include, or be accompanied by, a statement (or statements) to the effect that:
 - (a) the review will be conducted in an informal way; and
 - (b) if the student wishes to meet with the course convener to discuss the conduct, the student must notify the course convener in the way, and within the time, specified in the statement; and
 - (c) if the student notifies the course convener in accordance with paragraph (b) that the student wishes to meet with the course convener, the course convener will notify the student, in writing, of the time and place fixed for the meeting; and
 - (d) if the student meets with the course convener, the student may be accompanied to the meeting by another person nominated by the student who may observe the proceedings and, with the express approval of the course convener, act as advocate; and
 - (e) at any meeting with the course convener, the student may present oral or written statements to the course convener (including written statements made by another person); and

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- (f) if the student does not notify the course convener in accordance with paragraph (b) that the student wishes to meet with the course convener or does not attend at the time and place notified to the student for the meeting with the course convener, the course convener may conduct the review without meeting with the student; and
 - (g) the student may, in addition to or instead of meeting with the course convener, give the course convener written statements about the conduct being reviewed (whether made by the student or another person); and
 - (h) any written statements must be given to the course convener within the time specified in the notice; and
 - (i) the student may apply to the course convener for an extension of any time applying to the student under the notice or otherwise in relation to the review.
- (4) The time specified for subsection (3)(b) must not be earlier than 5 working days after the day the notice is given to the student.
 - (5) The time fixed for subsection (3)(c) must not be earlier than 5 working days after the day that the student notifies the course convener in accordance with subsection (3)(b) that the student wishes to meet with the course convener.
 - (6) The time specified for subsection (3)(h) must not be earlier than:
 - (a) if the student meets with the course convener to discuss the conduct—5 working days after the day of the meeting; or
 - (b) in any other case—5 working days after the day the notice is given to the student.
 - (7) A time mentioned in subsection (4), (5) or (6) may be shortened with the student's agreement.

24 Review process: purpose of review

The purpose of the review is to decide:

- (a) whether the student has engaged in conduct that breaches the academic integrity principle; and
- (b) if so, whether the conduct is poor academic practice; and
- (c) if it is a poor academic practice, the action (if any) that should be taken in relation to the student for the conduct.

25 Review process: ending of review and referral to Registrar

- (1) If at any time during the review, or at the completion of the review, the course convener considers that the student's conduct appears to be academic misconduct, the course convener must end the review and refer the conduct to the Registrar.
[Note See section 32 (Application of Part 5 (Academic integrity inquiries)).]
- (2) If the course convener decides to end the review and refer the conduct to the Registrar, the course convener must, within 5 working days after the day the decision is made, tell the student in writing about the decision and refer the conduct to the Registrar.

26 Review process: meeting between course convener and student

- (1) At any meeting with the course convener, the student may:
 - (a) attend in person; and
 - (b) present oral or written statements to the course convener (including written statements made by another person).
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[Note: The notice given to the student under section 23 (Initial notice of review) must, among other things, tell the student that the student is encouraged to meet with the course convener to discuss the student's conduct.]

- (2) If the student attends a meeting with the course convener, the student may be accompanied by another person who may:
 - (a) observe the proceedings; and
 - (b) with the express approval of the course convener, act as advocate.
- (3) The student must be given the opportunity at any meeting with the course convener to comment on the material in the course convener's possession on which the course convener intends to rely.
- (4) A meeting between the course convener and the student may be adjourned from time to time and from place to place.

27 Review process: conduct of review generally

- (1) The review must, subject to this Division, be conducted in the way that the course convener decides.
- (2) However, the course convener must conduct the review in an informal way, is not bound by the rules of evidence, and may be informed on any matter in the way the course convener considers just.
- (3) Without limiting subsection (1), the course convener may conduct a meeting with the student by teleconference, videoconference or another method of communication.
- (4) If the student, or a person accompanying the student, takes part in a meeting with the course convener under subsection (3), the student or person is taken to have attended the meeting in person.
- (5) The Registrar may appoint a person to assist the course convener to conduct the review.
- (6) The review is not invalid only because of a formal defect or irregularity in relation to the review.
- (7) If the student is given notice of the review under section 23 (Initial notice of review), the course convener may conduct and complete the review even if the student does not:
 - (a) request a meeting with, or meet with, the course convener; or
 - (b) give a written statement to the course convener.

28 Review process: matters for consideration

- (1) The course convener must consider:
 - (a) any oral or written statement presented by the student to the course convener at a meeting with the course convener; and
 - (b) any other written statement given by the student to the course convener in accordance with the notice under section 23 (Initial notice of review).
- (2) The course convener may consider any other matters that the course convener considers appropriate.

Example for subsection (2)

The course convener may consider:

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- (a) other assessments of the student; or
 - (b) assessments of other students undertaking a course.

Division 4.4—Finding and action at completion of review

29 Finding by course convener at completion of review

After the completion of the review of the student's conduct, the course convener may make either of the following findings:

- (a) that the student has not engaged in conduct that breaches the academic integrity principle;
- (b) that the student has engaged in conduct that breaches the academic integrity principle and that the conduct is poor academic practice.

[Note: If the course convener considers that the student's conduct appears to be academic misconduct, the course convener must end the review and refer the conduct to the Registrar for an inquiry (see section 25 (Review process: ending of review and referral to Registrar)).]

30 Action by course convener after finding of poor academic practice

- (1) This section applies if the course convener finds that the student's conduct is poor academic practice.
- (2) The course convener may do 1 or more of the following:
 - (a) decide to take no action;
 - (b) counsel the student;
 - (c) reprimand the student;
 - (d) accept an undertaking from the student, including, for example, an undertaking to undertake counselling or academic integrity training;
 - (e) require the student to submit material for re-assessment;
 - (f) require the student to undertake a further examination or other assessment;
 - (g) subject to subsection (3), reduce the student's mark for the relevant examination or other assessment by no more than 25% of the mark available for the assessment;
 - (h) tell any relevant professional, government or other organisation or agency about the finding and any action taken in relation to it.

[Note: For action under paragraph (d), (e) and (f), see section 56 (Undertakings and requirements: finding of poor academic practice).]

- (3) However, under subsection (2)(g) the course convener may reduce the student's mark by no more than 10% of the mark available for the assessment if the student's conduct is in relation to coursework undertaken by the student during the first 48 units of a program for an undergraduate coursework award.
- (4) If the course convener accepts an undertaking from the student, the course convener must give a written copy of the undertaking to the student and the Registrar.

31 Notice at completion of review

- (1) If the course convener finds that the student has not engaged in conduct that breaches the academic integrity principle, the course convener must, within 5 working days after the day the course convener makes the finding, tell the student and the Registrar in writing about the finding and specify the conduct to which the finding applies.

[Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]

- (2) If the course convener finds that the student's conduct is poor academic practice, the course convener must, within 5 working days after the day the course convener makes a decision under section 30 (Action by course convener after finding of poor academic practice) about the action to be taken in relation to the conduct, give the student and the Registrar a written notice that tells them about the finding and decision.
- (3) Without limiting subsection (2), the notice must:
- (a) specify the conduct to which the finding applies; and
 - (b) state the action that the course convener has decided is to be taken in relation to the conduct; and
 - (c) include, or be accompanied by, a statement of reasons for the finding and the decision; and
 - (d) state that the student may apply for review of the finding or decision (or both) under this instrument, and how and by when an application for review must be made.

Part 5—Academic integrity inquiries

Division 5.1—Preliminary

32 Application of Part 5

- (1) This Part applies if the Registrar becomes aware that a student has, or may have, engaged in conduct that breaches the academic integrity principle, unless the Registrar considers that the conduct is poor academic practice.
- (2) Without limiting subsection (1), this Part may apply to the student in relation to the conduct if the student's conduct is reported or referred to the Registrar under any of the following provisions:
 - (a) section 14 (Reports of breaches);
 - (b) section 19(4) (Decision whether to conduct review);
 - (c) section 25(1) (Review process: ending of review and referral to Registrar).

Division 5.2—Referral to inquiry officer

33 Referral of conduct to inquiry officer

Referral to Vice-Chancellor or member of staff for inquiry

- (1) The Registrar must, in writing, refer the student's conduct to the Vice-Chancellor, or to an appropriate member of staff of the University, to conduct an inquiry into the conduct.

Reference to Vice-Chancellor includes reference to delegate etc.

- (2) To remove any doubt, the reference in subsection (1) to the Vice-Chancellor includes a reference to a delegate (or subdelegate) of the Vice-Chancellor.

[Note: The Vice-Chancellor may, under the Governance Statute, section 66 (Delegation and subdelegation of Vice-Chancellor's functions), delegate (or authorise the subdelegation of) any or all of the Vice-Chancellor's functions under this Part (including as inquiry officer). A function exercised by the delegate (or subdelegate) is taken to have been exercised by the Vice-Chancellor (see Acts Interpretation Act, section 34AB(1)(c)).]

Meaning of references to inquiry officer: general

- (3) A reference in this instrument to the ***inquiry officer*** for an inquiry into the student's conduct is a reference to the person to whom the conduct is for the time being referred under this Division to conduct an inquiry into the student's conduct.

Referral to Vice-Chancellor: effect of subsequent delegation etc.

- (4) For subsection (3), if the student's conduct is referred to the Vice-Chancellor to conduct an inquiry into the conduct and the conduct of the inquiry is subsequently delegated (or subdelegated) to a person by the Vice-Chancellor (or a delegate), the student's conduct is taken to have been referred under this Division to the person to conduct an inquiry into the student's conduct.

Meaning of references to inquiry officer: referral to delegate etc. of Vice-Chancellor

- (5) However, to remove any doubt, if the student's conduct is for the time being referred under this Division to a delegate (or subdelegate) of the Vice-Chancellor, the Vice-Chancellor is taken to be the ***inquiry officer*** for the inquiry for the purposes of the following provisions:
- (a) section 34(1) (Changes in inquiry officer);
 - (b) section 36 (Application of Division 5.3);
 - (c) section 52(3) (Action by inquiry officer after finding of academic misconduct).

Meaning of references to member of staff

- (6) In this Division, to remove any doubt, a reference to a ***member of staff*** includes a reference to a Deputy Vice-Chancellor, a Pro Vice-Chancellor, or the holder of any other executive position within the University (other than the Vice-Chancellor).

34 Changes in inquiry officer

Where Vice-Chancellor is inquiry officer

- (1) If the Vice-Chancellor is the inquiry officer for the inquiry, the Vice-Chancellor may, at any time during the inquiry or at the completion of the inquiry and in writing, refer the student's conduct to the Registrar for referral of the conduct to a delegate (or subdelegate), or a different delegate (or subdelegate), of the Vice-Chancellor or to an appropriate member of staff.
- (2) If the Vice-Chancellor refers the student's conduct to the Registrar under subsection (1):
- (a) the person who was the inquiry officer ceases to be the inquiry officer for the inquiry; and
 - (b) the Registrar must refer the student's conduct to a delegate (or subdelegate), or a different delegate (or subdelegate), of the Vice-Chancellor or to an appropriate member of staff, as the case requires.

Where member of staff is inquiry officer

- (3) If a member of staff is the inquiry officer for the inquiry, the member of staff may, at any time during the inquiry or at the completion of the inquiry and in writing, refer the student's conduct to the Registrar for referral of the conduct to the Vice-Chancellor or to another member of staff.
- (4) To remove any doubt, the reference in subsection (3) to a member of staff does not include a reference to a member of staff who is the delegate (or subdelegate) of the Vice-Chancellor.
- (5) If the member of staff refers the student's conduct to the Registrar under subsection (3):
- (a) the member of staff ceases to be the inquiry officer for the inquiry; and
 - (b) the Registrar must refer the student's conduct to the Vice-Chancellor (or a delegate (or subdelegate) of the Vice-Chancellor) or to another appropriate member of staff.

35 Notice of referral to inquiry officer

- (1) If the student's conduct is referred to a person under this Division, the Registrar must tell the student in writing about the referral within 5 working days after the day the Registrar makes the referral.

[Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]

- (2) Without limiting subsection (1), the notice must:
 - (a) state the name of the inquiry officer; and
 - (b) include a brief description of the student's conduct that is to be inquired into by the inquiry officer.
- (3) To remove any doubt, if the inquiry officer is a delegate (or subdelegate) of the Vice-Chancellor, the notice must state the name of the delegate (or subdelegate) as the name of the inquiry officer.
- (4) However, if the name of the inquiry officer is not known at the time that the notice is given to the student, the Registrar must, by a subsequent written notice, tell the student the name of the inquiry officer as soon as practicable after the name of the inquiry officer is known.

Division 5.3—Inquiry panels

36 Application of Division 5.3

This Division applies if the Vice-Chancellor is the inquiry officer for the inquiry into the student's conduct.

[Note: For the inquiries for which the Vice-Chancellor is the inquiry officer, see section 33(5) (Referral of conduct to inquiry officer).]

37 Inquiry panel for initial decision whether to take action

- (1) This section applies if a decision has not been made under section 39 (Decision whether to take action under this instrument) in relation to the student's conduct.
- (2) The Vice-Chancellor may, in writing, appoint a panel of persons to advise the Vice-Chancellor on whether action should be taken under this instrument in relation to the student's conduct.
- (3) If the Vice-Chancellor appoints a panel under subsection (2), the Vice-Chancellor must, in writing, appoint one of the members of the panel as Chair of the panel.
- (4) In making a decision under section 39 in relation to the student's conduct, the Vice-Chancellor may consider, and act on the basis of, any report or recommendation of the panel.

