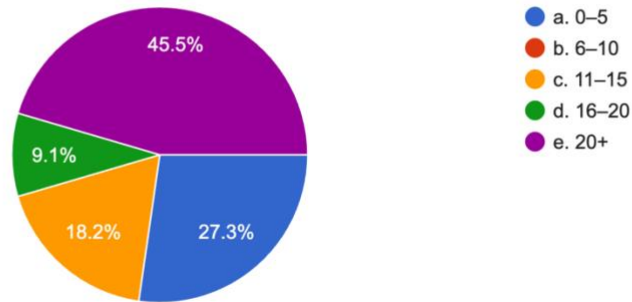
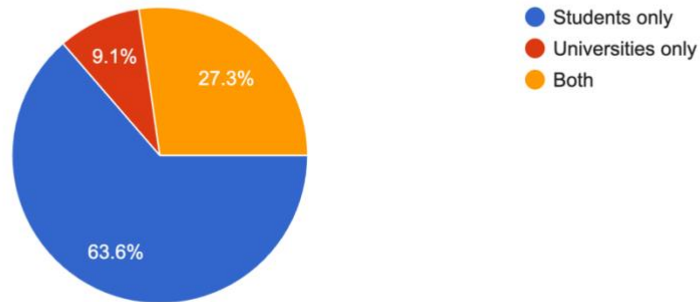


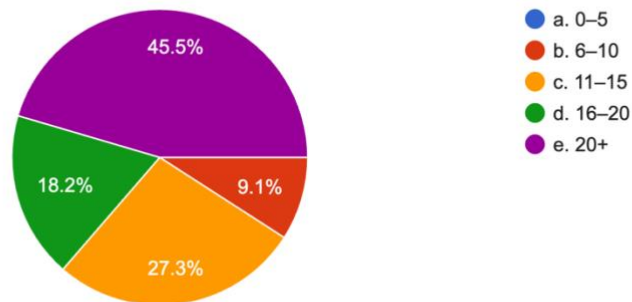
1. Approximately how many academic misconduct cases have you advised on in the last 3 years?
11 responses



2. Do you represent students, universities, or both?
11 responses

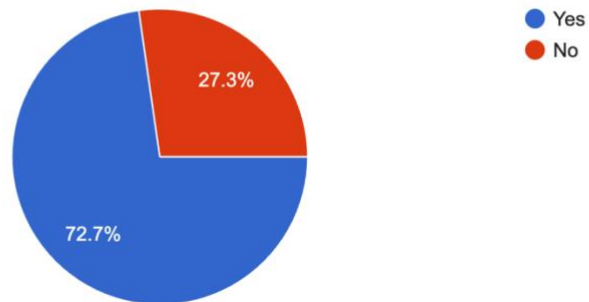


3. How many years have you been practising law?
11 responses



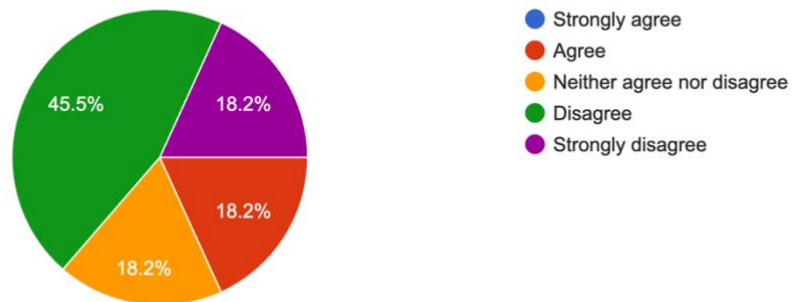
4. Have you acted in cases involving AI-related academic misconduct allegations?

11 responses



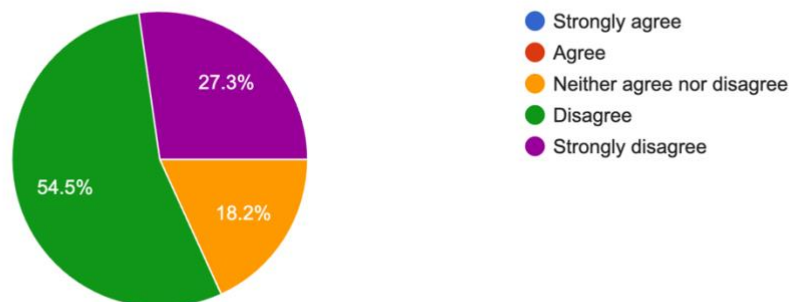
5. Universities provide clear written reasons for their academic misconduct decisions.

