

# ASSESSMENT MISCONDUCT POLICY

|                               |                                                                                                                                |                      |                |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------|
| <b>Recommending Committee</b> | Assessment Committee                                                                                                           | <b>Date Reviewed</b> | 20 August 2025 |
| <b>Approved by Board</b>      | 19 September 2025                                                                                                              |                      |                |
| <b>Delegated Authority</b>    | The Board delegates responsibility for future updates of this policy to the Assessment Committee, effective 19 September 2025. |                      |                |
| <b>Next Review</b>            | September 2028                                                                                                                 |                      |                |
| <b>Owner</b>                  | General Manager, Operations                                                                                                    |                      |                |

## PURPOSE

To ensure the fair, consistent, and transparent management of allegations of candidate misconduct during or related to Australian Physiotherapy Council (the Council) assessments, including investigation, determination, penalties, and appeals. The policy safeguards the integrity of the assessment process while protecting the rights of candidates.

## SCOPE

This policy applies to all candidates, including former and current candidates, undertaking an assessment with the Council. It also applies to candidates on leave from the assessment process, where the event forming the basis of the allegation of misconduct occurred while they were undertaking an assessment or is directly related to their assessment.

## DEFINITIONS

**Assessment** includes any assessment that is part of the current or former Council assessment process.

**Electronic devices** include, but are not limited to laptop, tablet or handheld computers or readers, calculators, diaries, organisers, portable data storage devices (e.g. disks or memory sticks), mp3 and portable media players, voice recorders, cameras, camera pens, eBook readers, mobile phones and electronic dictionaries.

**Council staff** refers to any individual who works for or on behalf of the Council. This includes but is not limited to assessors, administrators, facilitators, and proctors.

**Work** includes, but is not limited to words, data, music, computer code, algorithms or computer code data, calculations, artistic and architectural works, film, video, digital or electronic media designs or ideas, interpretations, computer software, designs, sounds, images, photographs in print or electronic media.

**AI** is any artificial intelligence technology, including but not limited to generative AI tools that can create or modify work.

## POLICY

### 1. Misconduct

- 1.1. Misconduct means seeking to obtain, or obtaining, whether intentionally or not, an unfair advantage, or assisting another candidate to do so, and includes but is not limited to:

- 1.1.1. Plagiarism, where candidates present work for assessment that is not their own.
- 1.1.2. Collusion, where candidates present work as independent work when it has in fact been produced in whole or in part with others.
- 1.1.3. Cheating, where a candidate acts in such a way as to seek unfair advantage or assist another candidate to do so. Cheating can include, but is not limited to:
  - a) a candidate falsely indicating that they have been present at an activity where attendance is required;
  - b) completing an assessment task outside the conditions specified for that task.
  - c) communicating in any way during an assessment with any person who is not Council staff;
  - d) giving or accepting assistance during an assessment from any person or AI;
  - e) reading, copying from or otherwise using another candidate's work or AI in an assessment or knowingly allowing a candidate to do so;
  - f) possessing, referring to or having access to any material or device containing information directly or indirectly related to the subject matter being assessed, other than that explicitly approved by the Council;
  - g) recording, acquiring, or attempting to acquire, possess or distribute assessment content, materials or information without approval;
  - h) permitting another person to attend an assessment on a candidate's behalf or attending an assessment on behalf of another candidate;
- 1.1.4. breaches of any relevant Assessment Guidelines.
- 1.2. Other acts of misconduct, including but not limited to:
  - 1.2.1. altering or falsifying any document or record;
  - 1.2.2. offering or giving money or any item or service to Council staff or any other person, to gain advantage for the candidate or another person.

## **2. Identifying and Reporting Misconduct**

- 2.1. Any person may report an allegation of misconduct in writing to the Council.
- 2.2. Where misconduct is suspected, Council staff will collate evidence of the breach and complete a Suspected Misconduct Incident Form.