38 Inquiry panel to conduct inquiry

- (1) This section applies if the inquiry into the student's conduct has not ended under section 41(2)(a) (Effect of decision whether to take action).
- (2) The Vice-Chancellor may, in writing, appoint a panel of persons:
 - (a) to conduct an inquiry into the student's conduct on behalf of the Vice-Chancellor; and
 - (b) to report to the Vice-Chancellor on its findings and recommendations.
- (3) If the Vice-Chancellor appoints a panel under subsection (2), the Vice-Chancellor must, in writing, appoint one of the members of the panel as Chair of the panel.

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- (4) To remove any doubt, the panel of persons appointed under this section may, but need not be, the same as any panel of persons appointed under section 37 (Inquiry panel for initial decision whether to take action) in relation to the student's conduct.
- (5) This instrument applies in relation to the inquiry conducted by the panel on behalf of the Vice-Chancellor as if:
- (a) a reference in Division 5.5 (Inquiry process) to the inquiry officer, other than an excepted reference, were a reference to the panel; and
[Note: See subsection (6) for the meaning of 'excepted reference'.]
 - (b) section 43(2) required the notice to include the names of the members of the panel; and
 - (c) a reference in any of the following provisions of Division 5.5 to the inquiry officer were a reference to the Chair of the panel:
 - (i) section 43(3)(b) to (i) (Notice of inquiry process);
 - (ii) section 45(1)(c)(ii) (Inquiry process: inquiry hearing);
 - (iii) section 46 (Inquiry process: remote participation by student etc.);
 - (d) section 47 (Inquiry process: changes in inquiry officer) did not apply to the panel; and
[Note: See subsection (8).]
 - (e) the reference in section 71(1) (Extension of time), definition of *relevant University official*, paragraph (b) to the inquiry officer conducting the inquiry were a reference to the Chair of the panel conducting the inquiry; and
 - (f) any modification prescribed by order, and any other necessary modification, were made.
- (6) For subsection (5)(a), each of the following references to the inquiry officer is an *excepted reference*:
- (a) the first reference in section 42(1) (Application of Division 5.5);
 - (b) the first reference in section 43(1);
 - (c) any reference in section 43(3)(b) to (i);
 - (d) the reference in section 45(1)(c)(ii);
 - (e) any reference in section 46.
- (7) However, if the name of a member of the panel is not known at the time that the notice under section 43 is given to the student, the Vice-Chancellor must, by a subsequent written notice, tell the student the name of the member as soon as practicable after the name is known.
- (8) The conduct of the inquiry is not affected by any change in the members of the panel, but the panel may give the directions the panel considers appropriate about the procedure to be followed for the further conduct of the inquiry, including directions about the use of any oral or written statements previously received by the inquiry.
- (9) In making a finding or other decision under this instrument in relation to the student's conduct, the Vice-Chancellor may consider, and act on the basis of, any report or recommendation of the panel.
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Division 5.4—Initial decision whether to take action

39 Decision whether to take action under this instrument

- (1) The inquiry officer must initially decide whether action should be taken under this instrument in relation to the student's conduct.
- (2) The inquiry officer must endeavour to make a decision under this section within 20 working days after the day the student's conduct is referred to the inquiry officer to conduct an inquiry into the conduct.
- (3) If the inquiry officer is unable make a decision under this section within the 20-day period, the inquiry officer must, by written notice:
 - (a) tell the student and the Registrar; and
 - (b) give the student and the Registrar a date by which a decision under this section will be made.
- (4) The inquiry officer may decide that action should not be taken under this instrument if the inquiry officer considers:
 - (a) that there are not adequate grounds for believing either or both of the following:
 - (i) that the student engaged in the conduct;
 - (ii) that the conduct is a breach of the academic integrity principle; or
 - (b) that it is otherwise inappropriate for action to be taken, or taken for the time being, under this instrument.

Example for paragraph (b)

A criminal investigation or prosecution, or another legal proceeding, has begun in relation to the conduct.

40 Making decision whether to take action

- (1) The inquiry officer may make a decision under section 39 (Decision whether to take action under this instrument) in a summary way based on the information available to the inquiry officer and without conducting a hearing or seeking a submission from the student.
- (2) Without limiting subsection (1), in making the decision the inquiry officer is not bound by the rules of evidence and may be informed on any matter in the way the inquiry officer considers appropriate.

41 Effect of decision whether to take action

- (1) Subject to section 69 (Vice-Chancellor may call in certain decisions), a decision of the inquiry officer under section 39 (Decision whether to take action under this instrument) is final.
- (2) If the inquiry officer decides that action should not be taken under this instrument in relation to the student's conduct:
 - (a) the inquiry ends; and
 - (b) the inquiry officer must, within 5 working days after the day the decision is made, tell the student and the Registrar in writing about the decision.
- (3) To remove any doubt, if the inquiry ends because the inquiry officer considers that it is inappropriate for action to be taken for the time being under this instrument, this

instrument does not prevent the course convener for a course, the inquiry officer, another inquiry officer, the Registrar or the Vice-Chancellor from later deciding that it is no longer inappropriate for action to be taken under this instrument in relation to the student's conduct.

Division 5.5—Inquiry process

42 Application of Division 5.5

- (1) This Division applies if the inquiry officer decides under Division 5.4 (Initial decision whether to take action) that action should be taken under this instrument in relation to the student's conduct.
- (2) The inquiry officer must conduct an inquiry into the conduct in accordance with this Division.

43 Notice of inquiry process

- (1) Within 5 working days after the day the inquiry officer decides that action should be taken under this instrument in relation to the student's conduct, the inquiry officer must give the student a written notice that tells the student that the inquiry officer is to conduct an inquiry into the student's conduct.

[Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]

- (2) Without limiting subsection (1), the notice must:
 - (a) include a description of the conduct that is to be inquired into; and
 - (b) state the purpose of the inquiry; and

[Note: See section 44 (Inquiry process: purpose of inquiry).]

 - (c) include, or be accompanied by, copies of the material in the inquiry officer's possession on which the inquiry officer may rely in the inquiry; and
 - (d) state the time and place fixed for the hearing of the inquiry.
- (3) The notice must also include, or be accompanied by, a statement (or statements) to the effect that:
 - (a) the inquiry may be conducted in an informal way and the inquiry officer is not bound by the rules of evidence; and
 - (b) the student may appear in person at the inquiry, unless the inquiry officer requires the student to participate remotely by a method of communication specified by the inquiry officer; and
 - (c) the student may apply to the inquiry officer for permission for the student, or for a person nominated by the student to accompany the student, to participate in the inquiry, or a part of the inquiry, remotely by a method of communication stated in the notice or otherwise specified by the inquiry officer; and
 - (d) if the student does not appear at the time and place fixed for the hearing of the inquiry, the inquiry may be held in the absence of the student; and
 - (e) if the student appears at the inquiry, the student may present oral and written statements to the inquiry (including written statements made by another person); and
 - (f) if the student appears at the inquiry, the student may be accompanied by another person nominated by the student who may observe the proceedings and, with the express approval of the inquiry officer, act as an advocate; and

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- (g) the student may, in addition to or instead of appearing at the inquiry, give the inquiry written statements about the conduct being inquired into (whether made by the student or another person); and
 - (h) any written statements under paragraph (g) must be given to the inquiry within the time specified in the notice; and
 - (i) the student may apply to the inquiry officer for an extension of any time applying to the student under the notice or otherwise in relation to the inquiry.

