

**Kaplan Professional Student Misconduct
Policy and Procedure**

Student Misconduct Policy and Procedure

This policy is current as at 3 September 2018.

Scope

This policy is applicable to Kaplan Education Pty Ltd trading as Kaplan Professional (referred to as 'Kaplan Professional'). The policy applies to all Kaplan Professional students and staff involved in the provision of education and training products and services for students and clients.

Purpose

The purpose of the Student Misconduct Policy is to provide a:

- fair, equitable and confidential framework and process for investigating and resolving alleged cases of student misconduct.
- set of principles to underpin the investigation process.
- set of procedures for dealing with confirmed acts of misconduct by students.

Kaplan will implement this policy in accordance with the following general principles:

1. Each case of alleged misconduct will be dealt with on its merits, in consideration of the circumstances surrounding the case and in accordance with this policy.
2. Any student who is the subject of an allegation of an act of misconduct is entitled to be treated fairly, with dignity and with due regard to their privacy. Kaplan will treat all students facing allegations of an act of misconduct equitably, regardless of gender, race, ethnicity, age, disability or background, consistent with the equal opportunity policy and the principles of natural justice and procedural fairness.
3. Any student who is the subject of an allegation of an act of misconduct is entitled to be regarded as not having committed the act of misconduct alleged unless or until:
 - they admit to the misconduct, or
 - a fair and proper investigation or hearing leads to a reasonable determination that they committed an act of misconduct.
4. Knowledge that a student has acted in a particular way in the past will not be assumed to be evidence that they have acted in the same manner again. Such knowledge may, however, be evidence that the student is aware that such action constitutes an act of misconduct or may be considered relevant to the level of penalty that may be imposed.
5. Where any work (in full or in part) submitted as an assessment event or assessment item by two or more students is deemed by Kaplan Professional to be the same, or substantially the same, Kaplan Professional will consider this to be first evidence of collusion by those students.
6. Students are to be informed of their rights and responsibilities in relation to academic misconduct and its investigation.
7. Due process will be afforded all students, including the right to appeal any decision resulting from a determination under this policy.

Non-academic misconduct

Non-academic misconduct is any action or conduct by a student relating to people or property, which is contrary to the generally accepted standards expected by Kaplan Professional.

Non-academic misconduct may include a student:

- behaving inappropriately in a lecture, workshop, seminar, exam, discussion forum or activity under the administration or supervision of Kaplan Professional and/or displaying such behaviour towards a Kaplan Professional employee, contractor or agent. Examples may include repeated disruption in a learning environment, the use of inappropriate or offensive language or being physically or verbally aggressive towards a Kaplan Professional employee, contractor or agent, or towards a fellow student.
- obstructing any Kaplan Professional staff member in the performance of their duties.
- acting dishonestly, or knowingly making any false or misleading representation in relation to admission to a Kaplan Professional course or subject.
- altering or defacing any document or record belonging to Kaplan Professional.
- misusing, stealing, destroying or damaging any property (including computer and communications facilities) belonging to Kaplan Professional, a staff member or another student.
- wilfully disobeying or disregarding any order, direction or condition made by Kaplan Professional.
- failing to comply with any condition or penalty imposed for student misconduct under this policy.
- interfering with the freedom of others to pursue their studies or carry out their work-related functions at Kaplan Professional.
- harassing or intimidating another student or staff member because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, religious beliefs or political conviction or for any other reason.
- unreasonably prejudicing the good name, academic standing or good order and governance of Kaplan Professional.
- breaching Kaplan Professional copyright or intellectual property.

Academic misconduct

Academic misconduct refers to any behaviour involving the misrepresentation of academic achievement.

