Rates of student disciplinary action in Australian universities

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Although a growing body of research has been conducted on student misconduct in universities, quantitative data on disciplinary action undertaken by institutions against student transgressions are largely absent from the literature. This paper provides baseline quantitative data on disciplinary action against students in the universities. It is concluded that those rates are not insignificant given the effort and resources dedicated to dealing with misconduct and the numbers of students affected. The paper includes limited discussion of reforms to rules and/or practices implied by, or arising from, these figures.

Introduction

This papers reports on rates of disciplinary action occurring in Australian universities. Hitherto the few quantitative studies conducted into university discipline have focused on disciplinary rules and legal standards applying to them (see Berger and Berger 1999; Branch 1971; Duke Law Journal Project 1970; Golden 1982). It appears that there have been no previous quantitative studies of disciplinary action in Australian universities, although other legal studies of university discipline in Australia have been undertaken (Forbes 1970-71; Dutile 1996).

Codes of academic conduct applicable to university students include prohibitions on plagiarism, cheating in examinations, falsification of data, and 'collusion' (or unauthorised collaboration among students). Actions such as falsification of academic records, grades or 'special consideration' documents may fall on the margins of this form of misconduct. Accumulating evidence on rates of academic misconduct among students (Marsden *et al.* 2005; Bennett 2005; Franklyn-Stokes and Newstead 1995; De Lambert *et al.* 2006; Norton *et al.* 2001) has reinforced a picture of high rates of misconduct or 'dishonest' behaviours, although such figures need to be approached with some caution (Lindsay 2008b, p 147). Further, this apparent rise of academic misconduct ought also to be viewed in the historical context of the changing character of disciplinary problems (Lindsay 2008a). Estimates of misconduct derived from survey studies are distinguishable from rates of disciplinary action administered by institutions in response to misbehaviour.

Method

A brief survey instrument was developed and sent to Australian public universities seeking statistical information on incidents and rates of disciplinary action against students. The information sought included data on academic and 'general' (non-academic) misconduct, whether proceedings were conducted at a 'local' (i.e. faculty or school) level or 'centrally,' and numbers of appeals and incidents of summary action. In respect

of academic misconduct cases, information was also sought on whether cases concerned plagiarism, misconduct in examinations, or 'other' misconduct.

The survey was distributed to 27 universities. Seven institutions ultimately provided data, from four States or Territories. Although a limited response rate, the data supplied are sufficient to provide a useful sample of misconduct data. A range of institutions was represented in the sample, including metropolitan and regional, and larger, established (e.g. 'sandstone') universities and newer ones (e.g. post-war or post-UNS). The data collected concerned discipline proceedings in the 2006 academic year.

Results from the survey are summarised in Tables 1 and 2. Each respondent university is identified by letter, from University A to G. Broad types of misconduct – academic or general – are distinguished, and rates of disciplinary proceedings at individual institutions as well as across all respondents' institutions are provided. Rates of proceedings are determined as a proportion of student enrolments (ie as a proportion of individual students), and also as a proportion of Equivalent Full-Time Student Units (EFTSU), the standard sectoral measure for 'student load,' or student enrolment having regard to fractional (or part-time) enrolments. EFTSU is intended to provide a more accurate measure of student demand in the system. A greater disparity between enrolments and EFTSU measures indicates a higher rate of part-time enrolments.

Results and discussion

In 2006, 1606 students in the seven respondent institutions were the subject of disciplinary action, equating to slightly under 1 per cent of all student enrolments at those institutions. This figure refers to students dealt with by hearing at first instance, or (a much smaller number) dealt with by summary action. There may be minor overlap or double-counting between students subject to summary action and those heard before disciplinary authorities, given that summary action may represent a 'holding position' in 'emergency cases' prior to a student proceeding to a hearing of some description. It is not known what proportion of summary cases proceeded to hearing and what proportion were resolved by other means (e.g. student withdrawal, suspension of disciplinary action).

