

MONASH UNIVERSITY SUNWAY CAMPUS MALAYSIA STUDENT DISCIPLINE POLICY

(Approved by the University's Strategy & Resources Committee on 4 October 2007)

PART I GENERAL

This policy is a variation of Monash University Statute 4.1 – Discipline. (www.monash.edu.au/pubs/calendar/statutes/statutes04.html) and the subsequent amendments approved by the relevant deans pursuant to sub-section 1.3 of the Statute.

1. Interpretations

1.1 In this policy unless the contrary intention appears –

academic misconduct means cheating or assisting to cheat, whether in an examination or non-examination context;

assisting to cheat means assisting a student with an examination or other written or practical work with the intention that the student will thereby obtain an unfair advantage;

Director of Administration means the senior administrative officer of the campus;

cheating means seeking to obtain an unfair advantage in an examination or in other written or practical work required to be submitted or completed by a student for assessment including intentional plagiarism;

chief examiner means the staff member in charge of assessment of the relevant unit for all campuses at Monash University;

examination cheating means cheating at or in respect of a university examination;

faculty in relation to a student, means the faculty in or through which the student is pursuing a course of study or, in the case of a student undertaking a double degree, the administering faculty;

general misconduct means any behaviour which is contrary to a policy of the university or to generally accepted standards of behaviour and includes the conduct specified in sub-section 3.2;

misconduct means academic or general misconduct;

non-examination cheating means cheating that is not examination cheating;

school in relation to a student, means the school in or through which the student is pursuing a course of study;

student means a person who is enrolled as a candidate for an award of the university and includes a person -

(a) who is between enrolments; or

(b) whose work for the award has been examined or assessed but on whom the award has not been conferred;

University means Monash University Sunway Campus Malaysia

1.2 For the purposes of this policy –

1.2.1 a student who is excluded from the university ceases to be a student of the university or campuses of Monash University;

1.2.2 a power to exclude from the university includes a power to exclude from the university precincts;

1.2.3 a student who is suspended from the university remains a student but is precluded from pursuing a course of study or any unit in a course of study in either the university or other campuses of Monash University during the period of suspension; and

1.2.4 a reference to the university or to the property or precincts of the university includes a reference to the property or precincts of a person or institution, other than the university, occupied or used by one or more students in the course of or in relation to academic or practical work forming part of a course of study for an award of the university; and a power to suspend or exclude from the university includes a like power to suspend or exclude from the property or precincts of any such person or institution.

PART II GENERAL MISCONDUCT

2. Offence of general misconduct

2.1 An act of general misconduct by a student is an offence under this policy.

2.2 For the purposes of sub-section 2.1, and without limiting its generality, a student commits an act of general misconduct if the student within the university precincts –

2.2.1 attacks, harasses or threatens to attack or harass any person;

2.2.2 intimidates or attempts to intimidate any person;

2.2.3 willfully, recklessly or negligently engages in conduct which causes or is calculated to cause bodily injury to any person;

2.2.4 engages in conduct which –

2.2.4.1 involves unauthorised or unjustified use of or interference with;

2.2.4.2 causes or is likely to cause injury or damage to; or

2.2.4.3 denies or obstructs or is likely to deny or obstruct the rightful use of any property of the university or of any person;

2.2.5 disobeys any reasonable order or direction given to the student by an officer or servant of the university in relation to the use of any property of the university where the officer or servant concerned has reasonable cause to believe that such order or direction is necessary –

2.2.5.1 to ensure the safety of any person;

2.2.5.2 to prevent damage to or destruction of the property;

2.2.5.3 for the performance of the officer's or servant's duties in relation to the custody, maintenance or use of the property;

2.2.6 refuses or fails to provide identification when requested to do so by an officer or servant of the university acting in the course of official duties, provided

that when making such a request the officer or servant concerned produces identification to the student;

2.2.7 interferes with the orderly conduct of a teaching group or ceremony of the university or a meeting of the board of directors, committee, subcommittee or any body constituted by or under the university's constitution, policies, regulations or appointed by any body so constituted;