Examples of academic misconduct include, but are not limited to:

- the use of another's work as one's own.
- cheating during an exam, copying exam questions or writing down exam questions to take outside of the exam sitting.
- acts of plagiarism or collusion in the completion of assignment, projects or similar work.
- acquiring or attempting to acquire, or possessing or distributing in any form, assessment related material such as examination questions and template answers to assignments.
- being involved with another person in an act of academic fraud.
- posting of exam questions and answers on forums.
- taking unauthorised reference material into an exam.
- allowing another student to copy work completed by themselves or others.
- participation in any other action that Kaplan Professional believes was intended to give themselves or another student an unfair advantage in an assessment.

Plagiarism

Plagiarism refers to:

- any use of, or attempt to use, the work, words or ideas of others without attribution of the author, or any attempt to pass off the work, words or ideas of others as the writer's own.
- in the context of assessment, when a student:

presents any phrase or extracts verbatim from any source, including Kaplan Professional subject or lecture notes, books, articles, reports or other written documents (published or unpublished), drawings, computer programs or software, websites or other electronic sources, without appropriate use of quotation marks or reference to the author or source.

- copying or paraphrasing material quoted from other sources including Kaplan Professional subject notes or lecture materials, even though the source may be acknowledged in the Kaplan Professional material, without appropriate use of quotation marks or reference to the author.
- copying, or paraphrasing all or part of another person's work or otherwise presenting another person's work as one's own, or copying or paraphrasing another person's work with very minor changes, keeping the meaning, form and/or progression of ideas of the original.
- piecing together sections of work of others into a new whole without acknowledgement.
- presenting an assessment event as one's own work when it has been produced, in whole or part with other people, for example, with other students, practitioners or work colleagues.
- claiming credit for a proportion of work contributed to a group assessment event that is greater than that actually contributed.
- presenting all or part of an assessment event which has previously been submitted by another student (past or present), in one's assessment.

Such acts are considered to be plagiarism whether they occur intentionally or mistakenly.

Collaboration versus collusion

'Collaboration' is working together in sharing ideas of how to approach a task.

'Collusion', on the other hand, is secret co-operation in order to deceive.

Kaplan Professional supports and encourages a collaborative approach to assignment preparation. This means that general discussion between students relating to an assignment is allowed, but answers must sufficiently demonstrate to an assessor and Kaplan Professional that the answer **is in a student's own words** and can thus be considered to be **one's own work**.

Students who quote text directly from subject notes or any other source in their assignment answers without appropriate acknowledgement have colluded and/or plagiarised; and therefore, have not demonstrated that it is their own work.