Data provided by University D included patent double counting errors and misinterpretation of the scope of data sought on appeals. For these reasons, data on general misconduct, summary action and appeals from that institution have been discounted for the sake of reliability.

By comparison with de Lambert *et al.'s* (2006) New Zealand study – which quantified rates of formal disciplinary action at New Zealand tertiary institutions at just 0.2 per cent of enrolled students – the situation inferred from the present dataset is that the rate of incidents of formal disciplinary action in Australian universities is several times higher than across the Tasman. If the proportion of students subject to initial disciplinary action were extrapolated to all student enrolments in publicly-funded higher education institutions in 2006, it may be estimated that well nearly 10,000 (9645) students Australia-wide were the subject of disciplinary action in that academic year.

Clearly, this is not an insignificant number of students being investigated and/or sanctioned for misconduct. Additionally it represents a substantial administrative effort on the part of higher education authorities. In particular, it is a substantial administrative effort on the part of University faculties and schools. As can be gleaned from the data, the far greater proportion of disciplinary action occurred in respect of (alleged) academic misconduct, and the overwhelming effort in handling misconduct issues occurred at a 'local' – faculty or school – level. If we leave aside accounting for summary action, nearly nine out of ten allegations of misconduct are handled at the faculty/school level (88.29 per cent) This amount of proceedings does not account for appeal proceedings that, while relatively small in proportion to all proceedings, are generally conducted at a 'central,' university-wide level rather than at a faculty/school level. If disciplinary action conducted at the 'central' level and appeals are taken together, 218 hearings out of a total of 1640 hearings (ie central and local hearings, whether at first instance or on appeal, excluding summary action) were carried out at that level. That is, 13.29 per cent of all hearings were carried out 'centrally,' and conversely more than four-fifths of all hearings (86.7 per cent) were carried out by faculties/schools.

While this dataset indicates overall numbers and proportions of disciplinary action, as well as the preponderant site of the administration of university discipline, it also provides a general indication of the nature of misconduct being handled by institutions. As Table 1 identifies, academic misconduct is far more likely to be at issue in disciplinary proceedings, a figure consistent with the literature on student misconduct. Again

Table 1: Numbers and rates of discipline proceedings, selected Australian universities, 2006

University	*Academic misconduct (local)*	*Academic misconduct (central)*	*Total academic misconduct*	*General misconduct (local)*	*General misconduct (central)*	*Total general misconduct*	*Total misconduct*	*Academic misconduct/ onshore enrolments (%)*	*Academic misconduct/ EFTSU (%)*	*Total misconduct/onshore enrolments (%)*	*Total misconduct/EFTSU (%)*
A	188	17	205	NA	9	9	214	1.17	2.23	1.22	2.63
B	139	5	144	1	1	6	150	0.38	0.50	0.40	0.52
C	425	16	441	27	3	30	471	2.52	3.32	2.70	3.55
D	157	24	181	NA	5	5	186	1.30	1.85	1.34	1.90
E	174	0	174	1	7	8	182	0.44	0.64	0.46	0.67
F	112	49	161	4	0	4	165	0.42	0.58	0.43	0.6
G	190	28	218	0	20	20	238	0.67	0.94	0.73	1.03
All	1385	139	1524	33	45	82	1606	0.77	1.09	0.98	1.38

Table 2: Grounds for disciplinary action and rates of appeal, selected Australian universities, 2006

University	*Plagiarism*	*Plagiarism/ all misconduct (%)*	*Exam misconduct*	*Other*	*Total academic misconduct*	*Appeals (academic misconduct)*	*Summary action*	*Total general misconduct*	*Appeals (general misconduct)*	*Total appeals*	*Appeals/ original proceedings (%)*
A	193	90.19	12	0	205	NA	NA	9	NA	NA	NA
B	114	76.00	4	26	144	1	4	6	2	3	2
C	393	80.70	38	10	441	9	NA	30	3	12	2.55
D	118	16.39	8	55	181	NA	NA	5	NA	NA	NA
E	123	67.58	46	5	174	0	0	8	0	0	0
F	93	56.36	61	7	161	12	0	4	0	12	7.27
G	123	51.68	28	67	218	7	0	20	0	7	2.94
All	1157	53.66	197	170	1524	29	4	82	5	34	2.12

discounting for summary action and appeals, more than nine out of ten (94.89 per cent) discipline proceedings concern academic misconduct.