2.2.8 in an examination, is in possession of material contrary to the instructions for the examination;

2.2.9 copies or attempts to copy computer software without the permission of the university and or in breach of the Malaysian Copyright Act 1987;

(www.lawnet.com.my);

2.2.10 without appropriate authority, enters a file belonging to another person, the file being on a computer which is the property of the university; or

2.2.11 breaches any laws, by-laws, enactments, statutes, policies, rules, regulations, directives and/or otherwise enforced by the proper authorities and/or the University, including (without limitation to the aforesaid) where the student breaches section 40 on Prohibition of Students Associating with Political Party, Unlawful Society etc. of the Monash University Sunway Campus Malaysia Constitution.

3. Reporting of general misconduct

3.1 Subject to this section, a person in the employment of the university who has reasonable grounds to believe that an act of general misconduct has been committed by a student must report the matter to the Manager, Student Services who will report the matter to the Pro Vice-Chancellor or request the Director of Administration to constitute a Campus Discipline Committee (General) to hear the matter.

3.2 Where the Manager, Student Services has reported the matter to the Pro Vice-Chancellor, the Pro Vice-Chancellor may;

3.2.1 fine the student a sum not exceeding RM300;

3.2.2 suspend the student from the university for a period not exceeding eight weeks. The Manager, Student Services must inform the student in writing of the penalty imposed by the Pro Vice-Chancellor and notify the Director of Administration.

4. Appeal

4.1 A person who has been penalised under section 3.2 may appeal the decision and request a hearing by a Campus Discipline Committee (General) by application to the Director of Administration.

PART III – ACADEMIC MISCONDUCT

5. Application

This Part does not apply to or in relation to research misconduct within the meaning of Part V - Research Misconduct.

6. Offence of academic misconduct

An act of academic misconduct by a student is an offence under this policy.

7. Examination cheating and assisting to cheat

7.1 A person in the employment of the university who has reasonable grounds to believe that –

7.1.1 examination cheating has occurred; or

7.1.2 a student has assisted another student to cheat;

must report the matter to the Chief Invigilator who in turn, after due investigation, will inform the Examination Coordinator. The Examination Coordinator, if he/she believes that there is prima facie evidence of cheating, will report to the Deputy Pro Vice-Chancellor who will constitute a Campus Discipline Committee (Academic) to hear the matter.

8. Non-examination cheating (not associated with research work, as defined in Part V)

8.1 A member of the teaching staff who has reasonable grounds to believe that non-examination cheating has occurred, must report the matter to the chief examiner through the Head of School.

8.2 Where the chief examiner has reasonable grounds to believe that non-examination cheating has occurred, the chief examiner must –

8.2.1 disallow the work concerned by prohibiting assessment; or

8.2.2 report the matter to the Associate Dean (Teaching) of the faculty, and notify the Deputy Pro Vice-Chancellor of Monash University Sunway Campus Malaysia and the Head of School.

8.3 Where, under paragraph 8.2.1, a student's work has been disallowed –

8.3.1 the chief examiner must give written notice of the disallowance to the student and to the Associate Dean (Teaching) of the faculty, the Deputy Pro Vice-Chancellor of Monash University Sunway Campus Malaysia and the Head of School.

8.3.2 the student may alternatively appeal the disallowance and request a hearing of the Campus Discipline Committee (Academic) by application to the Director of Administration.

PART IV – COMPOSITION OF THE VARIOUS DISCIPLINE COMMITTEES

9. Campus Discipline Committee (General)

9.1 The Campus Discipline Committee (General) consists of the following members –

9.1.1 the Deputy Pro Vice-Chancellor who shall chair the committee;

9.1.2 a member of the administrative staff;

9.1.3 the Manager, Student Services;

9.1.4 a member of the staff who is legally qualified who may be the campus solicitor;

9.1.5 a member of the teaching staff from another school; and

9.1.6 a student nominated by the student association or post-graduate association (as applicable)

9.2 Where a request for hearing is made to the Director of Administration under paragraphs 3.1 or a request for hearing of an appeal is made to the Director of Administration under paragraphs 3.3, the Director of Administration must –

9.2.1 within 28 days or any longer period necessary in any particular case, cause a Campus Discipline Committee (General) to be constituted to hear and determine the matter; and

9.2.2 notify the student in writing of the time and place of the hearing.

