

Academic Misconduct Procedure

Intent

This Procedure outlines the University's management of allegations of academic misconduct by students as referenced in the Student Code of Conduct, Examinations Procedures for Students, Learning, Teaching and Assessment Policy, Coursework Academic Integrity Policy and Procedure and the Code for the Responsible Conduct of Research, to maintain the academic and research integrity and standing of the University.

This Procedure addresses HESF Standards 4.1.1, 5.2 and 6.2.1.j.

Scope

All students undertaking study or research with James Cook University in respect of all actions and activities (including inaction or inactivity) relating to the conduct of academic work.

Academic Misconduct may occur with:

- assignments, essays and other forms of course or subject assessment that are not invigilated;
- practicums or placements;
- examinations, tests and other forms of assessment that are invigilated;
- research activities including seeking ethical and other clearances required prior to commencing research, collecting, storing and disclosing data, using the intellectual property of others, data analysis and reporting;
- theses and other work presented as part of higher degrees by research, honours and other postgraduate awards.

Definitions

Except as otherwise specified in this procedure, the meaning of terms used in this procedure are as per the Student Code of Conduct. Other terms used in this procedure may also be found in the [Policy Glossary](#).

Academic Misconduct administration team: For JCU students studying in Australia, the administration of all academic misconduct matters will be facilitated by the Student Matters team. For Singapore campus students, the administration of all academic misconduct matters will be facilitated by the Singapore Campus Examinations Team.

Academic Misconduct

The Student Code of Conduct defines Academic Misconduct as conduct on the part of a student that attempts or succeeds to obtain unfair academic advantage through misrepresentation, plagiarising, colluding, falsification, cheating, use of social relationships with academic staff or any other breach of academic integrity for their own gain or the benefit of others.

Instances of Academic Misconduct include:

- a) cheating, collusion and plagiarism (including self-plagiarism);
- b) making a false representation to gain academic advantage;
- c) tampering, or attempting to tamper, with examination papers, scripts, class work, grades or academic records;
- d) breaching the examination requirements in an attempt to disrupt an examination or to gain an academic advantage;
- e) failing to abide by reasonable directions of a member of academic staff in relation to academic matters, including directions regarding individual responsibility for the submission of assessable work;

- f) the improper use of University facilities, information or the intellectual property of others without permission;
- g) acquiring, or attempting to acquire, possess, or distribute examination materials or information about assessment without approval;
- h) impersonating another student, or arranging for anyone to impersonate a student, in an examination, assessment task, prerequisite or assessment hurdle;
- i) submitting any document or file that the University requires of the student to meet academic requirements (eg. medical certificate or other supporting documentation, placement evaluations) which has been altered, fabricated, or, which fraudulently attempts to certify, confirm or authorise the information it contains;
- j) altering a group's submission for assessment without the participating students' consent;
- k) participating in or initiating contract-cheating by completing, purchasing or otherwise procuring pre-written or specially prepared assessment items from a third party; or
- l) use of artificial intelligence or paraphrasing software for purposes not sanctioned by the assessment specifications; or
- m) failing to comply with a penalty imposed under this procedure; or
- n) any other acts or omissions not included in a) - m) above which in the opinion of the Chair of the Academic Board reasonably represents Academic Misconduct or a breach of the Code for the Responsible Conduct of Research.

Procedure

Any person, including staff, students, members of the University community or public may report an instance of suspected academic misconduct to the University