11 responses



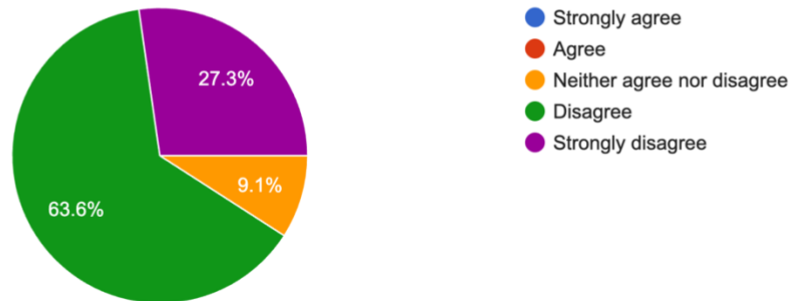
6. Universities engage adequately with the evidence presented by the student.

11 responses



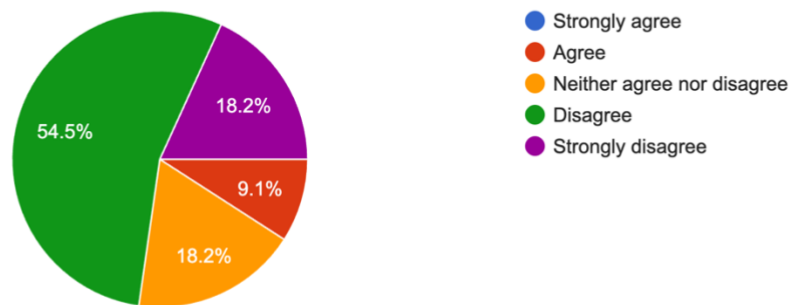
7. In their outcome letters, universities address all the key points raised by students in their representations.

11 responses



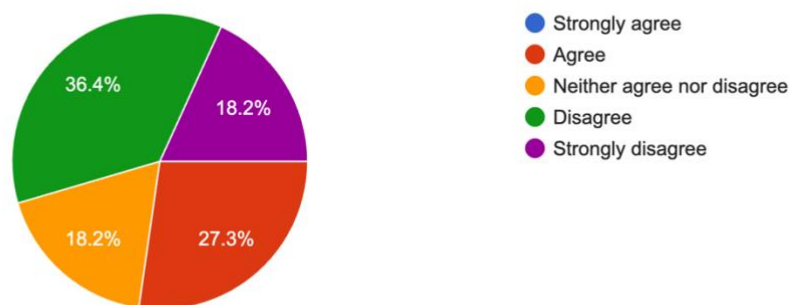
8. Universities apply their own procedures consistently when it comes to academic misconduct cases.

11 responses



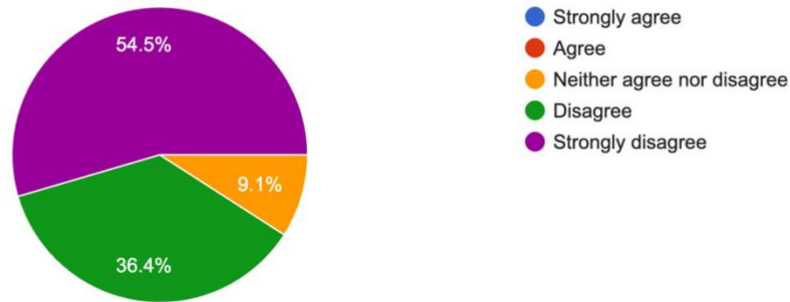
9. Academic misconduct decisions are proportionate to the findings made.