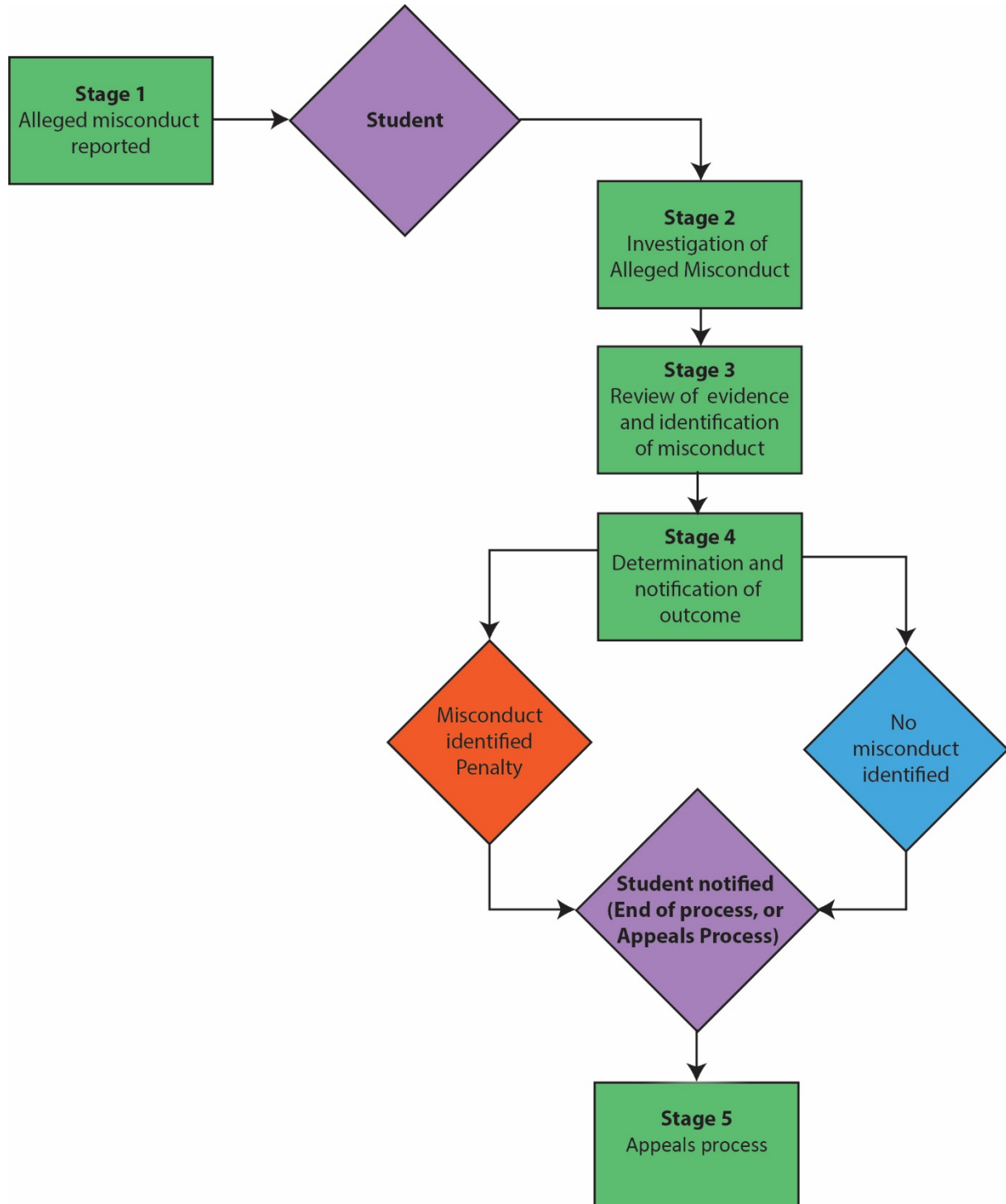
Prior to submission, each student will be required to acknowledge that the assignment response is NOT the result of plagiarism or collusion. It is assumed that students are aware of the difference between the two, and understand the implications of collusion and/or plagiarism.

If students are working in a group and are using the same workplace template or table, they must ensure their responses to the assessments reflect their **own individual work**.

Note: Cases where students have presented the same words in assignment answers but claim to have collaborated, have committed an act of academic misconduct.

Student misconduct procedure

Kaplan Professional applies the following procedure to deal with allegations of acts of misconduct.



Procedure for alleged cases of student misconduct

These guidelines are provided to facilitate the investigation and resolution of alleged acts of misconduct at Kaplan Professional.

Stage 1 — Alleged misconduct reported

Where a Kaplan Professional staff member, assessor or other Kaplan Professional approved individual reasonably believes or suspects that an act of misconduct (either non-academic, or academic) by a student has occurred, or may have occurred, that person must contact Kaplan Professional immediately but not later than **two (2) business days** of the matter being detected.

Cases of academic misconduct will be directed to the Manager, Learning Programs who may then refer to the relevant Course Coordinator.

Cases of non-academic misconduct will be directed to the Manager, Student Resolutions.

Confidentiality is to be maintained by all parties in this process.

Where a student would like to report a case of misconduct, they should email mail@kaplan.edu.au with the following information:

Subject heading: Alleged Misconduct

Email body to include:

- student's name who has allegedly conducted an act of misconduct
- subject name
- date of alleged misconduct
- details of alleged misconduct.

The Student Services team will forward these details to the relevant manager for investigation.

If a student being investigated is part of a corporate enrolment, or has a designated Training Manager, the relevant Kaplan Professional Business Development Manager must be notified that a case is being investigated.