1. Reports of suspected Academic Misconduct – coursework students

- 1.1. Staff must report suspected academic misconduct as soon as possible after the suspected misconduct is detected or observed using the [Report Academic or Professional Misconduct](#) online form, attaching evidence to support the allegation.
- 1.2. Students and members of the public can report suspected academic misconduct by emailing studentmatters@jcu.edu.au.
- 1.3. If the student has received a finalised result for the subject that the allegation relates to, only serious misconduct will proceed through this process.
- 1.4. Upon receipt of a report of academic misconduct the relevant Academic Misconduct administration team will check for instances of previous proven misconduct within 3 university working days. Allegations of academic misconduct related to invigilated examinations during a formal examination period will be referred to the Director, Student Services (or Senior Director Admissions, Academic Services and Progressions for Singapore campus examinations), and allegations related to all other assessment will be referred to the relevant Academic Head.
- 1.5. The Director, Student Services (or Senior Director Admissions, Academic Services and Progressions at the Singapore campus) or Academic Head (or College/Campus Dean if the Academic Head is also the Subject Coordinator), will conduct a preliminary evaluation based on the evidence provided within 10 university working days of receiving the report to determine the seriousness of the conduct, and if the matter should be dismissed if the evidence is insufficient or the allegations are deemed to be unfounded or trivial, or if the matter should proceed to an Academic Misconduct Hearing.
 - 1.5.1. If the allegation is dismissed the relevant Academic Misconduct administration team will notify the referring person outlining the reasons for dismissal and provide cautionary advice to the student where appropriate.
 - 1.5.2. If the allegation meets the criteria of Serious Misconduct (refer Appendix 1 of the Student Code of Conduct) the matter will be heard by the College/Campus Dean as Authorised Delegate.
 - 1.5.3. All matters, except under Clause 1.5.2 will be heard by the relevant Academic Head as Authorised Delegate.
- 1.6. Timely processing of this procedure is required however if any timeline within this procedure is not met, this will be noted in the communication to the student but will not make the decision invalid.

2. Reports of suspected Academic Misconduct – postgraduate research students

- 2.1. Suspected Academic Misconduct in relation to any coursework assessment including thesis presentation or other assessable work contributing toward a postgraduate coursework or Masters degree by coursework award of the University administered by a College shall be referred to the relevant Academic Head (or College Dean if the Academic Head is on the Advisory Panel) as Authorised Delegate.
- 2.2. Suspected Academic Misconduct in relation to a research higher degree administered by the Graduate Research School shall be referred to the Dean, Graduate Research (or the DVC Research if the Dean, Graduate Research is the student's Principal Supervisor) as Authorised Delegate (refer to clause 6 of [Managing and Investigating Potential Breaches of the JCU Code for the Responsible Conduct of Research Procedure](#)).

3. Academic Misconduct Allegation

- 3.1. The relevant Academic Misconduct administration team will notify the student at their JCU email address within 15 university working days of the Report submission that an allegation/s of academic misconduct has been made against them. The notification will include sufficient detail, including any evidence provided to enable the student to understand the precise nature of the allegation/s, and to properly respond to it.
- 3.2. A student who receives an allegation/s of Academic Misconduct is required to respond to the allegation/s in writing within 10 university working days. Where authorised in writing by the student, a support person or student advocate may assist the student in the presentation of their case. The support person must not be a lawyer unless by prior written approval of the Authorised Delegate. For Singapore campus students, the student may seek advice from the Student Advisory team but this team cannot assist in the presentation of the case at hearing.
- 3.3. If a student does not respond within 10 university working days of the notification of allegation/s, or otherwise fails to engage in the process, this does not halt the process and a hearing of the matter will proceed.

4. Academic Misconduct Hearing

- 4.1. In consultation with the Authorised Delegate the relevant Academic Misconduct administration team will set a date, time and location for the hearing of the allegation/s. Where possible the hearing should be scheduled as soon as practicable, but no sooner than 10 university working days after the notice of allegation/s being sent to the student to allow sufficient time for the student to seek advice and/or support.
- 4.2. Upon scheduling the hearing, the relevant Academic Misconduct administration team will notify the student in writing to their JCU email address the following:
 - 4.2.1. The name of the Authorised Delegate hearing the allegation/s;
 - 4.2.2. The date, time and location of the hearing;
 - 4.2.3. Information regarding the student's right to attend and be heard in relation to the allegation/s;
 - 4.2.4. Information regarding the student's right to have a support person or student advocate attend with them. The support person must not be a lawyer unless by prior written approval of the Authorised Delegate.
- 4.3. The student will be given the opportunity to be heard by the Authorised Delegate. That opportunity may be provided in person, or by video conference, additional written submission or by other means of communication approved by the Authorised Delegate. If conducted by video conference, only the student and their support person or student advocate may be in attendance. The Authorised Delegate may request an environmental scan to ensure this.
- 4.4. The Authorised Delegate will consider the allegations and the student's response to determine whether the allegation is proven or not proven on the balance of probability after considering:
 - 4.4.1. The materials provided by the person alleging the Academic Misconduct weighing up the sufficiency and reliability of various evidence; and
 - 4.4.2. Any oral and/or written testimony provided by the student or evidence relevant to the allegation.

