



Australian  
National  
University

## THE AUSTRALIAN NATIONAL UNIVERSITY

澳大利亚国立大学

## ACADEMIC MISCONDUCT RULE 2015

学术不端相关规则（2015年）

I, Professor Ian Young AO, Vice-Chancellor of the Australian National University, make the following rule.

本人，Ian Young AO 教授，澳大利亚国立大学校长，制定下列规则。

Dated: 11 December 2015

日期：2015年12月11日

Professor Ian Young AO

Ian Young AO 教授

**VICE-CHANCELLOR**

校长

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### TABLE OF CONTENTS

#### 目录

<b>PART/部分 1. PRELIMINARY 序言</b> .....	<b>3</b>
1 NAME, COMMENCEMENT AND AUTHORITY 名称、生效日期及依据 .....	3
2 APPLICATION OF INSTRUMENT 立法文件的适用性 .....	3
3 THE ACADEMIC INTEGRITY PRINCIPLE 学术诚信原则 .....	3
4 DEFINITIONS 定义 .....	3
<b>PART/部分 2. STUDENT ACADEMIC CONDUCT 学生学术行为</b> .....	<b>7</b>
5 THE ACADEMIC INTEGRITY PRINCIPLE 学术诚信原则 .....	7
6 ACADEMIC MISCONDUCT 学术不端 .....	7
7 PLAGIARISM 剽窃 .....	8
8 COLLUSION 共谋 .....	8

9	POOR ACADEMIC PRACTICE 不良学术行为.....	9
<b>PART/部分 3. INTERIM ACTION 暂时措施..... 9</b>		
10	INTERIM EXCLUSION BY THE DEPUTY VICE-CHANCELLOR 由常务副校长作出的暂时停学决定 .....	9
11	EXCLUSION OF STUDENT FROM ATTENDANCE AT AN EXAMINATION VENUE 禁止学生参加考试.....	10
12	ENROLMENT NOT TERMINATED BY INTERIM ACTION 相关项目和课程的入读资格不会因暂时的处罚措施而终止.....	11
<b>PART/部分 4. REPORT OF ACADEMIC MISCONDUCT 学术不端行为报告 ..... 11</b>		
13	ALLEGED ACADEMIC MISCONDUCT 涉嫌学术不端的行为 .....	11
14	REFERENCE OF ALLEGED ACADEMIC MISCONDUCT TO THE REGISTRAR 将涉嫌学术不端的行为转介至教务长 .	11
<b>PART/部分 5. INITIAL REVIEW 初步审查..... 12</b>		
15	ALLEGATIONS OF ACADEMIC MISCONDUCT TO BE REVIEWED 针对学术不端行为的指控有待审查 .....	12
16	POWER OF REGISTRAR TO INITIATE INQUIRY WITHOUT INITIAL REVIEW 教务长在不经初步审查的情况下开展调查的权力 .....	13
17	DECISION BY REVIEW OFFICER TO TERMINATE THE PROCESS 审查员决定终止程序 .....	13
18	NOTIFICATION OF INITIAL REVIEW 初步审查通知 .....	14
19	MEETING WITH THE REVIEW OFFICER 与审查员会面 .....	15
20	DECISION BY THE REVIEW OFFICER 审查员的决定.....	16
21	ACTION TO BE TAKEN IF POOR ACADEMIC PRACTICE IS FOUND 如果认定存在不良学术行为，则必须采取的行动.....	16
<b>PART/部分 6. INQUIRY 调查..... 17</b>		
22	REGISTRAR TO REFER MATTER TO AN INQUIRY OFFICER 教务长将相关事项转交给调查员处理 .....	17
23	DECISION BY THE INQUIRY OFFICER NOT TO CONDUCT AN INQUIRY 调查员决定不进行调查 .....	18
24	OPTIONS AVAILABLE TO THE INQUIRY OFFICER 调查员可以采用的选项 .....	19
25	TRANSFER BY AN INQUIRY OFFICER 由调查员进行转介 .....	19
26	MEETING WITH THE STUDENT 与学生见面 .....	19
27	NOTICE OF INQUIRY BY INQUIRY OFFICER 由调查员发出的调查通知书.....	21
28	PROCEDURE AT AN INQUIRY 调查时的程序 .....	22
29	STUDENT'S RIGHTS AT AN INQUIRY 学生在调查时的权利 .....	23
30	DECISION BY THE INQUIRY OFFICER 调查员的决定 .....	23
31	PENALTY FOR ACADEMIC MISCONDUCT 学术不端行为的处罚.....	24
32	STUDENT UNDERTAKINGS 学生承诺.....	26
33	RE-ENROLMENT FOLLOWING SUSPENSION 停学之后再次注册 .....	26
<b>PART/部分 7. APPEALS AND REVIEW 申诉和审查..... 27</b>		
34	REVIEW BY THE APPEALS COMMITTEE 由申诉委员会进行审查 .....	27
35	REVIEW BY THE DEAN OF A FINDING OF POOR ACADEMIC PRACTICE 院长对不良学术行为的决定进行审查.....	27
<b>PART/部分 8. MISCELLANEOUS 其他..... 28</b>		
36	NOMINEES 被提名人.....	28
37	ACTION WHERE THERE MAY BE A SERIOUS HEALTH ISSUE 可能有严重健康问题时采取的行动 .....	29
38	MULTIPLE PROCESSES 多个程序.....	29
39	EXTENSION OF TIME 延长时限 .....	30
40	SERVICE OF NOTICES ETC. 递送通知等.....	30
41	REPEAL ETC. 废止等 .....	31

**PART/部分 1. PRELIMINARY**  
**序言**

**1 Name, commencement and authority**  
**名称、生效日期及依据**

(1) This is the *Academic Misconduct Rule 2015*.

本文件为《2015年学术不端相关规则》。

(2) This instrument commences on the day after it is registered.

本立法文件生效日期为其注册之后的第二天。

(3) This instrument is made under section 3 of the *Academic Misconduct Statute 2014*.

本立法文件依据《2014年学术不端相关法规》第3章制定。

**2 Application of instrument**  
**立法文件的适用性**

This instrument applies to all students of the University.

本立法文件适用于本校所有学生。

**3 The academic integrity principle**  
**学术诚信原则**

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

本立法文件的目的是确保大学师生尊重和遵守学术诚信。

**4 Definitions**  
**定义**

In this instrument:

在本立法文件中：

**academic integrity principle** has the meaning given to it in section 5.

**学术诚信原则**的定义参见第5章。

**academic misconduct** has the meaning given to it in section 6.

**学术不端**的定义参见第6章。

**allegation of academic misconduct** means a report made in accordance with section 13(2) or a written record made under section 13(3).

**对学术不端的指控**指根据第13(2)章作出的报告或根据第13(3)章作出的书面记录。

**alleged academic misconduct** means alleged academic misconduct referred to in section 13(1).

**涉嫌学术不端**指第13(1)章所提到的涉嫌学术不端行为。

**Appeals Committee** means an Appeals Committee established under the Appeals Rule.

**申诉委员会**指根据《申诉规则》设立的申诉委员会。

**assessable work** means the output of a task which is required to be performed by a student for assessment.

**可评估的工作**指学生为完成评估任务所提交的作品。

**assessment** includes a task that is required to be performed by a student for a judgement to be made of the student's level of performance in relation to a program or course, including:

**评估**包括为评价学生在某一项目或课程上的学业表现而要求学生必须完成的任务，包括：

- (a) an examination; or  
考试；或
- (b) a task required to be performed by a student for the assessment of the student's performance; or  
为评估学生的学业表现而要求学生完成的任务；或
- (c) a thesis, dissertation, minor thesis, research project, written report, assignment or essay undertaken for the assessment of the student's performance; or  
为评估学生的学业表现而要求学生完成的论文、学位论文、辅修论文、研究计划、书面报告、作业或论述文；或
- (d) a task required to be performed by a person for the purpose of enabling the person to qualify for admission as a student in a program or course.  
希望入读某项目或课程的学生必须完成的任务。

**Associate Dean**, for a college, means an Associate Dean appointed under the ANU College Governance Rules by the College Dean for the college.

**学院副院长**指由学院院长根据《澳大利亚国立大学学院管理规则》任命的学院副院长。

**cheating** means the breach of rules regarding formal examinations, or dishonest practice in informal examinations, tests or other assessments.

