

Suspicion of Academic Misconduct and the No-Penalty Conversation

Where you have marked an assessment and suspect that a student has breached the [Student Code of Conduct](#) you should investigate further. If, after further investigation where you have uncovered evidence the student has gained, or attempted to gain an unfair academic advantage with their conduct, you are obliged to report the alleged academic misconduct using the [online form](#) as per the [Academic Misconduct Procedure, Section 1](#).

If you do submit a report, it will be received by the Student Matters Team who will administer the matter as per the procedure. The Student Matters Team will forward your report to your Academic Head / Dean (depending on the seriousness of the conduct) who will consider your report to determine if there is sufficient evidence to proceed to a hearing. If there is insufficient evidence, the matter may be dismissed. Therefore, it is important that you investigate further and uncover sufficient evidence prior to submitting a report.

If you choose **not** to submit a report:

- You must mark the assessment as presented by the student.
- Do not selectively mark or omit sections to mark based on your suspicions of student work.
- Do not apply marking penalties on the student's work for unreported conduct.

Whether the student should be penalised for breaching conduct can only be decided by the Academic Head / Dean, on reported allegations. If you impose misconduct related penalties you will have breached JCU Policies and Procedures and also the student's right to natural justice / procedural fairness.

*However, sometimes you may feel that submitting a report is not appropriate. In these cases, you may consider an alternative approach by having a **no-penalty conversation** with the student.*

Circumstances where it may be appropriate to have a no-penalty conversation instead of submitting an academic misconduct report:

- **Intention:** Does it appear the student intended to gain an unfair academic advantage, or did they misunderstand how to comply with Australian standards of Academic Integrity?
- **New Student:** Is the student in their first semester of study? Has the student completed the Academic Integrity modules?
- **Background:** Is the student from a non-English speaking background? Has the student come from a country where there is little to no education regarding academic integrity, or have different accepted practices?
- **Minor Alleged Breach:** Is the suspected breach minor? For example, consider for plagiarism if the student has copied a sentence or two? Or has a substantial amount been copied? In the latter case (especially if you feel you cannot mark the plagiarised content), you should submit a report.

Suggestions on what to cover during a no-penalty conversation:

- Address the assessment, not the student's alleged misconduct.
- Provide feedback on the assessment and educate the student on how you expect the assessment to be properly referenced, or if they are allowed to use AI and reference that (if permitted in the assessment task).
- Encourage the student to access the [Learning Centre](#) for support on how to produce assessment items that are properly referenced.
- If the topic of possible misconduct does come up, you can discuss how you believe the assessment may not comply with academic integrity and what it may look like if did. *You should not raise this yourself.*
- When concluding the meeting, you may ask the student to consider and reflect on the information you have provided, and if appropriate, give the student a choice to resubmit the assessment (no penalty).

A no-penalty conversation should be a positive learning experience for the student, helping to correct their path.

When a no-penalty conversation should NOT take place:

- If you feel you cannot mark the assessment as presented by the student. You should report academic misconduct.
- If you are intending on reporting the alleged misconduct
- If intend to use the meeting with the student as an information gathering opportunity to include when you report the matter
- If you intend to accuse and/or penalise the student for their alleged academic misconduct

The Academic Misconduct Procedure has been written to ensure that the student is afforded procedural fairness, along with ensuring the student is aware of their rights and support services offered by JCU while being subject to the procedure. Therefore, the university would prefer for you to report the matter officially with evidence you have uncovered, instead of attempting to interview the student yourself as part of your investigation. The procedure allows for the decision maker to interview the student further, on record, and with the full support of the Student Matters Team to ensure the student is treated in a procedurally fair way.

For advice on whether a no penalty conversation is appropriate, please contact a Student Matters Advisor on (07) 4232 1500, or email StudentMatters@jcu.edu.au.