5. Notice of hearing decision

- 5.1. The Authorised Delegate will communicate the outcome of the Academic Misconduct Hearing in writing to the relevant Academic Misconduct administration team within 10 university working days of the hearing.

- 5.2. The Authorised Delegate's decision must record:
 - 5.2.1.the evidence considered;
 - 5.2.2.findings in relation to the allegations;
 - 5.2.3.reasons for those findings; and
 - 5.2.4.if the decision is that the academic misconduct is proven, the penalty applied (as per [Appendix 2 of the Student Code of Conduct](#)) and whether the instance of academic misconduct is to be recorded on the student's internal and/or external academic transcript.
- 5.3. Where the academic misconduct has been proven the Authorised Delegate will:
 - 5.3.1.offer counselling by the Academic Head or Dean on the importance of maintaining high levels of academic integrity at Australian universities, and advise on the possible consequences of any further instances of academic misconduct;
 - 5.3.2.where instances of second or repeat offences of academic misconduct are proven, consider the application of more serious penalties as specified in [Appendix 2 of the Student Code of Conduct](#).
- 5.4. The relevant Academic Misconduct administration team will send to the student at their JCU email the Hearing Determination within 1 university working day of receipt and include information on the student's right to appeal if they remain dissatisfied with the Authorised Delegate's decision.
- 5.5. The relevant Academic Misconduct administration team will note the instance of proven academic misconduct on the student's record in the Student Management System, and this may be made visible on the internal and/or external academic transcript as advised by the Authorised Delegate.

Related policy instruments

[Student Code of Conduct](#)

[HDR Requirements](#)

[Code for the Responsible Conduct of Research](#)

[Managing and Investigating Potential Breaches of the JCU Code for the Responsible Conduct of Research Procedure](#)

[Review of a Student's Suitability to Continue a Course Involving Placement Policy](#)

[Intellectual Property Policy and Procedure](#)

[Copyright Policy and Procedure](#)

[Social Media Policy](#)

[Digital Technologies Acceptable Use Procedure](#)

[Library Use Policy](#)

[Student Review and Appeal Policy \(effective from 01/01/2023\)](#)

[Complaint and Conduct Decisions Appeal Procedure](#)

[Report Academic or Professional Misconduct](#) online form

Schedules/Appendices

[Appendix 2 Student Academic Misconduct penalties](#)

Administration

NOTE: Printed copies of this procedure are uncontrolled, and currency can only be assured at the time of printing.

Approval Details

Policy Domain	Academic Governance
Policy Sub-domain	Student Experience
Policy Custodian	Deputy Vice Chancellor, Education

Approval Authority	Academic Board
Date for next Major Review	09/05/2024

Revision History

Version	Approval date	Implementation date	Details	Author
23-2	05/07/2023	10/07/2023	Procedure amended in line with recommendations contained in the Student Academic and Research Integrity Compliance Audit Report. Newly established Student Matters team included in procedure.	Director, Student Services
23-1	NA – administrative amendment	12/05/2023	Clause 1.2 amended to incorporate Report Academic or Professional Misconduct Form.	Director, Student Services
22-1	04/11/2022	04/11/2022	Amended to align with new organisational structure.	Policy Officer
19-3	10/07/2019	11/07/2019	Minor amendment to clarify responsibilities regarding para 1.4	Director, Student Services
19-2	06/06/2019	16/06/2019	Amendments to clarify responsibilities and timeframes, include post-graduate coursework and clarify record keeping requirements	Director, Student Services
19-1	09/05/2019	09/05/2019	Procedure established	Vanessa Cannon, Chief of Staff

Keywords	Academic misconduct
Contact person	Director, Student Services