

Scottish Parliament Region: Mid Scotland and Fife

Case 201002095: University of Stirling

Summary of Investigation

Category

Scottish Further and Higher Education: Higher Education/Plagiarism and Intellectual Property

Overview

The complainant (Mr C) complained about the manner in which the University of Stirling (the University) investigated an allegation of plagiarism in relation to his son (Mr A)'s dissertation. The University's Appeal Panel found there were errors in the way the allegation had been raised with Mr A and had offered him the opportunity to attend a further meeting about it. However, Mr C thereafter complained about the manner in which the University had subsequently added an addendum to the minutes of the Exam Board relating to Mr A's dissertation which stated that it had failed on academic grounds in any event. Mr C also complained about the manner in which the University handled Mr A's subsequent complaint about the addendum.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) the University unreasonably and unfairly conducted an inquiry into Mr A's alleged plagiarism as part of a viva examination (*upheld*);
- (b) having accepted that the alleged plagiarism was not investigated reasonably and fairly, the University then unreasonably added an addendum to the minute of the Exam Board meeting to imply academic failing without explanation or evidence (*upheld*);
- (c) the University unreasonably failed to inform Mr A about the addendum until he requested a meeting to discuss the alleged plagiarism (*upheld*);
- (d) the University unreasonably failed to investigate a formal complaint against the addendum to Mr A's satisfaction and refused to allow his complaint to proceed to a Complaints Panel (*upheld*); and
- (e) the University unreasonably failed to grant the outcome sought by Mr A when his appeal was upheld (*not upheld*).

Redress and recommendations

	<i>Completion date</i>
The Ombudsman recommends that the University:	
(i) make provisions for an independent re-assessment of the dissertation;	23 January 2013
(ii) if required following the re-assessment of the dissertation, re-consider referral of Mr A's complaint to a Complaints Panel;	13 February 2013
(iii) provide evidence to the Ombudsman of the steps taken by the University to implement improvements, as referred to in the Acting Academic Registrar's letter of 9 December 2011;	23 January 2013
(iv) review their Academic Complaints Policy to consider a timescale for response, clarity in relation to sections 11.3.9 and 11.3.10, to ensure there is a procedure in place to follow up on complaints allocated for investigation, and to ensure that responses address the substantive issues raised in complaints; and	13 February 2013
(v) issue a full apology to Mr A for the failings identified within this report.	7 January 2013

The University have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. The complainant's son (Mr A) had attended the University of Stirling (the University) to study an undergraduate degree, a BA in Marketing. He had previously been found guilty of a minor plagiarism offence in 2008. As a result, Mr A's grade for the relevant assignment was reduced by one degree class to a 2F, from the 2C initially assessed. 2010 was Mr A's final year of study. Mr A submitted his dissertation in April 2010. In May 2010 he attended a plagiarism meeting with the Chief Examiner of the Division (the Chief Examiner), in relation to a different module, but no action was taken and no penalty was applied following the meeting. Mr A was subsequently asked to attend a viva examination in relation to his dissertation. This took place on 9 June 2010. During the viva, the examiners raised an allegation of plagiarism in relation to the dissertation. Mr A had not been advised in advance that such an allegation would be raised during the viva, and said he felt unprepared to answer questions about the allegation.

2. Subsequently Mr A was advised by letter on 21 June 2010 that he had been found to have committed a minor offence of plagiarism in his dissertation, and as this was a second offence, his dissertation grade would be reduced to 5C (PL). A further consequence was that Mr A would no longer be able to graduate with Honours.

3. Mr A appealed this decision on 21 July 2010. Initially he was advised his appeal was not upheld, but thereafter it was referred to the University's Appeal Panel. Mr A was offered to attend a meeting with the Appeal Panel on 27 January 2011, and Mr C attended on his behalf. The Appeal Panel issued their findings on 31 January 2011, which were that Mr A had not been treated reasonably and fairly because he had not been given sufficient information prior to the viva to allow him to prepare appropriately. On that basis, he was offered the opportunity to attend a further meeting to discuss the plagiarism allegation.