[Note: If the inquiry is conducted by a panel, a reference in paragraphs (b) to (i) to the inquiry officer is a reference to the Chair of the panel (see section 38(5)(c) (Inquiry panel to conduct inquiry)).]

- (4) To remove any doubt, a reference in subsection (3) to the student appearing at the inquiry includes a reference to the student participating in the inquiry under a requirement or permission of the inquiry officer.
- (5) The notice must be given to the student at least 5 working days before the day fixed for the hearing of the inquiry, unless the student agrees to being given the notice later.
- (6) The time specified for subsection (3)(h) must not be earlier than 5 working days after the day fixed for the hearing of the inquiry, unless the student agrees to an earlier date.

44 Inquiry process: purpose of inquiry

The purpose of the inquiry is to decide:

- (a) whether the student has engaged in conduct that breaches the academic integrity principle; and
- (b) if so:
 - (i) whether the conduct is academic misconduct or poor academic practice; and
 - (ii) the action (if any) that should be taken in relation to the student for the conduct.

45 Inquiry process: inquiry hearing

- (1) At the hearing of the inquiry, the student:
 - (a) may appear in person; and
 - (b) if the student appears in person at the inquiry—may present oral or written statements to the inquiry (including written statements made by another person); and
 - (c) if the student appears in person at the inquiry—may be accompanied by another person nominated by the student who may:
 - (i) observe the proceedings; and
 - (ii) with the express approval of the inquiry officer, act as advocate.

[Note: If the inquiry is conducted by a panel, the reference in paragraph (c)(ii) to the inquiry officer is a reference to the Chair of the panel (see section 38(5)(c) (Inquiry panel to conduct inquiry)).]

- (2) Subsection (1) is subject to section 46 (Inquiry process: remote participation by student etc.).

[Note: If the student participates in the inquiry under a permission or requirement under section 46(2), the student is taken to have appeared in person at the inquiry (see section 46(5)).]

- (3) The student must be given the opportunity at the inquiry to comment on the material in the inquiry officer's possession on which the inquiry officer intends to rely.
 - (4) The hearing of the inquiry may be adjourned from time to time and from place to place.
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46 Inquiry process: remote participation by student etc.

(1) In this section:

inquiry includes any part of the inquiry.

relevant person means:

- (a) the student; or
- (b) a person nominated by the student as a person to accompany the student.

[Note: If the inquiry is conducted by a panel, a reference in this section to the inquiry officer is a reference to the Chair of the panel (see section 38(5)(c) (Inquiry panel to conduct inquiry)).]

(2) The inquiry officer may, in writing, permit or require a relevant person to participate in the inquiry remotely by a method of communication, and in accordance with any arrangements, specified by the inquiry officer.

Examples of methods of communication for remote participation

- 1 teleconference
- 2 videoconference

(3) However, the inquiry officer may require the relevant person to participate in the inquiry remotely only if the inquiry officer considers that the requirement is necessary or desirable for all or any of the following reasons:

- (a) to avoid or reduce the risk of harm to the health, safety or wellbeing of any person;
- (b) to allow the inquiry to be conducted in a fair and orderly way;
- (c) to avoid or reduce any other risk of harm to the University or its students, staff or property.

(4) If the relevant person participates in the inquiry remotely under a permission or requirement under this section, the inquiry officer must endeavour to ensure that, as far as practicable, the relevant person is able to participate in the inquiry to the same extent as the person would have been able to participate if the person had attended the hearing of the inquiry in person.

(5) If the student participates in the inquiry remotely under a permission or requirement under this section, the student is taken to have appeared in person at the inquiry.

(6) If a person nominated by the student participates in the inquiry remotely under a permission or requirement under this section, the person is taken to be accompanying the student, whether or not the student attends the hearing of the inquiry in person.

(7) This section does not limit the power of the inquiry officer to permit or require a person, other than the student or a person nominated by the student, to participate in the inquiry remotely by teleconference, videoconference or any other method of communication.

47 Inquiry process: changes in inquiry officer

(1) This section applies if, at any time during the inquiry or at the completion of the inquiry, the person who was the inquiry officer ceases to be the inquiry officer and another person (the *replacement inquiry officer*) becomes the inquiry officer.

(2) The conduct of the inquiry is not affected by the change in the inquiry officer, but the replacement inquiry officer may give the directions the replacement inquiry officer considers appropriate about the procedure to be followed for the further conduct of the

inquiry, including directions about the use of any oral or written statements previously received by the inquiry.

48 Inquiry process: conduct of inquiry generally

- (1) The inquiry into the student's conduct must, subject to this Division, be conducted in the way that the inquiry officer decides.
- (2) The inquiry officer may conduct the inquiry in an informal way, is not bound by the rules of evidence, and may be informed on any matter in the way the inquiry officer considers just.
- (3) The Registrar may appoint a person to assist the inquiry officer to conduct the inquiry.
- (4) The inquiry is not invalid only because of a formal defect or irregularity in relation to the inquiry.
- (5) If the student is given notice of the inquiry under section 43 (Notice of inquiry process), the inquiry officer may conduct and complete the inquiry even if the student does not:
 - (a) attend the hearing of the inquiry; or
 - (b) give a written statement to the inquiry.

49 Inquiry process: matters for consideration

- (1) The inquiry officer must consider:
 - (a) any oral or written statement presented by the student to the inquiry at the inquiry hearing; and
 - (b) any other written statement given by the student to the inquiry in accordance with the notice given to the student under section 43 (Notice of inquiry process).
- (2) The inquiry officer may also consider any other matters that the inquiry officer considers appropriate.

Example for subsection (2)

The inquiry officer may consider:

- (a) other assessments of the student; or
- (b) assessments of other students undertaking a course.

Division 5.6—Findings and action at completion of inquiry

50 Findings by inquiry officer at completion of inquiry

- (1) After the completion of the inquiry into the student's conduct, the inquiry officer may make either of the following findings:
 - (a) that the student has not engaged in conduct that breaches the academic integrity principle;
 - (b) that the student has engaged in conduct that breaches the academic integrity principle.
- (2) If the inquiry officer finds that the student has engaged in conduct that breaches the academic integrity principle, the inquiry officer must also find either that the conduct is poor academic practice or that the conduct is academic misconduct.