**作弊**指在正式考试中违反规则，或在非正式考试、测验或其他评估中的不诚实行为。

#### Examples

例如

- 1 use of prohibited material or equipment for unfair advantage  
为获得不当优势使用被禁止的材料或设备
- 2 consultation with other persons during the course of the assessment where this is prohibited.  
在禁止交流的评估过程中与他人交流。

**college** means an ANU College.

**学院**指澳大利亚国立大学的学院。

**collusion** has the meaning given to it in section 8.

**共谋**的定义参见第 8 章。

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

**课程**指学术学习课程，无论以下列何种形式教授：

- (a) in a connected series of classes or demonstrations; or  
由一系列相关联的课堂教学或演示构成；或
- (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  
结合实践，包括由学生撰写文章或论文或进行案例研究，或让学生出席和参加研讨会或

研习会等等；或

(c) by clinical or professional practice; or

通过临床或专业实习；或

(d) in another way or in a combination of ways.

通过其他的一种或多种方式。

**course convenor** means the person in charge of a course (and, for the ANU Medical School, means the Deputy Dean of the Medical School in the College of Medicine, Biology and Environment).

**课程召集人**指课程的负责人（对于澳大利亚国立大学医学院来说，指医学、生物和环境学院的医学院副院长）。

**Dean**, in relation to a student, means the College Dean of the college responsible for the program in which the student is or was enrolled or is or was seeking enrolment.

**院长**，对学生而言，指负责该学生已经注册、曾经注册或希望注册的项目的学院的院长。

**examination venue** means a place at which students are required to attend for the purpose of assessment under controlled conditions.

**考试场地**指学生在受控环境下，按要求参加评估的地方。

**exercise** a function includes perform the function.

**行使职能**包括履行该职能。

**fabrication** means the representation of data, observation or other research activity as genuine, comprehensive or original when it is not. This includes inventing the data, using data gathered by other researchers without acknowledgement, falsifying data or wilfully omitting data to obtain desired results.

**捏造**指在数据、观察或其他研究活动并非真实、全面或原创的情况下，将其以真实、全面或原创的名义呈现出来。这包括编造数据、在未标明来源的情况下使用其他研究人员收集的数据、伪造数据或故意删减数据以获得期望的结果。

**function** includes duty and power.

**职能**包括职责和权力。

**initial review** means review under Part 5.

**初步审查**指第 5 部分的审查。

**inquiry officer** means a person who conducts an inquiry under Part 6.

**调查员**指根据第 6 部分进行调查的人。

**inquiry process** means the process of investigating a report of academic misconduct, including any appeal from a decision.

**调查程序**指调查关于学术不端的报告（包括对某一决定的申诉）的过程。

**invigilator** means any person, including a member of the academic or general staff of the University, who is employed by or acting on behalf of the University to attend examinations and/or supervise students who are undertaking examinations conducted by or on behalf of the University (including examinations conducted by other national or international educational institutions).

**监考人**指所有受雇于本校或代表本校巡视和/或监督参加本校进行或代表本校进行的考试（包括其他国家或国际教育机构进行的考试）的学生的人，包括本校教学人员或一般职员。

**member of ANU** means a person who is a member of staff, a student or an invigilator.

**澳大利亚国立大学成员**指教职员工、学生或监考人。

**original work** means work that is genuinely produced by a student specifically for the particular assessment task for which it is submitted.

**原创作品**指学生专门为特定评估任务而真正创作的作品。

**poor academic practice** has the meaning given to it in section 9.

**不良学术行为**的定义参见第 9 章。

**plagiarism** has the meaning given to it in section 7.

**剽窃**的定义参见第 7 章。

**research misconduct** includes:

**在科研方面的不端行为**包括:

- (a) fabrication of data; and  
捏造数据; 及
- (b) plagiarism; and  
剽窃; 及
- (c) other conduct that:  
下列其他行为:
  - (i) improperly appropriates the intellectual property or contributions of others; or  
不当侵占他人的知识产权或贡献; 或
  - (ii) intentionally impedes the progress of research; or  
故意阻碍研究的进展; 或
  - (iii) risks corrupting the research record or compromising the integrity of research practices.  
有可能会破坏研究记录或损害研究实践的完整性。

**review officer** means a person who conducts an initial review under Part 5.

**审查员**指根据第 5 部分的规定进行初步审查的人员。

**serious research misconduct** means research misconduct where:

**在科研方面的严重不端行为**指下列行为:

- (a) there is recurrence or continuation of conduct that has previously been found to be research misconduct by the student; or  
已有过在科研方面的不端行为, 而又再次出现或继续出现这类行为; 或
- (b) there is failure to follow research protocols approved by research ethics committees or statutory licence conditions, where that failure has resulted in harm, or unreasonable risk of harm, to humans, animals or the environment; or  
未能遵守研究伦理委员会批准的研究方案或法定许可条件, 而对人类、动物或环境造成伤害或带来超出合理范围的伤害风险; 或
- (c) there is deliberate publishing of false research results that become part of the public record; or  
故意发布虚假的研究结果, 使之成为公共记录的一部分; 或
- (d) serious harm to the University, or to other students, staff or visitors occurs as a result of reckless and wilful disregard for the consequences of the conduct.  
由于鲁莽和故意漠视行为的后果而对大学或其他学生、教职员工或访客造成严重伤害。

**student** means a person who is or was enrolled in, or seeking enrolment in, a program or a 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.

**学生**指正在或曾在大学提供的项目或课程中注册，或正在寻求注册该项目或课程的人，或已被大学允许旁听大学提供的项目或课程的人。

**supervisor**, in relation to a student, means a person who is:

对学生而言，**导师**指：

- (a) a supervisor of the student under the Research Awards Rule; or  
攻读研究类文凭的学生的导师；或
- (b) for a coursework student—appointed to supervise the student's thesis or research project.  
对授课类学生而言，受任命监督学生论文或研究项目的人。

**work** includes written, oral, numerical, audio, visual or other material that is submitted for assessment.

**作品**包括提交用于评估的书面、口头、数字、音频、视频或其他资料。

**working day** means a day that is not a Saturday, a Sunday, a public holiday in the Australian Capital Territory, or a University holiday.

**工作日**指除星期六、星期日、澳大利亚首都领地的公共假日或大学假日以外的日子。

## **PART/部分 2. STUDENT ACADEMIC CONDUCT** **学生学术行为**

### **5 The academic integrity principle** **学术诚信原则**

(1) The academic integrity principle is the principle that a student's work is genuine and original, completed only with the assistance allowed according to the rules, policies and guidelines of the University.

学术诚信原则指学生的作品是真实和原创的，并且在作品完成的过程中只接受了学校的规章、政策和指导方针允许的范围内的协助。

(2) In particular:

具体来说：

- (a) the academic integrity principle requires the words, ideas, scholarship and intellectual property of others used in the work to be appropriately acknowledged; and  
学术诚信原则要求在作品中恰当引用他人的文字、想法、学识和知识产权；和
- (b) a person is in breach of the academic integrity principle if the person engages in collusion.  
参与共谋者也违反了学术诚信原则。

### **6 Academic misconduct** **学术不端**

It is academic misconduct if a student:

如果学生有下列行为即为学术不端：

- (a) in relation to an assessment:  
关于评估：
  - (i) cheats; or  
作弊；或

- (ii) engages in plagiarism; or  
参与剽窃；或
  - (iii) improperly colludes with another person; or  
与他人共谋；或
  - (iv) acts, or assists another person to act, dishonestly or unfairly in or in connection with an examination; or  
在考试中或与考试有关的情况下，不诚实或不公平地行事或协助他人不诚实或不公平地行事；或
  - (v) takes a prohibited document into an examination venue; or  
携带禁止带入的文件进入考场；或
  - (vi) fails to comply with examination or assessment rules or directions; or  
不遵守考试或评估规则或指示；或
  - (vii) engages in other conduct with a view to gaining unfair or unjustified advantage; or  
从事以获取不公平或不正当优势为目的的其他行为；或
  - (viii) submits work that is not original; or  
提交非原创的作品；或
- (b) in relation to research, commits research misconduct.  
在研究方面，存在科研不端行为。

## 7 Plagiarism 剽窃

(1) For the purposes of this instrument, a person engages in plagiarism if the person uses another person's work as though it were the person's own work.

就本立法文件而言，如果一个人将另一个人的作品当作自己的作品来使用，那么就是剽窃。

(2) Without limiting subsection (1), a person uses another person's work as though it were the person's own work if the person uses the other person's work without appropriate attribution.