4. Mr C contacted my office in relation to this matter on 1 March 2011 seeking review of the complaint as this was not the outcome Mr A had been seeking: he had sought that the plagiarism allegation be removed from his record and his final grades be adjusted accordingly. We issued a decision letter on 21 March 2011 advising that the offer of a further meeting was reasonable in the circumstances, and we would not investigate the complaint further at that

time. Mr A thereafter contacted the University again to arrange the meeting. He received a letter on 20 April 2011 from a Quality Officer at the University (Officer 1), stating a meeting would be arranged, whilst also advising that the minutes of the Exam Board held on 11 June 2010 had been amended to include an addendum that stated it was agreed by the examiners that the dissertation had failed on academic grounds alone in any event (ie that methodological concerns were under-considered and lacked explanatory justification). Officer 1 stated this was added following the findings of the Appeal Panel in January 2011 that 'the minutes did not refer to failure due to methodology and data gathering, and that if that was the case, the Department should rectify the omission'. Mr A had not been advised about the addendum previously. It was thus made clear that any new decision on plagiarism would not change the examiners' judgement that the dissertation should fail.

5. Mr A formally complained about the addition of the addendum on 10 May 2011. He explained that his dissertation was originally given a grade of 2A, therefore, it should not be retrospectively implied that it had failed on academic grounds only, as it appeared the grade had only been adjusted following the finding of plagiarism. Mr A also advised that the letter of 21 June 2010 to him from the Chief Examiner made no reference to failure on academic grounds, and had also advised he could appeal the decision. Mr A said that intimating he had a right to appeal suggested the grade had been based on plagiarism rather than on academic grounds, given there is no right of appeal against academic judgement. On 17 May 2011 Mr A received notification that his complaint would be considered by the Acting Academic Registrar at the University (the Acting Academic Registrar).

6. Mr A did not receive a response to his complaint until 29 November 2011; the Acting Academic Registrar had requested that a Deputy Principal at the University (the Deputy Principal), investigate the matter, and the Deputy Principal had duly prepared a report which did not uphold the complaint. Mr A wrote to the Acting Academic Registrar on 2 December 2011 expressing his dissatisfaction at the investigation, and the Acting Academic Registrar responded on 9 December 2011 advising the University's consideration of the matter was concluded.

7. Mr C brought the case back to my office on behalf of Mr A for further consideration on 10 February 2012. Mr C said he was concerned that the University could not be specific about when the addendum had been added,

and said that to simply add an addendum that discounted established facts and evidence demonstrated bias and had denied Mr A justice and fairness. Mr C asked why the Appeals Panel meeting had been convened at all if the dissertation had failed on academic grounds alone. Mr C asked why Mr A had not been advised about the addition of the addendum at the time it occurred and stated that the letter of 20 April 2011 discouraged him from attending the further meeting offered. Mr C said he had serious concerns about the investigation into Mr A's subsequent complaint, including the length of time taken to investigate. Mr C said the eventual findings of the Deputy Principal were lacking in detail, were biased, contradictory and did not address the complaint properly but rather considered the previous matter which had already been the subject of the Appeal Panel.

8. Mr C explained the impact on Mr A's academic career, credibility and reputation, and that the length of time the matter had gone on had made him increasingly anxious. Mr C wanted an apology from the University for the poor handling of the matter, an explanation as to why Mr A had been denied the right to have his complaint advanced to a Complaints Panel and for the University to provide a clear explanation as to what they considered the dissertation to have failed on.

9. The complaints from Mr C which I have investigated are that:

- (a) the University unreasonably and unfairly conducted an inquiry into Mr A's alleged plagiarism as part of a viva examination;
- (b) having accepted that the alleged plagiarism was not investigated reasonably and fairly, the University then unreasonably added an addendum to the minute of the Exam Board meeting to imply academic failing without explanation or evidence;
- (c) the University unreasonably failed to inform Mr A about the addendum until he requested a meeting to discuss the alleged plagiarism;
- (d) the University unreasonably failed to investigate a formal complaint against the addendum to Mr A's satisfaction and refused to allow his complaint to proceed to a Complaints Panel; and
- (e) the University unreasonably failed to grant the outcome sought by Mr A when his appeal was upheld.