11 responses



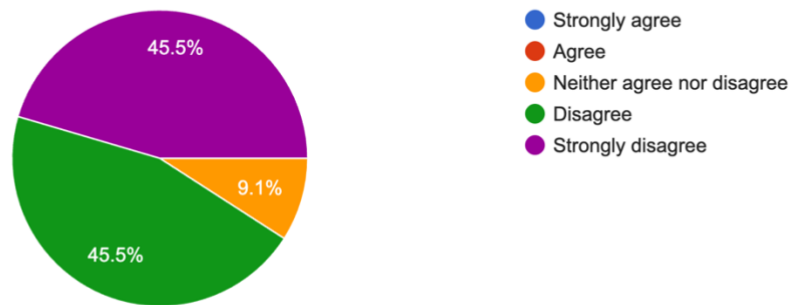
10. Decision-makers in academic misconduct cases have sufficient training.

11 responses



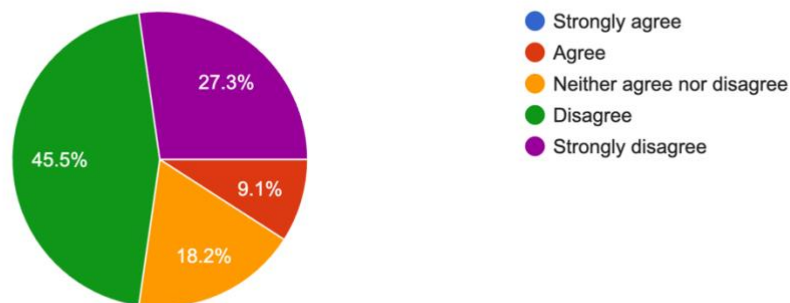
11. Universities demonstrate a good understanding of procedural fairness in academic misconduct cases.

11 responses



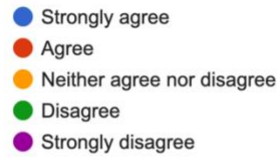
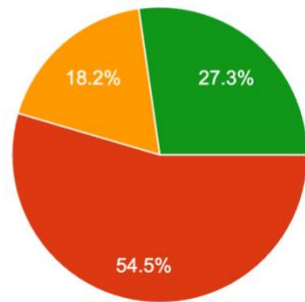
12. Academic misconduct cases are dealt with within a reasonable timeframe.

11 responses



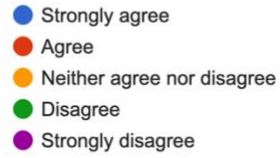
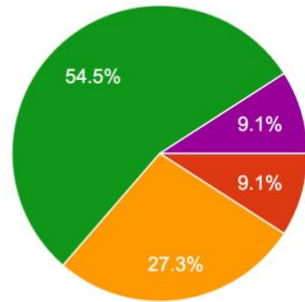
13. Decisions are communicated to students promptly.

11 responses



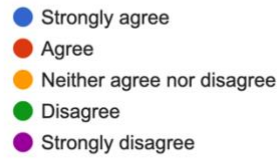
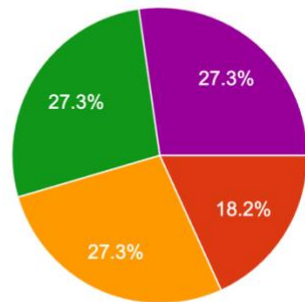
14. Hearings are generally conducted fairly.