Table 2 breaks the incidents of academic discipline down still further. In distinguishing cases of plagiarism and examination misconduct from 'other' possible forms of misconduct (e.g. 'collusion', fraudulent application for 'special consideration'), it can be seen that plagiarism is the largest single source of disciplinary action. Nearly three-quarters (72.04 per cent) of all cases at first instance involve allegations and/or findings of plagiarism. An overwhelming majority (75.92 per cent) of cases of academic misconduct involve questions of plagiarism.

The rate of plagiarism as a proportion of disciplinary action, however, varies considerably across institutions, from around 50 per cent of cases to over 90 per cent of cases. Reasons for this disparity may be complex and/or cyclical. For instance, regard may be had to the construction of the meaning of plagiarism under the disciplinary rules, such as whether it incorporates the question of intent (tending to diminish the propensity of plagiarism cases by narrowing the scope of concept) or whether issues of poor academic practice and citation are dealt without outside of the disciplinary framework.

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Plagiarism remains a problematic concept in the academy, and this is a factor that ought to be taken into consideration in interpretation of these figures (see e.g. Goldblatt 2009). Additionally, the impact of public or institutional concern over the issue of plagiarism at a particular point in time may increase the likelihood and/or propensity for plagiarism to be the subject of internal investigation or 'policing.' These factors may be present at some institutions and not at others (or to a lesser degree). No disaggregated data were requested on general misconduct cases. Therefore it is not possible to determine precise reasons for the particular composition of disciplinary issues at that university.

Appeal statistics are reported in Table 2, and these figures are in addition to first instance proceedings. Few students (2.12 per cent) appeal from a finding of misconduct. Just under 2 per cent (1.9 per cent) of students found to have breached academic conduct rules takes the matter on appeal internally. The volume of appeals from general misconduct cases is negligible. The availability of internal appeals or review is commonplace in Australian universities, and it is not unusual for review procedures to require a re-hearing of the original case on the merits (Lindsay 2008).

The seeming low rate of appeal may be considered in relation to several factors. In the first place, rates of use of internal review mechanisms in other administrative contexts suggest that these forms of appeal are not heavily used. In the context of housing decisions in the UK, Cowan and Halliday (2003, p 31) have remarked that 'the level of reviewing activity seems much less than it might be.' Their study investigated internal review applications received by housing authorities, and found that 71 per cent of those authorities have received fewer than five requests in the preceding six months (11 per cent had received no requests), and only 16 per cent had received more than 16 requests. Given the high volume of unsuccessful applications to housing authorities, they hypothesised (Cowan and Halliday 2003, p 31), 'the general take-up rate of rights to internal review seems very low.' They propose various reasons why review rates are low, including poor communication of appeal rights, doubts about the integrity of the review process on the part of applicants, and the length and complexity of the bureaucratic process (Cowan and Halliday, Ch 8).

It may be, however, that the rate of appeals against university disciplinary decisions is not, in fact, low. When compared to rates of administrative appeals to external bodies, either by merits review or on judicial review, the university appeal rate is relatively high. For instance, Wikely and Young (1996, p. 409) have noted that tribunal appeals in UK social security cases are 'fewer than 1 per cent of decisions by adjudication officers.' Cowan and Halliday (2003) found a further significant drop-off in applications for recourse, by way of judicial review, in housing cases: 75 per cent of housing authorities surveyed had no experience of disputes reaching the courts, although housing and immigration disputes represent the two largest sources of judicial review application in the UK (Sunkin *et al.* 1996). Appeals from student misconduct decisions at Australian universities who pro-

vided data in this study range from around 2 per cent to over 7 per cent.