Copies of all correspondence to students in relation to allegations of misconduct must be filed on the student's record, and in any other relevant place within Kaplan Professional's systems.

Notifying a student of an allegation of non-academic misconduct and academic misconduct

Kaplan Professional will initially notify the student alleged to have engaged in misconduct via email. Once the student has been notified via email they will be contacted **within two (2) business days** of the email to discuss the matter over the phone. The student has the opportunity to contact Kaplan Professional at any time.

Kaplan Professional will make a decision as to whether or not to proceed with investigation of the matter based on the information presented, and any discussions with the student regarding the allegation.

Copies of all correspondence to and from students in relation to allegations of misconduct and notes of discussions will be filed on either the student's record, or in any other relevant place within Kaplan Professional's systems.

Stage 2 — Investigation of alleged misconduct

Investigation

The Course Coordinator will organise for the investigation of the allegation in consultation with the:

- Manager, Learning Programs, to determine if there is a case of academic misconduct, or
- The Manager, Student Resolutions will organise for the investigation of the allegation if there is a case of non-academic misconduct.

This investigation may take up to **five (5) business days** and will usually involve an interview with the student alleged to have engaged in misconduct to discuss the allegations.

After a suspected case of misconduct has been brought to the attention of Kaplan Professional and is under investigation, any assessment items in question will be withheld from the student, and the release of their results deferred until all proceedings relevant to the allegation have been finalised.

In addition to information from the initial interview with the student, the investigation will consider other factors and information, including:

- any documented report (s) about the alleged misconduct.
- the type and seriousness of the alleged misconduct.
- the available evidence presented (e.g. assessment submitted by student for marking).
- any time constraints involved, or procedural expediency required.

Admission of misconduct by a student

If, at any time during the process of the investigation (prior to, or during the interview), the student concerned formally admits to the alleged act of misconduct, then all further investigation, hearing or referral of the allegation will cease.

A determination will then be made as to an appropriate penalty. Please see the section titled 'Penalty provisions' for more information on the penalties that may be applied.

Stage 3 — Review of evidence and identification of misconduct

Following the investigation and any interview, the evidence will be reviewed by the Head of Learning or the Head of Student Experience, or their delegated authority, to determine if misconduct has been proven.

Stage 4 — Determination and notification of outcome

Within **five (5) business** days of the conclusion of the investigation process Kaplan Professional will email the student advising them of the decision in relation to the misconduct allegation.

Where Kaplan determines that the student did commit an act of misconduct the email will contain:

- the reasons for the decision and any penalty to be imposed.
- the student's right to appeal against all, or part of the decision, and the procedures and timelines to be followed for lodging an application for an appeal against the misconduct decision.
- notification of their results following the implementation of the penalty imposed.

Where Kaplan Professional determines that the student did not commit an act of misconduct the email will contain:

- the reasons for the decision.
- details of the marking of the assessment, if applicable, or, if already assessed, the release of the student's results.

If it is decided there is no case of misconduct, all details will be retained on file for a period of five years.

Penalty provisions

Determining the recommended penalty for an act of misconduct

In all proven acts of misconduct, the penalty imposed should be appropriate to the nature and gravity of the act of misconduct established by the evidence.

The decision by Kaplan Professional on the penalty must take into account, but is not limited to:

- the previous discipline record of the student concerned.
- whether the student admitted to the misconduct (and whether the student voluntarily came forward and made an admission).
- whether the student assisted or hindered the investigation process.
- whether or not there were any significant extenuating circumstances or mitigating factors.
- the type of misconduct involved, whether academic or non-academic.
- the number of students affected by, or involved in the misconduct.
- the impact of the misconduct on other students.
- the benefit derived from the misconduct by the student.
- any other previous cases of student disciplinary action which is similar to the allegation of misconduct under consideration.

