

Case-processing – issues for consideration

The processing of a case of student plagiarism may lead to litigation when actions taken are inappropriate or contravene institutional regulations and procedures. The following are some of the areas where potential conflicts can arise;

Individual responsibility - make sure that in all policy documents, guidelines and training offered relating to plagiarism it is clear that it is the individual student's responsibility to not plagiarise. The institution needs to be clear and state it has no duty to the student to spot plagiarism. Students should not be in a position to assume that if they have plagiarised and work is submitted for assessment with an academic supervisor's knowledge it is deemed "clear".

Reasons - always give reasons for any decision made accepting that those reasons must relate to and be consistent with the definition of plagiarism used.

The burden of proof - if you are investigating someone for plagiarism be clear as to the burden of proof you are looking for. The civil burden of proof is "on the balance of probabilities" and the criminal burden is "beyond reasonable doubt". Make sure whatever level of proof is required by the regulations that those investigating and reaching judgements are fully aware of what the level is.

Indiscreet communications - to be cautious all staff should generally assume communications that contain information relating to an individual (including opinions) may be accessible to the individual within 40 days and upon payment of £10 in accordance with rights under the Data Protection Act. Those investigating and bringing forward an allegation must act professionally and without bias. It is important that all communications by staff relating to an individual re-enforce this approach. Indiscreet and emotive comments can lead to a successful challenge of bias, even if the substance of a decision is "right".

Confidential chats - where members of staff are seeking to resolve matters on an informal basis they should be careful about committing to a guarantee of confidentiality. If such guarantee has been given without any caveats then it may be impossible to take forward any further action without the student's consent.

Complex issues - often cases can involve related and relevant issues e.g. harassment. Remember your remit. Before looking at a case you may need another process dealing with a related matter to be decided first. Your patience may be required!

Original text supplied by Adrian Slater, University of Leeds

For details of more tip sheets in this series see www.jiscpas.ac.uk