在不限制第(1)款规定的情况下，如果一个人在没有适当引用的情况下使用另一个人的作品，那么此人对另一个人的作品的使用就如同使用自己的作品一样。

(3) A student is responsible for ensuring that the student is fully informed about the appropriate methods of acknowledgement for any assessable work that the student submits.

学生有责任确保其充分了解其提交的任何可评估的作业的适当引用方法。

## 8 Collusion 共谋

(1) For the purposes of this instrument, **collusion** means the involvement of more than one person in an instance of academic dishonesty.

就本立法文件而言，**共谋**指一宗学术失信个案中涉及超过一人。

(2) However, it is not **collusion** if:

然而，下列情况不构成**共谋**：

- (a) a person's involvement is unintentional; or  
某人的参与是无意之举；或



- (b) a person collaborates by undertaking work jointly, in accordance with course requirements.

根据课程要求，某人通过共同承担作品的一部分来进行协作。

## **9 Poor academic practice** **不良学术行为**

- (1) For the purposes of this instrument, it is not academic misconduct if a person's behaviour constitutes only poor academic practice.

就本立法文件而言，如果一个人的行为仅构成不良学术行为，则并不构成学术不端行为。

- (2) Subject to subsection (3), it is poor academic practice to fail to conform to the academic integrity principle where that failure is:

除第（3）款另有规定外，如果在下列情况下不符合学术诚信原则，即属不良学术行为：

- (a) excusable due to mitigating circumstances (including personal, emotional, or health-related circumstances);  
or

由于存在可从宽处罚的原因（包括个人、情绪或与健康有关的情形）而可原谅的情况；或

- (b) due to unintended, careless, inadvertent or uninformed behaviour which is excusable.

由于无意的、粗心的、疏忽的或不知情的行为而可原谅的情况。

- (3) Subsection (2) does not apply where:

如果存在下列情况，则第（2）款不适用：

- (a) the failure to conform to the academic integrity principle is severe; or

严重不符合学术诚信原则；或

- (b) there has been repeated similar behaviour.

类似的行为一再发生。

## **PART/部分 3. INTERIM ACTION** **暂时措施**

### **10 Interim exclusion by the Deputy Vice-Chancellor** **由常务副校长作出的暂时停学决定**

- (1) Subject to subsection (2), the Deputy Vice-Chancellor may, by written notice, deny a student in relation to whom an allegation of academic misconduct has been made access to all or any of the facilities of the University, or to any part of the University premises or to any activities conducted by or on behalf of the University.

除第(2)款另有规定之外，常务副校长可以通过书面通知禁止受到学术不端行为指控的学生使用本校的所有或任何设施，进入本校的任何校舍或参与本校主持或代表本校主持的任何活动。

- (2) The Deputy Vice-Chancellor must not deny a student access under subsection (1) unless the Deputy Vice-Chancellor considers that the alleged academic misconduct is of a serious nature.

除非常务副校长认为学生涉嫌的学术不端行为性质严重，否则其不得根据第(1)款做出禁令。

- (3) A denial of access under this section is in force for the period specified in the notice, or until the conclusion of the inquiry process, whichever first occurs.

根据本章作出的禁令，在通知规定的时间内或在调查过程结束前有效，以先到者为准。

(4) If the Deputy Vice-Chancellor exercises powers under this section, the Deputy Vice-Chancellor must, as soon as is practicable, give to the student:

如果常务副校长行使本章所赋予的权力，则必须在切实可行的情况下，尽快给学生提供下列文件：

- (a) a copy of the notice; and  
通知的副本；及
- (b) a written statement setting out the reasons for the action and advising the student that the student has a right to apply for review of the decision under the Appeals Rule.

一份书面声明，列出采取该行动的理由，并告知学生，学生有权根据申诉规则申请对该决定进行复议。

## 11 Exclusion of student from attendance at an examination venue 禁止学生参加考试

(1) If it appears to a responsible person that the academic misconduct has occurred during, or in respect of, an assessment, the responsible person may exclude the student from attendance at that examination venue.

如果在负责人看来，在评估期间已发生学术不端行为或已有与评估相关的学术不端行为发生，则该负责人可以将禁止该学生进入该考场。

(2) The power conferred by this section must not be exercised unless, in the opinion of the responsible person, the exclusion is necessary to preserve order and decorum in an examination venue or to preserve the integrity of the conduct of the assessment.

除非是根据负责人的意见，出于维持考场内秩序和礼仪的需要，或是为了维持评估工作的诚信度，否则不得行使本章赋予的权力。

(3) In this section:

在本章中：

**responsible person**, in relation to assessment, means:

关于评估的**负责人**，指：

- (a) if the conduct occurs at an examination venue, the invigilator; or  
如果行为发生在考场，则为监考人员；或
- (b) the course convenor; or  
课程召集人；或
- (c) the Registrar.  
教务长。

(4) If a responsible person exercises powers under this section in relation to a student, the responsible person must, as soon as possible after the action is taken:

如果负责人针对某位学生行使本章所赋予的权力，那么负责人必须在采取行动后尽快：

- (a) make a report of the decision and the circumstances relating to it; and  
就有关决定及有关情况作出报告；并且
- (b) if the decision is made by a person other than the Registrar, forward the report to the Registrar.  
如决定是由教务长以外的人做出的，则应将报告送交教务长。

(5) The student must be advised in writing of the decision and the reasons for the action as soon as possible after any decision or action is taken in accordance with subsection (1).

在根据第(1)款做出任何决定或处罚措施后，必须尽快以书面通知学生有关决定并告知理由。

## **12 Enrolment not terminated by interim action**

### **相关项目和课程的入读资格不会因暂时的处罚措施而终止**

A student's enrolment is not terminated by action taken under this Part.

相关项目和课程的入读资格不会因为根据本部分规定采取的行动而终止。

## **PART/部分 4. REPORT OF ACADEMIC MISCONDUCT** **学术不端行为报告**

## **13 Alleged academic misconduct**

### **涉嫌学术不端的行为**

(1) For the purposes this instrument, there is alleged academic misconduct if:

就本立法文件而言，出现下列情况则涉嫌学术不端：

(a) in accordance with subsection (2), a person reports a belief that a student may have engaged in academic misconduct; or

根据第(2)款，任何人报告认为某学生可能有学术不端行为；或

(b) in accordance with subsection (3), a course convenor makes a written record of a belief that a student may have engaged in academic misconduct.

根据第(3)款的规定，课程召集人就某学生可能有学术不端行为做出书面记录。

(2) A person (whether or not a member of ANU) who believes that a student may have engaged in academic misconduct must report that belief to the course convenor, supervisor or the Registrar.

认为学生可能有学术不端行为的人（不论是否为澳大利亚国立大学的成员）必须向课程召集人、导师或教务长报告。

(3) A course convenor or supervisor who believes that a student may have engaged in academic misconduct must make a written record of that belief.

课程召集人或导师如过认为学生可能有学术不端行为，则必须以书面形式记录。

## **14 Reference of alleged academic misconduct to the Registrar**

### **将涉嫌学术不端的行为转介至教务长**

(1) A course convenor must refer an allegation of academic misconduct to the Registrar if it appears to be an allegation of:

如被指有下列行为，课程召集人须将针对学术不端行为的指控转交给教务长处理：

(a) academic misconduct in research; or

研究中的学术不端行为；或

(b) academic misconduct in another college; or

其他学院的学术不端行为；或

(c) academic misconduct involving more than one college.

涉及一所以上学院的学术不端行为。

(2) A course convenor may refer any other allegation of academic misconduct to the Registrar.

课程召集人可将任何其他针对学术不端行为的指控转交给教务长处理。

(3) A supervisor must refer an allegation of academic misconduct to the Registrar in all circumstances.

在任何情况下，导师都必须将针对学术不端行为的指控转交给教务长处理。

## **PART / 部分 5. INITIAL REVIEW**

### **初步审查**

#### **15 Allegations of academic misconduct to be reviewed**

##### **针对学术不端行为的指控有待审查**

(1) Subject to subsection (2) and section 16, a course convenor must carry out an initial review of an allegation of academic misconduct.

除第（2）款及第 16 章另有规定外，课程召集人须就针对学术不端行为的指控进行初步审查。

(2) A course convenor is not required to carry out an initial review of an allegation of academic misconduct if the course convenor has referred it to the Registrar under section 14.