Investigation

10. In order to investigate Mr C's complaints, my complaints reviewer reviewed all of the appeal and complaint correspondence between the

University and Mr A, the minutes of the viva, the minutes of the Exam Board of June 2010, statements obtained by the University from the staff involved, the Appeal Panel's findings of 31 January 2011, the memorandum regarding the addition of the addendum as well as the addendum itself, the findings of the University's complaint investigation, and Mr C's complaints as submitted to my office. She also considered the University's Academic Complaints Policy and its Quality Assurance Academic Policy Common Grading Schemes, and obtained comment from the University in relation to the specific complaints agreed with Mr C for investigation.

11. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the University were given an opportunity to comment on a draft of this report. Significant comments were received and, as a result, a second draft was issued for comment.

(a) The University unreasonably and unfairly conducted an inquiry into Mr A's alleged plagiarism as part of a viva examination

12. In his original appeal to the University, Mr A explained that the allegation of plagiarism was 'sprung' on him during the viva. He explained he had been in contact with the Chief Examiner by email prior to the viva, and had asked what would be discussed. He provided copies of these emails which demonstrated that the Chief Examiner had not advised there would be an allegation of plagiarism made. Mr A said he had been advised he could 'bring a friend' to the viva, and that this statement had underplayed the seriousness of the allegation that would be made. He explained that, having not been advised prior to the viva that the allegation would be made, he had had no opportunity to prepare or reflect, and was forced to make instantaneous responses, in particular in relation to the personal circumstances he was undergoing at the time of the submission of the dissertation. Mr C also made representations in this regard on behalf of Mr A during the Appeal Panel on 27 January 2011. Mr C additionally explained that plagiarism policies had not been followed, that the level to which the dissertation had been graded down (from 2A to 5C) was not fair, and that Mr A denied plagiarism.

The University's response

13. The Chief Examiner also gave evidence to the Appeal Panel on 27 January 2011. His written statement stated that plagiarism was not the substantive focus of the viva, which had been methodology and data collection.

He said that because Mr A had previously been questioned about plagiarism allegations, he would 'be surprised if he did not appreciate the significance of the occasion', and 'he might well be expected to be fully aware of the process by which plagiarism was dealt with'.

14. The Appeal Panel found that Mr A had not been treated reasonably and fairly due to not being given sufficient information prior to the viva to allow him to prepare appropriately and answer questions about alleged plagiarism. Their findings stated that the scope and remit of the viva had not been made clear to Mr A, there was no mention of plagiarism prior to the viva, and the department might have considered dealing with the plagiarism allegation at a separate meeting, as to raise it during the viva was a deviation from normal practice. They recommended that Mr A be given the opportunity to attend a further meeting about the plagiarism in order to rectify these failings.

(a) Conclusion

15. It is clear from the findings of the Appeal Panel that it was not appropriate that Mr A was questioned regarding an allegation of plagiarism during the viva examination. As stated in the Appeal Panel's findings, it would have been more appropriate if a separate meeting regarding this allegation had been arranged. I am also critical of the Chief Examiner's statement in his written evidence that Mr A should have 'appreciated the significance of the occasion', given he had had no forewarning that a plagiarism allegation would be made, and his comment that Mr A should have been fully aware of the process by which plagiarism was dealt with, given this was clearly a departure from the usual procedure by which such allegations were dealt with. I find both of these comments unreasonable. In the circumstances, I uphold this complaint.

16. At the time, the University's suggestion of a further separate meeting to rectify this was appropriate and proportionate. However, this of course became subject to Mr C's further concerns following the addition of the addendum, and will be considered within the further complaints.

(b) Having accepted that the alleged plagiarism was not investigated reasonably and fairly, the University then unreasonably added an addendum to the minute of the Exam Board meeting to imply academic failing without explanation or evidence

17. When Mr A contacted the University to advise he would be willing to partake in the meeting offered, he received a response from Officer 1 on

20 April 2011 which referred to the Appeal Panel's findings: 'the extract minute of the external examiners' meeting ... do not state failure due to methodology or data gathering, if that is the case then the department should rectify that omission.' Officer 1 said the Marketing Division had acted on that point and had 'clarified the minutes of the Exam Board held on 11 June 2010 by asking those present to approve an addendum to the minutes'. The addendum stated that 'at the viva ... the bulk of the discussion was about the origins and recording of the data and the methodology ... methodological concerns were under-considered and lacked justification in the dissertation and viva. It was agreed by the Chief Examiner and the Chair of the Division after the viva that the dissertation would fail on these grounds alone'.