Kaplan Professional may also consider other factors such as:

- the evidence of use, or opportunity to use, unauthorised material prior to its discovery in an assessment.
- the amount and relevance of any unauthorised material discovered in the student's possession during an examination.
- the amount and extent of material submitted which is believed to have been derived from the student's collusion, rather than from individual, or allowable collaborative effort.
- whether the student or students involved acted within the definition of collaboration.
- the amount and type of material plagiarised by the student.
- whether the plagiarism was intended, careless, inadvertent or committed by the student out of ignorance of the academic conventions of attribution.
- the weighting of the assessment event or assessment item in relation to the overall marks for the relevant subject.

Penalty for proven acts of academic and non-academic misconduct

Where Kaplan Professional determines that a student committed an act of academic or non-academic misconduct, Kaplan Professional must then ascertain whether there is any previous record of academic or non-academic misconduct occurring, before considering the penalty.

Once the factors discussed above have been considered, including the student's previous record, Kaplan Professional will determine the appropriate penalty, and may order that any one or more of the following penalties, in full or in part, be imposed on the student:

- a formal caution or reprimand.
- a requirement to undertake further or supplementary assessment.
- suspension from enrolment in a subject, or all subjects offered by Kaplan Professional for a specified period.
- payment of a sum sufficient to make good any damage caused by the student to the property, performance or standing of Kaplan Professional, a staff member or another student.
- the awarding of a 'Not Yet Competent' grade for an entire subject.
- a result of 'Not Yet Competent due to misconduct' is recorded in the notes of the student's record, and a 'Not Yet Competent' grade reported on any public record relating to that assessment event, assessment item or relevant subject. If a student is involved in an academic misconduct case and their assessment has already been deemed 'Competent', Kaplan Professional may choose to reverse the grade of 'Competent' awarded.
- the exclusion of the student from Kaplan Professional courses permanently, or suspension for a period of time as specified by Kaplan Professional.

A record of the penalty will be recorded against the student's file.

Disciplinary fail

A 'Not Yet Competent due to misconduct' may be imposed for students as a penalty for academic misconduct. This result will be recorded internally in the notes of the student's record and a 'Not Yet Competent' result will be recorded on any public record relating to that assessment event, assessment item or relevant subject.

If a student has already been awarded a Statement of Attainment, academic record or qualification, Kaplan Professional will recognise that it was issued in error and request the documents to be returned. Employers may contact Kaplan Professional to confirm that a student has successfully completed a course or qualification. If a student is part of a corporate enrolment their Training Manager will be notified of the misconduct and outcome.

A student who receives more than one 'Not Yet Competent due to misconduct' during the course of their studies may be suspended or excluded from studying at Kaplan Professional for a determined period of time.

Stage 5 — Appeals Process

Right to appeal

If a student wishes to appeal against a determination, they must lodge an appeal in accordance with the requirements of the Complaints and Appeals Policy and Procedure. Refer to this document for information on this process.

The details relating to allegations of acts of misconduct, both academic and non-academic must be documented in writing and recorded on file in the relevant place within Kaplan Professional's systems and, where appropriate, in the student's individual file.

All records of the alleged act of misconduct will be retained on file for a period of five years.

Enquiries

If you have any enquiries about this policy, please contact Kaplan Professional's Student Services team on 1300 662 203 or mail@kaplan.edu.au.

Related documents

This policy should be read in conjunction with the following related Kaplan policies:

- Access and Equity Policy
- Assessment Policy
- Complaints and Appeals Policy and Procedure

Related legislation and guidelines

- Standards for Registered Training Organisations (RTOs) 2015, Standards 6.1-6.5, 8.5
- Privacy Act 1988
- Australian Privacy Principles

Version Control and accountable officers

The owner of this policy with responsibility for the implementation and relevant training of is the Head of Learning & Delivery — Kaplan Professional.

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Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
1.0	Head of Learning & Delivery	Updated Procedure	31.3.2016	1.4.2018
2.0	Head of Learning & Delivery and General Counsel — Kaplan Australia	Change to authorised personnel for the procedure and update to inappropriate behaviours towards Kaplan staff	28.5.2018	3.9.2018