

## **ROLE OF ACADEMIC REGISTRAR'S NOMINEES ATTENDING DEAN'S MEETINGS OF ALLEGATIONS OF STUDENT ACADEMIC MISCONDUCT**

The following guidelines are intended to help you understand and fulfil your role as a nominee of the Academic Registrar at Dean's meetings of allegations of academic misconduct by students.

### **Providing advice to ensure procedural fairness in the School's handling of a case**

Clause 44 (c) of the Misconduct - Student Academic Misconduct Policy provides that 'a representative of the Academic Registrar will attend [Dean's meetings of allegations of student academic misconduct] to advise on procedural fairness'.

The essential principles of procedural fairness can be found in 'Guidelines on Procedural Fairness and Avoidance of Bias' (published on this website), taken from the University's Misconduct – Student Non Academic Misconduct Policy.

The intention of the clause referring to your role is to emphasise that procedural fairness must be central to the University's processes for dealing with allegations of student academic misconduct. Since breaches of procedural fairness can be appealed by students, your advisory role as Academic Registrar's nominee is critical.

Advice you give to the Dean will include, but may not be confined to, advice about issues of procedural fairness arising during a meeting. It may include advice concerning the possible implications of lapses in observance of procedural fairness in processes that have led to a meeting. You may sometimes need to offer advice to a Dean, whether or not a point of procedural fairness is raised by the student.

### **Providing information about administrative matters connected with a meeting**

More generally, your role as Academic Registrar's nominee is to provide the Dean with advice regarding any operational and administrative matters connected with the meeting and its outcome. Academic Registrar's nominees are often in a good position to perform that role because of their knowledge of student administration processes and/or because of their ability to obtain information for the Dean about relevant processes quickly and efficiently.

Your role does **not** entail providing administrative support to a Dean in the conduct of a meeting, such as taking notes for the Dean at the meeting or recording documentation related to the meeting. Those matters should be the responsibility of an appropriately qualified school officer, as delegated by the Dean.

At the Dean's meeting, it is recommended that you introduce yourself and explain your role, as follows:

"My name is XXXXX. I represent the Academic Registrar at this meeting. My role is to ensure that the policy for managing allegations of academic misconduct is followed including ensuring procedural fairness. I am not here to decide whether the allegation is correct or not – that is the Dean's job. I can however answer questions and provide advice about how the policy works."

### **Being informed about procedural matters that require attention by Academic Registrar's nominee**

The Student Academic Misconduct Policy at <http://policies.uws.edu.au/view.current.php?id=00051>

contains detailed processes and procedures that must be followed in the conduct of investigations into, and in meetings of, allegations of student academic misconduct. It is therefore essential that you be familiar with the Policy. Sections 3, 4 (up to, and including, clause 51) and Section 5 (clauses 98 to 108) are particularly relevant to your role. You must also be familiar with clauses 72 to 75 of the Policy, which deal with the right of a student to appeal a decision by a Dean on specified grounds, including the student's perception that the decision may have been made in breach of procedural fairness.

Examples of circumstances in which it is essential that procedural fairness be strictly adhered to and where you may need to alert a Dean, or discuss, an issue with them, are the following.

- The timeframes in the Policy for notice to students are aspects of due process. [NB: In exceptional circumstances the timeframes can be varied, but that requires the formal approval of the Academic Registrar.] You should therefore notify the Dean immediately you become aware that required timeframes are not being observed (this may be prior to, or during, or after, the meeting).
- The Policy provides that, in inviting a student to attend a meeting, the Dean must ensure that the student receives, at that time,
  - clear notice of what the student is alleged to have done,
  - copies of 'all documentation related to the allegation that will be considered' in the meeting, and
  - an invitation to respond, in writing, to the allegation and documentation provided.

Tight timeframes sometimes mean that one or more of these requirements are overlooked. In a case where this happens, you should alert the Dean to the possibilities that the student may raise the issue at the meeting and/or appeal against any decision by the Dean on the grounds of a breach of procedural fairness.