18. In his formal complaint to the University on 10 May 2011, Mr A noted that the dissertation had been given an original grading of 2A prior to the grading down for the alleged plagiarism, therefore, it should not have been implied that it failed on an academic basis in the retrospective addendum. He referred to the letter he had received from the Chief Examiner on 21 June 2010 which had advised him the dissertation had been downgraded to a mark of 5C given the finding of minor plagiarism. Mr A pointed out the letter did not refer to any other failings, and provided information about his 'right to appeal'. He queried why the University had thereafter endorsed his right to appeal and had granted an Appeal Panel meeting; he stated that if the dissertation had failed on academic grounds in any event, then there would have been no right to appeal, given there is no right to appeal against academic judgment.

19. Mr A also stated that during the Appeal Panel meeting, the Chief Examiner had provided no evidence to the Appeal Panel to support his assertion that the dissertation failed on methodology and data gathering. Mr A stated that the Appeal Panel's findings had noted 'if that is the case' in relation to the assertion of academic failing, and this further suggested the assertion had not been supported by evidence that was submitted for the Appeal Panel's consideration. Mr C reiterated this point in his subsequent complaint to my office.

The University's response

20. The Chief Examiner's evidence to the Appeal Panel as recorded in the Appeal Panel's findings stated that the outcome of the viva was that the dissertation did not meet academic standards, plus there was evidence of minor plagiarism. He said that the methodology, data collection and evidence of data

required was the substantive focus of the viva, and overall Mr A was considered to have failed the dissertation on the basis of academic standards.

21. In the University's response to Mr A's complaint, the Deputy Principal's report stated that the addendum was added as a result of the Appeal Panel's findings and, 'in arriving at its view, the Appeal Panel considered the range of evidence available, not just that presented by the Chief Examiner'. It went on that:

'the complaint that the addendum has made selective interpretation of the Appeal Panel report cannot be sustained, as the minutes of the Panel's findings make explicit the concern over plagiarism as well as the requirement to rectify the omission ... this is reflected in the addendum.'

22. The University provided evidence to this office that on 23 February 2011 the addendum was circulated by email to those who had been present at the Exam Board meeting in June 2010. They provided a copy of a response from the External Examiner stating the addendum provided an accurate reflection of the discussion held, but not from any others present at the meeting.

23. In their response to the first draft of this report, the University provided additional information. They explained that the dissertation was initially marked by two examiners and a grade of 2A was proposed. They said this grade was subject to confirmation at a Board of Examiners meeting, as are all grades. This grade was also proposed prior to any consideration of the Turnitin¹ report; as a consequence of the high Turnitin score (31 percent; 6 percent of which was in the methodology chapter and from a previous Marketing student's dissertation which was available from the portal as a sample dissertation), the University explained that the dissertation was read by two new examiners, the Chief Examiner and the Head of the Marketing Division (the Head of Division), and it was this 'close reading' which revealed issues with the methodology, data collection, reporting and analysis. Subsequently, the viva was held to cover all of these issues.

24. The University said that the academic discussion after the end of the viva noted the academic failings, and that the dissertation had failed as a result of the viva due to these failings in methodology and data gathering. They said

¹ Turnitin is plagiarism software used to assess the percentage of plagiarised material in submitted work.

that, however, as a result of the plagiarism offence, the final grade would automatically become a 5C (PL), which took precedence over everything else. Thus they said that the focus of the Exam Board was the final outcome, ie what final grade would be recorded and why. On this basis, they said that the finding of plagiarism, with its absolute automatic return of 5C (PL), rendered any intermediate step irrelevant. They went on that academic judgement would not be recorded in the minutes, as it had no bearing on the recorded grade.