如课程召集人已经根据第 14 章将有关针对学术不端行为的指控转交给教务长处理，则课程召集人无需进行初步审查。

(3) Subject to section 16, if the Registrar receives an allegation of academic misconduct, the Registrar must appoint an appropriate review officer to carry out an initial review of the alleged academic misconduct.

除第 16 章另有规定外，如果教务长收到关于学术不端行为的指控，必须任命一名合适的审查员，对针对学术不端行为的指控进行初步审查。

(4) Subsection (3) applies whether:

无论是否为下列情况，第（3）款都适用：

- (a) the Registrar receives the allegation of academic misconduct directly; or  
教务长直接收到针对学术不端行为的指控；或
- (b) the allegation of academic misconduct is referred to the Registrar under section 14.  
学术不端行为的指控是根据第 14 章提交给教务长的。

(5) In this section:

在本章中：

**appropriate review officer** means:

**合适的审查员**指：

- (a) the Associate Dean, in the case of:  
在下列情况下，副院长：
  - (i) a report of academic misconduct across colleges; or  
涉及多学院的学术不端行为报告；或
  - (ii) a report of academic misconduct in relation to research; or  
与研究有关的学术不端行为报告；或
- (b) in any other case, the course convenor.  
在此其他任何情况下，则为课程召集人。

**16 Power of Registrar to initiate inquiry without initial review**  
**教务长在不经初步审查的情况下开展调查的权力**

(1) This section applies if it appears to the Registrar that an allegation of academic misconduct may not relate only to poor academic practice.

如果教务长认为针对学术不端行为的指控可能不仅限于不良学术行为，则本章适用。

(2) Without limiting subsection (1), this section applies if it appears to the Registrar that an allegation of academic misconduct may relate to alleged serious research misconduct.

在不限制第(1)款的情况下，如果教务长认为某项学术不端行为可能涉嫌严重科研不端，则本章适用。

(3) The Registrar may refer the alleged academic misconduct for inquiry under Part 6 without an initial review being conducted.

教务长无须进行初步审查，即可根据第 6 部分要求对涉嫌学术不端行为进行调查。

(4) The Registrar is not required to provide a hearing before forming the view that this section applies to an allegation of academic misconduct or referring the alleged misconduct for inquiry under Part 6 without an initial review being conducted.

教务长无须举行听证会即可确定本章适用于涉嫌的学术不端行为，也可在没有进行初步审查的情况下，根据第 6 部分要求对涉嫌学术不端行为进行调查。

**17 Decision by review officer to terminate the process**  
**审查员决定终止程序**

(1) A review officer may decide not to conduct an initial review for the reason that:

审查员可根据下列理由决定不进行初步审查：

(a) there are not adequate grounds for deciding that the student has engaged in the alleged academic misconduct; or

没有足够的理由判定该学生涉嫌学术不端；或

(b) the review officer considers that it is appropriate that the alleged academic misconduct should be treated as a very minor breach of the academic integrity principle; or

审查员认为，涉嫌的学术不端应被视为轻微违反学术诚信原则的行为；或

(c) the allegation is frivolous, vexatious or not made in good faith; or

这一指控是轻率、无理取闹的或是出于恶意的；或

(d) in the circumstances, it is not appropriate to take further action.

在当前情况下，采取进一步行动是不适当的。

(2) The review officer may decide that the alleged academic misconduct should be treated as a very minor breach of the academic integrity principle only if:

只有在下列情况下，审查员才可以认为涉嫌的学术不端行为应被视为轻微违反学术诚信原则的行为：

(a) the course in relation to which the allegation is made is an introductory or transitional course taken in the first year of the student's undergraduate degree or the first semester of the student's graduate coursework award; and

指控有关的课程是在学生本科学位的第一年或授课类研究生文凭的第一学期所修的介绍性或过渡性课程；并且

- (b) the course outline provides information on academic integrity and states that very minor breaches of the academic integrity principle may result in a reduction of marks of up to 10% of the total marks available for the assessment; and

课程大纲提供了有关学术诚信的信息，并指出，如果出现轻微违反学术诚信原则的情况，可导致相关评估总分扣减最多的 10%；并且

- (c) the breach of the academic integrity principle is a very minor mistake in referencing; and

该违反学术诚信原则的行为是一个很小的引用错误；和

- (d) as part of the course or feedback in relation to the course, an opportunity is provided to learn appropriate academic integrity techniques through individual or group sessions or written educative information.

作为课程或与课程相关的反馈的一部分，学生有机会通过个人或小组活动或书面教育信息来学习适当的学术诚信技能。

- (3) In making a decision under this section, the review officer is not required to conduct a hearing.

在根据本章作出决定时，审查员无须进行听证会。

- (4) If the review officer makes a decision under subsection (1)(b) in relation to a student, the only penalty that may be imposed on the student in relation to the breach of the academic integrity principle is a reduction of marks for the relevant assessment of up to 10% of the total marks available for the assessment.

如果审查员根据第（1）（b）款做出有关学生的决定，则针对学生违反学术诚信原则的行为，唯一可以施加的惩处是扣减相关评估总分的 10%。

- (5) If the review officer makes a decision under subsection (1)(a), (c) or (d), the review officer must tell the Registrar within 5 working days after the day the review officer makes the decision.

如审查员根据第(1)(a)、(c)或(d)款作出决定，则审查员须在做出决定当日起 5 个工作日内通知教务长。

- (6) If the review officer makes a decision under subsection (1)(b), the review office must tell the Registrar within 5 working days after the end of the semester in which the review officer makes the decision.

如审查员根据第(1)(b)款做出决定，审查员须在做出决定的学期结束后 5 个工作日内通知教务长。

## **18 Notification of initial review**

### **初步审查通知**

- (1) If the review officer has not terminated the process under section 17, the review officer must give written notification to the student that an initial review is to be conducted.

如果审查员没有根据第 17 章终止程序，审查员必须书面通知学生将会进行初步审查。

- (2) The notification must:

通知必须：

- (a) provide the substance of the alleged misconduct; and

提供涉嫌不当行为的实质内容；并且

- (b) offer the student the opportunity to be heard; and

给学生表达意见的机会；并且

- (c) be accompanied by:

附带：

- (i) a copy of this instrument; and

- 本立法文件的一份副本；以及
- (ii) a copy of any information provided to support the allegation; and  
为支持指控而提供的资料的副本；以及
- (d) be given to the student:  
在下列时限内提供给学生:
- (i) if the investigation is to be conducted as a result of an allegation being made, within 10 working days after the allegation is made; and  
如果因做出指控而进行调查，则在做出指控后的 10 个工作日；以及
- (ii) in any case, as soon as is practicable.  
无论如何都应尽快。
- (3) The review officer must also notify the Registrar that an initial review is to be conducted.  
审查员还必须告知教务长会进行初步审查。

### **19 Meeting with the review officer 与审查员会面**

- (1) If the student wishes to be heard, the student must advise the review officer within working 5 days after the day on which the student is given the notice.  
如学生希望获得听证会，必须在收到通知书当日起 5 个工作日内通知审查员。
- (2) If the review officer is advised in accordance with subsection (1) that the student wishes to be heard, the review officer must arrange a meeting with the student, to be held within 5 working days after receiving that advice.  
如果学生根据第(1)款告知审查员学生希望听证会，则审查员须安排与学生在接获通知后 5 个工作日内会面。
- (3) The purpose of the meeting is to assist the review officer to decide:  
会面的目的是协助审查员决定:
- (a) whether there is substance to the allegation; and  
指控是否有实质内容；以及
- (b) if there is substance, whether the alleged conduct constitutes poor academic practice or academic misconduct.  
如果有实质内容，那么涉嫌不当行为是否构成不良学术行为或学术不端。
- (4) The review officer must act fairly and give the student a reasonable opportunity to be heard in relation to the allegation.  
审查员必须公平行事，并给予学生合理的机会，让他们就有关指控发表意见。
- (5) At the meeting, the student may be accompanied by another person who may:  
在会议上，该学生可由另一名人士陪同，此人可以:
- (a) observe the proceedings; and  
旁观程序；并
- (b) with the express approval of the review officer, act as an advocate.  
在得到审查员的明确批准后，担任辩护人。

(6) If the student does not advise that the student wishes to be heard, the review officer may determine the matter without further communication with the student and in the absence of any evidence or representation from the student.