It is obvious that, just as it is vital that the student receives meeting documentation in time to consider it before the meeting, it is important that, if you are to perform your role properly, you need to receive it in good time also. If necessary, you may need to ask the Dean's Executive Assistant for the documentation in advance of a meeting, if you have not received it.

- The Policy provides that meetings of allegations should be conducted 'with the principal object of impartially and fairly investigating the facts surrounding the allegation' and that 'Proceedings will be formal, but will not be adversarial...' You should therefore be alert to any evidence of what you consider to be unacceptable bias or confrontation in documentation provided to students or in the conduct of meetings. You should be prepared to discuss such issues with the relevant Dean.
- As one means of limiting the intrusion of unintentional bias, the Policy provides that Dean will only consult a student's prior record of misconduct at the time the Dean is determining a penalty for proven misconduct, and **not** before, or during, the meeting itself. That is consistent with the general principle underlying the Policy that a meeting should focus only on impartial investigation of the particular allegation of misconduct at hand. You may need to advise the Dean about that provision.
- From time to time, you may encounter in meetings other circumstances that raise issues of procedural fairness that are not referred to in detail here. They may include matters as diverse as the correct procedures to be followed in cases of collusion by students or in cases where a student is the subject of allegations in more than a single unit, the use that can be made of TURNITIN reports (TURNITIN is a text matching tool used by some academic staff to identify possible plagiarism) and how many academic staff, if any, in addition to the Dean, it is appropriate to be present at meetings of allegations. You will use your judgement in dealing with such issues, but

you may also, on occasion, wish to seek advice from officers mentioned below in the final section of this document.

### **Knowing how to alert a Dean to procedural fairness issues**

Your role is essentially a combination of (i) assisting the Dean to conduct meetings that meet the principles of procedural fairness and (ii) ensuring that, if there is nevertheless any identifiable breach of procedural fairness that has not been resolved by the Dean and that may lead to an appeal, you inform the Academic Registrar.

It is therefore essential that you provide helpful, informed and clear advice to the relevant Dean, from the time you are notified that a meeting is to take place. It is also essential that you bring to the attention of the Academic Registrar any apparently serious breach of procedural fairness that nevertheless occurs in a meeting. You should first raise the breach in a cooperative and problem-solving manner with the Dean. If, however, on a rare occasion, you find that you and the Dean have not been able to agree on how such an issue of procedural fairness should be resolved, you should inform the Academic Registrar in a factual report. Any such report should, wherever reasonably appropriate, be copied to the Dean.

### **Providing advice for the Dean about student administration matters**

Sometimes, during meetings or as a Dean is reaching a decision after a meeting, the Dean may ask you to provide, or to obtain, advice about appropriate administrative procedures that are necessary to effect a decision. Often, you will be in a position to provide that advice on the spot, because of your own expertise and experience. Where you are unable to do that, you should refer to the appropriate Manager of the relevant ARO or school and provide written or emailed advice to the Dean as soon as possible.

### **Knowing where to go for advice**

After familiarising yourself with the Policy and principles of procedural fairness and, provided you have attended a relevant ODU training session, you should feel confident to exercise your own judgement in identifying and raising any issue of an actual or potential breach of procedural fairness. However, if confronted with a difficult or complex problem, or if you need advice about matters of process referred to in the Policy, you can also seek confidential advice and assistance at any time from one of the following:

- (a) the Associate Director, Secretariat or one of the Assistant Academic Registrars;
- (b) the Executive Officer to Academic Senate in the Secretariat;
- (c) the Manager, Complaints Resolution; or
- (d) one of the Committees Officers in the Secretariat.

### **Helping to improve policies and procedures relating to student misconduct**

The more Dean's meetings you attend, the better able you will be able to contribute to improving the University's relevant Policy and procedures. You will be a valuable resource of expertise for that purpose. Should you have suggestions, please discuss them with your Manager and send them to the Executive Officer to Academic Senate's Education Committee in the Secretariat.