(b) Conclusion

25. In order to reach a decision on this complaint, I have carefully considered the minutes of the Exam Board held on 11 June 2010. These clearly state 'the dissertation submitted by the student had received a grade of 2A'. I have considered the University's Common Grading Scheme, which states that a grade of 2A represents work of a high standard within the 'very good' category. The description for this learning outcome is:

'attainment of virtually all intended learning outcomes, secured by a high degree of competence in the appropriate use of relevant materials. Analysis and synthesis at an advance level although this may be occasionally limited in places. Demonstrates the ability to develop a systematic and logical or insightful argument with a high level of clarity in communication.'

26. Since receiving a draft copy of this report, the University provided additional information to explain further the sequence of the marking process, which explains that the final academic judgement of the dissertation occurred prior to the finding of plagiarism, and, therefore, was not included within the Exam Board's final minutes. I am very critical that the University did not provide such detailed explanations following my office's initial enquiries to them in relation to the complaints, and further that such explanations were not provided to Mr A at any stage in response to his formal complaint to the University (the University's response to Mr A's formal complaint will be fully considered by me within complaint (d)). In any event, I do not consider that the explanations provided by the University are clearly evidenced by the documentation I have reviewed.

27. Prior to the additional information being provided by the University, it did not appear reasonable that the addendum subsequently stated that the dissertation had failed on academic grounds alone, regardless of the finding of plagiarism. Prior to the addition of the addendum, it appeared that the original

grading for the dissertation (prior to the penalty for plagiarism) was 2A. Now, the University have explained that the grade of 2A was prior to the high Turnitin score, which led to the further consideration by the examiners of the methodology, data collection and reporting, and the viva on this matter, which led to their judgement that the dissertation should fail on academic standards. However, I take into account the fact that the minutes (prior to the addendum) make no suggestion that there had been a failing on the basis of academic standard nor do they explain the difference between the initial assessment of the dissertation (which resulted in the grading of 2A) and the subsequent 'close reading' by the Chief Examiner and the Head of Marketing. Although I take into account the University's position that the finding of plagiarism made the intermediate steps of assessment irrelevant, the fact that the Appeal Panel found that the addendum required to be added in fact suggests that the information about the academic assessment should have been included initially in the minutes for clarity and to allow confidence in the process. On that basis I am not satisfied by the University's position that academic judgement would not be recorded in the minutes because it had no bearing on the recorded grade. My office does not reach findings in relation to academic judgement; however, I find it extremely unusual that the original minutes of the Exam Board do not in any way reflect the subsequent addition by the addendum.

28. Although the University has now provided an explanation as to the sequence of events in relation to the marking of the dissertation, I can appreciate Mr C's and Mr A's concerns about what had seemingly occurred. I also taken into account the Chief Examiner's letter of 21 June 2010 to Mr A which states the dissertation failed due to an offence of minor plagiarism, does not refer to academic standards, and does advise of a right to appeal which presumably should not be available if the dissertation had failed on academic standards in any event. I consider that this letter further made the subsequent addition of the amendment appear unreasonable, and suggests a lack of transparency given the University's subsequent stance.

29. Giving regard to all the evidence available to me, I uphold this complaint. I am not satisfied by the additional explanations provided by the University, as I do not find these are clearly or chronologically borne out by the documentary evidence, including the original Exam Board minutes and the minutes of the viva. On this basis, I find the addition of the addendum to be unreasonable and to have implied academic failing without sufficient explanation or evidence being made available.

30. In conclusion, the unsatisfactory evidence, the lack of transparency, and the late provision of additional information leads to an overall lack of confidence in the way Mr A's situation has been handled. I considered that, as a result, Mr A has suffered a significant injustice. I have one recommendation to make, on the basis that the information provided by the University to Mr A was not clear in relation to the sequence of events and decision making process, nor on the fact that the plagiarism finding took precedence. In order for there to be confidence in the process, I suggest this matter is revisited so that much needed clarity be provided. I make it clear that I am not questioning academic judgment in this case, as it is not within the powers of my office to do so; my concerns lie with the administrative process followed in Mr A's case.