如果学生未告知其希望获得听证会，审查员可以在没有与学生进一步沟通的情况下，在没有任何来自学生的证据或陈述的情况下对此事做出决定。

## **20 Decision by the review officer** **审查员的决定**

(1) If, after conducting the review, the review officer decides that there is no substance to the allegation, the matter is concluded and the review officer must inform the student and the Registrar in writing within 3 working days after making the decision.

如果在进行审查后，审查员认为指称并无实质内容，则有关事项即告结束，而审查员必须在做出决定后3个工作日内，以书面通知学生及教务长。

(2) If the review officer decides that the student's conduct constitutes poor academic practice, the review officer must take action under section 21.

如果审查员认为学生的行为构成不良学术行为，审查员必须根据第21章采取行动。

(3) If the review officer decides that the student's conduct may constitute academic misconduct, the review officer must refer the matter to the Registrar.

如审查员认为学生的行为可能构成学术不端行为，审查员须将有关事项转交给教务长处理。

(4) The review officer must, within 5 working days, notify the student and the Registrar in writing of a decision under this section.

审查员必须在5个工作日内，以书面通知学生及教务长根据本章所做的决定。

## **21 Action to be taken if poor academic practice is found** **如果认定存在不良学术行为，则必须采取的行动**

(1) If a review officer decides that a student's conduct constitutes poor academic practice, the review officer must, after giving the student the opportunity to be heard in relation to penalty, take one or more of the following actions:

如审查员认为学生的行为构成不良学术行为，审查员在给予学生就处罚发表意见的机会后，必须采取下列其中一项或多项行动：

- (a) direct the student to resubmit one or more assessment items;  
指示学生重新提交一项或多项评估项目；
- (b) counsel the student;  
为学生提供辅导；
- (c) request that the student make an undertaking to attend academic or other counselling;  
要求学生承诺参加学术或其他辅导；
- (d) reprimand the student;  
训斥学生；
- (e) direct that the student's marks or grade be changed for the assessment.  
指示更改该学生该评估的分数或成绩。

(2) The review officer must, within 5 working days, notify the student and the Registrar in writing of a decision under this section.



审查员必须在 5 个工作日内，以书面通知学生及教务长根据本章所做的决定。

## PART/部分 6. INQUIRY 调查

### 22 Registrar to refer matter to an inquiry officer 教务长将相关事项转交给调查员处理

(1) This Part applies if:

在下列情形下，此部分适用：

(a) the Registrar decides, under section 16, to refer alleged academic misconduct for inquiry under this Part without an initial review being conducted; or

教务长根据第 16 章决定，在不进行初步审查的情况下，根据此部分规定要求对涉嫌的学术不端行为进行调查；或

(b) a review officer refers a matter to the Registrar under section 20(3); or

审查员根据第 20（3）章将某事项提交教务长；或

(c) the Deputy Vice-Chancellor transfers the matter to the Registrar under section 25; or

常务副校长根据第 25 章将该事项转交教务长；或

(d) an inquiry officer refers the matter to the Registrar under section 30.

调查员根据第 30 章将该事项转交给教务长处理。

(2) If this Part applies, the Registrar must, within 5 working days, refer the matter to the relevant inquiry officer.

如果此部份适用，则教务长必须在 5 个工作日内将有关事项转交给相关调查员处理。

(3) In this section:

在本章中：

**relevant inquiry officer** means:

**有关的调查员指：**

(a) the Deputy Vice-Chancellor, if:

在下列情形下，为常务副校长：

(i) the matter has been referred to the Registrar under section 30; or

该事项已根据第 30 章的规定转介至教务长；或

(ii) it appears to the Registrar that the alleged academic misconduct may relate to serious research misconduct (except where the Deputy Vice-Chancellor has transferred the matter to the Registrar under section 25); or

在教务长看来，涉嫌的学术不端行为可能与严重的科研不端行为有关（除非常务副校长已根据第 25 章的规定将此事转交教务长处理）；或

(b) the Dean, if the review officer was the Associate Dean; or

如果审查员是副院长的话，则为院长；或

(c) if it appears to the Registrar that there may have been academic misconduct across more than one college, the Associate Dean of one of the affected colleges; or

如教务长认为有超过一所学院涉嫌学术不端行为，则为相关学院之一的副院长；或

- (d) in any other case, the Associate Dean of the college.

在任何其他情形下，为该学院的副院长。

- (4) The Registrar is not required to provide a hearing before forming the view that the alleged academic misconduct may relate to serious research misconduct.

教务长无须举行听证会，即可认定所指称的学术不端行为可能与严重的研究不端行为有关。

### **23 Decision by the inquiry officer not to conduct an inquiry**

#### **调查员决定不进行调查**

- (1) An inquiry officer to whom an allegation of academic misconduct is referred may decide not to conduct an inquiry for the reason that:

负责调查针对学术不端行为的指控的调查员，可据如下理由决定不进行调查：

- (a) there are not adequate grounds for deciding that the student has engaged in the alleged academic misconduct; or

没有足够的理由判定该学生涉嫌学术不端；或

- (b) the allegation is frivolous, vexatious or not made in good faith; or

这一指控是轻率、无理取闹的或是出于恶意的；或

- (c) in the circumstances, it is not appropriate to take further action.

在当前情况下，采取进一步行动是不适当的。

- (2) In making a decision under this section, an inquiry officer is not required to conduct a hearing.

在根据本章作出决定时，调查员无须进行听证会。

- (3) If an inquiry officer makes a decision under this section, the inquiry officer must, within 5 working days after making the decision:

如果调查员根据本章做出决定，则其必须在做出决定后 5 个工作日内：

- (a) notify the Registrar; and

通知教务长；以及

- (b) give to the student a written notice that:

给学生提供一份包含下列内容的通知：

- (i) sets out the alleged misconduct, and contains copies of any substantive material on which the allegations were made; and

列出涉嫌的不当行为，并包含任何相关实质性资料的副本；和

- (ii) informs the student that the allegations have been considered by the inquiry officer, who has determined that there are not adequate grounds believing that the student has engaged in academic misconduct, or (as the case may be) has determined that the allegation is frivolous, vexatious or not made in good faith.

通知该学生，调查员已经考虑了相关的指控，调查员已经确定，没有足够的理由相信学生从事学术不端行为，或（视情况而定）已经确定，这一指控是轻率、无理取闹的或是出于恶意的。

- (4) An inquiry officer must not make a decision under this section if it appears that there may have been serious research misconduct.

如调查员发现可能存在严重的研究不当行为，则不得根据本章做出决定。

#### **24 Options available to the inquiry officer** **调查员可以采用的选项**

Unless a decision has been made under section 23(1), an inquiry officer to whom an allegation of academic misconduct is referred must:

除非已根据第 23（1）条做出决定，否则负责调查针对学术不端行为的指控的调查员必须：

- (a) decide to take no action; or  
决定不采取行动；或
- (b) decide to meet with the student, if it appears that the student has engaged in poor academic practice; or  
如果学生存在不良学术行为，决定与学生见面；或
- (c) decide to hold an inquiry; or  
决定进行调查；或
- (d) transfer the matter in accordance with section 25.  
根据第 25 章将事项转交。

#### **25 Transfer by an inquiry officer** **由调查员进行转介**

(1) An inquiry officer (other than the Deputy Vice-Chancellor) who is considering an allegation of academic misconduct must transfer the matter to the Deputy Vice-Chancellor if it appears that there may have been serious research misconduct.

审理针对学术不端行为的指控的调查员（常务副校长除外），如果发现可能存在严重的学术不端行为，则必须将此事转交给常务副校长。

(2) The Deputy Vice-Chancellor may transfer a matter to the Registrar if it appears that the matter does not involve serious research misconduct.

如果常务副校长认为某事项并不涉及严重的研究不当行为，则可将该事项转交教务长。

(3) If a matter is transferred to the Registrar under this instrument, the Registrar must allocate the matter to the appropriate inquiry officer in accordance with section 22.

