

*Whistleblowers Protection Act 2001*  
**Investigation into an allegation of improper  
conduct within RMIT's School of Engineering  
(TAFE) – Aerospace**

July 2010

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## LETTER TO THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE ASSEMBLY

To

**The Honourable the President of the Legislative Council**

and

**The Honourable the Speaker of the Legislative Assembly**

Pursuant to section 103 of the *Whistleblowers Protection Act 2001*, I present to Parliament the report of an investigation into an allegation of improper conduct within RMIT's School of Engineering (TAFE) – Aerospace.



G E Brouwer

**OMBUDSMAN**

**28 July 2010**

<b>CONTENTS</b>	<b>Page</b>
SECTION 22A STATEMENT	6
EXECUTIVE SUMMARY	7
Introduction	7
Investigation	7
Risk factors regarding Mr Nihal Hana	10
Poor management of SoET	11
Managing risks	12
Other factors	14
BACKGROUND	16
Public interest disclosure	16
Investigation methodology	17
RMIT university	17
School of Engineering (TAFE)	18
Advanced Diploma of Engineering (Aerospace)	18
Teacher and team leader, Mr Nihal Hana	20
INVESTIGATION OF ALLEGATIONS OF CHEATING INCIDENTS AT RMIT'S SCHOOL OF ENGINEERING (TAFE) – AEROSPACE	21
Stress 2 examination, 11 November 2008	21
Aircraft Instrument Fundamentals re-sit examination, 18 June 2009	41
Current situation	46
CONDUCT OF MR NIHAL HANA, TEAM LEADER	49
Gambling activities	49
Significant level of personal debt	50
Possession of a wallet reported lost	50
Other matters	50
DEFICIENCIES IN RMIT OPERATIONS	53
1. Enrolment without meeting pre-requisite requirements	53
2. Amendment to student grades	64
3. Re-sit examinations	66
4. Inappropriate assistance provided to an international student	69
5. Managing and investigating disclosures of corrupt conduct and misconduct by university staff	76
SUMMARY OF RECOMMENDATIONS	84

APPENDIX 1	88
Organisational structure of the School of Engineering (TAFE) as at November 2009	
APPENDIX 2	89
Transcript of events concerning student cheating in final exams 2008	
APPENDIX 3	90
Course overview details (Stress 1 and Stress 2)	
APPENDIX 4	91
Stress questions asked of three students by Ombudsman Victoria	
APPENDIX 5	92
Exam cover sheet (Stress 2 examination, 11 November 2008)	
APPENDIX 6	93
Review by engineering expert of the Stress 2 examination papers and master solutions	
APPENDIX 7	97
Aircraft Instrument Fundamentals (exam cover sheet)	
APPENDIX 8	98
Aircraft Instrument Fundamentals (answer sheet completed by student)	
APPENDIX 9	99
Aircraft Instrument Fundamentals (student A's response)	
APPENDIX 10	100
Amendment to student grades form	

## SECTION 22A OF THE WHISTLEBLOWERS PROTECTION ACT 2001

1. This report is made pursuant to section 103 of the *Whistleblowers Protection Act 2001*. It concerns an investigation into a public interest disclosure about a person who was a public officer when the alleged misconduct occurred and concludes that there is merit in the allegations.
2. Section 22A of the Whistleblowers Protection Act provides that I may disclose, in a report referred to in section 103 of that Act, particulars likely to lead to the identification of a person against whom a protected disclosure has been made if I determine it is in the public interest to do so and if I set out in the report the reasons why I have reached that determination.
3. Having considered the four matters referred to in section 22A(2), I have determined that it is in the public interest to identify the subject of the protected disclosure in this matter by disclosing the following particulars: the subject's name, occupation and personal details. I have made this determination for the following reasons.
4. The public interest served by disclosing those particulars is, first, the need to maintain the standards of education and training provided by education institutions, and second, public safety.
5. I take that view as the report confirms the allegations made in the protected disclosure of improper conduct by a person holding a particular public office. In this instance:
  - the public office involved training students in particular skills, the competence in which is essential for public safety and the lack of competence in which may place members of the public at risk; and
  - the improper conduct involved misusing that office and the powers it provided to him so as to undermine the standards of education provided to those students and, in particular, to assist poorly performing students to improperly obtain qualifications.
6. In addition I also consider that, due to the nature of the abuse of the public office and the potential risk to the public that this abuse may lead to, it is necessary, in the public interest, for the identification of the nature of the particulars and the subject to be disclosed.
7. I do not believe that the public interest identified above can be satisfied by any means other than by identifying the subject of the disclosure and I consider that confidentiality is not appropriate as such a course will not allow the public interest, as earlier identified, to be achieved.

## EXECUTIVE SUMMARY

### Introduction

8. RMIT University was established in 1887 and is one of Australia's original and leading educational institutions. It is the largest dual sector university in Australia, offering both higher education and vocational educational and training programs to a student population of more than 70,000. International students make up 35 per cent of the student body.
9. The Advanced Diploma of Engineering (Aerospace) is provided by RMIT's School of Engineering (TAFE), (hereafter referred to as the SoET). RMIT is only one of two institutions in Victoria and one of a few places in Australia, that offer the advanced diploma program and an articulation pathway into the bachelor program. In addition to domestic students, this program attracts international students seeking to study for a qualification that is externally accredited and recognised nationally.
10. Students who graduate from the two-year advanced diploma program may potentially take up supervisory or management positions in the aviation and aerospace industry and in areas such as technical administration, aircraft operations or aircraft maintenance.
11. In October 2009 I received a disclosure under the provisions of the *Whistleblowers Protection Act 2001*. It was alleged that Mr Nihal Hana, a team leader, academic advisor and teacher in the Advanced Diploma of Engineering (Aerospace) had assisted students enrolled in this program to cheat in their 2008 and 2009 examinations.
12. I determined the disclosure to be a public interest disclosure. That is, I was satisfied that the disclosure shows or tends to show that a public officer or public body has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or public body. Given the questions around the capabilities of students graduating from the advanced diploma program and the subsequent risk to public health and safety of incompetent graduates, I decided to investigate the matter.
13. This investigation raises concerns regarding the risk to public health and safety if the integrity of critical qualifications cannot be assured.

### Investigation

14. Mr Hana had considerable responsibilities within the SoET for delivering the school's aerospace and aviation training programs. This investigation identified that there was little oversight of the work performed and decisions made by Mr Hana.

*The Advanced Diploma of Engineering (Aerospace) is provided by RMIT's School of Engineering (TAFE). RMIT is only one of two institutions in Victoria and one of a few places in Australia, that offer the advanced diploma program and an articulation pathway into the bachelor program.*

*This investigation raises concerns regarding the risk to public health and safety if the integrity of critical qualifications cannot be assured.*

*I have also concluded that Mr Hana did assist students to cheat in two examinations. This resulted in the students achieving marks well beyond their academic ability and allowed them to progress their studies in the advanced diploma and in one instance, to graduate.*

*Senior managers from both Civil Aviation Safety Authority and Engineers Australia who were consulted during the investigation advise that any lack of competency on the part of graduates of this program is a risk to the travelling public using aeroplanes.*

15. I have also concluded that Mr Hana did assist students to cheat in two examinations. This resulted in the students achieving marks well beyond their academic ability and allowed them to progress their studies in the advanced diploma and in one instance, to graduate.
16. In response to my draft report, RMIT's Vice-Chancellor and President 'does not dispute the gravity of these issues'. However she considered that any potential risk to public safety arising from the allegations to be 'greatly overstated'.
17. However, senior managers from both Civil Aviation Safety Authority (CASA) and Engineers Australia who were consulted during the investigation advise that any lack of competency on the part of graduates of this program is a risk to the travelling public using aeroplanes.
18. The investigation outlined in this report involved a detailed examination of Mr Hana's frequent communications with particular students, which were found to correlate with Mr Hana's efforts to gain prior access to examination materials apparently on their behalf. Also identified were the subsequent results of the students concerned, which were unusually good for those students, to the extent that they were not considered, by their teachers, to be feasible given the past poor academic record of those students and their lack of attendance at classes. This view was supported by my own examination of the students' knowledge of the basic principles of their studies.
19. The only reasonable interpretation of the evidence is that Mr Hana inappropriately assisted those students. That is, he assisted them to cheat.
20. Mr Hana who is no longer employed by RMIT vehemently denies these conclusions.
21. Once the allegations of the student's cheating were made, the students were brought before the university's Discipline Board which found that there was insufficient evidence to conclude that the students cheated. However certain matters that were not provided to the Discipline Board indicate that the preparation and prosecution of this disciplinary issue was not conducted adequately.
22. One board member advised that, 'the staff certainly feel that the students were guilty, however, the evidence that convinced them of this fact was not available to us, the board members'. The matters that were not made available to the Board include:
  - The complete notes from the teacher who made the allegation. The notes that were provided were edited to exclude the alleged involvement of the team leader Mr Hana and the fact that he had requested and obtained, a copy of the examination and master solutions from the teacher prior to the examination.



- The full set of the students' examination responses. The set that was made available omitted every second page as only one side of the students' examination papers was photocopied and submitted. In total, nine pages were missing.
  - A transcript of the SoET's interviews with the three students. The board was provided with notes taken following those interviews. Those notes did not record the participants' responses word-for-word but rather interpreted their responses during interview.
  - Key personnel from the SoET involved in making the allegation and in interviewing the three students did not give evidence to or attend the hearing.
23. Despite these omissions, the Vice-Chancellor defended the discipline process advising that it operated according to RMIT Statutes and Regulations and that 'No conclusive evidence was found that the students cheated, that they were assisted to cheat, or that any staff member benefited from assisting students to cheat'. The evidence identified in this report indicates otherwise, including Mr Hana's own evidence that it was likely that the three students did cheat in the Stress 2 examination and, one of the students has admitted having done so.
24. The Vice-Chancellor also advised that 'the Discipline Board is neither an investigatory body nor a judicial mechanism. It cannot solicit evidence such as that examined by the Ombudsman, including telephone records or personal banking details'.
25. However, RMIT's Student Discipline Regulations provides for the Discipline Board hearing a case to 'regulate its own proceeding' and to be, 'not bound by rules or practices as to evidence'. Further, the Regulations allow a discipline board to 'inform itself in relation to any matter in a manner it considers appropriate'. This means that the board could have sought any information it required from the students or elsewhere. It appears that this function is not one which is recognised or acknowledged by RMIT.
26. As to Mr Hana's behaviour, RMIT's Vice-Chancellor responded that in this matter, 'proper university processes were followed' and that:

... staff misconduct proceedings are governed by relevant industrial law and industrial agreements, whereas student conduct is governed by University statute and regulation.

Charging a staff member with corrupt behaviour-which may involve suspension with or without pay-is a serious matter, and sufficient evidence must be available to justify such a course of action. In fact, at this time, the Head of School was in receipt of an allegation, but had scant evidence with which to prosecute a misconduct case under the provisions of the relevant industrial agreement.

*The evidence identified in this report indicates that it was likely that the three students did cheat in the Stress 2 examination and, one of the students has admitted having done so.*

*The board could have sought any information it required from the students or elsewhere. It appears that this function is not one which is recognised or acknowledged by RMIT.*

*Information held by the university that was sufficient to satisfy me that staff assisted cheating had occurred, just as it had also satisfied senior university staff that staff assisted cheating had taken place, was simply not pursued or investigated once the disciplinary charges against the students failed.*

*My investigation established that Mr Hana had substantial debts and a gambling habit. Such personal circumstances, not surprisingly, can accompany the risk of corrupt conduct.*

27. The Vice-Chancellor also stated:
- ... it is true that the alleged behaviour of Mr Hana as described in the draft report is inappropriate and concerning, it is unfair to imply ... that the School management did not take steps to address his professional performance, or that it should somehow have known the full extent of Mr Hana's personal issues.
28. Nonetheless, information held by the university that was sufficient to satisfy me that staff assisted cheating had occurred, just as it had also satisfied senior university staff that staff assisted cheating had taken place, was simply not pursued or investigated once the disciplinary charges against the students failed. This is sufficient to indicate a clear failure to address a serious matter which potentially affected, not only the reputation of the university, but more importantly, the standard of the education provided by the university including the inherent public risk arising from inadequately trained graduates of the university. Simply put, more should have been done by the university to pursue this issue to, at least, prevent future instances.
29. The process for investigating matters involving allegations of corrupt conduct of staff is provided for in RMIT's 2006 Fraud Control Plan. However, as my investigators found, except for the author of the plan, no staff interviewed – including two Pro-Vice Chancellors, the Head of School, the SoET school manager, several teachers and staff in the Academic Registrar's area – were aware of the plan's existence. The Vice-Chancellor contends my criticism in this regard to be 'an unreasonable extrapolation based on anecdotal evidence' and that my criticism is 'overstated'. She said that she '... does not accept that there is a serious lack of understanding around these matters [Fraud Control Plan, Whistleblowers Protection Act] among key staff' and advises that the plan is not a policy.

### **Risk Factors regarding Mr Nihal Hana**

30. The opportunity for corrupt conduct arises where systems are inadequate to identify and prevent it. In this case, my investigation established that Mr Hana had substantial debts and a gambling habit. Such personal circumstances, not surprisingly, can accompany the risk of corrupt conduct.
31. While Mr Hana's personal circumstances were not necessarily apparent to his managers, his behaviour attracted the suspicion of his colleagues. This behaviour included disappearances during the day without explanation; unauthorised private tutoring of a RMIT student; and frequent personal contact with students outside business hours.

32. The fact that co-workers were best placed to notice suspicious conduct in these instances demonstrates the need to ensure staff at all levels of an organisation are encouraged to, and know how to, report such conduct. This is consistent with the purpose of the *Whistleblowers Protection Act 2001*. RMIT staff should be made aware of the Whistleblowers Protection Act and the procedures for making a disclosure.

33. The Vice-Chancellor, however, has expressed the view that:

Mr Hana's conduct – gambling, indebtedness, retaining a lost wallet, having personal mail sent to the University and accessing student address records inappropriately – was gleaned by investigative techniques not available to the employer, such as seizing of telephone records, opening personal mail and searching an office.

34. I do not agree with the Vice-Chancellor's response. Had RMIT determined to investigate the allegation provided to the Head of School, certain information would easily have been available or come to the attention of RMIT. Mr Hana's disappearances during the day and gambling activities were known to some of Mr Hana's colleagues and in my view, should have been known to any attentive supervisor. Also:

- Mr Hana's RMIT desk phone records were available to the university at any time and would have revealed extensive discussions with student A.
- The extent of Mr Hana's indebtedness covering nine financial institutions was revealed in mail which was inappropriately being delivered on a monthly basis to his RMIT address.
- The 'lost wallet' remained unconcealed on Mr Hana's desk for almost 6 months in full view of other staff.

35. The allegations that did come to light were either investigated poorly by the university, or not at all. As a consequence, those staff members who raised concerns were left unsupported and, in some cases, open to Mr Hana's attempts at reprisals.

### **Poor management of SoET**

36. I consider that the SoET was poorly managed and not performing well. A number of issues support this view including:

- the way in which students were allowed to progress through their academic program without meeting pre-requisite requirements
- the capability and competency of students given certain assessment practices employed by the SoET

*The allegations that did come to light were either investigated poorly by the university, or not at all.*

*I consider that the SoET was poorly managed and not performing well.*

*The issues identified in the investigation had the potential to undermine the credibility of the SoET qualifications awarded by the university.*

*I note that the university has taken corrective action in relation to issues which have been identified by my investigation. But this work has largely been prompted by this investigation and I suspect may not have occurred without it.*

*Public sector agencies should ensure they have systemic controls in place to guard against integrity risks. A key element of such controls is to ensure that appropriate checks and balances exist in relation to critical business processes.*

- the provision of dubious assistance to an international student
- the failure to address allegations of misconduct of Mr Hana
- a lack of awareness of corporate processes and protocols
- a culture within the SoET of ad hoc decision-making by staff
- non-compliance with policies and procedures
- a lack of managerial oversight.

37. The issues identified in the investigation had the potential to undermine the credibility of the SoET qualifications awarded by the university. The Vice-Chancellor stated that this statement was an 'overstatement' as the issues raised, while of concern, have been the subject of corrective action within the School. She further stated that there is no evidence that they reflect widespread practice.
38. I note that the university has taken corrective action in relation to issues which have been identified by my investigation. But this work has largely been prompted by this investigation and I suspect may not have occurred without it.

### **Managing risks**

39. To combat risks to the integrity of an organisation, an agency should be mindful of how the conduct of its officers impacts on members of the public. Strategies such as increasing supervision and oversight or minimising the exercise of discretion, should be implemented to mitigate the risks where there is an incentive to try and exert improper influence on a public officer in a position of authority.
40. Additionally, public sector agencies should ensure they have systemic controls in place to guard against integrity risks. A key element of such controls is to ensure that appropriate checks and balances exist in relation to critical business processes. In this investigation it was apparent that staff in the SoET had significant discretion in relation to their particular areas of responsibility. For example, Mr Hana was able to amend students' grades without oversight. Some changes he made were significant, such as, from a fail to a credit or distinction. More formal oversight would have prevented Mr Hana from being able to initiate and take sole charge of implementing these changes.
41. In many instances, while there was a formal requirement for the separation of these roles, RMIT's systems were open to staff acting outside of established policy and procedures. Teachers were able to, and frequently did, by-pass university decisions, policies and procedures or did not obtain the requisite school approval.

42. This investigation has highlighted significant issues at both the school as well as university level relating to poor and inappropriate practices; unauthorised decision-making and poor advice provided; non-compliance with corporate policies and procedures; lack of awareness of proper processes; non-compliance with legislative requirements; and poor management of health and safety issues.
43. I have made a number of recommendations aimed at improving the performance of RMIT, including:
- completing its review of its policies and procedures for ensuring the security of examination papers and solutions and implementing the desired changes within the SoET and the university.
  - revising the procedures of the Discipline Board to ensure its decisions regarding academic misconduct by students are fully informed by all relevant information.
  - finalising as a priority, the re-build of its enrolment on-line system to prevent students from enrolling in courses for which they have not met the pre-requisite subjects.
  - undertaking a comprehensive review of SoET's assessment and examination practices across all programs, and its compliance with university policies and procedures.
44. RMIT has accepted my recommendations and has commenced improvements in a number of areas.
45. In response to my draft report, the Vice-Chancellor provided the following general comment:

RMIT takes very seriously the matters raised in the draft report. It is vital that student assessment is subject to appropriate moderation and systems integrity, that discipline procedures are fair and offer natural justice to all parties and that allegations of student cheating and staff corruption are treated seriously.

RMIT is satisfied that it has the appropriate policies, procedures and systems in place to manage these issues. RMIT also acknowledges that there are important lessons for the organisation raised by this investigation, and this is reflected in comments and the work that has been undertaken since the investigation commenced. While some of these actions were triggered by concerns raised in the course of the investigation, others resulted from separate investigations and from the University's own internal quality assurance systems.

*This investigation has highlighted significant issues at both the school as well as university level relating to poor and inappropriate practices; unauthorised decision-making and poor advice provided; non-compliance with corporate policies and procedures; lack of awareness of proper processes; non-compliance with legislative requirements; and poor management of health and safety issues.*

*RMIT has accepted my recommendations and has commenced improvements in a number of areas.*

## Other factors

46. RMIT has expressed concern to me that some of the issues identified in my report are not directly related to the allegations I received, that is, that Mr Hana inappropriately assisted the students to cheat. For example, the numerous RMIT processes and systems which were identified by me as inadequate, or where policies and procedures were simply not complied with by RMIT staff.
47. However, those issues arose in the course of this investigation and are, in my view, inherently connected with the matters being investigated. Such findings of maladministration allow corrupt conduct to occur and it is important that they are appropriately brought to the attention of the university and the Parliament to provide context to this investigation and its conclusions.





## BACKGROUND

### Public interest disclosure

48. On 17 October 2009 I received a disclosure concerning the conduct of Mr Nihal Hana, a Team Leader at RMIT University (RMIT) within the School of Engineering (TAFE) (hereafter referred to as the SoET). The disclosure related to two specific incidents that occurred in late 2008 and mid-2009.
49. In both incidents it was alleged that Mr Hana, who had access to the examination papers and/or solutions, provided them to one or more students enrolled in the Advanced Diploma of Engineering (Aerospace), (the advanced diploma). It was alleged that the students who received these papers gained marks well beyond their academic ability.
50. The allegations involved the:
  - Stress 2 examination conducted on 11 November 2008
  - Aircraft Instrument Fundamentals re-sit examination conducted on 18 June 2009.
51. Course documentation states that students who graduate from the advanced diploma potentially hold aerospace and aviation supervisory or management positions in: technical administration, aircraft operations, or aircraft mainstream facilities such as maintenance roles. The SoET school manager informed my officers that around 40 per cent of RMIT students who complete the advanced diploma program go on to undertake the Bachelor of Engineering program.
52. A SoET manager and teacher claimed that ‘History tells us that incompetent and poorly skilled people who hold these positions [aerospace and aviation supervisory or management positions] have been critical in the aircraft accident scenarios, often with a great loss of life in General and Commercial Aviation settings...’
53. I determined the allegations to be a public interest disclosure as I was satisfied that the information available was sufficient to show or tend to show improper conduct, as defined in the *Whistleblowers Protection Act 2001* (the Act), particularly corrupt conduct and a substantial risk to public health and safety.
54. The Vice-Chancellor in her response to my preliminary conclusions queried my determination that the disclosure was a ‘public interest disclosure’. The Vice-Chancellor stated that ‘While RMIT does not dispute the gravity of these issues in general, ... any potential risk to public safety arising from the allegations under discussion is greatly overstated’. She also pointed out that graduates commence as juniors under supervision and are not certified to do repairs and, in her view, do not represent a risk to the travelling public. She also stated that, before they can do repair work, they need Civil Aviation Safety Authority (CASA) accreditation and to obtain this, they need to do additional study. In addition, she noted that the advanced diploma qualification is a base entry qualification for progression to a range of para-professional roles.
55. A senior manager from CASA confirmed that graduates from the advanced diploma program may work on aircraft maintenance tasks under the supervision of licensed engineers. However, those students who progress and obtain a Bachelor of Engineering (Aerospace Engineering) – around 40 per cent of students who complete the advanced diploma – are recognised by CASA as *eligible* to be authorised to approve designs of aircraft modifications, maintenance activities and repairs.



56. In relation to the students who may not have achieved their qualifications appropriately such as by cheating, a senior manager from Engineers Australia expressed the following concerns:

... those who didn't go onto the degree, where are they? ... that's the more worrying part because they're out there in practice with this alone as qualification.

57. I consider that the Vice-Chancellor misunderstands the nature of public interest disclosures. They are not based on the consequences of a misconduct, but on whether the misconduct would, if proved, constitute a reasonable ground for dismissing or dispensing with the services of a public officer who was or is engaged in that conduct. A tertiary lecturer who assists his or her students to cheat, whatever the consequences, should be liable to dismissal.

## Investigation methodology

58. During the investigation my office:

- interviewed witnesses
- reviewed telephone records
- examined computer records, including emails
- considered RMIT policies and procedures
- reviewed examination papers completed by a range of students including those students alleged to have cheated
- analysed the master examination solutions
- inspected the work area of Mr Hana at RMIT.

## RMIT university

59. RMIT is Australia's largest dual sector education institution with a total student population of more than 70,000 and has campuses in Melbourne, regional Victoria and in Vietnam.<sup>1</sup> RMIT provides programs on-line, by distance education and at partner institutions throughout the world.

60. The university has the authority to confer degrees, diplomas, certificates and other awards and is also a major provider of vocational education and training (VET) programs.

61. The student population is diverse with 35 per cent of students from outside of Australia. Similarly, 50 per cent of the academic staff are born overseas.

62. RMIT's mission is to '... create and disseminate knowledge to meet the needs of industry and community and foster in students the skills and passion to contribute to and engage with the world'.<sup>2</sup>

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1 See <<http://rmit.edu.au/about>>.