(b) Recommendation

31. I recommend that the University:	<i>Completion date</i>
(i) make provisions for an independent re-assessment of the dissertation.	23 January 2013

(c) The University unreasonably failed to inform Mr A about the addendum until he requested a meeting to discuss the alleged plagiarism

32. Mr A did not make this complaint specifically in his formal complaint to the University in May 2011. In Mr C's complaint to my office, he said he was concerned that the University could not be specific about the date when the addendum was made, nor why Mr A was not advised of it until he had requested the meeting to discuss the allegation of plagiarism. Mr C stated Mr A should have been informed of the addendum at the time it was made, particularly because his complaint about that had to take precedence. Mr C highlighted the University's explanation that, should Mr A attend the meeting about plagiarism, he should note that any new decision on plagiarism would not change the examiners' judgement that the dissertation should fail.

The University's response

33. Because Mr A had not made this specific complaint to the University in his complaint in May 2011, the University's response to his complaint did not address this.

34. On 24 April 2012, my complaints reviewer wrote to the University advising of the specific complaints, and asking for any information the University

considered relevant. They did not provide any further information responding to this specific complaint.

(c) Conclusion

35. In order to reach a finding on this complaint, I have carefully considered the terms of the addendum and the context of its addition to the minutes. I recognise that this is not likely to be a common situation, therefore, I would not expect the University to maintain procedures in relation to advising students of addendums to Exam Board minutes. Nevertheless, Mr A's situation was unusual and complex, and the addendum crucially affected the offer of a meeting in relation to the plagiarism allegation as recommended by the Appeal Panel. I find it would have been good practice for the University to recognise this, and to advise Mr A of it. I find this whilst also taking into account Mr A had previously rejected the offer of the meeting, because the amended minutes reflect the addendum was made some time in February 2011, and according to the email correspondence reviewed, Mr A was still in contact with the University in relation to the meeting until at least 14 February 2011. In the circumstances, I uphold this complaint. Given this is an unusual situation, I do not have any recommendations to make in relation to procedural changes or review, although I would expect the University to learn from this situation when dealing with any similar circumstances in the future.

(d) The University unreasonably failed to investigate a formal complaint against the addendum to Mr A's satisfaction and refused to allow his complaint to proceed to a Complaints Panel

36. Mr A lodged his formal complaint about the addendum on 10 May 2011. His complaint was acknowledged on 17 May 2011 by Officer 1, and he was advised it had been passed to the Acting Academic Registrar for investigation. On 28 July and 3 October 2011 Mr A wrote to the Acting Academic Registrar seeking an update, as he had received nothing from him in relation to his complaint. On 5 October 2011 the Acting Academic Registrar wrote to Mr A apologising that the matter had not yet resolved, and advising that 'my office does not appear to have a record of a response to your complaint'. He stated he would investigate as a matter of priority. Mr A wrote again to the Acting Academic Registrar on 14 November 2011 as he had still heard nothing further.

37. On 29 November 2011 Mr A received a response from the Acting Academic Registrar enclosing a report by the Deputy Principal. The report referred to 'dissertation grading', but then considered the allegation of

plagiarism. It did not address Mr A's concern that the addendum had retrospectively added that the dissertation had failed on academic grounds, despite having initially been graded as 2A. The Deputy Principal's report concluded that he found the dissertation grading appropriate, that the addendum was appropriate in its origin, construction and intent, and, therefore, the complaint was rejected. Mr A wrote to the Acting Academic Registrar on 2 December 2011 explaining he was dissatisfied with the findings of the complaint investigation. He described the conclusions of the Deputy Principal as brief, and asked to be advised of the next stage of the process. The Acting Academic Registrar replied on 9 December 2011. He said the University had considered the case by means of 'at least five formal processes', referring to the viva examination, Mr A's initial appeal, the subsequent meeting of the Appeal Panel, and the formal complaints procedure. He said that the University considered that the matter had now been fully investigated, and that various learning points had been identified as a result of his case, including improvements in communication and in ensuring procedures were followed. He said steps would be taken to implement those lessons. The Acting Academic Registrar also noted there had been significant delays in the handling of the case and that he had apologised for that previously. Finally, he explained that under section 11.3.9 of the University's Academic Complaints Policy, he had a responsibility to determine whether Mr A's case had sufficient merit to be considered further. He stated it was his view that the University had already dealt with the case in a manner proportionate to its merit and that it was appropriate to consider the matter closed.