如果根据本立法文件将某一事项转交教务长，则教务长必须根据第 22 章将该事项分配给合适的调查员。

#### **26 Meeting with the student** **与学生见面**

(1) If an inquiry officer decides to meet with a student to discuss poor academic practice, the inquiry officer must first give the student a written notice that:

如果调查员决定与学生见面讨论不良学术行为，调查员必须先以书面形式通知学生：

- (a) advises the student of the name of the inquiry officer; and  
将调查员的姓名告知学生；以及
- (b) sets out the details of the alleged academic misconduct and includes a copy of this instrument and of any materials on which the allegations are based; and

列出涉嫌的学术不端行为的详情，并附上本立法文件的副本，以及相关指控所依据的所有材料；以及

- (c) advises the student that the inquiry officer has decided to meet with the student to discuss poor academic practice; and

告知学生，调查员已决定与学生见面讨论不良学术行为；以及

- (d) advises the student of the date, time and place for the meeting (which must be not less than 5 working days after the date of service of the notice); and

通知学生会面的日期、时间和地点（必须不少于通知送达后 5 个工作日）；以及

- (e) advises the student who to contact if the student needs to arrange an alternative time.

告知学生如果其需要安排一个替代时间的话，应该联系谁。

(2) If, after giving the student the opportunity of meeting with the inquiry officer, the inquiry officer decides that the student's conduct constitutes poor academic practice, the inquiry officer must, after giving the student opportunity to be heard in relation to penalty, take 1 or more of the following actions:

如果在给予了学生与调查员会面的机会之后，调查员认定该学生的行为构成不良学术行为，则调查员必须在给予学生就处罚发表意见的机会后，采取下列 1 或多项行动：

- (a) direct the student to resubmit 1 or more assessment items;

指示学生重新提交 1 项或多项评估项目；

- (b) counsel the student;

为学生提供辅导；

- (c) request the student to make an undertaking to attend academic or other counselling;

要求学生承诺参加学术或其他辅导；

- (d) reprimand the student;

训斥学生；

- (e) direct that the student's marks or grade be changed for the assessment.

指示更改该学生该评估的分数或成绩。

(3) If the inquiry officer decides to take action in relation to the student for poor academic practice, the inquiry officer must, within 5 working days after the day the decision is made, notify the student and the Registrar in writing of the decision.

如果调查员决定就学生的不良学术行为采取行动，则调查员必须在作出决定后的 5 个工作日内，以书面通知学生及教务长有关决定。

(4) To remove any doubt, if, after giving the student the opportunity of meeting with the inquiry officer, the inquiry officer decides that the student's conduct does not constitute poor academic practice, but the inquiry officer believes that the student may have otherwise engaged in academic misconduct, the inquiry officer must report the belief to the Registrar under section 13(2).

为消除任何疑问，如果在给予学生会见调查员的机会后，调查员认定学生的行为不构成不良学术行为，但调查员认为，学生可能另有学术不端行为，则调查员必须根据第 13（2）章将此看法报告给教务长。

**27 Notice of inquiry by inquiry officer**  
**由调查员发出的调查通知书**

(1) If an inquiry officer decides to hold an inquiry into alleged academic misconduct, the inquiry officer must give the student a written notice that:

如果调查员决定就涉嫌的学术不端行为进行调查，则调查员必须给学生提供包含下列内容的书面通知：

- (a) advises the student of the name of the inquiry officer; and  
将调查员的姓名告知学生；以及
- (b) sets out the details of the alleged academic misconduct and includes a copy of this instrument and of any materials on which the allegations are based; and  
列出涉嫌的学术不端行为的详情，并附上本立法文件的副本，以及相关指控所依据的所有材料；以及
- (c) advises the student that the inquiry officer has decided to hold an inquiry into the alleged misconduct; and  
通知该学生，调查员已决定就涉嫌的不端行为进行调查；以及
- (d) advises the student of the date, time and place for the hearing of the inquiry (which must not, without the written consent of the student, be less than 7 working days after the date of service of the notice); and  
通知学生听证会的日期、时间和地点（未经学生书面同意，不得少于通知递送之日起 7 个工作日）；以及
- (e) contains a statement to the effect that:  
包含一份包括如下内容的声明：
  - (i) the purpose of the inquiry is to determine whether there has been academic misconduct by the student and that the inquiry officer may make a finding that there has been academic misconduct; and  
调查的目的是确定学生是否有学术不端行为，并且调查员可能会认定存在学术不端行为；以及
  - (ii) the inquiry will be conducted in an informal manner; and  
调查将以非正式方式进行；以及
  - (iii) the student is entitled to attend in person at the inquiry; and  
学生有权亲自出席调查；以及
  - (iv) if student does not attend at the time and place specified under paragraph (d), the inquiry may proceed in the absence of the student; and  
如果学生没有按照(d)段规定的时间和地点出席，则可以在学生缺席的情况下进行调查；和
  - (v) the student is entitled to present oral statements to the inquiry; and  
学生有权在出席调查时提供口头陈述；和
  - (vi) the student may, in addition to or instead of appearing in person at the inquiry, present to the inquiry written statements in relation to the alleged misconduct (whether made by the student or any other person); and  
除了面谈之外，或是作为面谈的替代做法，学生可以向调查方提交有关涉嫌不当行为的书面陈述（可由该学生或是他人递交）；以及
  - (vii) the student is entitled to be accompanied at the inquiry by another person who may observe the proceedings, but that person must not act as an advocate unless expressly invited to do so by the inquiry officer; and

学生有权由另一名人士陪同参与调查，此人可以旁听调查的过程，但除非调查员明确邀请，否则此人不得作为辩护人行事；以及

(viii) the inquiry officer is not bound by rules of evidence.

调查员不受证据规则的约束。

(2) The inquiry officer must ensure that all documents that are to be relied on at the inquiry are made available to the student.

调查员必须确保在调查中所依赖的所有文件都提供给学生。

## **28 Procedure at an inquiry** **调查时的程序**

(1) At an inquiry by an inquiry officer:

在调查员的调查中：

(a) the procedure to be followed is at the discretion of the inquiry officer; and

所须遵循的程序由调查员酌情决定；且

(b) the inquiry officer:

调查员：

(i) may conduct the inquiries, and have regard to anything, that the inquiry officer considers appropriate; and

可进行调查，并可采用调查员认为适当的任何事项；且

(ii) is bound by the rules of procedural fairness, but is not bound by rules of evidence; and

受程序正义规则的约束，但不受证据规则的约束；且

(iii) must take into consideration any submission made by the student.

必须考虑学生的任何意见。

(2) The hearing of evidence by the inquiry officer may be adjourned from time to time and from place to place.

由调查员进行的证据听证会，可不时及不时地延期并更换场地。

(3) Unless the inquiry officer otherwise directs, a person is not entitled to be present at the hearing unless the person is:

除非调查员另有指示，否则除下列人士之外任何人都无权出席听证会：

(a) the student or the person (if any) accompanying the student; or

学生或陪同学生的人（如有）；或

(b) an administrative assistant to the inquiry officer; or

调查员的行政助理；或

(c) a person giving evidence.

提供证据的人。

(4) An inquiry is not ineffective by reason only of a formal defect or irregularity in the convening or conduct of the inquiry.

一项调查并不仅仅因为其召集或进行的形式缺陷或不规范而失效。

**29 Student's rights at an inquiry**  
**学生在调查时的权利**

(1) At an inquiry, a student may:

在调查时，学生可以：

- (a) appear in person; and  
亲自出席；并且
- (b) call and question witnesses; and  
传唤和询问证人；并且
- (c) make oral or written statements.  
做出口头或书面陈述。

(2) At the hearing, the student may be accompanied by another person who may:

听证会时，学生可由另一名人士陪同，而该另一名人士可以：

- (a) observe the proceedings; and  
旁观程序；并
- (b) with the express approval of the inquiry officer, act as an advocate.  
经调查员明确批准，充当辩护人。

(3) A person nominated and approved under subsection (2) may advise the student in relation to the inquiry and may address the inquiry officer and assist the student in the conduct of the inquiry.

根据第(2)款获提名及批准的人，可就该项调查向学生提供意见，并可向调查员发言并在调查中对提供协助。

(4) If the student fails to attend, the inquiry officer may conduct the inquiry in the absence of the student.