2 RMIT, *RMIT 2010 Strategic Plan*, Melbourne, page 5.

## School of Engineering (TAFE)

63. RMIT offers programs of study in 24 schools across the following three academic colleges:
  - Science, Engineering and Health (10 schools)
  - Design and Social Context (eight schools)
  - Business (six schools).
64. The SoET is located within the Science, Engineering and Health college. It has an establishment of around 140 staff and has almost 21,000 students enrolled in its programs.
65. The college is managed by a Pro Vice-Chancellor and the SoET, by the Head of School.
66. The SoET was established on 1 July 2008 when two former TAFE schools – the School of Aerospace, Mechanical and Manufacturing Engineering and the School of Infrastructure, Electro Technology and Building Services were brought together under a common management structure. The new school was established to service the unique needs of engineering in the TAFE sector and to provide new direction for future consolidation and growth.
67. Within the SoET's structure, like programs and/or areas with common industry linkages, are grouped together under three industry group managers. The managers have around 11 team leaders in total, who report to them. Team leaders manage the respective teaching, learning and administrative functions in each area. A copy of the SoET organisational structure as at November 2009 is in Appendix 1.
68. SoET provides training and education in areas such as:
  - aerospace and aviation
  - mechanical and manufacturing engineering
  - building and construction
  - refrigeration and air-conditioning
  - civil, electronics and electrical engineering.
69. At the time of my investigation, management had commenced a restructure of the SoET. The intention of the restructure was to:
  - refine the management structure to better support the delivery of programs with similar educational qualifications
  - improve capability within the school
  - maximise efficiency and minimise duplication across the departments.

## Advanced Diploma of Engineering (Aerospace)

70. A key study program offered by the SoET is the Advanced Diploma of Engineering (Aerospace). This program provides advanced technical, managerial and supervisory training for technicians and engineers working in aerospace manufacturing, design and maintenance at a para-professional level. The program was developed after extensive consultation with industry representatives to address identified training needs and to establish structured career pathways.

71. The program is designed to develop the necessary aerospace industry vocational skills for work in small, medium and large enterprises as well as in the defence forces. In particular, it is intended to provide students with skills and knowledge of:
- legislative requirements in the aerospace engineering industry
  - aircraft terminology and principles governing aircraft design and flight
  - human factor issues and the role that these play in aviation maintenance
  - how to undertake technical investigations and collect, analyse and validate data
  - occupational health and safety regulations in the mechanical and manufacturing engineering trades environment.
72. RMIT is only one of two educational institutions in the state and one of a few places in Australia that offer aerospace programs. A senior manager from the engineering industry body, Engineers Australia told my investigators:
- ... the aerospace degree ... is to some extent a jewel in the crown ... it attracts a very high quality of school leaver because ... well there's few places offered around the country.
73. I was advised by a Civil Aviation Safety Authority engineer that the students who successfully complete the advanced diploma are known as 'graduate engineers' and are generally considered for such positions in the field of aerospace as avionics engineers, production supervisors, project managers, design supervisors and quality managers. Graduate engineers may work on aircraft maintenance tasks under the supervision of a licensed engineer.
74. Students undertaking the advanced diploma are also required to undertake relevant work experience in the aviation industry for a period of 320 hours. This includes gaining experience in the design, manufacturing and maintenance of a variety of aircraft systems and components.
75. The duration of the program is two years of full-time study (or four years part-time study). Graduates of the advanced diploma may progress to the Bachelor of Engineering (Aerospace Engineering), a four-year program, and apply for credits for recognised prior learning of between one and two years.
76. The advanced diploma is accredited by the Victorian Registration and Qualifications Authority (VRQA) and is therefore a nationally recognised qualification. Accreditation means that the VRQA is satisfied that:
- the aims and learning outcomes of the course and its assessment processes are appropriate
  - the course is likely to achieve its purpose
  - its contents meet national standards specified in the Australian Quality Training Framework (AQTF).
77. These standards assure the community that the specific course provides nationally consistent, high quality training and assessment.

78. The accreditation of the SoET's advanced diploma program expired on 30 June 2010. The Head of School advised my officers that the SoET is currently preparing to seek an extension of the program's accreditation for a further year pending a formal application for re-accreditation for a five-year period.

### **Teacher and team leader, Mr Nihal Hana**

79. In March 2005 Mr Hana commenced employment with RMIT as a teacher in the former School of Aerospace, within the former Science, Engineering and Technology college. He was promoted to Team Leader, Aerospace and Aviation in the SoET in mid-August 2008. Mr Hana obtained a Bachelor of Engineering (Aerospace Engineering) from RMIT in December 2001. As team leader, his key responsibilities included:
- managing the recruitment, selection, work plans, staff development and performance of around 10 teaching staff
  - managing the resourcing of teaching programs including workload allocations, sessional staffing, facilities and timetabling
  - working with the industry manager to deliver innovative teaching materials, products and services to meet the needs of the industry and students
  - ensuring the university quality assurance processes for teaching services are followed in accordance with the AQTF requirements
  - effectively implementing learning and teaching strategies including work-based learning and assessment to meet the needs of students, employees and industry clients, within the school
  - interacting with other organisations external to RMIT, and other teams in the school and university
  - teaching a certain load of courses as specified in his annual workplan.
80. Mr Hana was also the academic advisor for students who undertook the advanced diploma. This required Mr Hana to develop operational strategies with his team to ensure that student recruitment, selection, counselling, recognition of prior learning and student induction was conducted in an efficient and effective manner. Mr Hana also delivered 10 hours per week of classroom teaching.
81. RMIT has in place procedures for the performance management of staff. From mid-2009 Mr Hana was directly supervised by the Head of School given concerns about his performance and general suitability for the team leader role.
82. Mr Hana ceased his employment with RMIT during my investigation. He was required to apply for a position within the new SoET structure referred to previously. His application was unsuccessful and on 10 December 2009 he was made redundant.

# INVESTIGATION OF ALLEGATIONS OF CHEATING INCIDENTS AT RMIT'S SCHOOL OF ENGINEERING (TAFE) – AEROSPACE

## Stress 2 examination, 11 November 2008

### *Background*

83. Three students<sup>3</sup>, students A, B and C sat the Stress 2 (AERO 5400) examination on 11 November 2008 at the Melbourne Aquatic Centre (the centre). Students must pass the subjects Stress 1 and Stress 2 to complete the Advanced Diploma of Engineering (Aerospace).
84. The study of stress is designed to equip students with knowledge and skills in applying the principles of strain, shear, bending, torsion stress, fatigue and design to aerospace engineering structures. Students who successfully complete the stress subject are then able to, for example:
- explain, analyse and perform calculations relating to stresses in joints
  - explain the process of metal fatigue and perform fatigue life calculations
  - research and explain aspects of aircraft design.
85. A senior manager from the Civil Aviation Safety Authority (CASA) told my investigators that stress analysis, in particular, is an important and key competency required in undertaking work in the aerospace and aviation industry. He said:
- Stress calculations are critical as the Australian Aircraft industry has a unique ageing aircraft problem.
- ... [if a student specialises in structures] and there's a major repair that has to be undertaken on a 747, then you know he [the student] needs to have expertise and knowledge about stress and if he doesn't or if he's confused about aspects of that, then there's the potential an unsafe design could be approved and find its way onto an aircraft.
86. The Stress 2 examination was 3 ¼ hours duration and scheduled to run from 9.15 am to 12.30 pm. The subject teacher attended the examination to assist students with any specific queries. The examination was also attended by examination supervisors who are contracted by RMIT to supervise students during the examination as well as to verify students' identities and record attendance on the day.
87. The examination was a 'closed book examination' and two pages of 'Useful Formulae' were provided to students with the examination. Students were permitted to use calculators in the examination.
88. At interview, the teacher stated that the three students arrived around the same time and were about 30 minutes late for the examination.

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<sup>3</sup> Two of the students are Australian citizens and the third is studying in Australia on a Temporary Protection Visa.

89. The teacher stated that upon marking the three students' examination responses she 'was surprised' that the:
- students' responses were very similar, and in some cases identical, to her master copy of the examination solutions
  - students obtained examination marks that the teacher considered to be 'well above' the academic ability of the particular students. The results obtained were student C: 88.5 per cent; student A: 92.8 per cent; and student B: 67.1 per cent.
90. The teacher said that she formed her view about the students' examination marks on the basis that two of the students, student A and B, had failed Stress 1 which was a pre-requisite to Stress 2. The three students had also recently failed two Stress 2 class tests with student B and C achieving marks of 33 per cent and 37 per cent respectively. Student A obtained no marks for one test and did not sit the other.
91. In response to these comments, student B stated:
- ... my overall experience with the subjects has allowed me to do better in my second attempt but just as for most of my 2008 Stress 1 class, the outcome of my second attempt was the result of the 2008 change in the course contents which a problem [*sic*] the school tried to overcome by giving passes to those who obtain 60% in Stress 2.
- As with Stress 2, the reasons I have failed the class tests in 2008 are because I was unaware when I attended the first test that the tests has become a closed book examination.
92. The teacher showed the students' examination responses to three other teachers including the Industry Manager. She said that they all believed that the students had copied the master examination solutions that had been prepared by the subject teacher.
93. The teacher advised the Industry Manager that she was requested by her team leader, Mr Nihal Hana to provide him with a copy of the examination questions and the master solutions in the days leading up to the examination. I note that the examination paper and master solutions consist of one document. The teacher alleged that:
1. Mr Hana provided the examination paper and solutions to one or more students
  2. The students stored the examination solutions in the memory of the calculators they brought to the examination.
94. In response to my draft report, Mr Hana stated, 'I deny that I received the solutions to the Stress 2 Examination at any time, and not in the days leading up to the examination'.
95. In response to these matters, student B responded, 'If [the teacher] suspected me of cheating during the exam, why didn't she challenge me at that time?'
96. At interview on 18 November 2009 the Head of SoET said that he spoke with Mr Hana in December 2008 soon after the alleged cheating incident. The Head of the School asked Mr Hana why he had requested a copy of the examination paper and master solutions from the teacher. The Head of the School said that Mr Hana had responded:

Because I am a team leader, I have a right to get copies of these documents as part of my job ... .

97. In response to my preliminary concerns, Mr Hana stated:

I agreed that their results were surprising and it was likely they had cheated.

... I was of the opinion that it would be extremely difficult to prove they cheated.

### *Investigation of cheating in Stress 2 examination*

98. At interview on 17 November 2009, the teacher stated that Mr Hana had requested a copy of the Stress 2 examination paper and master solutions for 'auditing purposes'. She said that Mr Hana requested this information on three occasions in the days leading up to the November 11, 2008 examination and, that she provided him with a master copy of both the exam questions and the answers. The teacher outlined her concerns about the students' cheating in a report titled 'Transcript of events concerning student cheating in final exams 2008'. The transcript was provided to the Head of the School and the Industry Manager and is included in Appendix 2. At interview with my investigators, the teacher said that her 'suspicions' included:

He [Mr Hana] didn't ask me [for the examination paper and master solutions] in the written formal request. He asked me verbally. I asked him to email, he said he doesn't need to ...'

Because they [student A and Mr Hana] are very close. I mean sometimes I saw them chatting ... I think it's none of my business, however his class performance are absolutely zero as you've seen from the two test results and suddenly caught up 65 out of 70 ...

These three students seemed to use memory storage calculator.

All of them had also failed both of the two class tests with extremely low marks for Stress II [2].

Students who fail the Stress 1 it's very seldom to pass Stress 2, because they don't know the basics.

When I marked for their [sic] final exam papers, I was surprised that [student A's] paper was is [sic] almost the identical copy to the master copy of the exam answer workings and he achieved extremely high marks.

99. In relation to this issue, student B stated, 'I've sat Stress 1 two times and the outcome of my second attempt was far out of my control'.

100. At interview on 24 November 2009 Mr Hana said that as team leader, he has a role to moderate and validate examination papers in compliance with the Australian Quality Training Framework accreditation process for the Advanced Diploma of Engineering (Aerospace) program.



101. RMIT's Moderation and validation of assessment – TAFE procedures aims to ensure that the educational design of a program is validated by checking that the assessment methods and tasks are well-defined and are aligned with the competencies and learning experiences. Specifically, the moderation process ensures assessment activities for new, amended or varied courses are:
- consistent with assessment and learning activities stated in the course guides
  - fair with respect to weighting and timing of assessment across the program
  - clearly specified
  - at an appropriate standard.
102. RMIT procedures outline the approach and the respective timelines to be adopted by teaching staff when moderating and validating assessment tools. The Quality Manager, Policy and Planning Group, stated that as examinations are an assessment tool, they should be reviewed to ensure the elements being assessed in the examination are consistent with the curriculum and will satisfy the learning outcomes specified in the course guide. The aim of this process is to identify any issues with the examination paper which need to be addressed prior to students sitting the examination.
103. At interview on 24 November 2009 Mr Hana stated that he did not:
- request or obtain from the teacher the master solutions, but did request and obtain a copy of the Stress 2 examination paper
  - maintain any records to substantiate the moderation and auditing activity he undertook in respect to the Stress 2 examination paper.
104. In his response to my draft report, Mr Hana stated:
- It is correct that I kept no formal record, ...
105. Mr Hana stated that he had completed the Stress 2 subject as part of his degree about 10 years ago. Further, he would not have the knowledge to complete the examination at this time, unless he undertook some revision of the contents of the examination.
106. At interview on 1 December 2009, Mr Hana provided my investigators with a copy of an extract from his diary dated Thursday 6 November 2008. The entry related to the Stress 2 examination and stated:
- ... I looked at exam paper supplied to me by [the teacher] ... I compared the questions to curriculum requirements such as learning outcomes of assessment criteria. The questions fulfil the requirements in particular in terms of level of difficulty and what is needed to be assessed.
107. Mr Hana provided my officers with several extracts of his RMIT diary covering various weekdays to substantiate his moderation and validation activities. However, the diary extracts he provided contained no other entries relevant to his work at RMIT, other than moderation and validation entries for specific examinations.



108. The Manager, Exams, Awards and Graduations provided the following details for the Stress 2 examination:
- The examination paper was submitted by the teacher via email on 10 October 2008 to 'RMIT Print Services'.
  - A hardcopy of the examination was proof read and approved by a school representative, most likely the teacher in person, on the printer's premises between 10 and 24 October 2008.
  - The examination paper was printed on 25 October 2008.
  - Fifty-six copies of the examination were delivered to the examination venue at the Melbourne Sports and Aquatic Centre on 27 October 2008 where they were securely stored.
109. RMIT's examination policy indicates that once an examination paper is approved by the school the paper is considered 'fully proofed and accurate' and cannot be changed. For the Stress 2 examination paper, this occurred between 10 and 24 October 2008. I note that this was approximately two weeks before Mr Hana states he reviewed the examination paper.
110. At interview, Mr Hana was asked why he had requested and obtained a copy of the examination paper from the teacher just prior to the 11 November 2008 examination date, when it was too late for any changes to be made as a result of his review. Mr Hana agreed it was too late for any changes to be made but stated he did it for 'recording purposes' as the SoET needed to complete this task as part of its accreditation requirements.
111. Mr Hana could not explain how his review would assist the SoET in meeting its accreditation requirements as there was no record kept of what he actually did with the examination paper and solutions. This was further confirmed by Mr Hana saying:

... Sometimes – sometimes ... we can ... Backdate the moderation process ... I can say that on the form we've looked at this exam before the printing date, even if I looked at it an hour before the exam ... This is one of the things we do sometimes ...

There is backdate [*sic*] done in everything.

112. Mr Hana also stated:

I dispute that there was no point in carrying out the moderation process if the exam could not be changed. It is correct that the exam in Stress 2 was sent to the printers before the moderation. However, if there were major mistakes, I would have had the exam amended.

...

I did the moderation process in respect to many examinations after the papers had been sent to the printers.

### *The capability of the three students in undertaking Stress 1 and 2*

113. Students completing the Advanced Diploma of Engineering (Aerospace) must complete Stress 1 and Stress 2. Appendix 3 outlines relevant details for the subjects Stress 1 and 2 taken from the course overview. The overview provides a guide to the relative teaching time and student effort required to successfully complete the subjects. It states that the Stress 1 and 2 subjects are to be presented to students face-to-face over a period of 60 and 80 hours respectively.
114. My officers reviewed the three students' academic and class attendance records for the Stress 1 and 2 subjects. The records confirmed that the three students: A, B and C had experienced difficulties in successfully completing the required assessments for both the Stress subjects, as discussed under the following headings, Students' performance in Stress 2 and Students' performance in Stress 1.

### *Students' performance in Stress 2*

115. The Stress 2 course involves complex mathematical computations. The mode of study as outlined in the course guide is face-to-face class instruction because of the need for students to receive intensive instruction and mentoring. Notwithstanding this, the three students' class attendance was poor. The three students each attended only three of the 17 classes.
116. In response to this issue, student B stated:

I must stress that the class attendance are no [sic] relevant to successfully completing the required assessments for both Stress 1&2. This is proved by the fact that class attendance for these subjects is not compulsory. Whether the course involves "complex mathematical calculations" or not, it can be noticeable that I have passed and even gained higher results in subjects that I have never attended its classes in 2008 [sic]. Examples of these subjects are Aerodynamics 1&2, Aerospace Mechanisms, Aircraft Control, Engineering Support and Intro to Helicopter Aerodynamics in 2009.

117. Student A stated at interview he had attended approximately 14 of the Stress 2 classes and that he just had not signed the class attendance sheet. He said that:

I never – because it was not compulsory or anything I never used to do it.

118. Student C stated at interview:

... I hardly used to go to class ...

...

I did go to a couple of classes ... mainly the revision class ...

... I think as I recall there were two I think [revision classes].

119. The Stress 2 teacher said that student A and the other two students rarely attended class. Her evidence is supported by RMIT's official attendance sheets.

120. At interview the teacher stated that the results achieved by the three students were 'well above their academic capability'. For Stress 2, student C and student B had both previously failed this subject with marks of 12 per cent and 42 per cent in November 2007, respectively. Student B said:

My failure in Stress 1&2 during 2007 was the result of hardship and disadvantages I have experienced and which in fact has been of a medical nature, a condition that the SoET has been neglecting in my case.

121. To ascertain if the students had basic knowledge of the fundamental principles of the stress subject, my officers asked the three students to answer three short questions. The questions were developed by the RMIT teacher. She said that students who had obtained the results achieved by the three students in the Stress 2 examination should be able to answer each of the questions accurately. Appendix 4 lists the questions provided to the three students. The students responded as follows:
- Student C initially refused to answer the questions on the basis that the Stress 2 examination was around one year ago and he would require time to revise the subject. After conferring with his legal representative, he answered the questions. None of his responses were correct.
  - Student A refused to answer the questions.
  - Student B responded correctly to only two of the six questions.

### *Students' performance in Stress 1*

122. The purpose of the Stress 1 subject is to provide training in aerospace engineering structural analysis concepts and computations. The course provides an introduction to the basic tools used in the mechanics of solids, engineering analysis and the development of skills required to apply these to the analysis and design of engineering structures. Stress 1 is a pre-requisite for undertaking Stress 2.
123. The three students' records for Stress 1 indicate that:
- Student B failed Stress 1 in July 2007 and in mid-2008 achieving results of 38 per cent and 10 per cent
  - Student A failed Stress 1 in mid-2008 with a result of 0 per cent
  - Student C achieved a pass of 51 per cent for Stress 1 in 2007.
124. Class attendance by both students A and B was poor. Student A attended nine of the 14 classes for the subject and student B attended once.

### *Arrival of the three students at the examination centre*

125. The teacher recalled that the three students arrived around the same time at the examination centre and at least half an hour after the examination had commenced. Student A said that he travelled by himself to the centre and students B and C travelled together. The exam supervisor completed an incident report and recorded that students B and C arrived at 9.57 am, 42 minutes after the starting time. The report states that the 'Students arrived very out of breath, said car broke down and had run 2 km'.

126. At interview, both students B and C stated that the reason they were late for the examination was that they had difficulty in finding a car park. My officers asked them if their car had broken down. They denied this.
127. Student B stated that he could not recall what he had said to the supervisor on arrival at the examination centre.
128. Student A said that he travelled to the examination on his own. He also stated:

I arrive late to all me [sic] exams.

129. Examination seating is pre-allocated in alphabetical order according to the students' surnames. The three students were seated in a line behind one another in seats numbered 358 (student C), 359 (student A) and 360 (student B).
130. At interview, neither student C nor student B recalled seeing student A. Student A initially said that he did not recall whom he sat next to at the exam but, upon further questioning by my officers, said that he and the other two students sat in a vertical line.
131. When questioned, student A said that he, student C and student B were together at student C's residence in Mill Park the afternoon / night before the November 11, 2008 examination. At interview, student A stated that he was at Mill Park studying in student C's home until 'two in the morning or three'.
132. Telephone call charge records for student A confirm that student A was in Mill Park between 7:16 pm on 10 November 2008 and 2:01 am on 11 November 2008. The phone records for student B place him at Mill Park from 3:00 pm until 10:30 pm on the 10 November 2008.
133. Student A stated at interview that the three students spent the evening before the examination studying from class notes and past examination papers. Student B said:

It is not unusual for a group of students to gather before the examination for the purpose of studying together.

### ***Communications between the students and Mr Hana in the lead up to the 11 November examination***

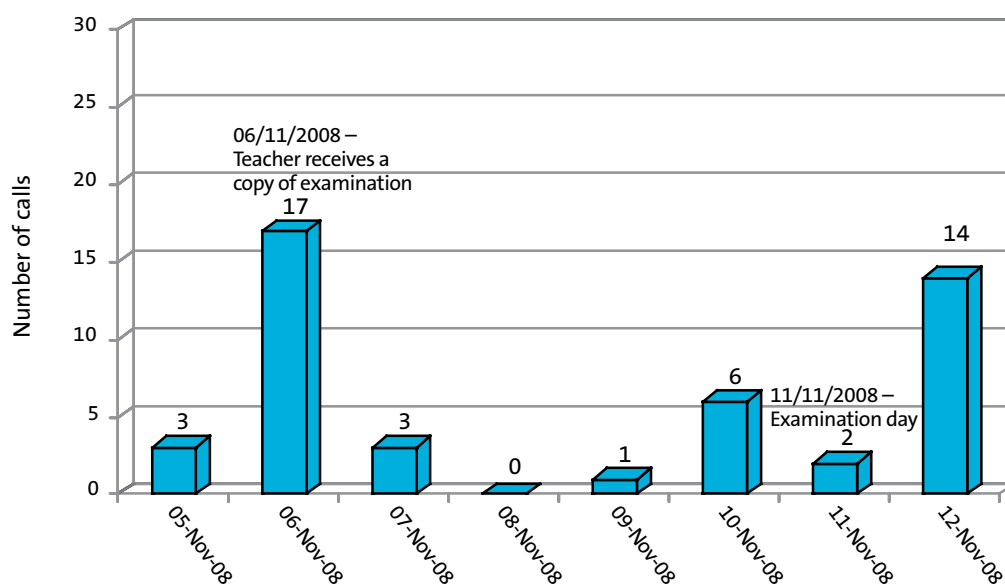
134. I examined the phone call records for Mr Hana's mobile phone, home phone and RMIT desk phone as well as records of the mobile phones belonging to students A and B. I reviewed these records to establish the frequency and timing of contact between the students and Mr Hana.
135. The phone records showed a significant level of communication between Mr Hana and student A leading up to and just prior to the Stress 2 examination, as follows:
- In August to October 2008, Mr Hana called or sent text messages to student A on 31 occasions. Three of the communications occurred outside normal school hours: 6:51 pm, 7:33 pm and 9:26 pm. Student A called Mr Hana six times in this period.
  - During 3 – 10 November 2008, prior to the Stress 2 examination on 11 November 2008, there were a total of 33 calls and text messages between Mr Hana and student A. I note that in relation to these calls:
    - On the 6 November 2008, the day the teacher provided the examination paper and solutions to Mr Hana, 17 communications occurred. Of these, 13 communications occurred in the evening between 7:51 pm and 11:30 pm.