11 responses

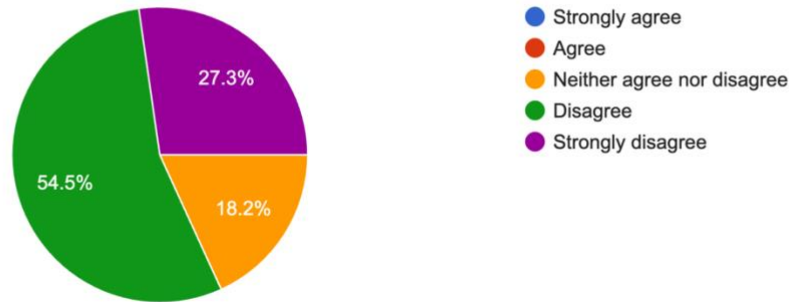


15. Students are given a fair opportunity to present their case.

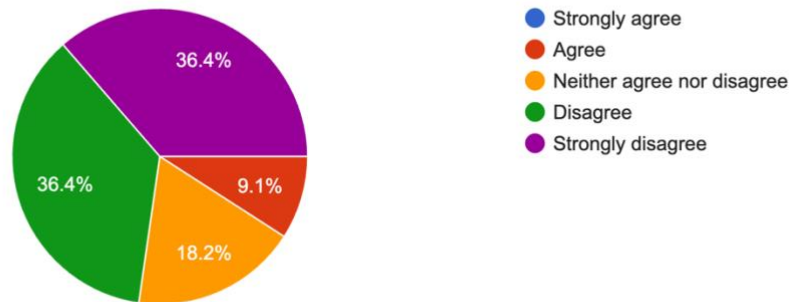
11 responses



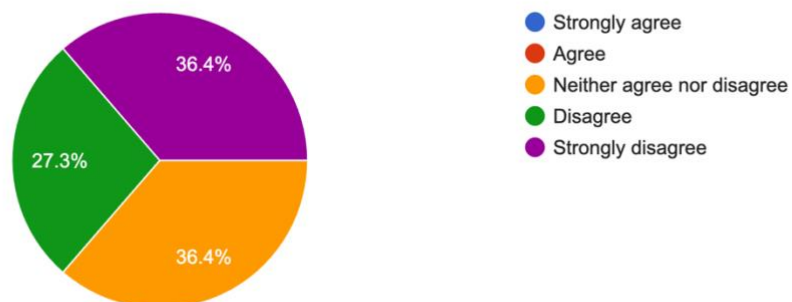
16. Students accused of academic misconduct are presumed innocent until the allegation is proven.
11 responses



17. Academic misconduct panels have a good understanding of the burden and standard of proof.
11 responses

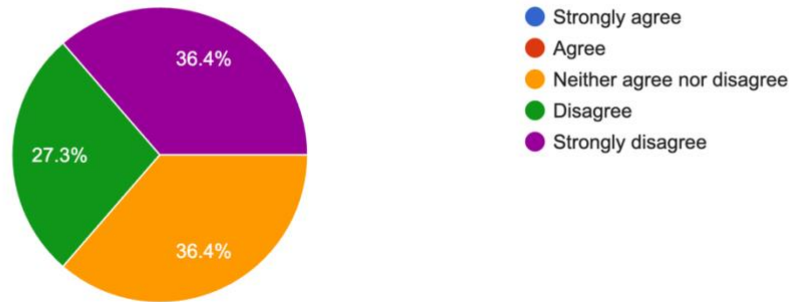


18. Panel decisions are based on a clear assessment of the evidence.
11 responses



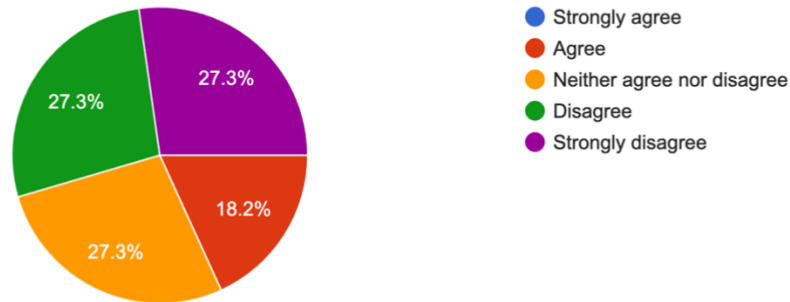
18. Panel decisions are based on a clear assessment of the evidence.

11 responses



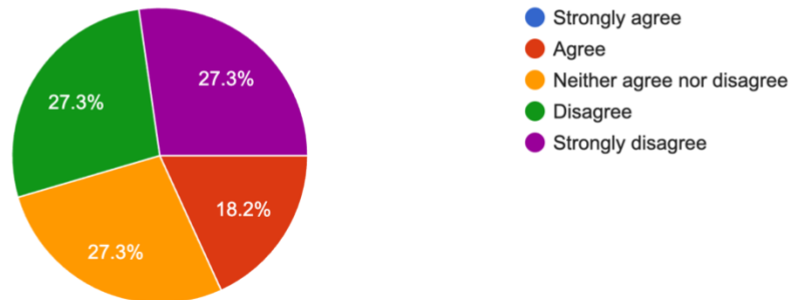
20. Academic misconduct panels are sufficiently independent from the department or staff members who raised the allegation.