如学生未能出席，调查员可在学生缺席的情况下进行调查。

**30 Decision by the inquiry officer**  
**调查员的决定**

(1) After conducting an inquiry, the inquiry officer may:

进行了调查之后，调查员可以：

- (a) decide that the student's conduct does not amount to academic misconduct and conclude the matter without further action; or  
认定该学生的行为不构成学术不端行为，并终止该事项而不采取进一步行动；或
- (b) decide that the student's conduct does not amount to academic misconduct but does amount to poor academic practice, and take any action referred to in section 21; or  
认定该学生的行为不构成学术不端行为，但确实构成不良学术行为，并采取第 21 章所述的任何行动；或
- (c) decide that the student's conduct amounts to academic misconduct and impose a penalty set out in section 31; or  
认定该学生的行为构成学术不端行为，并处以第 31 条所列的处罚；或

- (d) decide that the student's conduct amounts to academic misconduct of a serious nature, and refer the matter to the Deputy Vice-Chancellor; or

认定该学生的行为属严重的学术不端行为，并将该事项转交给常务副校长处理；或

- (e) if the misconduct involved so warrants, refer the matter to the Registrar for transfer to the Deputy Vice-Chancellor.

如果所涉及的不当行为有正当理由，则应将有关事项提交教务长，以便移交常务副校长处理。

- (2) In imposing a penalty, the inquiry officer may take into consideration penalties imposed previously in the University in similar circumstances.

在施加处罚时，调查员可考虑本校在类似情况下，以往施加的处罚。

- (3) The inquiry officer must give notification of the decision and the reasons for it within 5 working days to the student and, if the inquiry officer is not the Registrar, the Registrar.

调查员必须在 5 个工作日内通知学生有关决定及其理由，并且如果调查员不是教务长的话，则必须通知教务长。

- (4) A notification to the student must include information about the student's right to apply for review of the decision.

给学生的通知必须包括有关学生申请复审决定的权利的信息。

- (5) The Registrar, at the direction of the inquiry officer or of the Registrar's own motion, may, if it appears to be appropriate to do so:

如果教务长认为适当的话，则其可根据调查员的指示或自行：

- (a) publish the decision; and

公告该决定；并

- (b) notify any relevant professional, government or other organisation or agency of the decision.

将该决定通知给任何相关专业人士、政府或其他组织或机构。

- (6) A publication or notification may include the reasons for the decision.

公告或者通知中可包括做出决定的理由。

### **31 Penalty for academic misconduct**

#### **学术不端行为的处罚**

- (1) An inquiry officer who finds, in accordance with this instrument, that a student has committed academic misconduct may take one or more of the following actions:

根据本立法文件，调查员如果发现学生有学术不端行为，则可采取下列其中一项或多项行动：

- (a) order a re-assessment in a program or course to which the alleged misconduct is related (which may include, for example, requiring the student to re-sit an examination for a maximum pass grade of 50% or determining that an alternative form of examination be completed by the student);

下令对涉嫌不当行为相关的项目或课程进行重新评估（例如，可能包括要求学生重新参加考试，其最高考试成绩为 50%，或是决定让学生完成另外一种形式的考试）；

- (b) order that a denial of access imposed under this instrument does not affect the student's academic progress;

下令根据本立法文件施加的禁令不会影响学生的学业进展；

- (c) reprimand the student;



训斥学生；

- (d) award a reduced mark for any piece of assessment;  
针对评估的任何一部分给予分数扣减；
- (e) award a fail mark for any piece of assessment;  
针对评估的任何部分给予不及格评分；
- (f) record a fail ('0') mark for the entire course;  
将整个课程分数记录为挂科（0）；
- (g) determine the conditions under which the student may attend classes or lessons or use any facility or otherwise continue in the student's studies or research program of the University;  
确定学生上课、使用任何设施或以其他方式继续在大学学习或研究项目的条件；
- (h) require the student to undertake relevant research integrity training;  
要求学生参加相关研究诚信培训；
- (i) request an undertaking from the student to attend relevant academic or other counselling;  
要求学生承诺参加学术或其他辅导；
- (j) require the student to make the relevant corrections to the student's research findings or publications;  
要求学生对其研究成果或出版物进行相关更正；
- (k) require the student to apologise or take other action the inquiry officer thinks appropriate with a view to mitigating the effect of the misconduct;  
要求学生道歉或采取调查员认为适当的其他行动，以减轻不端行为的影响；
- (l) suspend the candidature or enrolment of the student in a program of study or course in which the student is admitted or enrolled and prohibit resumption of candidature or enrolment for a period not exceeding 12 months;  
暂停该学生在其学习项目或课程录取或注册的资格或注册，并在不超过 12 个月的时间内，禁止恢复其资格或注册；
- (m) accept an undertaking from the student;  
接受学生的承诺；
- (n) refer the matter to the Deputy Vice-Chancellor for action if it appears to the inquiry officer that the student has previously been found to have committed academic misconduct.

如调查员发现该名学生曾有学术不端行为，则将有关事项转交给常务副校长处理。

(2) If the Deputy Vice-Chancellor is the inquiry officer, or if a matter has been referred to the Deputy Vice-Chancellor under subsection (1)(n), the Deputy Vice-Chancellor may take one or more of the following actions (in addition to, or instead of, any action taken under subsection (1)):

如果常务副校长是调查员，或者如果根据第(1)(n)款将一事项转交给常务副校长处理，常务副校长可在根据第(1)款采取任何行动的之外，额外或是作为替代方式，采取下列一个或多个行动：

- (a) deny the student access to all or any of the facilities of the University or to all or any part of the University premises for a specified period, or to any activities conducted by or on behalf of the University;

在指定期间，禁止学生使用本校的全部或任何设施或大学的全部或部分校舍，或参与本校主持或代表本校主持的任何活动；

- (b) terminate the candidature or enrolment of the student in a program of study or course in which the student is admitted or enrolled and prohibit the resumption of candidature or enrolment;

终止该学生在其学习项目或课程录取或注册的资格或注册，并禁止恢复其资格或注册；

- (c) determine that the student should not be granted the relevant award for the program the student is studying;

裁定该学生不应获得其正在学习的项目的相关文凭；

- (d) recommend to the Council that an award of the University (within the meaning of the Programs and Awards Statute) gained by the student be revoked;

向学术委员会建议撤销学生所获得的大学奖学金（在项目及奖学金条例定义的范围内）；

- (e) exclude the student from the University.

限制该生入学。

(3) An inquiry officer may, in determining any penalty to be imposed on a student, take into account any other finding of misconduct or poor academic practice made in respect of the student and any penalty imposed in relation to that finding.

调查员在决定对学生施加任何处罚时，可考虑就该学生其他不端行为或不良学术行为的任何其他裁定，以及就该裁定施加的任何处罚。

### **32 Student undertakings**

#### **学生承诺**

(1) If an inquiry officer accepts a student's undertaking under section 31(1)(m):

如果调查员接受学生根据第 31(1)(m)款做出的承诺：

- (a) the inquiry officer must ensure that a written copy of the undertaking is provided to the student and the Registrar; and

调查员须确保向学生及教务长提供一份书面的承诺书；并且

- (b) if the student fails to comply with the undertaking, an inquiry officer may impose a further penalty for the academic misconduct.

如学生未能遵守承诺书，调查员可就其学术不端行为施加进一步的处罚。

(2) In imposing a penalty under this section, an inquiry officer may take into consideration the failure of the student to comply with the undertaking and the reasons for that failure.

在根据本章施加处罚时，调查员可考虑该学生是否未能遵守承诺，以及未能遵守承诺的原因。

### **33 Re-enrolment following suspension**

#### **停学之后再次注册**

A person whose enrolment as a student has been suspended may not re-enrol until the person pays any fees owed by the person under the Fees Rule (including late fees) and agrees to comply with any conditions that the Vice-Chancellor may impose in relation to the revived enrolment.

任何已被停学的学生，除非其缴付其根据《学费规则》所欠的任何费用（包括滞纳金），并同意遵守校长就重新注册所施加的任何条件，否则不得重新注册。

**PART/部分 7. APPEALS AND REVIEW**  
**申诉和审查**

**34 Review by the Appeals Committee**  
**由申诉委员会进行审查**

For the purposes of the Appeals Rule, the following are reviewable decisions:

就申诉规则而言，下列是可审查的决定：

- (a) an interim decision to exclude a student under section 10;  
根据第 10 章将学生停学的临时决定；
- (b) a decision that a student has committed academic misconduct;  
学生有学术不端行为的决定；
- (c) a decision to impose a penalty for academic misconduct.  
对学术不端行为施加惩处的决定。

[Note: The Appeals Rule, provides that a person who is affected by a reviewable decision may, within specified time limits, apply for review of that decision.]