- On 10 November 2008, the night before the Stress 2 examination, Mr Hana called student A from his RMIT desk phone. The call's duration was 4 minutes and 23 seconds.
- Students A and B contacted each other on average once per month in the period, early in 2008 to October 2008. From 5 – 10 November 2008, they communicated with each other 29 times. Ten (or 34.4 per cent) of the calls or texts were made on the 10 November, the day before the Stress 2 examination. Student B said:

... my contacts with [student A] were in regard to our studies, [student A] also have [*sic*] been officially my team member in few different group assessments all through the year and our communication with each other has gradually become more intensive prior to the examinations period as we had to study more intensively. Meanwhile, I have no knowledge of any communication between Mr Hana and any student.

136. The level of communications between Mr Hana and student A is highlighted in Figure 1.

**Figure 1. Telephone communication between Mr Hana and student A in the lead up to the Stress 2 examination on 11 November 2008**



137. In response to my preliminary concerns, Mr Hana stated:

... there is an implication that I have been somewhat sophisticated and made these entries to hide the corruption.

If I had [*sic*] attempting to hide this alleged corruption I would have ensured contact was at a minimum. It was not surprising that there was increased contact close to an exam as students would seek my assistance.

138. At interview, all three students confirmed they knew Mr Hana as both a RMIT teacher and team leader within the SoET.

139. Student A described his relationship with Mr Hana as 'Purely ... school colleague ... student teacher pure ... professional student-teacher' and he stated that he never socialised with him. He said that in the past 12 months, he had spoken to Mr Hana on average once a fortnight, about school work and other matters involving his [student A's] classes:

I've had a few incidents with my personal life that have needed an extension or something on, and I've asked Nihal.

140. Student A was questioned about his relationship with Mr Hana and in particular, why he consulted with Mr Hana who was a team leader and not the relevant subject teacher. Student A responded that the last time he spoke with Mr Hana was when he emailed him in early to mid-November 2009 about a personal issue and that he needed to 'drop all my exams'. Student A stated that he contacted Mr Hana because:

... He was the team co-ordinator ... he was sort of like the main guy.

141. Student A further said that he had only brief discussions with Mr Hana in the smoking area of the RMIT cafeteria – around five times over the past three years.

142. Student A said that he had Mr Hana's mobile number and over the past 12 to 18 months he had:

... probably like spoke to him once or twice in the evenings ... in regards to school.

143. Student A said that Mr Hana had left him a voice mail message, 'once or twice, ... maybe more'.

144. My officers showed student A his mobile phone records that detailed the frequency of his communications with Mr Hana in the period leading up to the 11 November 2008 Stress 2 examination. It was put to student A that the evidence he had provided at interview and under oath, about the communications between himself and Mr Hana was inconsistent with the phone records. Student A responded:

As I said, I tried, you know I got his voicemail heaps. ... He was probably on the same, like – most probably trying to get back to me ... Like, as I said, I didn't really have much contact.

145. Mr Hana stated:

... But the contact was not substantial and the number of calls on the 6th November 2008 were missed calls and not calls where contact was made.

146. Student A stated that he did have some personal issues and Mr Hana understood 'where he was coming from'.

147. Mr Hana said at interview that he had very little contact with the students outside of his classes, specifically:

No. Only at smoking in smoking area. ... That's where they smoke, and we exchange, you know my students, I treat them as friends.

No, no, I just – I'm not his friend [student B]. I meet him at the smoke area. I've come across his [sic] a few times in the past he come across a situation, explain the situation to me, et cetera.

148. In response to these comments, student B said:

Although he never assisted me with my academic problems, Mr Hana never created a problem for me as other staff members did and I feel very sorry that he was treated this way by the school. I have no knowledge whether or not Mr Hana has provided students with exam papers ...

... I also think that Mr Hana was chosen for this allegation because of his Middle Eastern origin which he shares with all the accused persons in this case.

### *Use of calculators in the examination*

149. The students were allowed to use calculators in the Stress 2 examination. At interview, the teacher stated that it was possible that the three students had cheated by using 'programmable calculators' in the examination and storing the master solutions in their calculator memory.

150. RMIT has rules regarding the use of calculators in examinations. Section 8.2.4 of RMIT's Exam Supervisor Manual:

Allows the student to use a non programmable hand held calculator ... Calculators are not permitted unless specified on the front cover of the exam paper. Please inspect calculators to ensure that no writing is noted on the calculator or calculator cover. The Academic or school representative should be present to assist supervisors to clear calculator memory if required.

151. The Student Aerospace Handbook states that only certain calculators are allowed to be used during exams as follows:

... each student will have a scientific calculator or a graphic calculator, [Four specific models stated].

You will only be allowed to bring approved calculators into the exam. Exam supervisors have the right to inspect and confiscate any equipment, including mobile phones ...

152. Student B said that, 'there is no basis for the teacher's claims, using programmable calculator in the exam'.

153. I note that the Exam Cover Sheet for the Stress 2 examination outlines the *Allowable Materials and Instructions to Candidates*. At point 10 it contradicts the above guidelines stating, 'Any types [*sic*] of calculators are allowed'. A copy of the cover sheet is at Appendix 5.

154. However, the teacher said that programmable calculators were not allowed to be brought into the examination. Although she was the SoET's representative at the Stress 2 examination, neither she nor anyone else inspected students' calculators to ensure that only approved models were being used.

### *Prior incidents*

155. There were three prior incidents in mid-2006 where student B was questioned regarding his use of a non-approved calculator. This occurred once in a classroom and twice in examinations.



156. The first incident occurred in mid-June 2006 during an Aerospace Maths 1 examination. The teacher noted that student B was using a calculator that was different to those being used by the other students. This matter was reported to a co-ordinator who agreed that the calculator was not an approved model. The matter was not raised with student B. He obtained a 'pass' for the Maths 1 subject.
157. In a Physics 1 class early in the next semester, student B was advised by the co-ordinator that he could only use an approved course calculator. The co-ordinator asked him to produce his calculator (which was in his bag) for inspection but he refused to do so and became quite agitated. The co-ordinator told my officers that she was unsure of her authority in such matters and warned student B further about his use of calculators.
158. In September 2006 student B's calculator was confiscated by a co-ordinator during the Aerospace Maths 2 examination on the basis that it was not an approved model. My investigators were advised by a co-ordinator that the confiscated calculator was 'more like a mini computer with significantly more capability and power than the approved models'. The co-ordinator stated that RMIT staff did not inspect the memory of the confiscated calculator to determine if there was any inappropriate material stored because they 'did not know how to do it'. Student B failed the examination and achieved an overall result for Aerospace Maths 2 of 25 per cent. He repeated the subject in 2007 and obtained a 50 per cent 'pass' result.
159. Student B was formally advised by RMIT in writing in November 2006, that the failure to follow the university's instructions on approved calculators may be considered a disciplinary matter in future.
160. In response to this issue, student B said:

Also, I did not obtain a "pass" for Math 1 in semester 1 of 2006. I failed the subject in that semester even though I was allowed to use that calculator but as with Aerospace Physics 1, I was given a re-sit for Math 1 exam and the arrangement was made for me during semester 2 to sit the two examinations after I have sat for the end of year exams. This time, I passed the two exams using an early model graphic calculator which I borrowed from the library.

I was never questioned more than once in regard to my calculator. This happened when I was sitting for the Aerospace Math 2 exam in semester 2 of 2006.

### ***Similarities between the examination papers and the master solutions***

161. The teacher corrected the students' examination papers on the afternoon of the examination on 11 November 2008, and the next morning, 12 November 2008. She stated at interview that she immediately noticed there was something 'wrong' with some of the papers. The teacher considered the answers by students A, B and C to be copies of her master solutions and, the marks achieved to be well above the three students' academic capability.
162. She immediately reported her suspicions to the SoET Industry Manager who, in turn, reported the matter to the Head of the School. The Industry Manager also raised the matter with Mr Hana. The students' responses to the examination were also shown by the teacher to two other teachers who were subject-matter experts. She said that they also agreed there were striking similarities to the master solutions.



163. The phone records of the 12 November 2008, the day concerns were raised about the three students' examination responses, identified 14 phone calls between Mr Hana and student A (refer to Figure 1). The first call on that day was at 10.13 am. There were in total six calls made up until 5.51 pm. A further eight calls occurred between Mr Hana and student A from 6.44 pm to 8.05 pm. After the final call at 8.05 pm, Mr Hana did not use his RMIT desk telephone to call student A again until 19 November 2008.

164. In response to these comments, Mr Hana stated:

There is no inference that can be drawn from the number of attempted calls after the exam.

165. The teacher was requested by the Industry Manager to put her allegations in writing. She did this in an email to him, dated 15 December 2008.

166. A comparison of the three students' examination paper responses to each other, the examination master solutions, and a sample of other students' responses<sup>4</sup> showed:

- The responses by the three students were generally very similar and the responses by student B and C were, at times, identical. For example, both students:
  - achieved their worst scores for Question 4, (0/7 and 1/7)
  - used the same formula in their answers despite it being unrelated to the master solution or to the responses given by other students
  - gave identical answers for Question 8(b) which did not resemble the master solution and were incorrect.
- The three students' responses were markedly similar to the master solutions in that:
  - they were set out either in a similar or identical format on the page
  - they closely reflected the step-by-step calculations included in the solutions
  - the other students' calculations did not include all the steps in the master solutions as they used shortcuts or by-passed some steps
  - the responses were primarily mathematical computations, however, the three students included wording in their responses explaining the method they adopted which was either very similar or identical to that in the master solutions. The teacher who prepared the solutions, said that these words were 'her personal notes' made to assist her to formulate the solutions. The words used by the three students were not found within the examination question nor were they evident in the examination responses of the other students.

167. When asked about the above comparisons, the three students could not explain the similarities in responses, other than they had studied in the library together, as well as with other students. Student A also stated:

It's just exactly like [student B] was basically teaching me how to do stress and he got a less mark than me. I can't explain that, no ...

<sup>4</sup> A further three students' examination responses were selected for review. These students achieved 95.7 per cent, 97.1 per cent and 98.5 per cent.

168. In an interview with the SoET in January 2009, student B stated, 'It is a very weird coincidence that the answers are close to the master exam [solutions]'.
169. He also said ... [the] statement in relation to Question 8 [8(b)] proves that I had no access and did not copy the master solution and what you described as 'identical answers' between me and other students do not prove the allegation.
170. The teacher recalled that student A asked her for assistance during the exam. Student A asked her to explain to him the meaning of the term  $N/mm^2$  in Question 3: Torsion of Circular Shafts. At interview, the teacher stated she could not understand why student A raised this question with her as he received full marks for the previous question which also required knowledge of the term  $N/mm^2$ .

*Action taken by RMIT in relation to this matter*

171. Soon after the Stress 2 examination was conducted and student examination papers were corrected, the teacher reported orally to the industry manager her concerns that the three students had cheated and her suspicion that Mr Hana had provided them with the examination paper and master solutions. A decision was made on 21 November 2008 not to input the students' results from the examination into their academic records pending a review of the matter.
172. In mid-December 2008 the Head of School, convened a meeting of a Senior Advisor, People and Culture; the Principal Advisor, Employee Relations, People and Culture; and representatives from the Office of the Academic Registrar to seek advice on how the SoET should proceed with this matter.
173. The advice provided by the Employee Relations advisor to the Head of School, confirmed by email was that:

... there was insufficient evidence to put an allegation of serious misconduct to the Team Leader [Mr Nihal Hana] at that time. ... it was decided to take action against the students first.
174. This advice was provided on the basis of an assumption by People and Culture advisors that the students may provide information as to how they obtained a copy of the master solutions. It was considered that if the students disclosed how they obtained a copy of the master solutions and if that involved Mr Hana, it would provide compelling evidence to support an investigation be taken in relation to Mr Hana.
175. In relation to this issue, RMIT stated that:

... this investigation has provided no confirmed evidence of Mr Hana's guilt in relation to these allegations. In this context, the advice provided by HR was consistent with university policy and reasonable in light of the evidence at hand.
176. To advance this matter, the Head of SoET and the Industry Manager discussed their concerns with each of the three students on 15 January 2009. Notes from the interviews indicate that all three students denied having cheated by gaining prior access to the Stress 2 examination paper and solutions. In addition, the RMIT Student Union reviewed student B's examination response and the master solutions and advised him 'to co-operate and do a re-sit examination'. Student B chose not to take this advice and told those at the January interview that he would not re-sit the examination.

177. The Secretary, Discipline Board was consulted and advised SoET staff:

I agree there is case for misconduct, although it sounds as though there may also be an issue of staff conduct [involving the team leader].

178. On 3 February 2009 the Head of the SoET, via the Academic Registrar, requested that the Discipline Board (the board) consider the students' conduct as the allegation was 'very serious and warranted investigation at the university level'. In the SoET's submission to the Academic Registrar it stated:

The School is of the strong opinion that all three students received access to a copy of the Master exam, which enabled them to prepare for the examination.

179. In its submission to the Academic Registrar, the SoET indicated that:

- a student rights officer, who assisted the students during their interviews with the school, came to the conclusion that there was an improbable similarity between the students' examination scripts and the master solutions
- the school is separately investigating the possibility that a member of staff provided the examination to the students.

180. On 5 March 2009 the board comprising of the Chair and three members interviewed each student separately regarding allegations of academic misconduct pursuant to Section 3(e) of the University Regulation 6.1.1 Student Discipline:

A student will have committed academic misconduct if the student cheats or attempts to cheat by behaving in any manner that is, in the opinion of an officer, intended to provide a misleading basis for assessment.

181. The Industry Manager also attended the hearing.

182. The board dismissed the allegation and determined that the examination results achieved by each of the students for Stress 2 should stand. The members of the board stated that their decision did not mean that there had been no inappropriate conduct by staff or students, but rather that the allegations could not be pursued any further on the available evidence. In their deliberations, the board members noted:

- the link between the students' achievements and their access to a master copy of the examination solutions was not demonstrated
- advice from the school was conjectural and did not demonstrate to the board's satisfaction that misconduct explained the students' achievements in the examination
- the school did not provide compelling information that would substantiate its claim of improper conduct by an officer of the university in providing the solution to the three students
- the written and oral evidence from the students and the school did not provide additional clarification.

183. I was informed by several RMIT staff that they were surprised at the board's decision not to support the allegation that the three students had cheated. The Senior Manager, People and Culture stated in an email to the Head of the SoET:

I am totally flabbergasted with this outcome. We won't be able to raise the issue with the team leader [Mr Nihal Hana].

184. In response to my preliminary findings, a board member stated:

The discipline board makes its decisions based on the evidence before it. In the particular case of the 3 students, the evidence that we, as board members, had to work with was such that we could not have arrived at any other conclusion. In fact it would have been, in my opinion, an egregious travesty of justice if we had found the students guilty based on the evidence provided. It was obvious from the students' behaviour at the board hearing that they were confident they could not be found guilty on the basis of the evidence presented against them. As a board member I cannot look beyond the evidence; I adhere to that time tested principle that there should be a presumption of not guilty until proven otherwise by the evidence.

### *Inadequate support for the Discipline Board process*

185. All cases of student misconduct are dealt with under RMIT's student discipline policy (Statute 6.1) and regulation (*RMIT Student Discipline Regulation 6.1.1*, dated 1995, updated 2002). Student misconduct arises where the student:
- disobeys any reasonable order or direction given by an officer of the university where the officer has reasonable cause to believe that the order was necessary
  - obstructs or interferes with the proper use of any facilities of the university
  - behaves in a manner which is disorderly or detrimental to the interests or good repute of the university
  - harasses or intimidates any person on any grounds
  - wilfully, recklessly or negligently engages in conduct which causes bodily injury to any person
  - cheats or attempts to cheat.
186. Allegations of academic misconduct by students are reported by schools to the Discipline Board (the board). The board is requested to consider the evidence and determine whether allegations are supported and what penalty should apply if appropriate. Penalties include:
- reprimanding the student
  - recording a failure in any assessment session
  - requiring the student to repeat any assessment session
  - cancelling any or all results
  - suspending the student
  - expelling the student
  - imposing any other penalty.

187. RMIT regulation states that discipline boards:
- are established as independent bodies to hear such charges
  - regulate their own proceedings
  - when hearing a case, are not bound by rules or practices as to evidence, but may inform itself in relation to any matter in a manner it considers appropriate
  - observe the principles of natural justice and procedural fairness.
188. All board proceedings are confidential and must comply with requirements of the Information Privacy Act and the Health Records Act.
189. In response to my draft report, the Vice-Chancellor stated that in relation to student discipline, '... the Discipline Board is neither an investigatory body nor a judicial mechanism. It cannot solicit evidence such as that examined by the Ombudsman, including telephone records or personal banking details'. Where staff or student discipline matters have become the subject of a police inquiry, such evidence is obtained by judicial means.
190. However, under the powers and operation of the board outlined in the regulations, the board could request any information it required from the students in order to hear and determine the matter. The Vice-Chancellor's response states that it cannot solicit evidence – this appears to be in contradiction to the regulations governing the board's operations in student discipline matters.
191. The Vice-Chancellor also advised me that as a result of my investigation, RMIT had commenced a review of the Discipline Board regulation.

### *Discipline Board hearing into the November 2008 cheating incident*

192. A board hearing was conducted on 5 March 2009. The board included a senior engineering academic who was not a staff member in the SoET who had knowledge of the academic matters under discussion. The allegation was that the students, students A, B and C 'procured access to the master copy of the examination for AERO 5400 Stress 2. Such behaviour is defined as academic misconduct ...'.
193. The board members and the three students were provided with the following documentation prior to the March 5 hearing:
- *Case summary.* The summary includes a background to the allegation and a recommendation that the board consider the evidence of this matter. The summary is authorised by the Academic Registrar.
  - *Report from the SoET.* The report, prepared by the Head of School, provides a background to the allegation, notes of the school's interviews with the students and the statement from the teacher who disclosed the allegation of cheating and misconduct to the SoET. I note that the teacher's statement was edited to exclude the alleged involvement of the team leader Mr Hana.
  - *The Stress 2 examination completed by the students*
  - *The master solutions*
  - *The students' academic records*
  - *Correspondence between the university and the students to arrange the hearings*
  - *The university's Student Discipline Regulation 6.1.1.*

194. Each of the three students individually appeared before the board. Other attendees included the SoET Industry Manager as a school representative, a Student Rights Officer who supported each student and the board's secretary. Minutes of the board's hearing and its determination were recorded and authorised by the Chairman of the board.
195. My officers reviewed the board hearing, the RMIT student discipline policy, regulations and minutes. I note that other than the broad principles outlined in the regulation above, there were no guidelines governing the processes by which the board operates, including:
- who is the prosecutor in the matter
  - the collection of evidence
  - the required standard of that evidence
  - the role and responsibilities of the respective school personnel
  - the capacity of individuals to request the compliance or cooperation of staff or students
  - who should attend the hearing
  - when information is provided to the board and / or the students (prior to the hearing or at the time of the hearing)
  - the nature of the information to be provided to the students.
196. The review of the board's proceedings identified that it was not provided with comprehensive evidence regarding the allegation of cheating by the students, for example:
- Key personnel from the SoET involved in making the allegations (the teacher of Stress 2) and in interviewing the three students (the Head of School) did not attend the hearing.
  - The board was provided with a copy of the teacher's notes regarding the allegations however the notes had been edited to exclude the alleged involvement of the team leader Mr Hana and the fact that he had requested and obtained a copy of the examination and master solutions from the teacher prior to the examination.
  - A full set of the students' examination responses were not available at the board hearing. Only one side of the students' examination papers was photocopied and submitted to the board. In total, nine pages were missing.
  - The board was provided with the notes taken following the SoET's interview with the three students. These notes did not record the participants' responses word-for-word but rather interpreted their responses during interview.
197. My investigators were told that Heads of School had received no formal training in relation to their responsibilities concerning student disciplinary processes and when to refer matters to the board for consideration.
198. Following my investigation further information came to my attention. On the 10 May 2010, Mr Hana's legal advisor wrote to me and stated:

This afternoon I spoke with [student A] ... I advised him that I did not want to know what he had told the Investigators and that if he told me something he had not told the investigators that they may wish to interview him again. I advised him that I would convey any new information to the Investigators. He said he still wanted to tell what happened.



I asked how he got the questions and answers to the Stress 2 examination and he said that he photocopied them, by using his mobile, when he was in the **staff room on Level 5** [emphasis added]. I asked him if Nihal [Mr Hana] had in any way assisted him and he said “no”.

199. Mr Hana also responded that:

I should also point out at this time that [student A] has recently admitted to me that he obtained access to both: the examination papers and the solutions and he photocopied them on his mobile phone. The **papers and solutions had been left unattended on [the teacher’s] desk** [emphasis added].

... as a matter of fairness I ask that he be re-interviewed.

...

... [student A] ... has admitted that he obtained the Stress 2 questions and solutions **from the staff room** [emphasis added].

It is my submission that it would be a denial of justice if the Investigators do not again interview [student A] to ascertain whether his admissions are correct.

200. In his written response to my preliminary conclusions, student A did not make any admissions regarding the Stress 2 cheating incident.

201. Following the receipt of Mr Hana’s response and the correspondence from his legal advisor, my officer contacted student A and requested that he attend my office for a further interview on 12 May 2010. He agreed, however he failed to attend. A further arrangement was made with student A. Despite agreeing to the interview, he again did not attend.

202. My investigators visited the RMIT SoET on 11 May 2010 and noted that the ‘staff room’ and ‘the teacher’s office’ are at opposite ends of the corridor on level 5. I consider that the information allegedly provided by student A to both Mr Hana and his legal advisor about how and where he obtained the examination paper and solutions is inconsistent with the evidence of the location and therefore, no reliance can be placed on this, particularly bearing in mind his earlier evidence to my investigation. The admission by student A of his possession of the examination and master solutions for cheating purposes is not disputed and is confirmed by the evidence presented in this report.

203. Student C did not provide any comment on my draft report.

204. Student B provided a response to my draft report. He stated:

... your investigation relays [*sic*] mostly on false, unsupported claims made by the SoET...

205. Aspects of student B’s response are outlined throughout this report as appropriate. Student B also provided me with a copy of a Statement of Hardships and Disadvantages that he said he had also provided earlier to RMIT. This statement outlines the circumstances that he claimed affected his academic performance during his study at RMIT.

206. In response to my draft report, RMIT's Vice-Chancellor stated:

The allegation of cheating levelled against the three students named in the report has not been proved. A full Discipline Board considered this matter and found that there was insufficient evidence to conclude that the students cheated. The Ombudsman presents a different view, based on circumstantial evidence (mainly records of telephone contact, which the University under privacy legislation is unable to access, but which in themselves prove nothing about the nature of the communication.) No conclusive evidence was found that the students cheated, that they were assisted to cheat, or that any staff member benefited from assisting students to cheat.

207. However, the Vice-Chancellor does not address why relevant evidence was not presented to the Board such as the complete notes of the teacher who made the cheating allegations.

208. The Vice-Chancellor has also incorrectly asserted that my view that the students did cheat was based on circumstantial evidence, largely because of telephone records which would not have been available to the Board. My conclusions however, have a broader basis and arise, not only from the telephone records; but from the admission of one of the students; from a review of the examination papers; the unusual commonality of their answers and with the model answers; as well as the views of academics who were familiar with their work, including Mr Hana, that their results 'were not feasible'. I also took into account the student's academic record.

209. The Vice-Chancellor also informed me that the university, at the suggestion of my investigators, arranged for an independent engineering expert within RMIT's School of Property, Construction and Project Management 'to assess whether the examination papers submitted by the [three] students suggested that the students had definitely received a copy of the [Stress 2] exam solution and that conclusions of cheating could be reasonably drawn'. A copy of the review is included at Appendix 6.