51 Action by inquiry officer after finding of poor academic practice

- (1) This section applies if the inquiry officer finds that the student's conduct is poor academic practice.
- (2) The inquiry officer may do 1 or more of the following:
 - (a) decide to take no action;
 - (b) counsel the student;
 - (c) reprimand the student;
 - (d) accept an undertaking from the student, including, for example, an undertaking to undertake counselling or academic integrity training;
 - (e) require the student to submit material for re-assessment;
 - (f) require the student to undertake a further examination or assessment;
 - (g) subject to subsection (3), reduce the student's mark for the relevant examination or other assessment by no more than 25% of the mark available for the assessment;
 - (h) tell any relevant professional, government or other organisation or agency about the finding and any action taken in relation to it.

[Note: For action under paragraph (d), (e) and (f), see section 56 (Undertakings and requirements: finding of poor academic practice).]
- (3) However, under subsection (2)(g) the inquiry officer may reduce the student's mark by no more than 10% of the mark available for the assessment if the student's conduct is in relation to coursework undertaken by the student during the first 48 units of a program for an undergraduate coursework award.
- (4) If the inquiry officer accepts an undertaking from the student, the inquiry officer must give a written copy of the undertaking to the student and the Registrar.

52 Action by inquiry officer after finding of academic misconduct

- (1) This section applies if the inquiry officer finds that the student's conduct is academic misconduct.
- (2) The inquiry officer may do any 1 or more of the following:
 - (a) decide to take no action;
 - (b) reprimand the student;
 - (c) require the student to submit material for re-assessment and impose conditions on the re-assessment (including, for example, a condition limiting the grade that may be awarded on the re-assessment);
 - (d) require the student to undertake a further examination or other assessment and impose conditions on the further assessment (including, for example, a condition limiting the grade that may be awarded for the further assessment);

[Note: For requirements under this subsection, conditions under paragraph (i) or undertakings under paragraph (m), see section 57 (Requirements, conditions and undertakings: finding of academic misconduct).]

 - (e) reduce the mark for any examination or other assessment of the student, including to fail;
 - (f) reduce a course grade of the student for a course, including to fail;
 - (g) deny the student access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or

any activities conducted by or on behalf of the University, for a specified period of no longer than 12 months;

[Note: For the effect of a denial of access, see section 54 (Denial of access).]

- (h) suspend the candidature or enrolment of the student in a program or course in which the student is admitted or enrolled, and prohibit the resumption of candidature or enrolment, for a specified period of no longer than 12 months;
[Note: See section 58 (Suspension of student).]
- (i) determine conditions under which the student may attend classes or lessons, use any facility of the University, or otherwise continue the student's studies or research program;
- (j) require the student to apologise, or take the other action the inquiry officer considers appropriate, with a view to mitigating the effect of the academic misconduct;
- (k) require the student to undertake specified counselling or academic integrity training;
- (l) require the student to make specified corrections or revisions to a specified thesis, publication, research finding or other material;
- (m) accept an undertaking from the student, including, for example, an undertaking to undertake counselling or academic integrity training;
- (n) tell any relevant professional, government or other organisation or agency about the finding and any action taken in relation to it;
- (o) refer the student's conduct to the Registrar under section 34(3) (Changes in inquiry officer).

(3) If the inquiry officer is the Vice-Chancellor, the Vice-Chancellor may do any 1 or more of the following (in addition to or instead of taking any action mentioned in subsection (2)):

- (a) deny the student access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for a specified period (including a period of longer than 12 months);
[Note: For the effect of a denial of access, see section 54.]
- (b) impose on the student a monetary penalty of not more than \$500 for each breach of the academic integrity principle to which the finding relates;
[Note: See section 60 (Liability to pay monetary penalty or compensation).]
- (c) if, as a result of the breach of the academic integrity principle, property was damaged or a person incurred expense or suffered a loss or harm—require the student to pay the owner of the property or the person who incurred the expense or suffered the loss or harm, as the case requires, compensation determined, in writing, by the Vice-Chancellor;
[Note: See section 60 (Liability to pay monetary penalty or compensation).]
- (d) exclude the student from the University;
- (e) determine that the relevant award for the program the student is or was studying should not be conferred;
- (f) revoke an award of the University conferred on the student;
- (g) refer the student's conduct to the Registrar under section 34(1).

(4) In deciding what action (if any) should be taken in relation to the student, the inquiry officer must take all relevant matters into account, including, for example, the following:

- (a) the nature and severity of the student's breach of the academic integrity principle;

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- (b) the effect of the breach, including any loss, damage or harm caused to the University or its students, staff or property;
 - (c) the objectives of punishment, deterrence and rehabilitation;
 - (d) the health and safety of students and staff of the University, and the protection of University property.
- (5) Without limiting subsection (4), the inquiry officer may, for example, take into account any other finding of a breach of the academic integrity principle made in relation to the student and the action (if any) taken in relation to that finding.

53 Notice at completion of inquiry

- (1) If the inquiry officer finds that the student has not engaged in conduct that breaches the academic integrity principle, the inquiry officer must, within 5 working days after the day the inquiry officer makes the finding, tell the student and the Registrar in writing about the finding and specify the conduct to which the finding applies.
- [Note: For the service (however described) of notices and other documents, see the Legislation Statute, section 24.]
- (2) If the inquiry officer finds that the student's conduct is poor academic practice or academic misconduct, the inquiry officer must, within 5 working days after the day the inquiry officer makes a decision under section 51 (Action by inquiry officer after finding of poor academic practice), or section 52 (Action by inquiry officer after finding of academic misconduct), about the action to be taken in relation to the conduct, give the student and the Registrar a written notice that tells them about the finding and decision.
- (3) Without limiting subsection (2), the notice must:
- (a) specify the conduct to which the finding applies; and
 - (b) state the action that the inquiry officer has decided is to be taken in relation to the conduct; and
 - (c) include, or be accompanied by, a statement of reasons for the finding and the decision; and
 - (d) if the finding is that the student has engaged in poor academic practice—state that the student may apply for review of the finding or decision (or both) under this instrument, and state how and by when an application for review must be made; and
 - (e) if the finding is that the student has engaged in academic misconduct—state that the student may apply for review of the finding or decision (or both) under the Appeals Rule, and state how and by when an application for review must be made.

Part 6—Consequences of action taken for academic integrity breaches

54 Denial of access

- (1) This section applies if, under this instrument, a student is denied access to facilities, premises or activities.
- (2) The student must not:
 - (a) use any facility to which the student is denied access; or
 - (b) enter any premises, or the part of any premises, to which the student is denied access; or
 - (c) engage in any activity to which the student is denied access.
- (3) The denial of access continues to have effect even if an application is made under the Appeals Rule for review of the denial of access.
- (4) The denial of access does not, of itself, terminate or suspend the student's enrolment.

55 Exclusion from assessment

- (1) This section applies if, under this instrument, a student is excluded from attendance at an examination or other assessment.
- (2) The student must not:
 - (a) attend the assessment; or
 - (b) enter any premises, or the part of any premises, where the assessment is being conducted.
- (3) The exclusion continues to have effect even if an application is made under the Appeals Rule for review of the exclusion.
- (4) The exclusion does not, of itself, terminate or suspend the student's enrolment.