10. Campus Discipline Committee (Academic)

10.1 Subject to sub-section 10.5, a Campus Discipline Committee (Academic) consists of –

10.1.1 the Deputy Pro Vice-Chancellor who shall chair the committee;

10.1.2 the Head of School in which the student is enrolled;

10.1.3 the Associate Dean (Teaching) of the faculty or nominee, who may be the Chief Examiner of the unit;

10.1.4 a member of the administrative staff;

10.1.5 a member of the teaching staff from the same school;

10.1.6 a member of the teaching staff who is legally qualified; or the campus solicitor;

10.1.7 a member of the teaching staff from another school;

10.1.8 one student nominated by the student association or postgraduate association (as applicable)

10.2 Where a matter is reported to the Deputy Pro Vice Chancellor under paragraph 7.1 or to the Associate Dean (Teaching) of the faculty under paragraph 8.2.2, or an appeal to a Campus Discipline Committee

(Academic) is lodged with the Director of Administration under paragraph 8.3.2, subject to sub-section 10.3, the Director of Administration must –

- 10.2.1 within 28 days or any longer period necessary in any particular case, cause a Campus Discipline Committee (Academic) to be constituted to hear and determine the matter; and
- 10.2.2 notify the student in writing of the time and place of the hearing.

10.3 In a case of alleged academic misconduct, sub-section 10.2 applies only where the Deputy Pro Vice-Chancellor is satisfied that there is a prima facie case against the student concerned.

10.4 Where work submitted for assessment by two or more persons is the same or substantially the same, the work so submitted is prima facie evidence of cheating by those persons.

10.5 Where a Campus Discipline Committee (Academic) is constituted –

- 10.5.1 to hear a charge of cheating or assisting to cheat following a report to the Deputy Pro Vice-Chancellor, the committee must not include the person who has made the report;
- 10.5.2 to hear an appeal following the disallowance of work, the committee must not include the chief examiner or the person who made the report; or
- 10.5.3 to hear an allegation of academic misconduct in relation to a unit undertaken in another school by a double degree student, the committee may, at the option of the other school, include a member of that school.

11. Campus Discipline Committee (Appeals)

11.1 A Campus Discipline Committee (Appeals) contains seven members from the Campus Discipline Committee Panel and consists of –

- 11.1.1 the Chief Executive as defined in the Private Higher Education Institution Act of Malaysia (Act 555) or nominee, who shall chair the committee;
- 11.1.2 a Head of School;
- 11.1.3 a member of the administrative staff;
- 11.1.4 two members of the teaching staff;
- 11.1.5 two students nominated by the student association or postgraduate association (if applicable)

11.2 A student may appeal to a Campus Discipline Committee (Appeals) from a decision of a Campus Discipline Committee (General) or Campus Discipline Committee (Academic) only on one or more of the following grounds –

- 11.2.1 excessive penalty;
- 11.2.2 bias on the part of the discipline committee concerned;
- 11.2.3 significant procedural irregularity;
- 11.2.4 new evidence of a substantial nature, being evidence not reasonably available to the student at the time of the original hearing.

11.3 In relation to any misconduct that a student has admitted at an earlier hearing, the student may appeal only on the ground of excessive penalty.

12. Requests for hearing & Appeals

12.1 A request for a hearing by a Campus Discipline Committee (General) or Campus Discipline Committee (Academic) under the provisions of this policy must be –

12.1.1 in writing, addressed to the Director of Administration, setting out the grounds of the hearing requested; and

12.1.2 lodged with the Director of Administration within 28 days after imposition of the penalty or notice of disallowance concerned.