210. The Vice-Chancellor's response that the expert's review verifies the decision of the Discipline Board raises the following issues:

- The results of the review were only provided to me on the 17 June 2010 and not previously as is contended by the Vice-Chancellor.
- The review does not say what the Vice-Chancellor alleges it does – 'that no such conclusion could be drawn' that the students had definitely received a copy of the exam solution and that no conclusions of cheating could reasonably be drawn. The review states that there was 'no conclusive evidence that they are direct copies' of the master solution. The two concepts are in my view, very different.
- The review speculated as to other bases for the unusual commonality between the answers of the students and his only conjecture was that it is, 'probably possible' that the students learnt their answers by rote.

211. In my view, 'probably possible' is much less than a 'likelihood' and should not be sufficient to reassure the Vice-Chancellor that no cheating occurred, particularly in the light of the matters referred to in this report.



## Aircraft Instrument Fundamentals re-sit examination, 18 June 2009

212. The disclosure to my office provided details of a further incident where it was alleged that Mr Hana had inappropriately provided an examination paper to student A on 18 June 2009.
213. On June 1 2009 student A was one of four students who sat and failed the Aircraft Instrument Fundamentals examination.
214. My investigators were informed by the Teacher, Avionics that student A achieved an examination mark of 34 out of 70 for the subject. Student A also failed to submit two class assignments worth 15 marks each. The assessment for this subject comprised two assignments worth 30 per cent, and the examination worth 70 per cent. After failing the examination student A's total mark for this subject was 34 per cent.
215. Three other students also failed the examination: one failed to sit the examination and two others achieved marks of 27 and 36 out of 70, respectively.
216. It was the teacher's view that all four students had clearly failed the subject and, if they wished to pass, they would need to repeat it next semester.
217. The teacher said that he discussed this matter with his Team Leader, Mr Hana. In a statement dated 24 June 2009 made at the request of the Industry Manager shortly after the incident, the teacher stated:

This matter was discussed with Nihal [Mr Hana] on 11 June 2009. Nihal asked me to let them resubmit their assignment. I replied that this assignment was given to the class two months before the due date and its more than enough time for them to prepare.

After much discussion and consideration, Nihal initiate [sic] to give above 4 students a second chance. He also agreed to my condition that the students must score 50 marks out of 70 marks to pass this re-sit.

218. From this discussion, it was decided that a re-sit examination would be undertaken by the four students, including student A, on 18 June 2009.
219. My investigation identified that during the time that this incident took place it was common practice within the SoET to allow a 'second chance' via either a 're-sit' examination or assessment. RMIT's *Deferred and re-sit assessment policy* states that the purpose of a deferral or opportunity to re-sit:

... a formally scheduled assessment activity or examination is a major concession which may be granted as a result of a special consideration application. The need for such usually arises due to unexpected or extenuating circumstances...

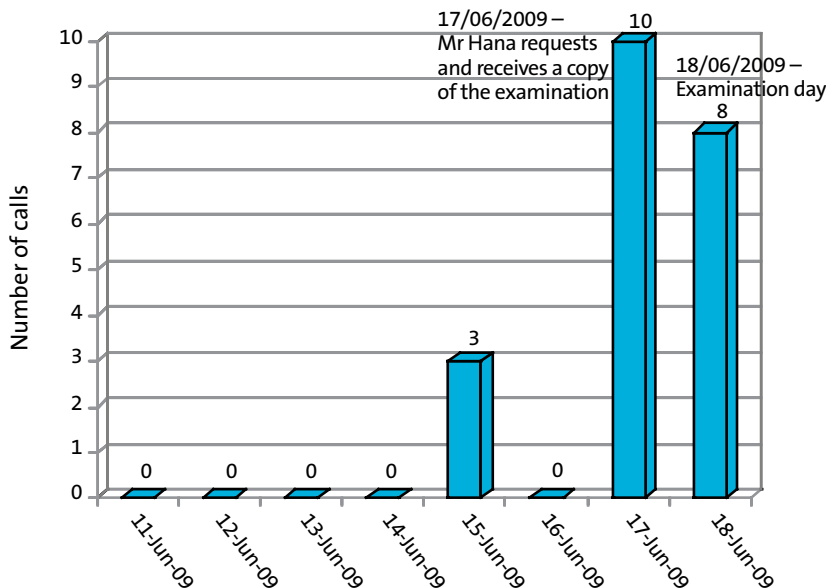
### *Mr Hana obtains a copy of the examination paper before the examination*

220. The teacher stated that at 'about 4.00 pm' Mr Hana requested that he provide a copy of the exam 'urgently for his record'. In his statement to the Industry Manager he reported:

... On 17 June 2009 at about 4.00 pm, Nihal had requested for [sic] my exam papers. I told him that I need [another teacher] to assess my exam paper. He told me that he needs the exam paper (hardcopy and softcopy) urgently for his record. At that moment, I had a bad feeling of why [sic] he needs the exam paper so urgently. As he is my Team Leader, I respect and oblige to [sic] his request with [sic] his trust, I sent him the softcopy the very same day.

221. An examination of Mr Hana's RMIT desk telephone records, his private mobile telephone records and student A's mobile telephone records indicate that at the time Mr Hana made the request to the teacher for a copy of the examination (on 17 June 2009, refer below), Mr Hana was in regular contact with student A.
222. The telephone records revealed that during the week before this request, from 10 June to 16 June 2009, Mr Hana and student A called each other on four occasions. On 17 June 2009, the day before the re-sit examination, the first contact between them was a text message from student A to Mr Hana's mobile phone at 4.16 am. Mr Hana retrieved this message at 2.54 pm that afternoon. A short time later at 3.27 pm, Mr Hana called student A from his RMIT desk telephone. That call lasted for almost two and a half minutes.
223. Student A sent Mr Hana another text message at 4.09 pm. RMIT records show that Mr Hana received an electronic copy of the examination paper at 4.23 pm from the teacher with an electronic 'Read Receipt' attached. A receipt was automatically returned to the teacher when Mr Hana opened this email containing the examination paper. The teacher told my investigators that he wanted to record everything because he did not understand why Mr Hana 'urgently' needed a copy of his examination.
224. My officers asked Mr Hana whether he asked the teacher for a copy of the re-sit examination the day before. Mr Hana stated:
- No, I don't recall.
225. Records show that the 'Read Receipt' was automatically sent at 5.44 pm on 17 June 2009, indicating the time when Mr Hana opened the teacher's email. At 5.44:57 pm, Mr Hana's RMIT desk telephone records show that he made a call to student A's mobile telephone. This call lasted one minute and 44 seconds. The records indicate this call was their last contact for that day.
226. In response Mr Hana said, 'I also have no reason to dispute that I opened the email at 5.44pm. I cannot recall when I spoke to student A, but I have no reason to doubt that it was at 5.44.57.'
227. The following Figure 2 shows the level of communications between Mr Hana and student A leading up to and on the day of the re-sit examination. Of the 8 communications between Mr Hana and student A on the 18 June 2009, Mr Hana initiated five communications and student A, three. Two of the communications occurred in the period student A was allegedly undertaking the examination. Six communications occurred following the examination with the last one at 6.01 pm.

**Figure 2. Telephone communication between Mr Hana and student A leading up to and on the day of the Aircraft Instrument Fundamentals re-sit examination, 18 June 2009 (a)**



(a) Of the ten communications on the 17 June 2009, Mr Hana initiated two and student A eight. Student A sent the first communication, a text message to Mr Hana at 4.16 am.

228. In response, Mr Hana said, 'Once again, if I was involved in this alleged cheating, I would not have had such contact with student A.'

#### ***The re-sit examination, 18 June 2009.***

229. On 11 June 2009 the teacher emailed the four students outlining the details of the re-sit examination and requesting the students call him when they arrived at the reception area on 18 June 2009. I note that student A's phone records do not indicate that he called the teacher on the 18 June 2009, as requested in the teacher's email.
230. The teacher states that on the morning of the exam at 9.00 am on 18 June 2009, two students contacted him from the SoET reception area. The teacher met them there and advised them they should wait for the other two students until 9.30 am (the examination was scheduled to start at 9.15 am). Student A was one of the two remaining students yet to arrive.
231. The teacher stated that he waited with the two students at reception until 9.30 am. He then left reception and took the two students to the Avionics Laboratory to conduct the examination. The teacher stated that after the two students finished the examination, he returned to his desk. He stated on his return to his desk Mr Hana asked:

Where were you, didn't you know student [student A] was looking for you?

232. He also stated that student A was at the reception 'since 9 am'. The teacher stated that he informed Mr Hana:

How could he not able [*sic*] to see me at the reception with the 2 students between 9.00 to 9.30 am.

233. The teacher was advised by Mr Hana that he had printed a copy of the examination (the one provided by the teacher in the email) and given it to student A who '... is now in the conference room'. The teacher stated that he went straight to the conference room and student A was not there. The teacher stated that on the way back to his desk he located at the reception the examination paper completed by student A. The teacher said:

I took it and marked his paper immediately. To my surprise, he scored 67 out of 70 marks and be comparing [*sic*] to his first sitting that was 34 out of 70.

234. The teacher stated he 'felt uneasy to [*sic*] this score' and raised the issue of student A's examination score with Mr Hana immediately. The teacher stated that Mr Hana advised him to input student A's mark as '50'. The teacher refused to do so and advised Mr Hana's manager of his concerns.

235. In response, Mr Hana said:

I printed out the exam paper that had been given to me by [the teacher]. I removed their bags, checked their calculators, and monitored them on a continuing basis.

236. I note that student A's student records were later amended to record a pass and a score of 50 for this subject. I have been unable to establish who authorised the amendment to the student's academic record because of an absence of relevant records.

237. At interview with my officers student A stated he obtained a substantially better mark in the re-sit examination (34 to 67 out of 70) because he studied 'very hard'. RMIT class attendance records indicate that student A only attended two of the 14 Aircraft Instrument Fundamentals classes.

238. The fourth student did not attend the re-sit examination.

239. At interview on 24 November 2009, Mr Hana denied that he assisted student A to cheat in this examination. He stated that:

He [student A] was waiting at the reception area ... I ask him, 'What's happening here?' He said, 'I've got a re-sit exam'.

... the student, he came to the exam, to the sorry, to the room, the teacher wasn't there. The teacher wasn't there. The student waited outside the reception for about, I think, from half-an-hour to one hour, outside the reception, waiting for the teacher; the teacher couldn't find him.

240. Mr Hana stated that, as he could not find the teacher or the other students, he printed the examination paper provided to him by the teacher the day before (which did not include the examination cover sheet) and took student A to a nearby room to allow him to complete the examination.

241. Student A stated that the 2 ¼ hour examination took him:
- Like, 15 or a bit longer, maybe 20 minutes.
242. My officers confirmed that the examination paper provided to Mr Hana by the teacher on 17 June 2009 via email, was the examination completed by student A on 18 June 2009.
243. Unlike the other two students who completed the re-sit examination, student A's examination responses submitted on 18 June 2009 did not include an 'Exam Cover Sheet' explaining the 'Allowable materials and instructions to candidates'. A copy of the relevant cover sheet is provided in Appendix 7. Student A's responses also did not include an appropriate 'Answer Sheet' as required by point 4 in the examination instructions. The exam was multiple choice and Mr Hana allowed student A to submit his responses by circling the relevant option for each question instead of using the appropriate answer sheet. Extract copies of the examination completed by one of the other two students and that completed by student A are presented at Appendices 8 and 9.
244. Notwithstanding the inconsistencies in the timing of student A's sitting of the examination, a review of Mr Hana's RMIT desk telephone records show that his telephone received 'answered' telephone calls at 9.06 am, 9.07 am, 9.12 am, 9.21 am and 10.31 am.
245. At 10.15 am, student A's mobile phone made a call to another mobile phone that lasted six minutes and 16 seconds. I note that Mr Hana called student A from his desk phone at 10.57 am and 10.59 am. Mr Hana's work desk is located through the SoET's security doors and is some distance from the reception area. This leads to considerable doubt as to whether the student was supervised.
246. Mr Hana stated, '... the suggestion that I did not monitor them [student A] is incorrect'.

***Action taken by RMIT in relation to this matter***

247. The Head of School was advised orally of the details of the potential cheating incident involving the 18 June 2009 re-sit examination by the Industry Manager. At interview, he told my investigators he said:
- [Industry Manager], look , Ok, go and investigate it, get the evidence, and I said, if we've got a case, let's go for it, I said, but I tell you, if you haven't got all the evidence I am not going through all that crap again with HR. I, I've had that. If you haven't got a watertight case, just forget it.
248. No further action was taken on this matter as the industry manager determined there was insufficient evidence to investigate the allegation.
249. During my investigation, the Head of School sourced from RMIT records the original statement made by the teacher and read it for the first time. The Head of School stated at interview that he now believes there was sufficient evidence contained in the teacher's statement to have taken the matter further at the time, and, had he known the strength of the evidence, he would have taken more action:
- I'm more shocked about the second one [cheating incident] to be honest because after seeing that information, and I didn't see it and when I read it the other day I thought gee, how did this get through the loop.
250. He also stated that '... [the Industry Manager] had this document and did not present it to [him]'.

## Current situation

251. At the time of this investigation, the three students were at various stages in the completion of the Advanced Diploma of Engineering (Aerospace). Student C graduated from the program in March 2009 and had commenced the Bachelor of Engineering program; student A was planning to graduate from the Advanced Diploma in mid-2010. I have been informed that student A has not re-enrolled at RMIT. In mid-December 2009 student B applied to graduate from the advanced diploma program.
252. The Vice-Chancellor has advised that progression to the Bachelor of Engineering is not automatic and that entry is subject to academic performance. I note however that the academic performance of the students in question clearly does not reflect their natural ability, but was according to the Head of the School and teaching staff, 'well above their academic ability,' and in my view, achieved in part by cheating.
253. RMIT, prompted by my investigation, advised that it has conducted a further review of those students who had not successfully passed Stress 1. As a result 12 students were identified including student B. Eight students had earlier graduated from the advanced diploma program. Student B was advised he was not eligible to graduate.
254. To rectify the assessment gap, a five-day intensive Stress 1 training program and examination was conducted in January 2010. Students were not required to pay course fees for this program.
255. I was informed by the Head of School in March 2010 that six students including student B attended the intensive Stress 1 program. Of the six students, two were currently undertaking RMIT's Bachelor degree program, three students were still enrolled in the advanced diploma program (including student B) and one student had graduated and left RMIT. All students passed the intensive Stress 1 program.
256. The Head of School stated that the '... school is rectifying the results and gaps in training to support the requirements for the qualification effected'.
257. The Vice-Chancellor stated that the SoET has already reviewed the results of students enrolled in the Advanced Diploma of Engineering (Aerospace) with a specific focus on courses supervised by Mr Hana and has ensured the where there were deficiencies in assessment, that these students have been reassessed.

## Conclusions – The cheating incidents

### *Stress 2 examination, 11 November 2008*

258. I am satisfied that students A, B and C were inappropriately provided with a copy of the master solutions to the Stress 2 examination by Mr Hana. I consider that this action resulted in the three students cheating in the 11 November 2008 examination. The evidence identified leads me to conclude that the students have committed academic misconduct and behaved in a manner that deliberately provided a misleading basis for assessment by obtaining a copy of the examination in advance from Mr Hana.
259. I consider that a relationship beyond one of teacher-pupil existed between Mr Hana and student A during 2008 and 2009. The level and timing of telephone communications between Mr Hana and student A provide clear evidence of such a relationship.



260. The three students' poor academic record in completing the Stress courses and their lack of attendance at classes further support the conclusion that the results achieved in the examination were well beyond their demonstrated academic ability and lead me to the conclusion that they were achieved by cheating.
261. The answers provided on oath by students A and B and Mr Hana on the level and frequency of communications between themselves is clearly inconsistent with the telephone call records.
262. In response to my preliminary conclusions Mr Hana said:

... I deny assisting any student to cheat.

The Investigators have given no weight to the fact that I had failed each of the students in subjects that I taught them.

It is not clear what is the improper relationship that is being alleged to exist between myself and [student A]. I helped him as he had many personal problems. We had considerable contact.

***Aircraft Instrument Fundamentals Re-sit examination, 18 June 2009***

263. Mr Hana was instrumental in advocating for student A and the three other students who had failed the Aircraft Instrument Fundamentals examination. Instead of following RMIT's established 'special consideration' processes, I consider that Mr Hana pressured the teacher into allowing the students, including student A, a 'second chance'.
264. I am of the opinion that on the 18 June 2009 the following circumstances and situations existed:
- a relationship beyond one of teacher-pupil existed between Mr Hana and student A
  - there were excessive communications between student A and the teacher leading up to the examination
  - Mr Hana rang student A immediately after receiving a copy of the examination from the teacher
  - Mr Hana was untruthful when he said that the teacher and the other two students were not in the reception area to collect student A for the re-sit examination
  - there was a lack of compliance with examination policy and procedures relating to supervision of examinations and adhering to examination protocols.
265. I also consider that student A's habit of arriving late for his examinations provided Mr Hana with an opportunity to assist student A to cheat.
266. Student A's 95.7 per cent mark for the examination was not consistent with his previous failure in the subject's examination; his failure to submit two assignments; or his attendance at only two of the 14 classes for the subject.
267. There is no evidence that student A was appropriately supervised and actually completed the re-sit examination on the 18 June 2009 at the SoET.
268. The circumstances of this matter lead me to conclude that Mr Hana acted corruptly in assisting student A to cheat in the examination.



269. My investigation did not establish what, if any benefit Mr Hana obtained by assisting student A. I note that Mr Hana and student A denied having a relationship with each other throughout 2008 and 2009 that went beyond one of teacher-pupil. Both were unable to provide my officers with a satisfactory explanation for the frequency of telephone communications between them.
270. In response to my draft report, student A stated:
- [this document does not include] statements against [the Industry Manager] and [the teacher] about how he [sic] was [sic] very prejudice and against my religious being (muslim)
- I believe that the document is a load of conspiracy (civil) between me and my colleagues.
271. In response to my draft report, the Vice-Chancellor stated that university policies, processes and systems are subject to continuous review and improvement. All policies, procedures and guidelines are subject to five yearly reviews and are reviewed earlier if the need arises.
272. As a result of my investigation, I was advised by the Vice-Chancellor that on 3 December 2009, the Vice President Resources approved a review of systems governing staff access to and amendment of student grades and student records. It is envisaged that further improvements will strengthen and maintain the control framework. The School of Engineering TAFE was to be given a particular focus by the review following my investigation and improvements are in the process of being implemented.
273. In addition, RMIT advised that as a result of the investigation, examinations in all School of Engineering TAFE programs are now controlled via a central process consistent with RMIT academic policies and procedures. Master copies of the exam assessment are kept under security by the teacher and access to prepared examinations must be approved by the divisional or school manager. Training on this has been and continues to be conducted within the School.

## Recommendations

I recommend that:

### Recommendation 1

RMIT as a priority, complete its review of its policies and procedures for ensuring the security of examination papers and solutions and implement desired changes within the SoET and the university.

#### *RMIT's response*

RMIT agrees that this is an important issue. Action has already occurred to address this issue, and further work is in train.

### Recommendation 2

RMIT revise the procedures of the Discipline Board to ensure its decisions regarding academic misconduct by students are fully informed by all relevant information.

#### *RMIT's response*

RMIT has no disagreement with the substance of this recommendation and has commenced a review of the Discipline Board regulation and reports annually on the operations of the board.

## CONDUCT OF MR NIHAL HANA, TEAM LEADER

274. The responsibilities of all RMIT staff are outlined in a range of RMIT policy and procedural documents which are provided to staff when they commence employment with the university and attend an induction session. Relevant material is also summarised in RMIT staff employment contracts.
275. The stated intentions of RMIT policies and procedures are to ensure ethical and professional conduct by staff and, provide equal educational opportunity for students.
276. Key policies include:
- *General responsibilities of staff*
  - *Code of ethics*
  - *Conflict of interest/Outside activities*
  - *Confidentiality of student records*
  - *Electronic communications*
  - *Personal relations between staff and students.*
277. During the investigation, my officers undertook an inspection of Mr Hana's RMIT desk, workspace and computer records. They located evidence that indicated Mr Hana was not conducting himself in a manner consistent with his obligations to the university.

### Gambling activities

278. At interview, several RMIT officers gave evidence that Mr Hana 'at times disappeared during work hours'. Mr Hana stated that he visited gambling venues before work, after he finished work and in between breaks at RMIT. In interviews with my investigators, Mr Hana provided inconsistent responses about his gambling activities:
- on 24 November 2009 he stated:  
  
... I gamble probably once or twice in my lifetime. That's it.  
  
... It's against my beliefs so I don't gamble.
  - on 1 December 2009:  
  
... I've gambled occasionally ... I've never been a gambler before. I started I think 2007, 2006 probably, 2006. I'm not a professional gambler ... It's only machines, that's all I play, that's all, nothing else. I've never played in the Crown.  
  
Each one [cheque received as proceeds for his winnings] about, you know, it depends if it's - sometimes \$1,000, 200, 300, 500 sometimes \$3,000, yeah. ...  
  
I find it [the matter] very personal and very private ... I don't classify machines as being gambling although its part of gambling.
  - in May 2010 in response to my preliminary conclusions, Mr Hana admitted that he gambled.

## Significant level of personal debt

279. During the inspection of Mr Hana's RMIT desk on 27 November 2009, my officers found 31 letters addressed to Mr Hana at his RMIT work address. The envelopes were not marked 'personal' or 'confidential'.
280. The correspondence primarily comprised monthly credit account statements from nine different financial institutions, recording an outstanding amount due by Mr Hana of more than \$80,000.
281. At interview, Mr Hana said that he used his credit cards to finance his gambling activities and for other living expenses.
282. The Head of School stated that Mr Hana's use of RMIT's postal address for personal mail was 'unacceptable'.

## Possession of a wallet reported lost

283. During the inspection of Mr Hana's RMIT desk my investigators found a wallet that did not belong to Mr Hana. It contained personal records such as driver's licences and credit cards as well as details of the name and address of another person.
284. At interview, Mr Hana stated he found the wallet 'a few months back' on the footpath outside the RMIT building in Carlton. He could not offer an explanation as to why he had taken no action to locate the wallet's owner.
285. My officers located the owner of the wallet who advised that:
  - the wallet was lost at the Crown Casino on 7 June 2009; a parking ticket in the wallet was dated 7 June 2009
  - at the time the wallet was lost, it contained cash of around \$40 to \$50, and personal records.
286. Mr Hana's mobile phone records indicate that his mobile phone was being used in the vicinity of the Crown Casino (Southgate) on 7 June 2009 at about the time the wallet was lost.

## Other matters

287. My investigators also found that Mr Hana had tutored a RMIT student without obtaining appropriate prior approval and, had incurred minor breaches in the use of RMIT information technology systems. Specifically Mr Hana had on one occasion, accessed the university's student records for private purposes. In relation to this matter, Mr Hana advised my investigators that 'he knew [the] address, it was just for fun'. He also advised that he had not been made specifically aware of RMIT requirements about the appropriate use of IT facilities.

## *Conclusions – Conduct of Mr Nihal Hana*

288. As a team leader and academic advisor for the advanced diploma program, Mr Hana held a responsible position which required him to deal with student and course issues, make decisions, and liaise with teachers, school management and industry partners. There was little oversight over the work performed and decisions made by Mr Hana, and ad hoc decisions were being made without regard to university policy and procedure.