11 responses



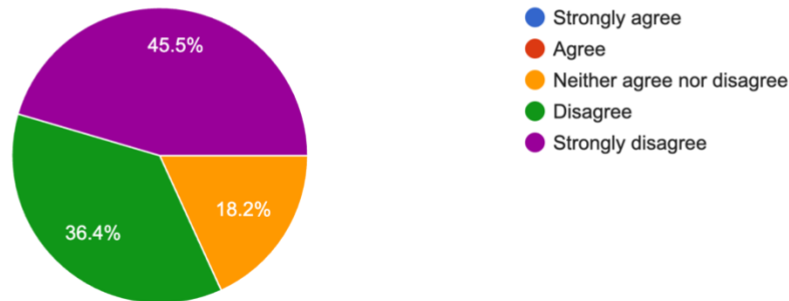
20. Academic misconduct panels are sufficiently independent from the department or staff members who raised the allegation.

11 responses



21. The academic misconduct process is sufficiently reliable to protect students who have been wrongly accused.

11 responses



22. What changes, if any, would you suggest to improve the quality of university decision-making in academic misconduct cases?

Students are currently facing an uphill battle in AI cases as: * the burden of proof is low * in justifying their reasoning, some markers/reporters are relying on 'academic judgement' and telling students they cannot challenge this - which may just be accepted without independent advice * students may not always be provided a copy of all evidence, such as the Turnitin report, flagging the reasons WHY the specific extract(s) were pulled up To improve the quality of the decision-making process, students should be fully equipped and guided on how they can fully respond to allegations of AI within the university's internal guidance and SUs if they are not already - they do not appear to be based on the cases I have dealt with. This will help decision makers as they will be in receipt of ALL material evidence and potentially avoid OIA complaints. Decision making panels also need to challenge and question the allegations raised and not just accept 'academic judgement' as reasoning - 'trust me, I know what I'm doing!'. Students aren't always offered a form of viva before the allegations are raised and progressed against them - this could avoid panel hearings entirely if the marker is happy that the student actually completed the work in question (e.g. where they flag up that language/phrases used aren't what the student usually uses).

Compulsory training for all panels and decision makers on procedural fairness and the EqA. It is difficult to know where to begin: there should be national service with independent lawyers unconnected with the institution hearing these cases. They should not be left to academics.

University decision making in academic misconduct (and also in academic appeal and fitness to practise) cases is wildly inconsistent across institutions but also within institutions. More often than not the adjudicator/s have very little training and often very poor understanding of their own institution's regulations, or OIA guidelines, or relevant Equality Act legislation. There is also a massive disparity in the weight given to an accused student's word versus the word of faculty or complainant students. Typically the allegations and testimony of the university is automatically accepted as accurate whereas the accused student is expected to prove everything they say and where there is disagreement the university account is automatically accepted over the student as a matter of course. University decision makers need much more training on standards and burdens of proof, weighing up evidence, the presumption of

innocence, as their decisions can ruin student's lives but the quality of the deduction making is often seriously subpar. I also think that students should be legally represented in misconduct cases and universities have no business holding their own criminal trials like sexual assault trials which are essentially kangaroo courts where the student has none of the protections afforded in criminal cases and I have seen the most appalling cases you could ever imagine. It's an absolute travesty.

The need for internal university legal advice is very obvious, and lacking.

In house training for Universities on academic misconduct cases, procedures and relevant legal requirements

Better training for panel members; legal member of panel; legal representation permitted for students

Training on evidence, burden and standard of proof. Preferably a university lawyer on panel - having said that on most occasions lawyer has been silent, made no difference.

Training for panel members, greater understanding of AI for those presenting cases and panel members

An independent department in each University responsible solely for dealing with the investigation and adjudication of such matters.