12.2 An appeal to a Campus Discipline Committee (Appeals) from a decision of a Campus Discipline Committee (General) or Campus Discipline Committee (Academic) must be –

12.2.1 in writing on the approved form which may be obtained on request from the Director of Administration, addressed to the Director of Administration, setting out the grounds of the appeal; and

12.2.2 lodged with the Director of Administration within 28 days after receipt of the written notice of the campus discipline committee's decision.

12.3 When an appeal is lodged, the Director of Administration must –

12.3.1 within 28 days or any longer period necessary in any particular case, constitute a campus discipline committee (Appeals) to hear and determine the matter concerned; and

12.3.2 notify the student in writing of the time and place of the hearing.

12.4 A Campus Discipline Committee (Appeals) constituted under this section may hear or continue to hear an appeal despite the absence of up to three of its members, provided the chair, one other member of the teaching staff and one student are present.

12.5 The decision of a Campus Discipline Committee (Appeals) is final.

13. Campus Discipline Committee Panel

13.1 The Campus Discipline Committee Panel consists of –

13.1.1 the Chief Executive as defined in sub-section 11.1.1 above;

13.1.2 the Deputy Pro Vice-Chancellor;

13.1.3 Heads of Schools;

13.1.4 the Director of Administration and nominees;

13.1.5 the Manager, Student Services, and nominees;

13.1.6 two to four members of teaching staff from each school;

13.1.7 four legally qualified members of staff including the campus solicitor;

13.1.8 eight students nominated by the student association; and

13.1.9 two to four postgraduate students.

14. Representation

14.1 At a hearing before –

14.1.1 a Campus Discipline Committee (General) or a Campus Discipline committee (Academic), a student may be accompanied, but not represented by one other person;

14.1.2 a Campus Discipline Committee (Appeals), a student may be represented by a person who may be legally qualified.

14.2 Where, at a hearing before a Campus Discipline Committee (Appeals), a student is represented by a legally qualified person, the university may also be so represented.

14.3 Members of the panels must be appointed for a period of two years and are eligible for re-appointment.

14.4 The panel should, have reasonable representation of both sexes and varied ethnicity.

14.5 Ex-officio members of the panel may, where appropriate appoint a nominee to represent them, subject to approval of the Chair.

15. Powers and duties of Campus Discipline Committee

15.1 In this section, 'discipline committee' means either a Campus Discipline Committee (General) or a Campus Discipline Committee (Academic).

15.2 Where a Campus Discipline Committee (General) determines that an act of general misconduct has occurred the committee must impose one or more of the following penalties –

15.2.1 a reprimand;

15.2.2 a fine not exceeding RM500;

15.2.3 suspension from the university for a specified period;

15.2.4 exclusion from the university;

15.2.5 payment to the university of a sum sufficient to make good any damage caused by the student.

15.3 Where a Campus Discipline Committee (Academic) determines that cheating has occurred or that a student has assisted another student to cheat, the committee must impose one or more of the following penalties–

15.3.1 a reprimand;

15.3.2 disallowance of the work concerned by prohibiting assessment or, where the work has been assessed, annulling the result in the assessed work;

15.3.3 failure in the unit of which the work concerned forms the whole or a part;

15.3.4 suspension from the university for a specified period;

15.3.5 exclusion from the university.

15.4 Where, under sub-section 15.2 or 15.3, a discipline committee imposes a reprimand or suspension from the university, the committee may also impose specified conditions on the continuing candidature of the student concerned.

15.5 Where, under paragraph 15.3.3, a discipline committee disallows a student's work, the committee must either –

15.5.1 permit the student to submit, within a specified period, a substitute piece of work for assessment; or

15.5.2 deem the disallowance to be a failure on the part of the student in the examination or work and allocate zero marks for that examination or work.

15.6 Where, after hearing a charge of cheating, a discipline committee –

15.6.1 determines that cheating has not been established; or

15.6.2 imposes only a reprimand under paragraph 15.3.1 –

the committee must instruct the chief examiner to make an assessment of the work concerned.