289. Generally the financial circumstances and gambling habits of a public officer are not matters that need to be disclosed to, or dealt with by a public sector body. However Mr Hana's substantial level of debt and his gambling activities before, during and after work are clear indicators that he was an officer who was vulnerable to corruption.
290. I am concerned that his conduct ought to have drawn attention to the risk he presented to RMIT. The conduct found during my investigation and corroborated by SoET staff during interviews, included Mr Hana:
- leaving the workplace during the day without explanation
  - gambling at a local gaming venue
  - indebtedness
  - tutoring a RMIT student without authorisation.
291. SoET management should have been vigilant to these concerning indicators. Had management taken action to address these issues with Mr Hana it may have been possible to mitigate the risk to the integrity of the university's teaching programs.
292. In response, RMIT's Vice-Chancellor stated:
- ... it is true that the alleged behaviour of Mr Hana as described in the draft report is inappropriate and concerning, it is unfair to imply ... that the School management did not take steps to address his professional performance, or that it should somehow have known the full extent of Mr Hana's personal issues.
- ...
- ... Mr Hana's conduct – gambling, indebtedness, retaining a lost wallet, having personal mail sent to the University and accessing student address records inappropriately – was gleaned by investigative techniques not available to the employer, such as seizing of telephone records, opening personal mail and searching an office.
293. Knowledge of Mr Hana's problems were known to some of Mr Hana's colleagues and in my view should have been known to any attentive supervisor, for that is part of a supervisor's role.
294. RMIT agreed that it was important that its staff were aware of employment policies, code of ethics and their general responsibilities. The Vice-Chancellor advised that completing induction and a series of on-line modules are conditions of successful completion of the probation period at RMIT for all staff and that a suite of face-to-face training programs detailing the key elements of RMIT employment policies and practices are available through the University's Open Program. A staff development program is also available to all staff, and RMIT's leadership development programs are delivered to RMIT executive staff and managers throughout the year.
295. The following initiatives are being implemented by RMIT:
- Mandatory on-line training including modules in rights and obligations in relation to Privacy, Equal Employment Opportunity, Health and Safety, and an overview of employment policy and practice.

- New academic staff are also required to undertake mandatory modules in teaching and managers must undertake training in provisions of the Trade Practices Act.
- On-line training modules are completed on commencement with the university and are required to be refreshed every two years.
- Tailored training programs around implementation of the University's new Enterprise Agreement have been developed and are currently being delivered to managers and other staff.
- In relation to the Code of Ethics, the Audit and Risk management Committee of the University Council received a report on compliance and dissemination of the code and related policies in August 2009, and will be reviewing compliance again later in 2010 in accordance with its approved workplan.
- Content on Professionalism and Ethical Conduct at RMIT is currently being developed for delivery through a university on-line staff training package from Q1 2011.

## **Recommendation**

I recommend that:

### **Recommendation 3**

RMIT continues to implement its recently developed initiatives relating to employment policies and regularly reinforce with staff the need to be cognisant and report instances of improper and high-risk behaviour by fellow staff members.

#### ***RMIT's response***

While RMIT supports the intent of this recommendation and concurs that this is important ongoing work, a raft of current initiatives which address these issues is underway.

## DEFICIENCIES IN RMIT OPERATIONS

296. My investigation has highlighted the following issues in relation to RMIT practices:
1. on-line enrolment system allowing students to enrol in subjects for which they have not met the pre-requisite requirements
  2. teaching staff amending grades without oversight and authorisation
  3. students re-sitting assessments without appropriate approval
  4. an international student receiving inappropriate assistance
  5. the university inadequately managing and investigating disclosures of corrupt conduct and misconduct by staff.

### 1. Enrolment without meeting pre-requisite requirements

#### *Structure of the SoET advanced diploma program*

297. The Advanced Diploma of Engineering (Aerospace) requires students to undertake their course in a structured manner. The specific guides for the advanced diploma subjects are published on RMIT's website and set out the structure of the course, information on the sequencing of subjects, pre-requisite requirements, the basis of assessment including on-the-job training and the nominal hours for course completion.
298. The advanced diploma program offers a structured sequence of vocational education and training. This graduated approach ensures students have the knowledge, skills and competencies which underpin more advanced subjects before they progress to the next level of the program. Those students who satisfactorily complete the advanced diploma program are expected to perform to industry standards expected in the aerospace workplace.
299. During my investigation I identified several instances where students were able to progress to more advanced subjects despite having failed their pre-requisite requirements.

#### *Enrolment on-line system*

300. RMIT students select their courses of study and enter their course and subject selections on-line into the Student Records System. This process is known as 'Enrolment on-line' (EOL). The EOL system was implemented in TAFE in 2007 and is configured in such a way that does not block students from enrolling in courses where they have not satisfactorily completed the pre-requisite courses. Hence, students can enrol in courses for which they have not met the pre-requisites.
301. SoET's School Manager told my investigators that when the EOL system was first introduced, the 'no blocking configuration' was the subject of much debate amongst the RMIT project team. It finally resolved that, 'the onus to enrol in the correct courses of study must be the responsibility of the student'. The manager said that under this system enrolment discrepancies are often identified too late, for example, when students apply to graduate and the school is assessing their eligibility to graduate.

302. In this situation, the student's application to graduate is referred back to the school's program leader to make a determination. The SoET's school manager stated that in many cases, the program leader amends the student's grades so that all subjects are recorded as the student having achieved at least a 'pass', and therefore, the course requirements have been met and the student can graduate. In reality, these students have not achieved the required competencies in a program, such as satisfactorily passing the pre-requisite subjects prior to graduation.
303. RMIT advised that students are required to complete all requirements in the program structure. If a student completes a higher level course before passing a course that is a pre-requisite, they are still required to pass the lower level course to meet the program requirements.
304. RMIT further stated that the current system can only recognise specific class codes as meeting pre-requisites. Therefore, to identify a first-year mathematics studies as the pre-requisite for a second-level mathematics course, it is necessary to list individually more than 200 first-year mathematics classes offered at RMIT. This has proved to be unworkable with current technology.
305. It also advised that students enrol for a whole year at a time. If there were system blocks in place, it would not be possible for a student to enrol in any semester two course that had a pre-requisite course in semester one. This would cause chaos for enrolment and profile planning.
306. RMIT has advised me that it is about to embark on a re-build of the EOL (enrolment online) system, and the purpose and operation of pre-requisites will inform this process, but the more important issue will be to ensure consistency in the use of pre-requisites and co-requisites.

### *Enrolment of students in Stress 2 in 2008*

307. Earlier in this report I described how students A and B were permitted to enrol in Stress 2 in 2008 despite having failed the pre-requisite, Stress 1.
308. My investigation identified that a further 10 students who failed Stress 1 in 2008 were also permitted to enrol in Stress 2. Of the 12 students who had not passed Stress 1:
- the average mark achieved for Stress 1 was 30.33 per cent with some scores as low as 10 and 13 per cent for this subject
  - five have since graduated and are undertaking RMIT's degree program
  - three students were continuing their studies in the advanced diploma program – including student B
  - three students had completed the advanced diploma program and left RMIT
  - one student discontinued his studies in early 2009.
309. This arrangement was instigated in 2008 and was detailed in a March 2009 memorandum to student B. In part it states that:

Due to the fact that a large number of students in your class had also failed this subject [Stress 1], it was agreed by the School via the "Subject and Assessment Moderation Process", that all students that then had achieved a mark greater than 60% in Stress II (AERO 5400) in Semester 2, 2008 could be provided a pass for Stress I.



310. This process was instigated without the Head of School being aware of it. When subsequently advised, the Head of School responded that he was 'appalled that it had happened'.
311. RMIT's assessment policy states:
- ... the means of assessment for that course ... shall be recorded in the Course Guide and ... shall not be altered during that period without the approval of the [Academic] Board. [The aim of assessment is] ... ii. to ensure that appropriate academic and professional standards are achieved, and hence that the University is meeting its responsibilities to the community at large ...
- vi. ... to enable the University to assess and record the progress of students, and to certify the standard achieved by students.
312. Student B achieved a total of 57 per cent for Stress 2, consisting of 47 per cent for the examination and a total of 10 per cent for class tests. According to the SoET arrangement described above, student B's result of 57 per cent was less than the 60 per cent required for him to be provided with a pass for Stress 1. However the SoET teaching staff agreed to provide student B with an additional assessment task, assisting him further to:
- pass Stress 2
  - achieve the required minimum grade of 60 per cent
  - ensure a pass also for the pre-requisite subject, Stress 1.
313. SoET staff were unable to provide my investigators with any evidence of the further assessment task undertaken by student B. Student B's Stress 2 result remained at 57 per cent. Notwithstanding this, student B applied to graduate from the advanced diploma program in mid-December 2009 as he claimed that he had achieved all the requirements of the advanced diploma program including Stress 1.
314. At its March 2009 hearing of the allegation that the three students, students A, B and C had cheated, the Discipline Board (the board) commented on the decision to allow students who failed Stress 1 to be given a pass should they achieve a mark of 60 per cent or more in Stress 2. The board minutes state that:
- ... the decision of the school to deem that students who had failed a prerequisite course could be granted a pass if they achieved a particular standard in a higher course, was unusual. Members agreed that such a decision, could act as an incentive for inappropriate behaviour especially by academically weaker students who might gain passes in two courses without legitimately proving their capabilities with the requirements of the initial prerequisite.
315. The Head of School advised that he has received recent feedback from a senior manager from the Office of the Academic Registrar, regarding the hearing. The feedback was that the board's determination was significantly influenced by the SoET's practice of allowing students to progress without satisfactorily completing pre-requisite courses.
316. At interview the Chairman of the Discipline Board stated that she met informally with the Head of School around 1-2 months after the March 2009 hearing. At that meeting she raised the board's concerns that the SoET was allowing students to progress their studies when they had not met the pre-requisite requirements. The board's chairman stated that other than the board's minutes, there was nothing documented about this issue to initiate future follow-up by the university.

317. In response to my draft report, the Vice-Chancellor stated that the practice whereby students who failed Stress 1 were offered a pass grade if they achieved at least a 60 [per cent score] in Stress 2, is contrary to university policy and has been stopped. The Vice-Chancellor also advised that RMIT will review its Student Discipline regulation (6.1.1) and that a requirement for issues arising during Discipline Board deliberations to be formally conveyed to the relevant Pro Vice-Chancellor for action, will be considered.

*Concerns regarding students progressing without meeting pre-requisites*

318. Engineers Australia is the professional body for engineers in Australia. A key aspect of their work is to accredit academic institutions' programs and courses that are aligned with international benchmarks. Engineers Australia accredits RMIT's Bachelor of Engineering (Aerospace) program. The SoET estimates that 40 per cent of students who complete the advanced diploma program then progress to the Bachelor program. A senior manager from Engineers Australia expressed concern about RMIT's practice in allowing students undertaking the advanced diploma to progress despite not meeting the required pre-requisite subjects. He stated:

The integrity of the advanced diploma and the outcomes of the advanced diploma are dependent on the students having competency in each of these subjects ... it is designed to be delivered in a sequence.

The advanced diploma is designed to deliver a graduate who will go out and work in the aircraft industry at that level.

Well the degree people are relying on the integrity of these graduates ... The degree people are relying on a foundation here ... they would have to now cope with a student who's obviously inadequately equipped.

... those who didn't go onto the degree, where are they? ... that's the more worrying part because they're out there in practice with this alone as qualification.

319. Information provided by RMIT during my investigation indicates that in mid-2009 a further 24 students failed the Stress 1 subject (the pre-requisite subject) and were permitted by the Head of School to undertake Stress 2 in the second half of 2009. However, my investigators were informed that, unlike in 2008, these students did not have their Stress 1 grade amended from a 'fail' grade.
320. The Head of SoET stated, that in April 2009 he first became aware of the 2008 arrangement for students to undertake Stress 2 even though they had not successfully achieved the pre-requisite subject, Stress 1. He said:
- ...but unfortunately this was too late to stop the process for the [2009] students in place.
321. He said that the examinations for Stress 1 and Stress 2 were conducted in July and November 2009, respectively. Instead of discontinuing this practice at the time the 24 students failed Stress 1 in mid-2009, he took no action and allowed them to proceed on to study Stress 2 in the second half of 2009, contrary to the SoET course guide.

322. Several staff from SoET said that RMIT provides considerable assistance to students to complete their programs, particularly those students undertaking TAFE programs. It was stated that many students have missed out on entering university programs and that the TAFE program provides a 'second chance' or opportunity for students to enter their preferred field of study.
323. RMIT's assessment policies state that the Head of School is responsible for ensuring that an adequate basis for the conduct of assessments is established and implemented. At interview, the Head of School stated that the assistance provided to the students undertaking Stress 1 and 2 appeared excessive and was not in line with RMIT's assessment policies.
324. My investigators were advised that RMIT's Policy and Planning Group (the group) facilitates self reviews at a school and program level in order to ensure relevant aspects of the Australian Quality Training Framework (AQTF) standards are in place. The standards relate to the following areas:
- staff competence
  - training and assessment
  - continuous improvement of teaching and learning
  - engagement with industry.
325. As a registered training organisation delivering Vocational Education and Training (VET) programs, RMIT is audited against this national framework. A self review tool has been developed by the group to assist schools to assess their compliance with the AQTF standards. The results of the self review are then validated by an external panel engaged by RMIT. Issues to be addressed are included in an action plan and the group monitors progress against the plan.
326. Discussions with the manager of the group indicated that the self review is aimed at identifying systemic issues at a 'higher level'. The manager agreed that RMIT's self review is unlikely to have identified the issues with the SoET's assessment processes which are outlined in my report.
327. In response to my draft report, the Vice-Chancellor advised me that RMIT was subject to a VRQA re-registration audit in 2009, which re-registered RMIT as a training provider to 2015. She stated that audit report states that 'RMIT has developed a strong quality management system for the continuous improvement of quality training and assessment in its VET programs'.
328. The Vice-Chancellor advised that many of the practices noted in the draft report pre-date the arrival of the Head of School and the school's restructure. Further quality improvement actions have been taken in relation to the matters raised in this report since they occurred, and since the re-registration audit.
329. In addition, the Vice-Chancellor stated that it has an AQTF review cycle through which an annual sample of VET programs across RMIT is reviewed against the AQTF Essential Standards and critical processes to support compliance are audited at a program level. In light of risk concerns raised by the Ombudsman through this report, the Advanced Diploma of Engineering (Aerospace) is included in the sample of programs to be reviewed in 2010.

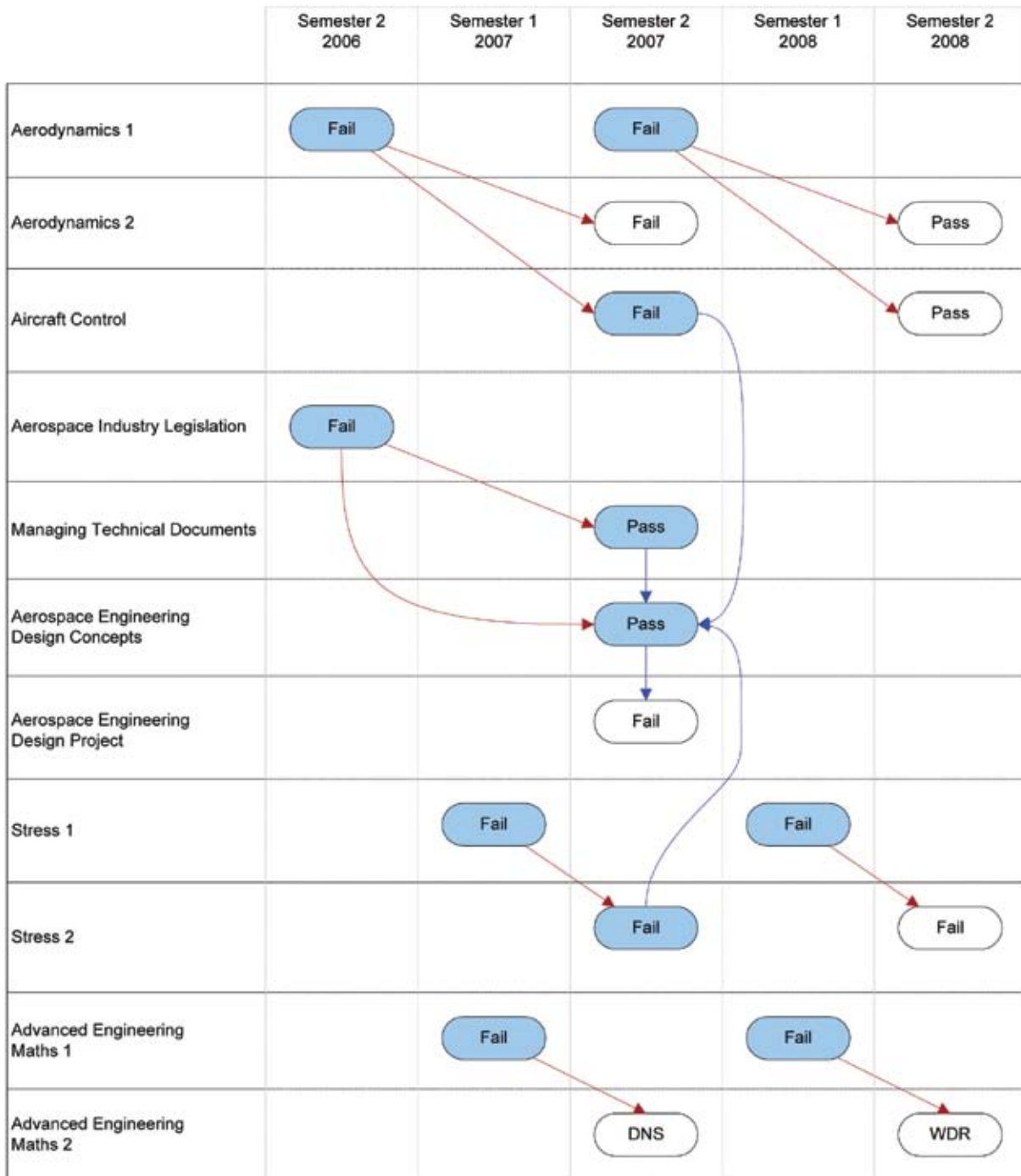
330. While I note that RMIT is taking action to address the issues identified in my investigation, it is important that any assessment process is sufficiently detailed and rigorous to effectively address the concerns about the processes in place at the SoET.

***Case study: Student B***

*Non-compliance with pre-requisites listed in course guide*

331. My investigation found that the practice of allowing students to progress in their courses without completing pre-requisite requirements occurred as far back as 2006. With the introduction of the Enrolment on-line system, this practice has been allowed to continue unchecked.
332. This is illustrated by examining the progress of student B through the advanced diploma program. Student B commenced the advanced diploma program in 2005 and, in the four years from 2005 to 2008, continually enrolled in courses without satisfactorily completing their pre-requisites.
333. Over this period, I note that student B did not achieve a pass in six pre-requisite courses: Aerospace Mathematics 1 and 2, Aerospace Physics 1, Advanced Engineering Mathematics 1 and 2, and Aerodynamics 1, before he advanced to the next subject within the program. Concerns were raised by a program co-ordinator about the ability of student B to progress onto other subject units, 'like the other students' given his 'poor performance on assessments'. This appears to confirm the Discipline Board's concerns that academically weaker students might gain passes in courses without demonstrating competency at an elementary level.
334. To illustrate this, Figure 3 shows for a selection of student B's subjects, how his progress through the course did not comply with the path outlined in the SoET course guides.

Figure 3: Academic pathway for student B



- Result = Pre-requisite subject
- = Enrolment error because pre-requisite not passed
- = Enrolment error because pre-requisite being attempted simultaneously
- DNS = Did not sit
- WDR = Withdraw

335. Student B responded in relation to this matter:

... my progress throughout the program was permitted by the school's management.

... the lack of compliance with the path outlined in the SoET course guides has been the result of the School's decisions which in turn encouraged the students to progress in the program without complying with the path where most students like myself, are unaware that this will make it more difficult for us to complete the program.

336. Student B also said:

It is not true that the introduction of the enrolment online system has allowed students' enrolment to continue unchecked. The enrolment online process simulates the use of the enrolment variation form. Students could only submit their enrolment online and it is up to the school to approve it.

337. Figure 4 shows that student B did not achieve a pass in three specific pre-requisite subjects – Aerospace Physics 1, Aerospace Mathematics 1 and 2 – before he commenced or completed Aerospace Physics 2. It shows that student B's results in the pre-requisite subjects were amended from a fail to a pass only after he received a pass in Aerospace Physics 2.

**Figure 4. Timelines of student B's results**

Term/year	Subject	Result achieved – per cent	Graded final result by SoET	
			Result – per cent	Date
Term 1 2005	Aerospace Physics 1 PR <sup>a</sup>	Fail (nil mark)	50	24/11/2006
	Aerospace Mathematics 1 PR <sup>a</sup>	Fail (3)	50	24/11/2006
Term 2 2006	Aerospace Mathematics 2 PR <sup>a</sup>	Fail (2)	50	28/06/2007
	Aerospace Physics 2	Pass (50)	50	20/11/2006

(a) PR refers to pre-requisite subjects for Aerospace Physics 2. Source: Academic record for student B.

338. The concept of 'grading' is a common form of assessment in the TAFE sector. The principles for RMIT's grading system are:

- Students can only be awarded a grade if competency has been demonstrated.
- The criteria to be used to grade performance must be clearly identified and communicated to students prior to assessment, usually in the course guide.
- The collection of evidence for graded assessment should be encouraged during the entire program.



339. As Figure 4 demonstrates, student B's course failures were graded as passes. My officers found no evidence to support the grading of student B's results in any of the pre-requisite courses or in Physics 2 to substantiate that student B had demonstrated competency in the units studied. No explanation was provided by the SoET for the apparent graded passing of several units of study when the results achieved in the pre-requisite subjects were very poor.

340. In responding to these comments, the Head of School stated:

[I] would suggest this was connected to potential corrupt behavior [*sic*] with a mentioned staff member. This behavior could exist due to no requirement for sign off by senior management in the school.

341. On 3 February 2009 a SoET Associate Professor raised questions with Mr Hana in an email about whether student B had actually completed the advanced diploma program. Student B had sought the professor's assistance as he wanted to commence RMIT's engineering bachelor program. The professor noted student B was a 'weak student' and at the time of student B's request, his academic record contained no result for Stress 2, a fail for Stress 1 and a 'did not sit' for work experience.

342. On 5 February 2009 Mr Hana advised the Associate Professor that student B '... he has almost completed all requirements. Still one course with an outstanding result [*sic*]' and the professor accepted this explanation. There appeared to be no justifiable basis for this statement.

343. Student B responded:

What Mr Hana advised the professor is correct on the basis that I had only 20 hours to complete for the program once my Stress 2 results was [*sic*] released.

344. RMIT advised that as a result of my investigation, it is currently finalising a new Enrolments Policy which will allow RMIT to directly amend a student's enrolment if they do not meet pre-requisites.

#### *Lack of relevant work experience*

345. Students must complete a total of 320 hours of work experience (approximately 42 days) as a compulsory part of the advanced diploma program. Students are required to undertake relevant work experience ('Work Experience 1 and 2') in the engineering industry which includes design, manufacturing and maintenance of a variety of engineering products, systems and components.

346. This experience aims to provide students with the opportunity to gain and further develop the skills and knowledge relevant to the learning outcomes in the advanced diploma.

347. The course guide for Work Experience 1 states, 'This module enables students to participate in a variety of real time experiences and work ethics in the aerospace industry'.