A further factor in the university context may be the construction of appeal rights. In some institutions, recourse is limited to prescribed grounds of appeal. These may be relatively narrow (Lindsay 2008b). Finally, it may be that, where there is a basis for a disputed finding and/or sanction, disciplinary decision-makers at first instance are capable of, and experienced in, making the reasons for the adverse decision explicable to the student. That is to say, following Galligan (1997, p 433), that the original decision-maker demonstrates to the student that the decision is reasonable, even worthy and/or educational, and that his/her 'case has been dealt with properly according to authoritative standards.'

Conclusions

This research provides baseline quantitative data on disciplinary action against students in the universities. The burden of disciplinary action on both students and institutions appears to be significant in the sector.

The further breakdown of data is useful for identifying and indeed confirming forms of misconduct leading to disciplinary action. Prevailing trends in misconduct would appear to be academic transgression, in particular plagiarism. One other important finding, tending to support anecdotal evidence, is that the overwhelming administrative effort in handling disciplinary action is focused at the faculty or school level. Further to this point, there is also a real need to consider concerns over inconsistency and unevenness in decision-making within institutions (see Lindsay 2009, p 334).

The study is not without its limitations, most notably the number of respondent institutions, although the present sample does represent just under one-fifth of all public universities. Other important policy or practical matters are not discussed here, for the sake of space, including the precise nature of plagiarism or the concept deployed by institutions, or whether or not minor infractions of academic rules are dealt with by disciplinary action or by other means (compare Goldblatt 2009). The substantial disparity between students' self-reported rates of 'dishonesty' and formal disciplinary action is not considered here. It is perhaps a topic for further research.

Given the effort required to administer disciplinary schema, a balance needs to be struck between expediency, on the one hand, and justice on the other hand. Further to this point, universities are compelled, to varying degrees, to afford legal rights and protections to students facing disciplinary action. That is to say, forms of administrative justice are applicable, and the standards of justice (in terms of procedural protections) will vary according to differing classes of cases.

The concurrent pressures of case volumes and correct procedural standards suggest that strategies contending with administration of disciplinary systems may include:

- Greater emphasis on preliminary investigation into claims of misconduct, especially plagiarism, prior to any reference to a hearing.
- Streamlining and 'professionalisation' of internal tribunals, including expenditure of greater effort in recruitment, training, continuity and succession of decision-makers on such bodies.
- Greater direction of resources and support for administration of the system to faculties and schools where first instance decisions are made.
- Establishment of feedback, review and reform mechanisms in order to identify systemic issues raised in disciplinary cases (and with a view, ultimately, to reducing rates of misconduct and/or disciplinary action).
- Clarification and/or reform of the concept of plagiarism operating in disciplinary cases

On a wider level, the findings of this research continue to raise important, if not disturbing questions, for the university sector. The data tend to confirm a vast disparity between purported misconduct and disciplinary actions. It may be that such figures undermine notions of the efficacy of disciplinary controls. That is probably a simplistic analysis, however, ignoring the wide range of intentional and non-intentional circumstances in which students fall foul of the rules, as well as what may be contained in the rules. Further, these results tend to confirm that formal disciplinary action, of itself, will likely be incapable of dealing with any 'crisis' in academic conduct. The need for effective disciplinary machinery can only be one part of responding to issues of academic conduct and ethics. A strategy of deploying formal disciplinary machinery against alleged transgressors needs to be aligned with – and probably subordinate to – a wider (re)consideration of ethical practice in the academy.

Bruce Lindsay recently completed his PhD at the ANU College of Law on university decision-making in relation to students.

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