Independent, competently trained panels who follow a clear, structured and transparent process like the HCPTS or GMC. It shocks me how much better protected full registrants are (who are more experienced, have greater responsibility and generally greater resources) than students. The fact that legal/union representation before the HCPTS is standard and legal representation before a University the exception is in my view a matter of manifest unfairness to the student, particularly where the consequences to both (barring from their profession) is the same. The procedural safeguards given to registrants, the presence of a clerk to advise the panel of the legal requirements and safeguards, and legal representation would change these processes from the ad hoc, opinion-led decision making which can often take place (though I have seen notable exceptions where proper procedures have been followed and where, generally, clearer and fairer decisions have been made) to a more professional, appropriate setting where misconduct can be properly judged and proportionate sanctions applied. Far too often I have I seen expulsion used as the default even where all regulatory bodies, and even OIA guidance, is clear that one should start with the lowest sanction first and only move to more severe sanctions if public confidence and safety require it. This disconnection from procedure and practise is manifestly unfair to students and leads to the perception that the student must follow procedures to the letter but the university can extend time, not comply with process or even statute (notoriously the Equality Act 2010) with impunity. It is essential that procedures which carry such consequences are carried out with the utmost professionalism for the benefit of the student, patients/service users and the public.

23. Is there anything else you would like to tell us?

In respect of my responses being 'neither agree or disagree', I deal with a great number of universities across England, Wales & Scotland, so it is difficult to provide a general response on behalf of the many students I have represented over the years. Each university will have their own rules/regulations and whilst some are similar, the processes can vary, so it would be unfair to tarnish all with the same response. I have mixed experiences with different universities, both good and bad, so it would be unfair for me to say whether all universities have sufficient training, delays in providing responses and so on. However, I would say that the repeat issues that do arise include: * significant delays in providing responses (which can be problematic for limitation on discrimination cases) * students are up against investigators who have/should have training in academic misconduct cases & evidence gathering - the student is not generally advised within the university's rules/regulations what evidence and responses they can provide to counter said allegations * students are also up against very short deadlines for serious/complex cases * students aren't aware of the level of detail AI defence cases should include * from just the cases I have handled, I sometimes see SUs advising students will just stick to 'what the university usually does' and accept it as acceptable - not whether the conduct compared to a reasonable body of HE bodies, what the OIA expects and what the Courts would expect This is a big topic and whilst some universities have embraced AI and/or provided sufficient training to avoid any issues arising in the first place, not all of them have.

In general I am beyond surprised now by the legalistic lack of fairness in these proceedings. I have spent years aghast at how cruel these universities are and how you have to hope the case is being heard fairly (which they rarely are). It is difficult to explain as a jurist how these panels are by far and away badly trained, rude, dismissive and lacking very often any sense of inherent decency appended with the appalling legalistic nit-picking process. I am surprised more accused students do not have suicidal ideation based on how these Universities behave, Unfortunately my experience is that more often than not students get a raw deal in university misconduct cases, especially where they are not legally represented, which many universities prohibit or actively discourage.

The investigation stage is pretty useless where there is a serious dispute as to the facts (typically in sexual assault or harassment). I have never seen an investigator who was prepared to say the allegation might be untrue or exaggerated to any degree, no matter how compelling the rebuttal. Where facts are disputed, you might as well go straight to a hearing.

No

Universities bending rules - widening scope of regulations and definitions. cherry picking evidence, many more

I would be interested in seeing this survey repeated in respect of broader conduct allegations (e.g. allegations of sexual assault, racism etc) where we regularly see Universities conducting bizarre and legally deficient processes notwithstanding the gravity of the allegations.

I want to emphasise that although my answers here are very negative, and it will be noted I am a student practitioner; my views and frustrations are borne not of the outcomes in individual cases - the majority of students I have represented have engaged in some form of misconduct and have admitted the same - it is that there is nothing more frustrating than being required to sit as an observer to a process where the panel have misread the facts/bundle, misunderstood their own process and/or failed to apply any weight or give any

proper effort to understanding their statutory obligations and being unable to advocate for my client as I would in most other fora. Proper, effective, and rigorous procedures, training and representation can ensure that cases are heard fairly, promptly and result in an outcome that duly complies with procedural obligations; thereby reducing the need to appeal or challenge the same. The aim is to place students on the same footing of fairness as registrants, no more no less.