348. Students are required to undertake the work experience during the course and provide to the SoET a record or portfolio of the experience including:

- a list of on-the-job activities performed and authorised by the work placement supervisor
- a work experience diary showing the name and address of the employer, dates and times worked, and a duty statement
- a list of skill enhancement activities and their relationship to the units of competency completed



- any workplace projects undertaken and the employer's evaluation
  - a log book signed off by the employer and/or work placement supervisor listing the activities completed.
349. After reviewing student B's student file and records, my investigators noted that student B was awarded a 'pass' for Work Experience 2 on 3 March 2009 and Work Experience 1 on 27 October 2009.
350. In this regard, an email sent from Mr Hana to a SoET administration staff member on 29 September 2009 stated:
- [Student B] gained the demanded engineering and managerial skills through his previous employment as a motor mechanic (overseas) and here in Australia. Therefore, he satisfied the requirements of Work Experience 1&2.
351. In relation to this issue, student B stated that many students from his class had submitted work experience that was not related to the aerospace industry but were approved by the SoET.
352. My investigators have been unable to locate any evidence in student B's RMIT files that supports the pass awarded to him for Work Experience 1 and 2.
353. Email records indicate that an undated statement titled, 'Work Experience Statement' and addressed 'Dear Co-ordinator' was provided to the SoET by student B in October 2009. This statement was obtained following enquiries made by my office to RMIT in relation to a complaint by student B.
354. Student B responded that his results for the Work Experience 1 subject were only released in October 2009 and not earlier due to an issue that he had with his enrolment in the subject.
355. Student B's statement:
1. does not provide evidence that he has undertaken any work experience relevant to his studies in the aerospace or engineering industry throughout the duration of his advanced diploma program
  2. does not comply with the requirements of the SoET work experience course guide with respect to specific contents relating to job activities undertaken, date and time of work, evaluation and attestation by the employer.
356. SoET's School Manager examined the statement and said:
- ... it is hard to accept this [student B's statement] as a legitimate piece of evidence of relevant work experience. ... analysis of [student B's] statement shows he has copied verbatim either Course Descriptions or Learning Outcomes from Course Guides Part A.
- Clearly the work experience [student B] is claiming credit for was not in the aerospace industry.
357. As a result of my enquiries, student B's previously awarded pass in work experience 1 and 2 has been revoked by the SoET.
358. In response to these comments Mr Hana said, 'I made it clear that student B's work experience was not in the aerospace industry. This was because it was difficult for students to gain placements in the aerospace industry'.

### ***Conclusions – Enrolment without meeting pre-requisite requirements***

359. In my view the practice of bypassing the need to complete pre-requisite subjects provides an inappropriate incentive to students to avoid or fail pre-requisite subjects safe in the knowledge that they may be awarded a pass mark in the future. Some students also become aware that studying advanced units of competency places pressure on teachers to pass them in the elementary units they have previously failed.
360. Students are also not being trained or skilled in the manner intended by the program's design which establishes competence in basic and fundamental principles before progressing to more advanced subjects.
361. The end result, as demonstrated by student B's record, has been for some students to receive passes in courses without demonstrating the requisite basic knowledge or skill. In my view, it is unacceptable that students are enrolled into advanced courses without having passed the pre-requisite subject/s.
362. These issues within the SoET are continuing as demonstrated by decisions as recent as November 2009 to allow 24 students to complete a Stress 2 examination when they had not successfully completed the Stress 1 pre-requisite.
363. I also consider that the university's on-line enrolment system should be amended to prevent students from enrolling in courses for which they have not met the pre-requisite study requirements.

### **Recommendations**

I recommend that:

#### **Recommendation 4**

RMIT finalise as a priority, the re-build of its enrolment on-line system to prevent students from enrolling in courses for which they have not met the pre-requisite subjects.

#### ***RMIT's response***

RMIT agrees with this recommendation.

#### **Recommendation 5**

RMIT revise the Discipline Board's procedures to ensure operational and academic issues arising during its deliberations are formally reported to the relevant Pro Vice-Chancellor for follow-up action.

#### ***RMIT's response***

RMIT agrees with this recommendation.

#### **Recommendation 6**

The Victorian Registration and Qualifications Authority investigate the SoET's Advanced Diploma of Engineering (Aerospace) program to assess whether the school's training and assessment processes and supporting management systems are consistent with the requirements of the AQTF's registration and course accreditation standards.

## 2. Amendment to student grades

364. Assessment is defined as the methods and procedures by which a student's academic progress and standard at a given time is measured. The aims of assessment include:
- ensuring appropriate academic and professional standards are achieved and hence that the university is meeting its responsibilities to the community at large
  - enabling the university to assess and record the progress of students, and certifying the standard achieved by students
  - ensuring consistency, transparency and fairness, and supporting academic integrity.
365. The Head of School is responsible for monitoring the academic standards of the school; ensuring that an adequate basis for the conduct of assessment is established and implemented; and the appropriate mark is recorded for students studying at RMIT.
366. The Head of School advised that minor changes to student grades was a 'reasonably common practice' for teachers and team leaders, however, significant amendments require his approval.
367. My investigation identified that the process of amending student grades was not overseen by management of the SoET and was not a transparent process.
368. In responding to these comments, the Head of School stated that management was not aware of the changes made and the level of adjustment. He said that this process has now been changed.
369. My investigation confirmed that significant amendments to student grades are frequently undertaken by the teacher, team leader or industry group manager without the approval or oversight of the Head of School. The Head of School agreed that this practice was contrary to the intention of the university's assessment policy.
370. To amend a grade an Amendment to Grade form must be completed. The form, included in Appendix 10, requires reasons for amendments. After reviewing several of these forms my investigators identified that accountability over this process rests with the teacher or person completing the form. The person requesting the amendment also signs the approval portion of the form. This form is then processed by administration staff without further authorisation, contrary to university policy.
371. The Amendment to Grade form has provision for amendments for up to 10 students. The form, as currently designed, does not promote compliance with RMIT's assessment policy. For example, the form does not:
- allow reasons justifying students' grade amendments to be systematically entered for each student
  - identify the position of the person required to approve the amendment, as distinct from the person completing the form or requesting the amendment
  - state a requirement for the need to maintain evidence justifying the amendments.
372. Once completed, the amendment is processed and the student's academic record updated. This practice allowed students to record a pass in the specific subject and to progress towards completing the advanced diploma program.

373. My investigators identified the grades of 17 students enrolled in a Technical Investigation and Reporting class in mid 2009 were amended by the teacher, Mr Hana. The SoET could not produce documentation to support the amendments to these students' grades. This review established that students' grades were routinely amended as follows:
- upwards from a fail (a mark of 20 – 31 per cent), to a pass (50 per cent), a credit (60 per cent) or a distinction (70 to 74 per cent) – due to 'lost work/ assignment found'.
  - students had recorded against their 'previous grade' 'did not sit/submit' but their final grades were amended and recorded as a 'pass' (50 per cent) or a 'distinction' (73 per cent) due to 'lost assignment found'.
374. At interview in November 2009, Mr Hana said that documentation to support his request (and his approval) for grades amended in July 2009 was located at RMIT in the SoET's storeroom. He stated that such supporting documentation should be available as it is required to be kept for a period of six months.
375. At the request of my investigators, the School Manager searched for documents referred to by Mr Hana. The manager informed my investigators that supporting documentation could be located for some students but not for others.
376. *The General Retention and Disposal Authority for the Records for Higher and Further Education Institutions*<sup>5</sup> requires RMIT to maintain relevant documentation used in the determination of the student's interim results for six months after administrative use for the documents has concluded. As documentation supporting the above amendments to student grades could not be located, it appears that the SoET has not complied with its records management obligations.
377. A further amendment form was completed by Mr Hana in March 2009 for student A relating to Technical Investigation and Reporting, a subject he completed in mid-2008. The amendment raised the grade achieved by student A from a fail of 29 per cent to a pass of 50. The stated reason for the change was that 'journals had to be re-submitted, not done well or missing/ amendment form was done previously but no changes made'. The amendment form was dated by Mr Hana for processing on 17 March 2009, around nine months after the class had finished. No supporting documentation was available to support student A's changed grade and the form was processed outside the six month period required to maintain documents.
378. Mr Hana responded that, 'It is correct that I and many teachers, amended grades without oversight. This is a common practice in many teaching institutions'.
379. The Head of School, advised that '... it was totally wrong what Mr Hana did but would like to note with the past policy it was impossible to detect all such changes'.

### **Conclusions – Amendment to student grades**

380. The process for amending students' grades within the SoET lacks appropriate rigor and accountability and is vulnerable to inappropriate use. The lack of oversight of amendments and the failure of the SoET to maintain appropriate records in accordance with the *Public Records Act 1973* is of further concern.
381. RMIT advised that the Amendment to Grades form was amended in early 2010.

<sup>5</sup> *General Retention and Disposal Authority for the Records for Higher and Further Education Institutions*, Class No. 11.0.0 Assessment, Public Record Office Victoria PROS 02/01, Version 2009.

## Recommendation

I recommend that:

### Recommendation 7

RMIT reinforce with its teaching staff the required protocols for amending student grades; the need to obtain the relevant Head of School's approval; and the importance of retaining supporting documents in accordance with the *Public Records Act 1973*.

#### *RMIT's response*

RMIT supports this recommendation, and work has already been undertaken to meet this goal.

The Vice-Chancellor advised that with reference to the first two points, action is well in hand. In Semester 1 2010, staff of the Academic Registrar's Group undertook a 'roadshow' engaging all schools and college offices to brief staff on the new Management of Grades policy and procedures, with particular emphasis on authorisation requirements. Information has also gone to relevant staff through the Teaching and Academic Bulletin and the Frontline Bulletin (for professional staff).

The Vice-Chancellor stated that this is not an isolated example of informing staff of changes to university policy and procedures, or simply a response to the issues under discussion here. The RMIT policy on policies requires the sponsors of all policies and procedures to identify those staff who need to be familiar with them, and to include in their documentation an implementation plan. Therefore, any significant policy change is accompanied by communication and training activity. All RMIT policies and procedures can be accessed from the website, and staff are advised of the requirement to adhere to statutes, regulations, policies and procedures at the point of employment and throughout the induction process.

With reference to the third point, RMIT's Records and Document Management policy makes full reference to the provisions of the Public Records Act and contains guidelines and procedures as to the disposal and retention of documents. Further advice is provided by the Senior Manager, Compliance and the University Archivist. RMIT will consider further ways of publicising the requirements of the *Public Records Act 1973*.

## 3. Re-sit examinations

382. RMIT's *Deferred and re-sit assessment policy* states:

An opportunity to re-sit a formally scheduled assessment activity or examination is a major concession which may be granted as a result of a special consideration application. The need for such usually arises due to unexpected or extenuating circumstances.

383. To ensure equity is achieved for all students, all applications for special consideration are considered by the Special Consideration Unit within the Office of the Academic Registrar. This ensures independence, impartiality and consistency in decision-making.

384. My investigation identified several instances where the SoET had made *ad hoc* decisions allowing students to re-sit assessments, even though the Special Consideration Unit had disallowed a student's application for special consideration or the student had not formally applied for special consideration.

385. The following case study is an example of *ad hoc* decision-making by a staff member to allow a re-sit examination after the university had disallowed the student's request for special consideration.

***Case study: Student A's re-sit assessment for Aerospace Propulsion***

386. On 9 October 2008 student A failed to attend the Aerospace Propulsion examination (AERO 5395).
387. On 17 October 2008 student A submitted an application for special consideration seeking an alternative assessment. The application specifically requested he be allowed to re-sit the Aerospace Propulsion examination. The basis for his application was that he stated he was involved in a police matter outside of RMIT that had caused him concern at the time of the initial examination.
388. On 27 October 2008 the Office of the Academic Registrar advised student A by email that 'Your application for Special Consideration has been cancelled as you did not submit your application within two working days of your assessment due date'. This email was also carbon copied to Mr Hana.
389. On 6 November 2008 student A sent an email message to a SoET staff member at 12.05 am which read:

Hey [staff member] I have gone through the whole special consideration process and it has been declined because I have not handed it within the 2 day frame, thus you had told me to go through you for any problems.

please [sic] get back to me.

390. Later that day the staff member responded to student A by email stating:

Re Propulsions exam

Come ans [sic] see me today and ill [sic] let you do the exam here [at his office]

391. A short time later student A advised the staff member that he had completed two exams today and:

... couldn't [sic] make it is there another time I can come and see you ... [sic].

392. The staff member responded to student A's request at 8.36 pm that same day:

You are my most troublesome student but I have faith that eventually [sic] do well. Therefore I will support you. If you try and grace me with your presence I will set you an exam so you might have the opportunity to pass this subject. Can you please assist me to assist you. Make a time in the next few days to organise a special sitting ..... please!

393. Student A's academic record shows he passed this subject with 57 per cent. The SoET School Manager confirmed there is no evidence on the student file that student A actually re-sat the assessment.



394. On 16 December 2009 the staff member was asked why he allowed student A to re-sit the Aerospace Propulsion examination after RMIT had officially refused his request for special consideration. He said:

I found about 15 students had copied their assignments and made them redo new assignment work. I do not believe [student A] was one of them ...

On the final exam [student A] and a few other students were either late or did not come to the class exam sitting. I asked them all to apply for a re-sit. This was to show that there are disciplines that must be adhered to in a University learning environment. By making them go through the arduous process for a re-sit application it is hoped they will learn to turn up for exams on time.

... Because I had allowed all other students a re-sit I felt I should do the same for [student A] for consistency purposes. It was accepted and had been accepted that teachers who were responsible for subject areas to be able to allow students to do special supervised sittings if it was warranted.

I cannot specifically remember [student A's] re-sit but he will have passed the exam.

395. Within the SoET, it appears that some teachers, team leaders and industry managers considered that they had the authority to allow students to re-sit examinations and undergo additional assessments. In this regard, the Head of School, said:

I was not aware and I must admit I was horrified when I found out they even had a re-sit, ... I didn't know there was re-sits [sic] ... Now that's just not on.

RMIT have got some fairly loose-ended processes around what teachers can actually do with assessments ... As far as I'm concerned that needs to be closed right out that loop, there's no such thing as a re-sit.

### ***Conclusions – Re-sit examinations***

396. I have the following concerns about this matter:

- a staff member has by-passed RMIT assessment policies and over-ridden the ruling of the university's Special Consideration Unit
- a student has been granted a further assessment opportunity that has resulted in his passing the subject when it is clear he has failed to abide by relevant university procedures
- there is no record supporting the student's re-sit assessment
- there is no record supporting the staff member's claims of cheating by 15 students.

397. It is the responsibility of the Head of School to ensure that an adequate basis for assessment is established and implemented within the SoET. The case study involving student A illustrates this has not occurred. Unauthorised decisions allowing re-sits and supplementary assessments appear to be common practice within the SoET. The process by which a student applies for special consideration is seen as 'the penalty' in some cases. In some instances when applications were declined, SoET teachers have disregarded the ruling and allowed the student 'special consideration' and assistance.



398. The environment within the SoET clearly allowed teaching staff to make *ad hoc* assessment decisions and by-pass proper process without adequate oversight, accountability or management. This raises further concerns regarding the validity of SoET assessments of student competence.
399. The Vice-Chancellor advised that a number of actions had already been taken to address the issues. For instance, internal processes have strengthened considerably since the matters under investigation occurred. The new Management of Results Policy, in operation since 1st January 2010, improves the integrity of recording and amendment of student results by providing a framework of policy and procedures and introduces a number of significant control improvements.
400. A review of systems enabling the amendment of student grades in RMIT systems and system access to student records will deliver further incremental improvements that will further strengthen and maintain the control framework across the University and in the School of Engineering TAFE.

## Recommendation

I recommend that:

### Recommendation 8

RMIT undertake a comprehensive review of SoET's assessment and examination practices across all programs, and its compliance with university policies and procedures.

#### *RMIT's response*

A number of actions have already been taken to address the intent of the recommendation.

## 4. Inappropriate assistance provided to an international student

### *RMIT international students*

401. RMIT offers over 470 programs to international students within its three academic colleges: Business; Design and Social Context; and Science, Engineering and Health. Currently, there are 10,400 international students studying at RMIT; around 140 international students study within the SoET.
402. RMIT's International Student Information and Support (ISIS) group provides support and advice to international students on academic, welfare and personal issues.
403. ISIS provides information on facilities, study resources and support services available to international students at RMIT. The group also explains student rights and responsibilities to international students; and organises orientation programs to help students adjust to life in Australia.
404. During the investigation, I was concerned about the inappropriate practices adopted by both RMIT teaching and ISIS staff relating to an international student studying within the SoET. The following case study demonstrates that despite failing core subjects and engaging in serious misconduct, the student was assisted to graduate with an Advanced Diploma of Engineering (Aerospace).

### *Case study: Student D*

405. Student D is an international student who came to Australia as a recipient of an Endeavour scholarship<sup>6</sup> to undertake the Advanced Diploma of Engineering (Aerospace) program.
406. The Endeavour scholarship program provides funding to awardees of around \$100,000 over the two year period and covered student D's fees, accommodation, personal living expenses and travel.
407. Under the terms of his visa, he was to complete the program at the end of November 2009 and graduate on 16 December 2009.
408. My investigation revealed several areas where RMIT had not complied with university policy and procedures in relation to situations involving student D. Details are outlined in the following paragraphs.

#### *Lack of action taken by RMIT*

409. Documentation obtained by my officers indicates that RMIT staff became aware from an early stage that student D had a serious drinking problem. During his two-year RMIT program, student D was involved in a number of incidents, for instance he was:
- removed from both university and private accommodation due to his behaviour.
  - involved with Victoria Police at least 39 times between 19 March 2008 and 11 December 2009 primarily for drinking offences but also for indecent assault and theft. The university was aware of some but not all of these incidents.
  - involved in an assault, assault with a weapon and threatened to kill a fellow student on the 9 November 2009. He also allegedly caused \$3,897 damage to RMIT property. He was arrested at the scene and Victoria Police later charged him by summons.
410. During the two years at RMIT, student D also received almost \$1,800 in financial support from the university (in addition to the annual scholarship funds of \$64,000 for living expenses). RMIT could not provide records of why the additional support was required. RMIT together with the Awards case manager implemented measures to monitor student D's behaviour and improve his poor class attendance.
411. However, during student D's tuition, no disciplinary action was taken against student D by RMIT even though he engaged in conduct both within and outside the university that was prejudicial to its good order and discipline and was likely to bring the university into disrepute as provided for in RMIT's Student Discipline regulation 6.1.1.
412. To the contrary, a manager from ISIS told my investigators that:
- The case management approach [by RMIT] appears to have supported his [student D's] irresponsibility.
413. The lack of action taken by RMIT in relation to student D's poor behaviour is to some extent explained in the following email from another ISIS manager:
- This is a test case for us and there will be more as long as we continue to receive students from [country of origin].

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6 The Endeavour Awards is the Australian Government's internationally competitive, merit-based scholarship program providing opportunities for citizens of Asia-Pacific regions, Middle East, Europe and the Americas to undertake study, research and professional development in Australia.

414. Student D was however, required to attend a Discipline Board hearing (the board) on 9 December 2009 to respond to the assault and RMIT property damage allegations of the 9 November 2009. The board ruled that:
- he not be allowed to attend the RMIT graduation ceremony on 16 December 2009
  - his advanced diploma certificate be sent to or collected by him
  - he be expelled from RMIT university
  - a copy of the board's decision be placed on his student file
  - the board's decision be taken into consideration if there are further allegations of misconduct prior to 1 January 2010.
415. On 10 December 2009, one day after the board hearing, student D was involved in a further three incidents at RMIT. Police and security were required. One incident involved the indecent assault of a staff member. The incidents occurred at the time student D was attending RMIT to request that he be given the opportunity to obtain some photographs in his robes and with his certificate.
416. On 13 December 2009 the Endeavour Awards Program case manager emailed student D acknowledging his expulsion from RMIT and stated:
- ... your behaviour has been conducted in an unacceptable manner and undermines the reputation of the Endeavour Awards. ... We also ask that you leave Australia as earliest as possible ...
417. On 15 December 2009, student D further requested via email, a photo opportunity in his academic robe. This request was granted by the Academic Registrar and occurred on the 18 December, two days after the university's formal graduation ceremony. In response to my draft report, the Academic Registrar stated that at the time she approved the photo opportunity, she was not aware of any alleged misconduct by student D following the Board hearing.
418. RMIT advised that the Academic Registrar's decision was taken to minimise any risk that student D would interrupt the university's formal graduation ceremony.
419. Student D left Australia on 23 December 2009.

*Inappropriate assistance by ISIS*

420. In mid to late 2009 student D had failed several subjects: Drawing and Drafting, Technical Investigation and Reporting, Avionics Systems and Integration and Stress 1. ISIS staff were in frequent communication with Mr Hana and SoET teachers regarding student D's academic progress as the following emails show:

[ISIS email to SoET, 17/7/2009]: ... as [student D] is required to complete his studies within the specified contractual period? Could the school outline an academic plan?

[Mr Hana's response to ISIS, 17/7/2009]: ... if he passes everything in the second semester then I am more than happy to make some arraignment [*sic*] to assist him in passing the course that he failed in the first semester.

[Mr Hana's response to ISIS, end of July 2009]: [student D] was given an extension of time to resubmit his work ... **so far the teacher is not convinced ... he has done enough work to pass.** [emphasis added]

[Teacher response to Mr Hana, 4/8/2009]: **I really don't know how many more chances you want to provide this student. ... he has failed to deliver the work required ... It seems to me that he is trying whatever he can through [ISIS] and this can get nasty [sic].** [emphasis added]

[ISIS response to teacher, 7/8/2009]: I support ... sponsored students including [student D] ... who is studying stress 1 in your class ... I understand he has failed the same. **His award conditions require that he completes his studies within the specified period of study i.e. by December, 2009. Could you please assist with this matter in order for him to meet his award condition.** [emphasis added]

[ISIS email to Mr Hana 14/8/2009]: ... **I hope that he will obtain a minimum pass result** [emphasis added].

[ISIS email to teacher, 30/9/2009]: Could you urgently get to me [sic] regarding Stress 1 for [student D]. **This is a very urgent matter as we have some contractual obligation to report to his sponsor regarding remedy for the failed course. Is he able to complete supplementary assignments to pass as he is completing during this semester?** [emphasis added]

421. At interview, when advised of the nature of these emails, the Pro Vice-Chancellor (Students) stated that the tone and nature of the emails from ISIS were inappropriate and beyond the role of ISIS in supporting international students. She stated:

... the fact that there is a timeline for the [financial] support of the student is, to a large extent, irrelevant because the student needs to perform at a satisfactory level irrespective of any timeline.

... it is not appropriate, and teachers do not need to know who is on scholarship who is an international student, who is not an international student ... who is not on scholarship ... as well as pointing out that the student's financial support has a time limit on it ... Because in fact, everybody's financial support has a time limit on it.

Well my view is that ISIS should operate primarily as a contact point for international students ... and as a referral point for international students. It has no role in advocating in that way.

*Academic assistance provided to student D by the SoET contrary to RMIT policy*

422. Student D had failed several subjects including Stress 1 in the advanced diploma program. Therefore, he was not due to graduate in December 2009 as planned.
423. For the Stress 1 examination, student D was one of a total of 45 students who failed (or did not sit) the examination held in mid-2009. Student D obtained a fail mark of 22 per cent for this examination.
424. Of these 45 students, 24 students including student D were permitted to go on to study Stress 2 in the second semester of 2009, notwithstanding they had not achieved a pass for the pre-requisite subject of Stress 1. Overall, student D achieved a 46.5 per cent mark for Stress 2. In November 2009, the SoET graded student D's Stress 2 mark from a fail of 46.5 per cent, to a pass of 50 per cent.