56 Undertakings and requirements: finding of poor academic practice

- (1) This section applies if:
 - (a) after a review, the course convener accepts an undertaking from, or imposes a requirement on, the student under section 30 (Action by course convener after finding of poor academic practice); or
 - (b) after an inquiry, the inquiry officer accepts an undertaking from, or imposes a requirement on, the student under section 51 (Action by inquiry officer after finding of poor academic practice).
- (2) The student must comply with the undertaking or requirement.
- (3) If the student breaches the undertaking or requirement, the course convener or inquiry officer (the *academic integrity officer*) may:
 - (a) revoke any decision made by the academic integrity officer under section 30 or 51; and

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- (b) make any decision that the academic integrity officer could have made under that section.
 - (4) In deciding what action (if any) to take under section 30 or 51 because of the breach of the undertaking or requirement, the academic integrity officer may take the breach, and any explanation provided by the student for the breach, into account.
 - (5) Subsection (4) does not limit the matters that the academic integrity officer must or may take into account.
 - (6) This section does not limit any other action that may be taken in relation to the breach.

Example

If the student does not comply with a requirement imposed in relation to an assessment, the student may not be eligible to be assessed for coursework undertaken by the student to which the assessment relates (see Assessment Rule, section 6 (Eligibility to be assessed)).

57 Requirements, conditions and undertakings: finding of academic misconduct

- (1) This section applies if, after an inquiry, the inquiry officer does any 1 or more of the following under section 52 (Action by inquiry officer after finding of academic misconduct) in relation to a student:
 - (a) imposes a requirement on the student;
 - (b) determines conditions applying to the continuation of the student's studies or research program;
 - (c) accepts an undertaking from the student.
- (2) The student must comply with the requirement, conditions or undertaking.
- (3) If the student breaches the requirement, 1 or more of the conditions or the undertaking, the inquiry officer may:
 - (a) revoke any decision made by the inquiry officer under section 52; and
 - (b) make any decision the inquiry officer could have made under that section.
- (4) In deciding what action (if any) to take under section 52 because of the breach of the requirement, conditions or undertaking, the inquiry officer may take the breach, and any explanation provided by the student for the breach, into account.
- (5) Subsection (4) does not limit the matters that the inquiry officer must or may take into account.
- (6) This section does not limit any other action that may be taken in relation to the breach.

Example

If the student does not comply with a requirement imposed in relation to an assessment, the student may not be eligible to be assessed for coursework undertaken by the student to which the assessment relates (see Assessment Rule, section 6 (Eligibility to be assessed)).

58 Suspension of student

- (1) This section applies if, under this instrument, an inquiry officer suspends the candidature or enrolment of a student in a program or course.
 - (2) The suspension does not take effect until the later of the following:
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- (a) the end of the time within which the student may apply for review of the decision under the Appeals Rule;
 - (b) if the student applies for review of the decision under the Appeals Rule—the day after the day the application for review is finally decided.
- (3) However, the inquiry officer may direct that the suspension is to take effect immediately.
- [Note: See section 59 (Immediate suspension of student: procedure and review).]
- (4) The inquiry officer may give a direction under subsection (3) only if the inquiry officer considers:
- (a) that the student’s conduct has caused serious harm, or is of a nature that presents a significant risk of serious harm, to the health, safety or wellbeing of any person; or
 - (b) that the student’s continued candidature or enrolment as a student in the program or course otherwise presents a significant risk of serious loss, damage or other harm (including reputational harm) to the University or its students, staff or property.
- (5) The suspension does not, of itself, terminate the student’s enrolment in the program or course.
- (6) However, the student may not re-enrol in the program or course until the student:
- (a) pays any fees owed by the student under the Fees Rule (including late fees); and
 - (b) agrees to comply with any conditions that the Vice-Chancellor may impose, in writing, in relation to the re-enrolment.

59 Immediate suspension of student: procedure and review

- (1) This section applies if an inquiry officer directs, under section 58(3) (Suspension of student), that the suspension of a student’s candidature or enrolment in a program or course is to take effect immediately.
- (2) The inquiry officer must, as soon as possible (but no later than 5 working days after the day the inquiry officer gives the direction):
 - (a) tell the student in writing about the direction; and
 - (b) give the student a statement of reasons for the direction.
- (3) Within 5 working days after the day the inquiry officer complies with subsection (2), the student may give the inquiry officer a written submission about the direction.
- (4) If the student gives the inquiry officer a submission under subsection (3), the inquiry officer must consider the submission and must decide, as soon as possible (but no later than 5 working days after the day the submission is given to the inquiry officer), whether to confirm or revoke the direction.
- (5) As soon as possible after (but no later than 5 working days after the day) the inquiry officer complies with subsection (4), the inquiry officer must:
 - (a) tell the student in writing about the decision; and
 - (b) if the decision is not to revoke the direction—give the student a statement of reasons for the decision.

60 Liability to pay monetary penalty or compensation

- (1) This section applies if a student becomes liable to pay the University or another person a monetary penalty or compensation under a decision of the Vice-Chancellor under this instrument.
- (2) The student must pay the University or other person the amount of the penalty or compensation, or enter into an arrangement for its payment satisfactory to the Vice-Chancellor or the other person (as the case requires), no later than 20 working days after:
 - (a) the end of the time within which the student may apply for review of the Vice-Chancellor's decision under the Appeals Rule; or
 - (b) if the student applies for review of the decision under the Appeals Rule—the day after the day the application for review is finally decided.

61 Exclusion from University

- (1) This section applies if a person is excluded from the University under this instrument.
- (2) The person ceases to be a student and, except with the written permission of the Vice-Chancellor:
 - (a) must not be enrolled again; and
 - (b) must not use any University facility, or enter any University premises or the part of any University premises, that the Vice-Chancellor, by written notice given to the person, prohibits the person from using or entering; and
 - (c) must not engage in any activities conducted by or on behalf of the University at the University or at a place other than the University.
- (3) The exclusion continues to have effect even if an application is made under the Appeals Rule for review of the decision.

Part 7—Review and call in of decisions

Division 7.1—Review of decisions under Appeals Rule

62 Meaning of *reviewable decision*

- (1) The following decisions under this instrument are *reviewable decisions* for the Appeals Rule and this instrument:
- (a) a decision by the Vice-Chancellor under section 17(4) (Interim action: procedure and review) in relation to a student:
 - (i) to confirm a decision to deny the student access to facilities, premises or activities; or
 - (ii) to confirm a decision to exclude the student from attendance at an examination or other assessment; or
 - (iii) not to vary a decision mentioned in subparagraph (i) or (ii) as sought by the student;
 - (b) a finding by an inquiry officer under section 50(1)(b) (Findings by inquiry officer at completion of inquiry) that a student has engaged in conduct that breaches the academic integrity principle if the inquiry officer also finds under section 50(2) that the conduct is academic misconduct;
 - (c) a finding by an inquiry officer under section 50(2) that a student has engaged in conduct that is academic misconduct;
 - (d) a decision by an inquiry officer to take action under section 52 (Action by inquiry officer after finding of academic misconduct) in relation to a student (including the action taken);
 - (e) a decision by an inquiry officer under section 57 (Requirements, conditions and undertakings: finding of academic misconduct) to take action in relation to a student (including the action taken) for breach of a requirement, condition or undertaking;
 - (f) a decision by an inquiry officer under section 59(4) (Immediate suspension of student: procedure and review) to confirm a direction that a suspension is to take effect immediately.