【注： 申诉规则规定，受可审查的决定影响的人士，可在指定时限内申请审查该决定。】

**35 Review by the Dean of a finding of poor academic practice**  
**院长对不良学术行为的决定进行审查**

(1) A student may apply to the Dean for review of a decision under this instrument that the student has engaged in poor academic practice.

学生可向院长申请审查根据本立法文件做出的有关学生从事不良学术行为的决定。

(2) An application must be made within 5 working days after the student is notified of the decision.

申请人必须在接获通知后 5 个工作日内提出申请。

(3) After receiving an application:

收到申请后：

- (a) the Dean must provide to the student the opportunity to make submissions, either in writing or, if agreed by the Dean, orally; and  
院长必须为学生提供书面提交意见的机会，如院长同意，也可以口头提交意见；并且
- (b) the Dean must consider a report from the decision-maker, and may consider other relevant material (in which case, a copy of the other relevant must be given to the student, and the student given opportunity to comment on it); and  
院长必须考虑来自做决定者的报告，并可以考虑其他相关材料（在这种情况下，必须将其他相关材料的副本交给学生，并给予学生提供意见的机会）；和
- (c) the Dean must, as soon as is practicable, decide whether to:  
院长必须在切实可行的情况下，尽快决定是否：
  - (i) dismiss the application and confirm the decision; or  
驳回申请，维持决定；或
  - (ii) allow the application, and modify or set aside the decision.

批准申请，并修改或撤销该决定。

(4) A decision, if modified by the Dean, takes effect in the modified form.

如果院长修改了某个决定，该决定将以修改后的形式生效。

(5) The decision of the Dean is final.

院长的决定是最终决定。

## PART/部分 8. MISCELLANEOUS 其他

### 36 Nominees 被提名人

(1) A University official may, in writing, appoint a member of the staff of the University (the *nominee*) to exercise all or any of the official's functions under this instrument (other than this section).

本校官员可通过书面方式委任一名本校职员（**被提名人**），以行使该官员在本立法文件下（除本章之外）的全部或任何职能。

(2) A function exercised by the nominee under the appointment is taken to have been exercised by the University official.

被提名人根据该项委任行使职能，会被视为是由该官员行使了职能。

(3) This section does not prevent the University official from exercising a function in relation which the nominee has been appointed.

本章并不妨碍本校学官员行使被提名人已获委任的职能。

(4) In this section:

在本章中：

**University official** means:

**本校官员**指：

- (a) the Deputy Vice-Chancellor; or  
常务副校长；或
- (b) the Dean; or  
院长；或
- (c) the Associate Dean; or  
副院长；或
- (d) the Registrar; or  
教务长；或
- (e) a course convenor.  
课程召集人。

### 37 Action where there may be a serious health issue 可能有严重健康问题时采取的行动

(1) This section applies where an allegation of academic misconduct has been made in respect of a student and the review officer or inquiry officer considers that the student may have a serious health condition.

学生被指控有学术不端行为，而审查员或调查员认为该学生可能有严重健康问题时，适用本章。

(2) In this section:

在本章中：

**serious health condition** has the same meaning as in the Medical Leave Rules.

**严重健康问题**的定义同病假规则中的定义。

(3) Where this section applies, the review officer or inquiry officer must refer the matter to the Deputy Vice-Chancellor for consideration.

如本章适用，则审查员或调查人员须将有关事项提交常务副校长考虑。

(4) If a matter has been referred to the Deputy Vice-Chancellor under this section, the Deputy Vice-Chancellor may:

如果某事项已根据本条转交给常务副校长处理，常务副校长可做如下处理：

- (a) if the Deputy Vice-Chancellor considers that the student may have a serious health condition, suspend further proceedings under this instrument and refer the student to the Registrar to be assessed in accordance with the Medical Leave Rules; or

如果常务副校长认为该学生可能有严重健康问题，暂停本立法文件下的程序，并将该学生转交给教务长根据《病假规则》作出评估；或

- (b) whether or not the Deputy Vice-Chancellor considers that the student may have a serious health condition, refer the matter back to the review officer or inquiry officer to be dealt with as if this section did not apply.

无论常务副校长是否认为该学生可能有严重的健康问题，都可视作本章不适用，而将问题退回审查员或调查员处理。

### 38 Multiple processes 多个程序

(1) This section applies where it appears that a student has engaged in conduct that:

本章适用于学生存在下列行为的情况：

- (a) may be academic misconduct; and

可能有学术不端行为；并且

- (b) may be misconduct within the meaning of the Discipline Rule.

可能从事了会构成纪律规则定义上的不端行为。

(2) Where this section applies, to enable the discipline process under the Discipline Rule to proceed:

如本章适用，为使纪律规则下的纪律调查程序得以进行：

- (a) a review officer conducting a review under this instrument may suspend that review; or

根据本立法文件进行审查的审查员可暂停该项审查；或

- (b) an inquiry officer conducting an inquiry under this instrument may suspend that inquiry; or

根据本立法文件进行调查的调查员可以暂停该项调查；或

- (c) the Registrar or the Deputy Vice-Chancellor may suspend a process under this instrument.

教务长或常务副校长可根据本立法文件中止程序。

- (3) A review officer, an inquiry officer, the Registrar or the Deputy Vice-Chancellor may recommence the process if the discipline process is completed or if it appears that, in the circumstances, the suspension is not appropriate.

如果纪律调查程序已完成，或在相关情况下似乎不适宜暂停程序，则审查员、调查员、教务长或常务副校长，可重新开始此程序。

### **39 Extension of time** **延长时限**

- (1) The Registrar may extend a time limit under this instrument.

教务长可延长此立法文件下的时限。

- (2) In deciding whether to extend a time limit, the Registrar must take into consideration:

在决定是否延长时限时，教务长必须考虑：

- (a) the reason why the extension is sought; and  
申请延期的理由；以及
- (b) the period of the extension; and  
延长的时间；以及
- (c) the prejudice, if any, which will be caused by the granting of the extension.  
批准延期而可能会引起的侵害。

- (3) An extension must be for no longer than is reasonably necessary.

延期不得超过合理需要的时间。

- (4) The power to extend a time limit may be exercised notwithstanding that the time limit is expired.

即便已经超过了时限，仍可行使延长时限的权利。

### **40 Service of notices etc.** **递送通知等**

- (1) This section applies to a notice or other document that is required or permitted to be served on an individual under this instrument (whether the word 'give', 'notify', 'send', 'tell' or another word is used).

本章适用于根据本立法文件向个人递送通知或其他文件（无论使用“给予”、“通知”、“发送”、“告知”或其他词语）。

- (2) The document may be served on an individual:

文件可通过下列方式递送给个人：

- (a) by giving it to the individual; or  
递送给其本人；或
- (b) by sending it by prepaid post, addressed to the individual, to an address shown in the University's records as the individual's semester address, work address or permanent home address; or

通过预付信件的方式将其寄给此人本人，寄到学校记录中显示的个人该学期地址、工作地址或永久家庭地址；或

(c) by emailing it to:

通过发送电邮到:

- (i) if the individual is a student at the University—an email address provided by the University to the individual; or  
如果此人是本果此人是本校的学生—发至本校提供给该名学生的电邮地址; 或
- (ii) if the individual is not a student at the University—an email address otherwise recorded by the University as the individual's email address.  
如果此人不是本学的学生—则为学校记录中此人的电子邮件地址。

(3) A document served by post on an individual under subsection (2)(b) is taken to have been served on the day it would have been delivered in the ordinary course of post.

根据第(2)(b)款以邮递方式递送个人的文件, 在以正常的邮递方式应该送达当日即被视为已送达。

(4) A document served by email on an individual under subsection (2)(c) is taken to have been served on the day it would have been received in the ordinary course of email transmission.

根据第(2)(c)款以电子邮件递送给个人的文件, 在以正常的电子邮件传送方式应该送达的当日, 即被视为已送达。

#### **41 Repeal etc.** **废止等**

(1) The *Academic Misconduct Rules 2014* are repealed.

2014 年学术不端行为规则特此废止。

(2) To remove any doubt, a reference in a rule, order or other document of the University to the **Academic Misconduct Rules** (whether with or without the year of its making or the year and number of the year of its making) includes a reference to this instrument.

为消除任何疑问, 在大学的规则、命令或其他文件中提及 **学术不端行为规则** (不论是否包含制定该规则的年份或制定该规则的年份和年数) 的, 均指本立法文件。

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