425. Student D was one of a total of 11 students who passed the Stress 2 examination in November 2009 after having failed Stress 1 in the first semester.
426. In early December 2009 the Head of School, allowed student D to complete a four day supplementary assessment from 3 December to 8 December 2009 for the Stress 1 subject.
427. The other 10 students were required to repeat the Stress 1 subject in 2010. At least one of these students requested on two occasions – 15 October and 13 November 2009 – to sit a supplementary examination for Stress 1 as he wished to articulate into the degree (in 2010) and, Stress 1 was the only subject he had failed. These requests were refused by the SoET.
428. RMIT's *Supplementary Assessment policy* defines a supplementary assessment as '... an additional form of assessment to assist in assessing whether a student has achieved the academic standard required for a pass level of achievement'. Such an assessment '... will normally be granted only where the student has participated in the course and an assessment but there is inadequate evidence to determine whether a student has achieved a pass level in a course'.
429. The *Supplementary Assessment policy* states the approval by the Head of School can occur in the following *limited* situations [emphasis added]:
- in the case of a dispute arising as a result of an assessment by an external body or individual on behalf of the university
  - on the recommendation of a Student Progress Committee or a Portfolio Appeals Committee or University Appeals Committee.
430. I note that these situations did not apply in this case: student D had simply failed Stress 1 and other subjects and therefore had not fulfilled the requirements to graduate.
431. The SoET also failed to document and retain for audit purposes, the approval of and the grounds upon which the supplementary assessment has been granted, as required by RMIT's Assessment Policies and Procedures Manual. The School Manager informed my officers that:
- The decision to allow [student D] to attempt a supplementary assessment was agreed to by [the Head of School] and myself. The information presented to us in writing by both [student D] and the manager of ISIS, [name], combined with [student D's] overall academic record in his other courses in the [advanced diploma] program, led us to the decision of allowing him to attempt a supplementary assessment.
- The decision to allow [student D] to attempt a supplementary assessment following his fail grade ... in Stress 1 ... was an exceptional case.
432. I further note that the final date for school staff to enter the award level for students onto the graduation database was 4 December 2009. Advice to the school indicated, 'no extension to this date is possible'. The school manager advised my officers that the SoET was granted an extension of time until 9 December 2009, to enter the results onto the database in respect of student D.
433. Student D achieved 92 per cent for the four day supplementary assessment task for Stress 1 on 9 December 2009 (the day he was expelled from RMIT).

### *Conclusions – Inappropriate assistance provided to an international student*

434. Student D, an international student, had personal problems which had an impact on his studies at RMIT to the extent that he was not going to graduate in line with his scholarship and VISA requirement. I consider that he received favourable consideration from areas within the university. This treatment resulted in RMIT staff not complying with RMIT policies and procedures.
435. Administration staff from the university's international services unit were pressuring SoET teaching staff to assist student D to pass in line with the timelines that applied to the scholarship. In my view, it is inappropriate for RMIT administrators to pressure teachers to award a pass in a particular subject or program when the student has not met the required academic standard. This view was also confirmed by the Pro Vice-Chancellor (Students).
436. Student D was allowed a supplementary assessment when his circumstances did not accord with the criteria in the university's Supplementary Assessment policy. It is further concerning that two requests for a supplementary assessment from another student had been refused by the school just one and two months earlier.
437. I do not accept the School Manager's view that student D's situation was 'exceptional'. I consider that the matter should have been considered by the Student Progress Committee, a Portfolio Appeals Committee or University Appeals Committee, in line with the Supplementary Assessment policy.
438. Despite student D continually failing to abide by RMIT's regulatory framework senior and other staff went to considerable lengths to assist him. I am concerned that after several serious incidents, including damage to university property and a threat to kill another student, my investigators could not find any evidence of RMIT placing sanctions or restrictions of any kind on student D.
439. I would have expected RMIT senior staff to take immediate action after the 9 November 2009 incident, in line with the university's own guidelines, to ensure the protection of staff and students. It was not until 9 December 2009 that student D was expelled.
440. In my view RMIT senior staff placed student D's imminent graduation ahead of the health and safety of the victim he assaulted and other students and staff. I consider that failing to take appropriate protective measures placed the victim and other students and staff at further risk.
441. In response to the preliminary conclusions, the School Manager stated:

In the case of [student D], the term 'exceptional' was used as a comparative term to other students who had similarly failed the Stress 1 course in Semester 1 2009.

...

[Student D's] case was also given due consideration as the School was in receipt of advice provided by the Manager of ISIS in relation to personal issues encountered by [student D] throughout 2009 which had impacted on his academic performance, as well as recommendations from teachers of [student D].



442. The Vice-Chancellor stated in response to my draft report:

... RMIT will seek to assist all students to achieve to the best of their ability. In relation to international students, we are required under the Education Services for Overseas Students to meet particular standards in relation to accurate marketing, ethical recruitment, care for and services to students, personal safety and social wellbeing for students under 18, complaints and appeals processes for students and monitoring progress in accordance with visa requirements. RMIT staff actions in this case were consistent with those requirements, and with the standards of service provided to all students, including those suffering personal problems. RMIT systems for ensuring ESOS compliance are ISO accredited. RMIT's last comprehensive external ESOS audit was in 2007, and found that RMIT was fully compliant and all issues raised by previous audits had been resolved.

The report's claim that no sanctions were applied to [student D] is incorrect. RMIT did apply sanctions.

...

The student fulfilled the requirements of the course, which rendered him eligible for graduation. The academic support provided to the student and the student's personal conduct are irrelevant to that fact.

443. The Head of School told my investigators that he commenced at RMIT on 6 October 2008, just prior to the Stress 2 cheating incident in November 2008. At this time he became aware of certain issues associated with the SoET that were of concern including the existing 'state of the school', the capability of staff and the 'loopholes' that existed. He stated:

I inherited an absolute bucket full of holes in it that I came in and had to go how do we survive here, because it was really on its knees ...

... I'd say there's some pretty big gaps centrally around, I would have said enrolment, data security, integrity around examinations, re-sits, rules and regulations around what you do with papers, where you hold and store information around examinations, who gets them, who doesn't, all of that.

444. In responding to my draft report, the Head of School also stated that the university has supported him to restructure the school (in December 2009) and rectify concerns around management capability by hiring more capable and experienced management. He further stated:

The document does not recognise that the incidents at the school (SOET) were all practices that were in place before [he] commenced employment with RMIT in October 2008. These practices were imbedded into the culture of the school.

...[I] had identified and communicated to executive management before the end of 2008 that the capability of management in the school was extremely poor and the school was in very poor condition.

People were promoted without sufficient skills and experience. The area with most concern was Aero managed by [the Industry Manager] and supported by Mr Nihal Hana (Team Leader).



These practices [issues around capability and competency of students given certain assessment practices employed by SoET and the provision of unreasonable assistance to an international student] were in place before [I] began employment with RMIT and [I] did not realize [*sic*] these were being carried out until alerted by the Ombudsman.

445. The Vice-Chancellor expressed concern to me about the inclusion of this matter in this report given that it is not directly related to the allegations I received. However, the issues arose in the course of this investigation and are, in my view, inherently connected with the matters being investigated. These examples of poor administration allow corrupt conduct to occur. It is important that they are appropriately brought to the attention of the university, the Parliament and the public to provide context to this investigation. I consider that the extent and nature of the findings identified in this investigation is indicative of a culture of non-compliance with policies and procedures; a lack of awareness of corporate processes and protocols; a culture within the SoET of ad hoc decision-making by staff; and a lack of managerial oversight.

## Recommendations

I recommend that:

### Recommendation 9

RMIT review the function of the International Student Information and Support (ISIS) unit and provide training to staff of the unit to ensure understanding of their role and responsibilities.

#### *RMIT's response*

No response was provided to this recommendation.

### Recommendation 10

RMIT review its *Health and Safety communication and consultation procedure* to ensure appropriate personnel are involved in, and accountable for, advising staff of serious incidents and following up issues.

#### *RMIT's response*

No response was provided to this recommendation.

## 5. Managing and investigating disclosures of corrupt conduct and misconduct by university staff

### *Policy and procedural guidance for staff about disclosures*

446. RMIT has a range of documented procedures for handling misconduct by TAFE staff and students. These are outlined in the following documents:
- *Whistleblower procedure*, November 2001 (updated July 2009)
  - *Fraud Control Plan for RMIT and its Controlled Entities*, February 2006
  - *Disciplinary Guidelines for security staff, TAFE teachers, child care staff, academic and general fixed term staff on AWAS*, August 2007
  - *Student Discipline, Regulation 6.1. 1, 1995* (updated 2002).

447. At interview, several RMIT staff, including two Pro Vice-Chancellors, the Head of School, School Manager, teachers and managers from People and Culture stated they were not aware of the *Fraud Control Plan for RMIT and its Controlled Entities* (the plan). The only officer my investigators spoke with who was aware of the plan, was the author of it, the Director, Internal Audit and Risk Management (the director). More specifically, RMIT staff stated that they were unclear as to the process for managing complaints or disclosures of corrupt behaviour or misconduct where both students and teaching staff were involved. I was advised that staff and school management did not receive specific training in relation to their responsibilities concerning student misconduct, disciplinary procedures or the accountability of staff.
448. The plan sets out the process for managing complaints or disclosures of corrupt behaviour or misconduct where both students and teaching staff are involved and provides:
- a co-ordinated approach for the investigation of suspected or alleged fraud and corruption
  - preliminary investigations into 'criminal' misconduct to be undertaken by the director
  - a detailed Fraud Response and Investigation Procedure
  - details of RMIT's policy and procedures for appropriately handling disclosures under the *Whistleblowers Protection Act 2001* (the Act).
449. The Head of School who was unaware of the plan, suggested as part of the Head of School's training plan, all policies required for the role should be identified and training allocated to ensure they were provided the right information to carry out the role.
450. The plan states that staff awareness programs have been developed and are undertaken periodically by internal audit. The aim of the awareness programs include:
- raising awareness among staff of how they might report potential fraud and corruption
  - ensuring staff understand their role and responsibilities.
451. My officers were advised by the director that since the development of the plan in early 2006, there had been no awareness programs undertaken despite the references in the plan itself. As a result of my investigation, an awareness program is currently being prepared for RMIT staff.
452. The director advised me that the awareness program is being developed and will be delivered through the university's on-line compliance training facility. Development is scheduled to be finalised in June with implementation to occur from July 2010.
453. My officers were advised by an officer within the Office of the Academic Registrar that the regulatory framework of the university separates the management of misconduct on the basis of staff and students. This means that allegations of misconduct that involve collusion between staff and students are handled separately. In my view, this led to an unhelpful and artificial distinction between the conduct of students and Mr Hana's conduct in relation to the Stress 2 examination cheating allegations.
454. The Vice-Chancellor stated that this observation ignores the fact that staff misconduct proceedings are governed by relevant industrial law and industrial agreements, whereas student conduct is governed by University statute and regulation.

455. My investigation established that there was no investigation by RMIT regarding the allegation of corrupt conduct by Mr Hana. As stated earlier in my report, the advice provided by People and Culture was to separate the issues pertaining to the students from those relating to the teacher and deal with the students first by way of the Discipline Board (the board). As the board did not substantiate the allegations of cheating by the students, RMIT made the decision not to conduct any investigation in relation to Mr Hana's conduct. I noted that the board had incomplete information at the time of the hearing.
456. At interview, the Pro Vice-Chancellor, Science, Engineering and Technology said the allegation of corrupt conduct by a team leader within his college had not been reported to him. Although he said there was no written requirement for this to occur, he stated that he would still have expected to have been advised of this matter.
457. Under the Whistleblowers Protection Act and the Ombudsman's Guidelines<sup>7</sup>, public bodies must establish an internal system which:
- encourages staff to raise matters of concern internally
  - provides a reporting channel for disclosures that may otherwise never be reported
  - ensures disclosures by whistleblowers are properly and appropriately assessed and acted upon
  - ensures the protection of the Act is fully available to all internal and external whistleblowers.
458. While RMIT has written procedures for handling whistleblower disclosures, RMIT staff spoken to by my investigators had little awareness or understanding of the applicability of the procedure.

### ***Conclusions – Policy and procedural guidance for staff about disclosures***

459. I am concerned that no person (including the two Pro Vice-Chancellors, specialist advisors in People and Culture, SoET Head of School, school manager, teachers and administrative staff) considered the applicability of the *Whistleblowers Protection Act 2001* in managing the reporting of information about staff conduct. It was also concerning that none of these officers were aware of the university's fraud control plan.
460. The lack of awareness of the plan and its procedures resulted in the university not investigating the allegations that an employee engaged in corrupt conduct.
461. In response to this issue the Vice-Chancellor stated that all HR policies and procedures have been reviewed during 2009 and 2010 and are now in the process of being finalised, approved and implemented. She stated that this review, '... has simplified and strengthened employment related policies and procedures'.
462. The Academic Registrar further advised that the implementation plan for any changes that follow a review of Regulation 6.1.1 – Student Discipline will include tailored training for staff about how to respond to allegations or evidence of student misconduct.

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<sup>7</sup> *Whistleblowers Protection Act 2001, Ombudsman's Guidelines, August 2009, refer <[www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)>.*

## Recommendation

I recommend that:

### Recommendation 11

RMIT review its policies and procedures relating to staff and student misconduct to ensure that clear, concise, current and consistent guidance and training is available to staff particularly in relation to the *Whistleblowers Protection Act 2001*.

#### *RMIT's response*

RMIT supports the spirit of the recommendation and substantial work which addresses its intent has already been undertaken, and is continuing.

#### *Poor advice provided to the SoET by senior managers from RMIT's People and Culture unit*

463. The People and Culture unit (the unit) provides specialised advice and assistance on human resource matters to all areas of RMIT. The unit describes its mission as enabling and enhancing the university's capability through client-focused, innovative and quality solutions.
464. After receiving the cheating allegation regarding the November 2008 Stress 2 examination, the Industry Manager approached two managers from the unit for advice on how to proceed; a Senior Human Resources Manager and the Principal Advisor in Employee Relations.
465. In response to my preliminary findings, the principal advisor stated:
- I do not recall being approached by [the Industry Manager] regarding a cheating allegation.
466. The unit's advice was to deal with the students separately by sending the matter to the Discipline Board, without regard to the alleged involvement of Mr Hana in providing the examination paper to the students. The advice was provided by the senior manager in an email dated 23 January 2009:
- P&C [People and Culture] have reviewed all the statements. Our advice is to await the outcome of the Student Discipline process and then we will consider a course of action for the staff member.
467. In response to these comments, the principal advisor said that he 'did not give advice to send the matter to the Discipline Board. The advice I gave...was there was insufficient evidence to put an allegation of serious misconduct against Mr Hana at the time'.
468. At interview the senior manager stated:
- I made a totally wrong assumption that one of these students would rollover and give Nihal Hana up and I thought fantastic, we will then be able to move on him.
469. He further stated that the decision to await the outcome of the students discipline process was based on the consistent advice that he had received from the principal advisor.

470. The advisor also stated:

In hindsight, it would have been preferable to seek advice from the Office of Internal Audit and Risk Management about conducting an investigation in [sic] the conduct of the Team Leader in the matter at the same time as taking action against the students.

It was not my intention to prevent an investigation being conducted in relation to the alleged corrupt conduct of a Team Leader.

471. At interview, the Pro Vice-Chancellor (Students) and Chairman of the Discipline Board stated that she considered the advice provided by People and Culture was totally inappropriate. In her view there was no reason why Mr Hana's conduct could not have been investigated in parallel to the disciplinary processes concerning the students. The Director of Internal Audit and Risk Management, stated that the *Fraud Control Plan for RMIT and its Controlled Entities* (the plan) outlined the appropriate approach in these circumstances. There should have been a comprehensive investigation to simultaneously examine the conduct of Mr Hana and the students.

472. In response to these comments, the senior manager stated:

... I have no knowledge of this policy. Further, I have no recollection of ever viewing this document. I have never received any training on the application of this policy.

To my knowledge, it has not been the practise [sic] to consult with the Director of Internal Audit and Risk Management in such circumstances (i.e. cheating incident) nor have I ever been advised to do so.

473. He also said that at the time, he was acting in the role of Senior Manager, Human Resources on a fixed term basis and received no orientation or induction into this role by the then Executive Director, People and Culture. He said that the workload in the department was 'frenetic'.

### ***Conclusions – Poor advice provided by People and Culture***

474. In my view, the staff of People and Culture provided poor advice in this matter. This is concerning in that, as specialist advisors, they should be well aware of all relevant policies and procedures involving staffing matters and be able to accurately advise staff of the appropriate action and approaches to take. The advice provided to the SoET to 'deal with the students first' was unsatisfactory particularly as it was based on forecasting the board's decision.

475. The lack of awareness by People and Culture of RMIT's fraud control strategies and other processes for dealing with corrupt conduct is unsatisfactory.

476. The Vice-Chancellor has advised me that, during my investigation, work has been undertaken to address the issues identified. She stated that, for example, RMIT has a suite of five on-line training modules which form a critical element of staff induction, and must be completed within a staff members' first month of employment. The on-line training is in addition to attendance at the face to face induction sessions. Human Resources staff also complete the on-line training and 2 year refresh so are kept up to date with general policy developments.

477. The Vice-Chancellor further responded that Whistleblower Protection is included as a topic in the first of the five training modules 'The way we work at RMIT' and directs staff to the University's procedures under the Whistleblowers Protection Act.
478. The Fraud Control Plan for RMIT and its Controlled Entities sets out the processes and procedures in place within the University to minimise the risk of fraud occurring based on the outcomes of fraud risk assessment activities undertaken across the university, and fraud investigative guidelines for staff involved in the investigation of suspected or alleged fraud.
479. The Vice-Chancellor said that:

The University accepts that extending our existing staff training packages to further engender a culture of fraud and corruption awareness would be beneficial and has commenced development of content on Professionalism and Ethical Conduct at RMIT which will be delivered through a university on-line staff training package to be implemented by Q1 2011.

In relation to the Code of Ethics, the Audit and Risk Management Committee of the University Council received reports on compliance and dissemination to staff of the code and related policies in August 2009 and will be reviewing compliance later in 2010.

## Recommendation

I recommend that:

### Recommendation 12

RMIT provide training to ensure that staff, especially those in advisory positions such as staff from People and Culture, are fully conversant with RMIT's current policies and procedures, including the fraud control plan and whistleblower procedures.

#### *RMIT's response*

RMIT supports the spirit of the recommendation and substantial work which addresses its intent has already been undertaken, and is continuing.

#### *Whistleblowers Protection Act*

##### *Lack of awareness of the identity, role and responsibility of the Protected Disclosure Co-ordinator*

480. During my investigation, I noted that there was a lack of awareness amongst RMIT staff of the Whistleblowers Protection Act specifically in relation to the making of a disclosure; the requirement to provide information; the role and responsibility of the Protected Disclosure Co-ordinator; and the need to maintain confidentiality. My officers liaised with the Protected Disclosure Co-ordinator (PDC) to access relevant information from several areas across the university.



481. The PDC has a central role in an agency's internal reporting system for the receipt, assessment and investigation of whistleblower disclosures. In response to my preliminary findings, the PDC stated:

I will be undertaking staff training on the making of disclosures under the Act to raise staff awareness of RMIT's Whistleblower processes and procedures over the coming months. I will also be looking at other ways to raise the profile of the Act at RMIT.

482. In responding to my draft report, the Vice-Chancellor stated that the Protected Disclosure Coordinator is in the process of organising a module on the Act for delivery to staff through the University's Open Program which includes the role, responsibilities and duties of the Protected Disclosure Coordinator. Information about the provisions of the Act and the Protected Disclosure Coordinator is also available on the university website. Detail is also contained in on-line induction modules and this will be strengthened from 2011.

## Recommendation

I recommend that:

### Recommendation 13

RMIT continue to implement initiatives to raise awareness among all RMIT staff of the role, responsibilities and duties of the Protected Disclosure Co-ordinator provided for under the *Whistleblowers Protection Act 2001*.

#### *RMIT's response*

Action is being taken in relation to this recommendation.

#### *Lack of support for persons involved in the reporting of corrupt behaviour*

483. The SoET teacher reported to the Industry Manager in December 2008 that she believed Mr Hana had provided examination papers and solutions to students. Her action in doing so was, in my view, commendable. However, I am concerned that her provision of information to the SoET did not lead to RMIT taking steps to protect her from reprisals.
484. The teacher in the Aerospace and Aviation area reported directly to Mr Hana. I was advised by the Head of School that Mr Hana raised questions over the teacher's teaching competency after she had given evidence to my investigation even though he had, only a few months earlier, recommended her employment contract with RMIT be extended. In late November 2009, Mr Hana contacted a student to obtain a copy of a complaint made to RMIT by several students on 16 October 2009 about the teacher's credibility. Mr Hana told my investigators that he wanted the complaint for a meeting he was attending with the Head of School.
485. The Head of School stated:
- ... Mr Hana was removed from the school once information was presented demonstrating Mr Hana had made inappropriate use of the school's data base and had begun to threaten the safety of people within the school.
486. The teacher said that she felt uncomfortable in Mr Hana's presence and vulnerable to reprisals as she continued to report to him after reporting her suspicions about his conduct to the Industry Manager.



487. The Head of School left it to a supervisor to manage the performance of Mr Hana despite having told my investigators that following his appointment he had early, ongoing concerns over the supervisor's capability to perform as a senior manager and manage staff.
488. The supervisor responded that he disagreed with the Head of School and '... his concerns about my lack of ability to manage staff is not justifiable under the circumstances that existed'.
489. In response, the Head of School stated:

...

The university process for managing poor performance is slow but governed by awards and employment laws, which prevented [me] from removing obstacles impeding progress.

490. By mid-2009 the working relationship between the supervisor and Mr Hana had deteriorated. The consequences of this situation were:
- 6 July 2009: Mr Hana submitted a WorkCover claim citing harassment and bullying by the supervisor. The claim was withdrawn a week later.
  - 10 July 2009: Mr Hana ceased reporting to the supervisor and commenced reporting direct to the Head of School, at the Head of School's request.
  - Late July 2009: Individual mediation sessions for Mr Hana and the supervisor commenced.
  - 18 July 2009: RMIT requested that on 17 September 2009 the supervisor undergo a medical examination due to pressures at work impacting his health.
  - 17 August 2009: The supervisor ceased work citing 'excessive work-related stress'. At the date of this report, he had yet to return to RMIT.
491. The supervisor told my investigators that following his involvement in the cheating allegations against Mr Hana, he felt undermined by a number of people within the SoET. He further said that some staff, including Mr Hana, were not performing their tasks and this put considerable pressure on him to complete work assigned. He said that he did this by working long hours.
492. In response to my preliminary findings, the supervisor stated:

Mr Hana was working very hard to discredit me exactly because he did not want to be removed under the probation arrangements complicit to his contract.

### *Conclusions – Lack of support for persons involved in disclosure*

493. I consider that Mr Hana has made attempts at reprisal action against staff involved in the reporting of cheating allegations to the school.
494. Greater support should have been provided by RMIT to support staff and more effectively manage the situation within the school once the allegations of cheating by a teacher had been made.

## SUMMARY OF RECOMMENDATIONS

### The cheating incidents

#### Recommendation 1

RMIT as a priority, complete its review of its policies and procedures for ensuring the security of examination papers and solutions and implement desired changes within the SoET and the university.

#### *RMIT's response*

RMIT agrees that this is an important issue. Action has already occurred to address this issue, and further work is in train.

#### Recommendation 2

RMIT revise the procedures of the Discipline Board to ensure its decisions regarding academic misconduct by students are fully informed by all relevant information.

#### *RMIT's response*

RMIT has no disagreement with the substance of this recommendation and has commenced a review of the Discipline Board regulation and reports annually on the operations of the board.

### Conduct of Mr Nihal Hana

#### Recommendation 3

RMIT continues to implement its recently developed initiatives relating to employment policies and regularly reinforce with staff the need to be cognisant and report instances of improper and high-risk behaviour by fellow staff members.

#### *RMIT's response*

While RMIT supports the intent of this recommendation and concurs that this is important ongoing work, a raft of current initiatives which address these issues is underway.

### Enrolment without meeting pre-requisite requirements

#### Recommendation 4

RMIT finalise as a priority, the re-build of its enrolment on-line system to prevent students from enrolling in courses for which they have not met the pre-requisite subjects.

#### *RMIT's response*

RMIT agrees with this recommendation.

## Recommendation 5

RMIT revise the Discipline Board's procedures to ensure operational and academic issues arising during its deliberations are formally reported to the relevant Pro Vice-Chancellor for follow-up action.

### *RMIT's response*

RMIT agrees with this recommendation.