[Note: The decisions specified in this subsection are academic integrity decisions and reviewable decisions under the Appeals Rule (see Appeals Rule, sections 7 and 5).]

- (2) However, if, under section 69 (Vice-Chancellor may call in certain decisions), the Vice-Chancellor calls in a decision mentioned in subsection (1) and makes a decision as if the Vice-Chancellor were the original decision-maker, the decision of the original decision-maker ceases to be a reviewable decision.

[Note: The Vice-Chancellor may not call in a reviewable decision if an application has been made under the Appeals Rule for review of the decision (see section 69(3)).]

- (3) To remove any doubt, a decision of the Vice-Chancellor of a kind mentioned in subsection (1) that is made following a decision of the Vice-Chancellor under section 69(2) is a *reviewable decision*.
- (4) To remove any doubt, the following decisions are not *reviewable decisions*:
- (a) a decision of the Vice-Chancellor under section 69(2) to call in a decision for reconsideration;

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- (b) a decision by an Appeals Committee under the Appeals Rule.

63 Review of reviewable decisions under Appeals Rule

The Appeals Rule provides for the review of decisions that are reviewable decisions for that rule.

[Note: The Appeals Rule provides that a student may, in accordance with that rule (including required time limits), apply for review of a reviewable decision affecting the student in the student's capacity as a student (see Appeals Rule, section 9).]

Division 7.2—Review of certain other decisions by Dean

64 Decisions to which Division 7.2 applies

This Division applies to the following decisions under this instrument:

- (a) a finding by a course convener under section 29(b) (Finding by course convener at completion of review) that a student has engaged in conduct that breaches the academic integrity principle and that the conduct is poor academic practice;
- (b) a decision by a course convener to take action under section 30 (Action by course convener after finding of poor academic practice) in relation to a finding of poor academic conduct (including the action taken);
- (c) a finding by an inquiry officer under section 50(1)(b) (Findings by inquiry officer at completion of inquiry) that a student has engaged in conduct that breaches the academic integrity principle if the inquiry officer also finds under section 50(2) that the conduct is poor academic practice;
- (d) a finding by an inquiry officer under section 50(2) that a student has engaged in conduct that is poor academic practice;
- (e) a decision by an inquiry officer to take action under section 51 (Action by inquiry officer after finding of poor academic practice) in relation to a finding of poor academic practice (including the action taken);
- (f) a decision by a course convener or inquiry officer under section 56 (Undertakings and requirements: finding of poor academic practice) to take action in relation to a student (including the action taken) for breach of an undertaking or requirement.

65 Application for review by Dean

- (1) This section applies if a decision to which this Division applies is made in relation to a student.
- (2) The student may apply to the Dean for review of the decision.
- (3) The application must:
 - (a) be in writing; and
 - (b) set out the student's reasons for making the application; and
 - (c) include, or be accompanied by, any evidence in support of the reasons; and
 - (d) be given to the Registrar within 20 working days after the day the student:
 - (i) is told in writing under this instrument about the decision; and
 - (ii) given a statement of reasons under this instrument for the decision.

66 Review by Dean

- (1) This section applies if a student applies under section 65 (Application for review by Dean) for review of a decision.
- (2) The Dean must review the decision.
- (3) The Dean may decide the review solely on the basis of the application for review and any material accompanying it. However, the Dean may make the inquiries, and have regard to anything else, that the Dean considers appropriate.
- (4) The Dean may:
 - (a) confirm the decision; or
 - (b) set aside the decision if satisfied that the decision was, or has become, inappropriate or incorrect.
- (5) The Dean must endeavour to make a decision on the review within 20 working days after the day the application for review is made.
- (6) If the Dean is unable to make a decision on the review within the 20-day period, the Dean must, by written notice:
 - (a) tell the student and the Registrar; and
 - (b) give the student and the Registrar a date by which the application for review will be decided.
- (7) Within 14 working days after the day the Dean makes a decision on the review, the Dean must:
 - (a) tell the student and the Registrar in writing about the decision made on the review; and
 - (b) give the student a statement of reasons for the decision.
- (8) Subject to the outcome of any application for review made to the Deputy Vice-Chancellor under section 67 (Application for procedural review by Deputy Vice-Chancellor), the decision of the Dean is final.

67 Application for procedural review by Deputy Vice-Chancellor

- (1) This section applies if:
 - (a) a student applied under section 65 (Application for review by Dean) for review of a decision; and
 - (b) the student is dissatisfied with the decision made by the Dean on the review because procedures that were required to be observed by this instrument in connection with the review were not observed.
 - (2) The student may apply to the Deputy Vice-Chancellor for review of the Dean's decision made on the review, but only on the ground that procedures that were required to be observed by this instrument in connection with the review were not observed.
 - (3) The application must:
 - (a) be in writing; and
 - (b) state clearly the procedures required by this instrument that were not observed in connection with the review; and
 - (c) include, or be accompanied by, any evidence in support of the application; and
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- (d) be given to the Registrar within 20 working days after the day the student:
 - (i) is told in writing under this instrument about the Dean's decision; and
 - (ii) given a statement of reasons under this instrument for the decision.

68 Procedural review by Deputy Vice-Chancellor

- (1) This section applies if a student applies to the Deputy Vice-Chancellor under section 67 (Application for procedural review by Deputy Vice-Chancellor) for review (*procedural review*) of the decision made the Dean under this Division (the *review decision*).
- (2) The Deputy Vice-Chancellor may decide the review solely on the basis of the application for procedural review and any material accompanying it. However, the Deputy Vice-Chancellor may make the inquiries, and have regard to anything else, that the Deputy Vice-Chancellor considers appropriate.
- (3) The Deputy Vice-Chancellor must:
 - (a) confirm the review decision; or
 - (b) set aside the review decision, and either:
 - (i) confirm the original decision reviewed by the Dean; or
 - (ii) refer the matter back to the Dean for the Dean to further consider the Dean's decision, taking into account the directions or recommendations (if any) of the Deputy Vice-Chancellor, and to make a new decision.
- (4) The Deputy Vice-Chancellor must endeavour to make a decision on the procedural review within 20 working days after the day the application for review is made.
- (5) If the Deputy Vice-Chancellor is unable make a decision on the procedural review within the 20-day period, the Deputy Vice-Chancellor must, by written notice:
 - (a) tell the student and the Registrar; and
 - (b) give the student and the Registrar a date by which the application for review will be decided.
- (6) Within 7 working days after the day the Deputy Vice-Chancellor makes a decision on the procedural review, the Deputy Vice-Chancellor must:
 - (a) tell the student and the Registrar in writing about the decision made on the review; and
 - (b) give the student a statement of reasons for the decision.
- (7) The Deputy Vice-Chancellor's decision is final.

