

## Learning from Complaints: Plagiarism and Academic Misconduct

### Reading – 4 November 2009

Rob Behrens, Independent Adjudicator and Chief Executive, welcomed delegates and commented on the recent statement in the Government's HE Framework document which acknowledged the work of the OIA in helping the sector to learn from good practice through its policy seminars. He also gave an update on the Pathway Project: the final report will be published in February 2010.

Susanna Reece, Deputy Adjudicator, gave an introduction to the day and highlighted that the objective was to enable Institutions to learn from the OIA's experience of handling complaints. In response to feedback from previous seminars, we have included more time for networking and discussion.

Claire Oldfield and Helena Pell (Assistant Adjudicators) presented some short case studies and scenarios. Delegates were asked to consider whether the cases were justified or the scenarios were fair.

### Susanna Reece - Deputy Adjudicator – 'Procedural fairness'

This applies more broadly than in relation to plagiarism cases. Lack of procedural fairness is one of the main reasons why the OIA finds complaints to be justified.

View this presentation [here](#)

The **OIA's view** is that it is good practice to provide clear reasons for decisions: the student should know the basis for any challenge or appeal.

The **OIA's approach** is to consider whether a decision is "fair and reasonable in all the circumstances" as well as whether regulations and procedures have been followed.

### Discussion Groups

Delegates then split into groups to discuss issues raised in anonymised case studies based on OIA decisions. This also gave delegates an opportunity to explore the similarities and differences in how such cases are handled in their institutions and to share their experiences.

### Jude Carroll - Oxford Brookes University - Contract Cheating

Jude Carroll distinguished Contract Cheating from plagiarism. Universities should consider this as a specific breach within their regulations with an appropriate penalty (which may extend to former students who sell their work to such sites).

Some Student Unions advertise sites supplying bespoke assignments. It is important that Universities make Student Unions aware of the seriousness of the consequences for students caught using such sites and that they are not acting in the students' best interests by promoting them.

It may be appropriate to consider the use of a viva to establish the authenticity of the work submitted: the regulations should make it clear in what circumstances a viva might be applied and its purpose.

### Will Murray – N:Learning – Issues arising from the use of Turnitin

Will Murray emphasised the importance of the software supporting, but not replacing, academic judgement and discussed how it might be used as a teaching tool to help students develop their skills. The “Originality Report” needs careful interpretation and if this is given to students, an explanation should also be provided.

Will emphasised the importance of “designing plagiarism out” of the assessment process; for example by making assignments individual and not repeating previously set assignments. Assessment should incorporate the process, including the research, not just the final submission.

### Panel Discussion

Jude Carroll and Will Murray stayed for the panel discussion. The following issues were raised:

The burden and standard of proof (balance of probabilities or beyond reasonable doubt) should be considered when deciding whether contract cheating had taken place. The emphasis should be on process rather than final product: it is for student to demonstrate understanding. Students may be required to keep drafts.

It was acknowledged that “designing plagiarism out” of assessments takes time and academics may need support: consideration should be given to ways of making assignments harder to copy.

There was discussion about the scenario where, following an allegation of plagiarism the student can opt for a hearing; however this results in a harsher penalty than if the student accepted the allegation. There was general consensus (among speakers and delegates) that this was unfair.

Plagiarism is often poorly understood by students and should be revisited.

In reviewing plagiarism cases, the OIA may ask Universities to explain how they interpreted the Originality Report.

The **OIA’s view** is that whether or not plagiarism exists (or the extent of the plagiarism) is a matter of academic judgement: the penalty applied is not. We would consider procedural fairness when looking at whether penalty was reasonable.

The **OIA considers** that any mitigation should be considered in relation to the penalty applied, not in relation to whether or not plagiarism has occurred.

### Good practice points:

- Regulations should be reviewed regularly
- Consider whether intent is a factor and if so, the burden and standard of proof which would apply in different situations
- Penalties should be fair and proportionate

- Consider best ways to teach good academic practice and revisit this often
- Consider ways to make it more difficult for students to plagiarise / resort to contract cheating
- Make appropriate use of plagiarism software and ensure all relevant staff are aware of this
- Aim to achieve consistency across the institution

#### **When handling complaints:**

- Consider Procedural Fairness
- Follow the regulations
- There should be clarity of roles and panel members should come to the matter afresh without prior knowledge of the complaint
- Inform students of the allegation against them and give reasons for the penalty imposed