## Recommendation 6

The Victorian Registration and Qualifications Authority investigate the SoET's Advanced Diploma of Engineering (Aerospace) program to assess whether the school's training and assessment processes and supporting management systems are consistent with the requirements of the AQTF's registration and course accreditation standards.

## Amendment to student grades

### Recommendation 7

RMIT reinforce with its teaching staff the required protocols for amending student grades; the need to obtain the relevant Head of School's approval; and the importance of retaining supporting documents in accordance with the *Public Records Act 1973*.

### *RMIT's response*

RMIT supports this recommendation, and work has already been undertaken to meet this goal.

The Vice-Chancellor advised that with reference to the first two points, action is well in hand. In Semester 1 2010, staff of the Academic Registrar's Group undertook a 'roadshow' engaging all schools and college offices to brief staff on the new Management of Grades policy and procedures, with particular emphasis on authorisation requirements. Information has also gone to relevant staff through the Teaching and Academic Bulletin and the Frontline Bulletin (for professional staff).

The Vice-Chancellor stated that this is not an isolated example of informing staff of changes to university policy and procedures, or simply a response to the issues under discussion here. The RMIT policy on policies requires the sponsors of all policies and procedures to identify those staff who need to be familiar with them, and to include in their documentation an implementation plan. Therefore, any significant policy change is accompanied by communication and training activity. All RMIT policies and procedures can be accessed from the website, and staff are advised of the requirement to adhere to statutes, regulations, policies and procedures at the point of employment and throughout the induction process.

With reference to the third point, RMIT's Records and Document Management policy makes full reference to the provisions of the Public Records Act and contains guidelines and procedures as to the disposal and retention of documents. Further advice is provided by the Senior Manager, Compliance and the University Archivist. RMIT will consider further ways of publicising the requirements of the *Public Records Act 1973*.

## Re-sit examinations

### Recommendation 8

RMIT undertake a comprehensive review of SoET's assessment and examination practices across all programs, and its compliance with university policies and procedures.

#### *RMIT's response*

A number of actions have already been taken to address the intent of the recommendation.

## Inappropriate assistance provided to an international student

### Recommendation 9

RMIT review the function of the International Student Information and Support (ISIS) unit and provide training to staff of the unit to ensure understanding of their role and responsibilities.

#### *RMIT's response*

No response was provided to this recommendation.

### Recommendation 10

RMIT review its *Health and Safety communication and consultation procedure* to ensure appropriate personnel are involved in, and accountable for, advising staff of serious incidents and following up issues.

#### *RMIT's response*

No response was provided to this recommendation.

## Managing and investigating disclosures of corrupt conduct and misconduct by university staff

### Recommendation 11

RMIT review its policies and procedures relating to staff and student misconduct to ensure that clear, concise, current and consistent guidance and training is available to staff particularly in relation to the *Whistleblowers Protection Act 2001*.

#### *RMIT's response*

RMIT supports the spirit of the recommendation and substantial work which addresses its intent has already been undertaken, and is continuing.

## **Recommendation 12**

RMIT provide training to ensure that staff, especially those in advisory positions such as staff from People and Culture, are fully conversant with RMIT's current policies and procedures, including the fraud control plan and whistleblower procedures.

### ***RMIT's response***

RMIT supports the spirit of the recommendation and substantial work which addresses its intent has already been undertaken, and is continuing.

## **Whistleblowers Protection Act**

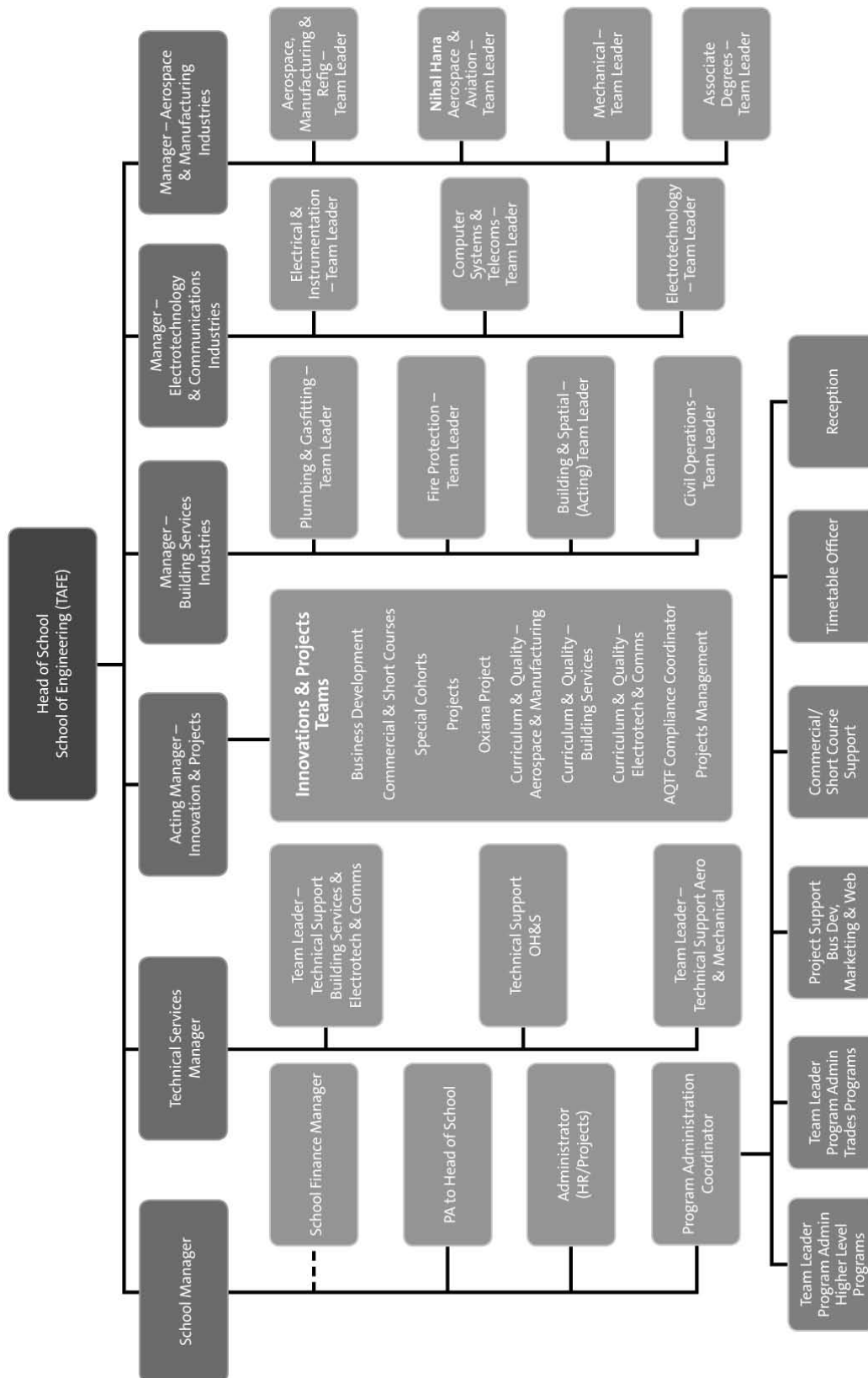
### **Recommendation 13**

RMIT continue to implement initiatives to raise awareness among all RMIT staff of the role, responsibilities and duties of the Protected Disclosure Co-ordinator provided for under the *Whistleblowers Protection Act 2001*.

### ***RMIT's response***

Action is being taken in relation to this recommendation.

# APPENDIX 1 – Organisational structure of the School of Engineering (TAFE) as at November 2009





## APPENDIX 2 – Transcript of events concerning student cheating in final exams 2008

### Transcript of events concerning student cheating in final exams 2008.

The following transcript is provided by [REDACTED] an Engineering Teacher from the School of Engineering (TAFE) Aerospace Manufacturing.

I would like to report on the following incident on the Stress II Exam within the Advanced Diploma Aerospace (mechanical).

The following students [REDACTED] [REDACTED] and [REDACTED] appear to have been dishonest about their performance on the Aero 5400 (Stress II) exam

Both [REDACTED] and [REDACTED] had failed Stress I. All of them had also failed both of the two class tests with extremely low marks for Stress II.

When I marked for their final exam papers, I was surprised that [REDACTED] paper was is almost the identical copy to the master copy of the exam answer workings and he achieved extremely high marks.

Similarly [REDACTED] answers are very close to the way I made up my master copy and he also received very high marks.

For [REDACTED] some of the answers are approximately the same as my master copy and he gained approximately 60% for the exam, and well above his ability.

In addition, all three of them arrived 30 minutes late to the exam. I allowed the students to use any type of calculators. These three students seemed to use memory storage calculator.

Due to my suspicions, I showed the exam paper to the Stress I teacher, [REDACTED] and one of the team leaders [REDACTED]. They also concluded that something was definitely wrong with these papers. After I discussed this with my manager [REDACTED] we sat down and looked at the exam paper together and it was quite convinced that these students copied my master. I have since locked up the exam papers and answers securely.

My suspicions are that my Team Leader (Nihal Hana) may have provided the exam paper to these students. I was required to give the master copy of both the exam questions and answers to the school before the exam date for auditing purpose. I do not believe an audit was actually carried out. If you have any questions about them, please feel free to contact me again.

NB: Advice offered by the student union to [REDACTED] after reviewing his exams with [REDACTED] master was to co-operate and do a resit exam. [REDACTED] chose to not take this advice.



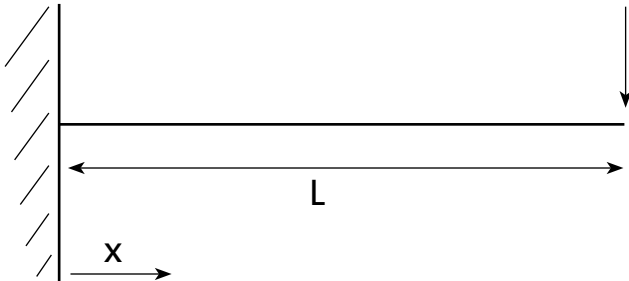
## APPENDIX 3 – Course overview details (Stress 1 and Stress 2)

Course overview details	Stress 1	Stress 2
Course description	This course provides an introduction to the basic tools used in the mechanics of solids, engineering analysis and the development of skills required to apply these to the analysis and design of engineering structures.	This course focuses on structural analysis concepts for the para-professional technician in solid mechanics. Areas covered include: strain, shear, bending, torsion stress, concentration, fatigue and design.
Learning mode	Face-to-face	Face-to-face
Nominal hours	60 hours	80 hours
Pre-requisite Courses and Assumed Knowledge and Capabilities	Aerospace Mathematics 1 Aerospace Physics 1	Stress 1
Assessment	To successfully complete this course the student is required to pass written assessment tasks and demonstrate skills and ability by completing practical tasks to aerospace standards.	

Source: <www.rmit.edu.au>

## APPENDIX 4 – Stress questions asked of three students by Ombudsman Victoria

### Question 1



1.1 Where is the maximum deflection of the beam?

1.2 Define the stress?

1.3 What are the three fundamental stresses?

### Question 2

2.1 What is the total deflection in a parallel mounted compound bar?

### Question 3

3.1 What is the difference between the stresses in a sphere and a cylinder pressure vessel?

In a sphere...

In a cylinder...

# APPENDIX 5 – Exam cover sheet (Stress 2 examination, 11 November 2008)



Seat No \_\_\_\_\_  
Student Name \_\_\_\_\_  
Student ID \_\_\_\_\_

## EXAM COVER SHEET

**NOTE: DO NOT REMOVE this exam paper from the exam venue**

### EXAMINATION DETAILS

Course Code: **AERO5400**  
Course Description: **Stress 2**  
Date of exam: 11/11/2008      Start time of exam: 9:15 AM      Duration of exam: 3hr 15min  
Total number of pages (incl. this cover sheet) 13

### ALLOWABLE MATERIALS AND INSTRUCTIONS TO CANDIDATES

1. Write your full name and student number on each examination booklet.
2. Students must not write during reading time.
3. This is a **CLOSED BOOK** Exam.
4. All questions must be answered in Part (A) and any four questions must be answered in Part (B).
5. All the questions must be answered in the appropriate space provided.
6. Each question weights the marks as allocated.
7. This is 70 % of the total assessment of the subject.
8. All questions must be answered in the appropriate space provided.
9. Carry out the instructions on the front cover of the examination script book and the front of this exam paper.
10. Any types of calculators are allowed.
11. Bi-lingual dictionaries are not allowed.

## APPENDIX 6 – Review by engineering expert of the Stress 2 examination papers and master solutions



MEMO

School of Property,  
Construction & Project  
Management

Building 8, Level 8  
360 Swanston Street  
Melbourne VIC 3001  
Australia

Tel. +61 [REDACTED]  
Fax. +61 [REDACTED]  
[www.rmit.edu.au/pcpm](http://www.rmit.edu.au/pcpm)

CONFIDENTIAL

**Date** 5<sup>th</sup> February, 2010  
**To** [REDACTED] School of Engineering TAFE  
**From** [REDACTED] School of Property, Construction and Project  
Management  
**CC**  
**Subject** Review of Examination papers for the subject AERO5400

Dear [REDACTED]

Thanks for the opportunity of reviewing the examination papers for the subject AERO5400.

I have reviewed exam papers A, B and C with reference to the model solution and in comparison with each other. My notes are attached to this review. I also reviewed papers D,E and F.

While there are similarities between the model solution there are enough differences to indicate that the papers are not direct copies.

For example:

Paper A

Questions 3, 4, 5 and 6 have significant differences to the model solution.

Paper B

Has similarities to Paper A but demonstrates less understanding of the material particularly in questions 4 and 7. This paper attempts question 10 in an incomplete way whereas Paper A attempted question 8.

Paper C

This paper is quite different to papers A and B but shows much less understanding of concepts.

In summary, the papers by my reading do not indicate to me that they are direct copies of the master solution. There are similarities between the papers A and B but again, to my mind, no conclusive evidence that they are direct copies.

In comparing Papers A, B and C with Papers D, E and F it is clear to me that it is probably possible for students to learn how to answer these questions by rote learning. The questions require formulaic answers and the formulae are provided. There is little opportunity for the student to demonstrate understanding of the concepts and for the assessor to satisfy himself

## APPENDIX 6 – continued

that the student understands the material. For example in some of the papers there are mistakes in the units of the calculation and it is difficult to determine if this is due to a misunderstanding on the student's part or just a careless calculation error. The Mohr's circle (question 8) is a good example of this.

Thank you for the opportunity to review these papers.

Please don't hesitate in contacting me if I can provide further information.



School of Property, Construction and Project Management

## APPENDIX 6 – continued

### REVIEW OF EXAM PAPERS

#### Paper A

##### Part A

1. Identical answers  
Simple question: differences in significant figures.
2. Easy question: differences in significant figures.
3. More challenging: conversion from radians to degrees specific  
Otherwise identical.  
  
Very formula based.
4. Used wrong I (moment of inertia) and max deflection. Clearly not copied.

##### Part B

5. Solutions are similar but clear explanation of reasons in the paper which is not given in master solution.
6. Has substantially different but correct solution for part (a). Parts (b) and (c) similar.
7. Similar methods different units.
8. Mohr's Circle got sign convention wrong. Therefore wrong stress. Mohr's circle not in solution.
9. Not attempted.
10. Not attempted.

#### Paper B

##### Part A

1. Multiplication error in C. Otherwise identical.
2. Same.
3. Same. Routine question. Clear understanding of units.
4. Answer seems to skip steps. Not easy to judge.

## APPENDIX 6 – continued

### Part B

5. Concise answer.
6. Similar method to Paper A. Different from solution.
7. Similar answers to Paper A but no comments in answer. Paper A demonstrates stronger understanding.
8. Didn't attempt 8.
9. Didn't attempt 9.
10. Correct answer for half of b then lost.

### Paper C

#### Part A

1. Correct and simple.  
Mistake in units.
3. a) Correct part A. Unclear student understands units.  
b) Wrong units again.
4. Wrong approach, no understanding. Like Paper A. Confused but different to A.
5. Simple mistake in  $F_s$  that demonstrates little understanding. Stress incorrect.
6. Different solutions to others A & B. Different correct answers.
7. Different reasons to sample answer and to A & B.
8. Wrong sign convention on stresses. Similar to Paper A.



# APPENDIX 7 – Aircraft Instrument Fundamentals (exam cover sheet)



**NOTE: DO NOT REMOVE THIS EXAM PAPER FROM THE EXAM VENUE**

EXAM COVER SHEET

EXAMINATION DETAILS

Course code/s: AERO 5386 .....  
Course name/s: Aircraft Instrument Fundamentals 1 .....  
Date of exam: 01/06/2009 .....  
Time of exam: 09:15 to 11:30 .....  
Duration of exam: 2:15 hours include 15 minutes reading time .....  
Total no. of pages (incl. this cover sheet): 10 Pages

ALLOWABLE MATERIALS AND INSTRUCTIONS TO CANDIDATES:

1. Write your full name and student number on each examination booklet together with the number of examination books used. Students must not write during reading time.
2. This is a **CLOSED BOOK** Exam.
3. This paper contains 70 multiple choice questions.
4. Mark your answers in the answer sheet provided.
5. If you wish to change a multiple choice answer, blank out the previous attempt and place an X in the box you want. Should you blank out all the boxes, write the answer letter beside the question number.
6. This examination forms 70% of the assessment for the subject.

Student's Name: \_\_\_\_\_

Student No: \_\_\_\_\_

Signature: \_\_\_\_\_

# APPENDIX 8 – Aircraft Instrument Fundamentals (answer sheet completed by student)

**ROYAL MELBOURNE INSTITUTE  
OF TECHNOLOGY**  
AERO 5386 – Aircraft Instrument  
Fundamentals 1  
Semester 1, 2009 – Answer Sheet

Name: \_\_\_\_\_

Student No.: \_\_\_\_\_

Signature: \_\_\_\_\_

No.	A	B	C
1		✓	
2			✓
3		✓	
4	✓		
5		✓	
6	✓		
7		✓	
8	✓		
9			✓
10	✓		✓
11			✓
12		✓	
13	✓		
14		✓	
15		✓	
16			✓
17			✓
18	✓		✓
19		✓	✓
20			✓
21		✓	
22			✓
23		✓	
24	✓		
25			✓
26			✓
27	✓		
28	✓		
29			✓
30		✓	

No.	A	B	C
31			✓
32		✓	
33		✓	✓
34			✓
35		✓	
36	✓		
37			✓
38	✓		
39	✓		
40		✓	✓
41			✓
42		✓	
43			✓
44	✓		
45			✓
46	✓		
47		✓	
48	✓		
49	✓		
50			✓
51		✓	
52	✓		✓
53		✓	
54		✓	✓
55			✓
56	✓		
57		✓	
58			✓
59	✓		
60		✓	
61	✓	✓	
62			✓
63	✓		
64		✓	
65			✓
66	✓		
67			✓
68	✓	✓	
69		✓	
70	✓		

Marks: .....



## APPENDIX 9 – Aircraft Instrument Fundamentals (student A's response)

18/06/09

Select the most correct answer for the following questions.

(1 mark each)

- 1) What are the four primary flight instruments?
  - a) ASI, VSI, ALTIMETER and MACHMETER.
  - b) ASI, ALTIMETER, GYRO HORIZON and COURSE INDICATOR. **B**
  - c) ASI, RMI, ALTIMETER and TURN & SLIP.
  
- 2) Hair Springs are used as
  - a) an anti backlash device.
  - b) a controlling device.
  - c) an anti backlash and a controlling device. **C**
  
- 3) Standard atmospheric pressure at sea level is
  - a) 14.7 lb/in<sup>2</sup> *Round for m-L* **A**
  - b) 1010.25 mbar.
  - c) 28.921 in Hg.
  
- 4) Choose the appropriate correct term?
  - a) Two independent operating systems that will not impair the operation.
  - b) Only Pitot-static system is independent.
  - c) Only gyroscopic system is independent. **A**
  
- 5) Position of flight, navigation and powerplant instruments for pilot (two-pilot operation) shall be that the
  - a) instruments to be group together for individual pilot. **A**
  - b) instruments should be plainly visible as individual group.
  - ~~c) group only the main six configurations.~~
  
- 6) Which principle element is an angular displacement regarded?
  - a) Coupling element
  - b) Detecting element
  - c) Measuring element **C**
  
- 7) What are the two terms used in the lever mechanism that relate to the movement and calibration of the indicating element?
  - a) Length and angle **A**
  - b) Length and pressure
  - c) Angle and pressure







# OMBUDSMAN'S REPORTS 2004-10

## 2010

Ombudsman investigation into the probity of the Kew Residential Services and St Kilda Triangle developments

*June 2010*

Own motion investigation into Child Protection – out of home care

*May 2010*

Report of an investigation into Local Government Victoria's response to the Inspectors of Municipal Administration's report on the City of Ballarat

*April 2010*

*Whistleblowers Protection Act 2001* Investigation into the disclosure of information by a councillor of the City of Casey

*March 2010*

Ombudsman's recommendations – Report on their implementation

*February 2010*

## 2009

Investigation into the handling of drug exhibits at the Victoria Police Forensic Services Centre

*December 2009*

Own motion investigation into the Department of Human Services – Child Protection Program

*November 2009*

Own motion investigation into the tendering and contracting of information and technology services within Victoria Police

*November 2009*

Brookland Greens Estate – Investigation into methane gas leaks

*October 2009*

A report of investigations into the City of Port Phillip

*August 2009*

An investigation into the Transport Accident Commission's and the Victorian WorkCover Authority's administrative processes for medical practitioner billing

*July 2009*

*Whistleblowers Protection Act 2001* Conflict of interest and abuse of power by a building inspector at Brimbank City Council

*June 2009*

*Whistleblowers Protection Act 2001* Investigation into the alleged improper conduct of councillors at Brimbank City Council

*May 2009*

Investigation into corporate governance at Moorabool Shire Council

*April 2009*

Crime statistics and police numbers

*March 2009*

## 2008

*Whistleblowers Protection Act 2001* Report of an investigation into issues at Bayside Health

*October 2008*

Probity controls in public hospitals for the procurement of non-clinical goods and services

*August 2008*

Investigation into contraband entering a prison and related issues

*June 2008*

Conflict of interest in local government

*March 2008*

Conflict of interest in the public sector

*March 2008*

## 2007

Investigation into VicRoads' driver licensing arrangements

*December 2007*

Investigation into the disclosure of electronic communications addressed to the Member for Evelyn and related matters

*November 2007*

Investigation into the use of excessive force at the Melbourne Custody Centre

*November 2007*

Investigation into the Office of Housing's tender process for the cleaning and gardening maintenance contract – CNG 2007

*October 2007*

Investigation into a disclosure about WorkSafe's and Victoria Police's handling of a bullying and harassment complaint

*April 2007*

Own motion investigation into the policies and procedures of the planning department at the City of Greater Geelong

*February 2007*

## 2006

Conditions for persons in custody

*July 2006*

Review of the Freedom of Information Act 1982

*June 2006*

Investigation into parking infringement notices issued by Melbourne City Council

*April 2006*

Improving responses to allegations involving sexual assault

*March 2006*



## **2005**

Investigation into the handling, storage and transfer of prisoner property in Victorian prisons

*December 2005*

*Whistleblowers Protection Act 2001* Ombudsman's guidelines

*October 2005*

Own motion investigation into VicRoads registration practices

*June 2005*

Complaint handling guide for the Victorian Public Sector 2005

*May 2005*

Review of the *Freedom of Information Act 1982*

Discussion paper

*May 2005*

Review of complaint handling in Victorian universities

*May 2005*

Investigation into the conduct of council officers in the administration of the Shire of Melton

*March 2005*

Discussion paper on improving responses to sexual abuse allegations

*February 2005*

## **2004**

Essendon Rental Housing Co-operative (ERHC)

*December 2004*

Complaint about the Medical Practitioners Board of Victoria

*December 2004*

Ceja task force drug related corruption – second interim report of Ombudsman Victoria

*June 2004*