



office of the
independent
adjudicator

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PRESS NOTICE: HIGH COURT DISMISSES CLAIM IN PLAGIARISM CASE

The High Court has dismissed the claim for judicial review of the OIA's decision in a case brought by Mr Hazim Mustafa, a former student at Queen Mary University of London.

The OIA welcomes this decision as giving clarity on the extent to which the OIA can consider complaints from students in cases which include an allegation of plagiarism. Felicity Mitchell, the Deputy Adjudicator, commented:

“This is an important judgment that confirms the centrality of academic judgment in decisions relating to plagiarism. The OIA's role is to review the process and fairness of plagiarism investigations, not to interfere with that central judgment. ”

Background

Mr Mustafa complained to the OIA about the University's finding of plagiarism in coursework submitted as part of a Master's degree. He had used material which he had referenced, but the material had not been identified by indented text or quotation marks, so it was not possible to see where the quotations began and ended.

The OIA determined that the University had correctly followed its procedures and given the student appropriate guidance, and that its decision that the student was guilty of plagiarism was a matter of academic judgment.

The student obtained the permission of the Court of Appeal to bring a claim for judicial review, on one ground. Lord Justice Sedley said:

“I think a viable point of law may be lurking here, namely whether the determination of plagiarism is *necessarily* a matter of academic judgment and so always outwith the OIA’s jurisdiction.”

Mr Justice Males found that the OIA had acted correctly in its assessment of what did and did not constitute academic judgment. He said:

“If the OIA had decided that it could not consider the complaint merely because it involved an allegation of plagiarism, without considering whether determination of that allegation related to a matter of academic judgment, that would have been an error of law. However, I do not regard the OIA as having so decided. Its decision, as I read it, was not that *any* determination of whether plagiarism existed was *necessarily* a matter of academic judgment, but that on the facts *this* particular determination was.”

A copy of the full High Court judgment is available on our [website](#).

Notes to editors

1. For further information please contact Jane Clarkson, Policy and Communications Manager, by emailing jane.clarkson@oiahe.org.uk or by phone on 0118 959 9813.
2. The OIA is the designated operator of the Scheme for reviewing student complaints in England and Wales, established under the Higher Education Act 2004. All universities in England and Wales belong to the Scheme.
3. The OIA Scheme is free to students, and has been designed to be accessible to all students, without the need for legal representation.
4. The OIA has a wide remit to review student complaints about an ‘act or omission’ by HEIs in England and Wales. It does not review academic judgment or admissions issues. The Scheme Rules and all details related to OIA operations can be found at www.oiahe.org.uk .