15.7 Where, on appeal, a discipline committee determines that –

15.7.1 an act of misconduct has not occurred, it must set aside the decision appealed and any penalty imposed; or

15.7.2 an act of misconduct has occurred, it must uphold the decision appealed and confirm or vary any penalty imposed.

16. Power of chair of a Campus Discipline Committee (Appeals) to dismiss Appeals

16.1 In any case where, after a Campus Discipline Committee (Appeals) has been constituted but before the hearing of the appeal concerned, the chair of the committee, after consideration of the notice of appeal and any other relevant papers, determines that the appeal is frivolous, vexatious, misconceived or lacking in substance, the chair may dismiss the appeal.

16.2 Where an appeal is dismissed under sub-section 16.1 –

16.2.1 the chair of the committee must in writing notify the student concerned of the dismissal; and

16.2.2 the dismissal by the chair is final.

17. Power and duties of a Campus Discipline Committee (Appeals)

17.1 At a hearing before a campus discipline committee (Appeals), where the committee determines that the particular ground of appeal –

17.1.1 has not been established, it must dismiss the appeal; or

17.1.2 has been established –

17.1.2.1 where the appeal is on the ground of excessive penalty, the committee may vary the penalty; and

17.1.2.2 in any other case, the committee must re-hear the matter, in whole or in part as the case requires.

17.2 A Campus Discipline Committee (Appeals) has all the relevant powers and duties of a campus discipline committee under section 15.

18. Duties of the Director of Administration

18.1 The Director of Administration, in relation to a campus discipline committee or a Campus Discipline Committee (Appeals), must –

18.1.1 after a matter has been heard and determined by the committee, cause written notice of the decision to be given to the student concerned; and for an academic matter, to the relevant Associate Dean (Teaching) of the faculty and the Head of School;

18.1.2 annually cause a confidential report on the proceedings of the committee to be made to the Academic Advisory Board of Monash University Sunway Campus Malaysia and the Academic Board of Monash University Australia.

PART V – RESEARCH MISCONDUCT

19. Interpretations

In this Part, unless the contrary intention appears –

academic staff means teaching or research staff of the university;

research misconduct means conduct in or connection with research that:

(a) is dishonest, reckless or negligent; and

(b) seriously deviates from accepted standards within the scientific and scholarly community for proposing, conducting or reporting research, which includes-

(i) plagiarism;

(ii) breach of copyright;

(iii) misleading ascription of authorship;

(iv) use of information in breach of a duty of confidentiality associated with the review of a manuscript or grant application;

(v) omission of reference to relevant published work of others for the purposes of inferring personal discovery of new information;

(vi) without authorisation taking, sequestering or materially damaging research-related property of another;

(vii) failing to obtain the requisite ethics clearance before the research, or a step in the research, is performed; or

(viii) stating or presenting a falsehood, including an omission of fact, so that what is stated or presented as a whole represents a material or significant falsehood;

research –

(a) means work towards –

(i) a thesis for a graduate or postgraduate degree; or

(ii) a research paper or report intended for publication or communication to a person or body outside the university; and

(b) includes work of a student towards a thesis, research paper or report of another person;

student means a candidate for a degree of the university and includes a person –

(a) whose candidature has lapsed; or

(b) who has completed the study program for, but not graduated with, a degree.

20. Offence of research misconduct

An act of research misconduct by a student is an offence under this policy.

21. Report of research misconduct

Where a person in the employment of the university has reasonable grounds to believe that a student may have committed an act of research misconduct, that person must send a written report on the matter to the Chair of the Monash University Sunway Campus Research Committee, which acts on behalf of the Monash University Research Graduate School Committee. The Chair of the Monash University Sunway Campus Research Committee will report cases of research misconduct to the Research Graduate School Committee.

22. Preliminary Review Panel

22.1 After receipt of a report under section 21, the Chair of the Monash University Sunway Campus Research Committee must constitute a Preliminary Review Panel comprising –

22.1.1 the campus representative on the Research Graduate School Committee, or nominee, who shall be chair of the panel;

22.1.2 a member of the faculty being, so far as practicable, an expert in the relevant area; and

22.1.3 a senior research member of the academic staff of the university from a cognate discipline – provided that to be eligible for membership a person must have no direct involvement in the research of the student concerned.