## **3. Preliminary Review**

- 3.1. All completed forms will be sent to the Assessment Manager who will conduct a preliminary review to determine whether there is evidence to support the allegation of misconduct. In the event that the Assessment Manager made the allegation, the General Manager, Operations will complete the required documentation and forward it to the Chief Executive Officer, who will conduct the preliminary review.
- 3.2. If, in the reasonable opinion of the reviewer (Assessment Manager or Chief Executive Officer, as applicable), they form the view that that there is sufficient evidence to support the allegation:
  - 3.2.1. the allegation will be referred to the General Manager, Operations;

- 3.2.2. the General Manager, Operations will notify the candidate in writing (the Notification Letter) within 5 business days of a positive determination, outlining that an allegation of misconduct has been made and providing details of the alleged breach; and
- 3.2.3. the General Manager, Operations will initiate the formal inquiry process to investigate the breach.
- 3.3. If, in the reasonable opinion of the reviewer, they form the view that there is no reasonable basis to support the allegation, the outcome of the assessment will remain unchanged or will be determined in the usual manner.

#### **4. Formal Inquiry**

- 4.1. The candidate will be invited to respond to the allegation as part of the formal inquiry:
  - 4.1.1. Candidates can respond to the allegations, which must be in writing within 10 business days of the Notification Letter being delivered.
  - 4.1.2. In the event that a candidate does not respond to the allegations in writing, the formal inquiry will proceed in absence of a response.
- 4.2. The formal inquiry meeting will be held between 10 and 20 business days of the Notification Letter being delivered.
- 4.3. The formal inquiry will be held by a Panel convened by the General Manager, Operations. The Panel will be composed of:
  - 4.3.1. one member of the Assessment Committee; and
  - 4.3.2. two external people with experience in the investigation of complaints and academic misconduct.
- 4.4. The Panel can decide to speak to the person who made the allegation and any other individuals whose input may assist in its determination.
- 4.5. The Panel will apply the balance of probabilities test in determining whether misconduct has taken place, and will:
  - 4.5.1. apply an open, impartial and unprejudiced mind to their duties;
  - 4.5.2. base findings and recommendations solely on relevant considerations;
  - 4.5.3. maintain confidentiality about all matters before them;
  - 4.5.4. not be involved in a case or have any involvement in the finding and recommendation of a case before them if they have a personal relationship with the candidate or direct or indirect financial or personal interest in that case, or other conflict of interest pertaining to the case, even if they do not believe that their interest would affect their duties.
  - 4.5.5. If the formal inquiry finds no evidence supporting allegation, the outcome of the assessment will be determined in the usual manner.
  - 4.5.6. Candidates will be notified of the outcome of the formal inquiry in writing within 5 business days of the formal inquiry.

#### **5. Penalties**

- 5.1. If the formal inquiry concludes that a breach of this policy has occurred, determination of the penalty imposed for breach of this policy may take into account the severity of the breach and any extenuating circumstances submitted on behalf of the candidate. A record will be placed in the Council Misconduct Register and the penalties that may be imposed at the discretion of the formal inquiry are:

- 5.1.1. automatic failure of the assessment;
  - 5.1.2. the candidate may be required to re-sit the assessment at the candidate's expense;
  - 5.1.3. suspension of candidature and barring from future application for a period of time determined by the formal inquiry;
  - 5.1.4. expulsion from candidature and barring from any future application;
  - 5.1.5. notification of misconduct to the Physiotherapy Board of Australia or other relevant authority.
- 5.2. Where the candidate's breach is of a kind that prejudices the interests of other candidates or the integrity of the assessment process itself, the case may, at the discretion of the formal inquiry, be referred to the Assessment Committee for action. This may result in:
- 5.2.1. a penalty of suspension of candidature and barring from future application for a period of time determined by the formal inquiry;
  - 5.2.2. expulsion from the candidature and barring from any future application;
  - 5.2.3. immediate notification of misconduct to the Physiotherapy Board of Australia or other relevant authority.

## **6. Recording Misconduct**

- 6.1. Records placed on the Council Misconduct Register will be maintained by the Council.
- 6.2. Candidates may have access to their records placed on the register by contacting the Council.

## **7. Confidentiality**

- 7.1. All investigations of misconduct will remain confidential and all information provided in relation to the allegation will remain confidential and only used for the purpose for which it was provided unless:
  - 7.1.1. the candidate gives their express consent;
  - 7.1.2. the information gives the Council reasonable grounds for concern about the security of people or property;
  - 7.1.3. procedural fairness requires the information to be shared;
  - 7.1.4. access to the information is required by law.

## **8. Appeals**

- 8.1. Candidates have the right to appeal through the Internal Review process against a finding of misconduct or a penalty received within 14 calendar days of being notified of the outcome of the formal inquiry.

## **RELATED DOCUMENTS**

Assessment Internal Review Policy

## **REVIEW CYCLE**

Every three years