Division 7.3—Call in of decisions

69 Vice-Chancellor may call in certain decisions

- (1) This section applies to any of the following decisions made (including any action taken) in relation to a student:
 - (a) a reviewable decision;
[Note: See section 62 (Meaning of *reviewable decision*).]
 - (b) a decision under section 19(2) (Decision whether to conduct review) not to conduct a review of a student's conduct;

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- (c) a decision under section 39 (Decision whether to take action under this instrument) that action should not be taken under this instrument in relation to a student's conduct (other than a decision made personally by the Vice-Chancellor).
- (2) If the Vice-Chancellor considers that the decision is inappropriate in the circumstances of the case, the Vice-Chancellor may, by written notice, call in the decision for reconsideration.
- (3) However, the Vice-Chancellor may not call in the decision if an application for review of the decision has been made under the Appeals Rule.
- (4) The Vice-Chancellor must give a copy of the notice to the student. The notice must contain, or be accompanied by, a statement of reasons for the decision to call in the decision.
- (5) The Vice-Chancellor must give the student an opportunity to make submissions in relation to the reasons why the decision has been called in.
- (6) After taking into account the submissions (if any) made by the student, the Vice-Chancellor may make a decision as if the Vice-Chancellor were the original decision-maker of the decision.
- (7) The decision made by the Vice-Chancellor operates, on and from the day after the day it is made, as if it were the decision made by the original decision-maker.
- (8) If the Vice-Chancellor makes a decision under subsection (6), the Vice-Chancellor must, as soon as possible:
- (a) tell the student in writing about the decision; and
 - (b) give the student a statement of reasons for the decision.

Part 8—Miscellaneous

70 Joint, double or dual programs with other institutions etc.

- (1) A provision of this instrument has no effect to the extent to which it is inconsistent with an agreement between the University and another university or institution that makes provision for or in relation to joint, double or dual programs offered by them (including cotutelle), or the joint, double or dual conferral of degrees or other awards by them, for students or a particular student.
- (2) For subsection (1), a provision of this instrument is not inconsistent with a provision of an agreement mentioned in that subsection to the extent to which both provisions can operate concurrently.

71 Extension of time

- (1) In this section:

relevant University official means:

- (a) in relation to a time limit applying to a student in relation to a review—the course convener conducting the review; or
- (b) in relation to a time limit applying to a student in relation to an inquiry—the inquiry officer conducting the inquiry; or
- (c) in relation to any other time limit under this instrument—the Registrar.

[Note: For an inquiry conducted by a panel, a reference in paragraph (c) to the inquiry officer conducting the inquiry is a reference to the Chair of the panel conducting the inquiry (see section 38(5)(e) (Inquiry panel to conduct inquiry)).]

- (2) The relevant University official may extend a time limit under this instrument.

[Note: The time limit may be extended even though the relevant time has ended (see Legislation Statute, section 22 (Power to extend time)).]

- (3) In deciding whether to extend a time limit, the relevant University official must take into account:
 - (a) the reason why an extension is sought; and
 - (b) the period of the extension; and
 - (c) the prejudice (if any) that will be caused by granting the extension.
- (4) An extension must be for no longer than is reasonably necessary.

72 Processes under other University legislation

- (1) This instrument is additional to any other University legislation that makes provision in relation to conduct (*relevant conduct*) engaged in, or that may have been engaged in, by a student if the conduct is, or may be, a breach of the academic integrity principle within the meaning of this instrument.
- (2) To enable the processes under any other University legislation to proceed:
 - (a) a person conducting a review or inquiry under this instrument in relation to the relevant conduct may suspend the review or inquiry; or
 - (b) the Registrar or the Vice-Chancellor may suspend a review, inquiry or other process under this instrument in relation to the relevant conduct.

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- (3) If the person conducting a review or inquiry under this instrument suspends the review or inquiry under subsection (2)(a), the person may recommence the review or inquiry if the processes under the other University legislation have been completed or if it appears that, in the circumstances, the suspension is not (or is no longer) appropriate
 - (4) If a review, inquiry or process under this instrument is suspended under subsection (2)(a) or (b), the Registrar or the Vice-Chancellor may recommence the review, inquiry or other process if the processes under the other University legislation have been completed or if it appears that, in the circumstances, the suspension is not (or is no longer) appropriate.

Part 9—Repeal and transitional provisions

Division 9.1—Repeal

73 Repeal

The *Academic Misconduct Rule 2015* is repealed.

Division 9.2—Transitional provisions

74 General application and savings: conduct in relation to courses

- (1) This section applies to conduct engaged in by a student in relation to a course if the course commenced before 1 December 2021.
- (2) This instrument (other than this Division) does not apply to the conduct, whether the conduct was engaged in before, on or after 1 December 2021.
- (3) Despite the repeal of the *Academic Misconduct Rule 2015* but subject to this Division, that rule continues to apply or applies, as the case may be, to the conduct if that rule would have applied to the conduct had it not been repealed.

75 General application and savings: conduct otherwise than in relation to courses

- (1) This section applies to conduct engaged in by a student otherwise than in relation to a course if the conduct was engaged in before 1 December 2021.
- (2) This instrument (other than this Division) does not apply to the conduct.
- (3) Despite the repeal of the *Academic Misconduct Rule 2015* but subject to this Division, that rule continues to apply to the conduct if that rule would have applied to the conduct had it not been repealed.

76 Transitional orders

- (1) Orders made under the Governance Statute, section 68(1) (General power to make rules and orders) may prescribe matters of a transitional nature (including prescribing any savings or application provisions) relating to:
 - (a) the repeal of the *Academic Misconduct Rule 2015*; or
 - (b) the making of this instrument.
- (2) This instrument (other than this section) does not limit the matters that may be prescribed by orders made for subsection (1).
- (3) Orders made for subsection (1) have effect despite anything in this instrument (other than this section).

77 Application of Legislation Statute, section 26

- (1) The Legislation Statute, section 26 (Repeal of University legislation) applies to the repeal of the *Academic Misconduct Rule 2015*.

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- (2) For the Legislation Statute, section 26 the provisions of this Division are transitional provisions.

78 Transitional provisions additional

This Division is additional to, and does not limit:

- (a) the Legislation Statute, section 26 (Repeal of University legislation); or
 - (b) the Acts Interpretation Act, section 7 (Effect of repeal or amendment of Act), as applied by the Legislation Act, section 13(1)(a) (Construction of legislative instruments and notifiable instruments).
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