22.2 For the purposes of subparagraph 22.1.2, the faculty representative should be, where possible, a representative of the relevant School of the Sunway campus, and nominated by the Head of School.

22.3 For the purposes of subparagraphs 22.1.2 and 22.1.3, in order to be eligible for membership, a person must have no direct involvement in the research of the student concerned.

22.4 The Chair of the Monash University Sunway Campus Research Committee will submit the membership of the Preliminary Review Panel to the Chair of the Research Graduate School Committee.

22.5 After a Preliminary Review Panel has been constituted, the chair of the panel must send the student concerned a copy of the report under section 21 and by notice in writing, advise the student –

22.5.1 that the matter is to be referred to a Preliminary Review Panel for investigation; and

22.5.2 of the membership of the panel and of any subsequent change in that membership.

23. Powers and duties of a Preliminary Review Panel

23.1 A Preliminary Review Panel must make such inquiries as it thinks necessary to determine whether or not there is a prima facie case of research misconduct, and for this purpose –

23.1.1 may require persons to attend and give evidence;

23.1.2 must give the student the right to be heard personally or through a representative, not being a legally qualified person, or by way of a written submission; and

23.1.3 may require the production of documents and other materials.

23.2 A Preliminary Review Panel, after deciding a matter, must send both the chair of the Research Graduate School Committee and the student a report of its decision and, where it has determined that a prima facie case has been established, the reasons for the decision.

24. Research Graduate Discipline Committee

24.1 Where a Preliminary Review Panel determines that a prima facie case of research misconduct has been established, the Chair of the Research Graduate School Committee must constitute a Research Graduate Discipline Committee to hear and determine the matter.

24.2 A Research Graduate Discipline Committee must include –

24.2.1 the Chair of the Research Graduate School Committee, or nominee, who shall be chair of the committee;

24.2.2 two members of the academic staff with research supervision experience; and

24.2.3 a representative of the Monash University Sunway Campus Postgraduate Association nominated by the association.

24.3 For the purposes of subparagraph 24.2, at least one of the members of the committee other than the student representative should be a member of staff of the Sunway campus.

24.4 After a discipline committee has been constituted under sub-section 24.1, the chair of the committee must advise the student concerned –

24.4.1 that the matter is to be determined by the committee;

24.4.2 of the membership of the committee and the student's veto rights under sub-section 24.5; and

24.4.3 that the student is entitled to be heard personally or through a representative who may be legally qualified, or by way of a written submission.

24.5 A student has a right to veto up to two members of a Research Graduate Discipline Committee and this right must be exercised in writing to the chair within 14 days after receipt of the membership advice.

24.6 The final membership of the Research Graduate Discipline Committee is as ratified by the Research Graduate School Committee.

24.7 At any hearing before a Research Graduate Discipline Committee, the university may be represented by a nominee of the Research Graduate School Committee who may be legally qualified.

25. Penalties

25.1 Where a Research Graduate Discipline Committee determines that a student is guilty of research misconduct, the committee must impose one or more of the following penalties –

25.1.1 a reprimand;

25.1.2 a fine not exceeding RM500;

25.1.3 disallowance of the work concerned by prohibiting assessment or, where the work has been assessed, by annulling the results in the assessed work;

25.1.4 suspension from the university for a specified period;

25.1.5 exclusion from the university.

25.2 Where under paragraph 25.1.3 a discipline committee disallows a student's work, the committee must either –

25.2.1 permit the student to submit, within a specified period, a substitute piece of work for assessment; or

25.2.2 deem the disallowance to be a failure on the part of the student in the examination or work.

25.3 A person who under this section is –

25.3.1 excluded from the university, ceases to be a student of the university or campuses of Monash University; or

25.3.2 suspended from the university, remains a student but is precluded from pursuing candidature in the university or campuses of Monash University during the period of suspension.

26. Decision final

The decision of a Research Graduate Discipline Committee is final.