38. In Mr C's letter to my office, he noted Mr A had had to write to the Acting Academic Registrar on three separate occasions over a six month period to find out what was happening, and that his anxiety was significantly increased over this time. Mr C noted Mr A's case had been considered by four processes rather than the five referred to by the Acting Academic Registrar. Mr C said that he was thereafter concerned that the Acting Academic Registrar had denied Mr A a further right to internal appeal; Mr C referred to section 11.3.10 of the Academic Complaints Policy which states 'if the complainant remains dissatisfied at this stage there is a right to have the complaint referred to a Complaints Panel'.

39. Mr C said Mr A should have been granted this right because he felt the Deputy Principal's report was lacking in detail and explanation of its conclusions, that bias was clear, and the failure to consider the content of the

complaint was evident. Mr C noted the report had also failed to recognise the original findings of the Appeal Panel in relation to the handling of the plagiarism allegation during the viva, and had re-visited those matters when they were not the subject of the complaint. Mr C said the Deputy Principal had contradicted himself by stating both that the dissertation had failed due to plagiarism, and then that it had failed on academic grounds. Mr C noted the Deputy Principal had stated the offer of the meeting 'had not been taken up', and stated that this demonstrated that again the Deputy Principal had not considered the content of the complaint, as clearly Mr A was complaining about the addition of the addendum given he had been advised it now meant his attendance at a meeting would not make any difference to the grading of the dissertation. Mr C noted that Mr A had in fact indicated in his complaint he was still willing to attend a meeting about plagiarism, once his complaint was resolved.

40. In their response to this office, the University said that the case had been considered through numerous meetings and the complaint was fully investigated by a Deputy Principal who had had no previous involvement in the matter. They said Mr A's request to consider the complaint further on 2 December 2011 had presented no new evidence or grounds for consideration, and, therefore, the Acting Academic Registrar's further response on 9 December 2011 had been appropriate.

41. In commenting on a draft of this report, the University acknowledged they had not previously commented on the length of time that was taken to respond to Mr A's complaint. They said that this was due to the availability of the Deputy Principal to progress the investigation into the complaint and an administrative error in complaints monitoring which meant that the standard following up was not actioned on this occasion. The University said they acknowledged this was not acceptable and had taken steps to introduce improved logging and monitoring processes as a result of Mr A's case.

(d) Conclusion

42. In order to reach a decision on this complaint, I have considered the University's handling of the complaint and the terms of the Academic Complaints Policy.

43. I note from the Academic Complaints Policy that there are no timescales provided for when a complaint should usually be dealt with by, although there is a timescale by which students should put complaints in writing. Although there

is no framework for a response time, I nevertheless find that it was unreasonable for the University to take over six months to respond. Additionally, there was no response to Mr A's letter of 28 July 2011 and again no explanation for this. I also find it concerning that the Acting Academic Registrar's letter of 5 October 2011 suggested that although the complaint had been allocated for investigation, there appeared to be no procedure in place to follow up and ensure this had been done. I note the University's additional comments on this and their acceptance that Mr A's experience was unacceptable.

44. I also share Mr C's concerns about the response, in that I find it did not address the issues raised in the complaint, and in the main re-visited the matter of plagiarism. Very little consideration was given to the matter of the addendum or the crucial detail of the initial grading of the dissertation. This particular issue was not been addressed by the University until they commented on a draft of this report, and I find this unacceptable, as noted within my findings within complaint (b).

45. Although I note from the Academic Complaints Policy that section 11.3.9 states the Academic Registrar has authority to deem whether or not a complaint will be referred for formal investigation, the next section, 11.3.10, goes on to state:

'if the complainant remains dissatisfied at this stage, there is the right to have the complaint referred to a Complaints Panel ... the Panel will consider cases only on the basis that the complainant believes the procedures have not been followed properly, or that the matter has not been resolved in a way that a disinterested observer would find reasonable in the circumstances.'

The wording of this section suggests that, regardless of the Academic Registrar's decision as at section 11.3.9, the complainant will be entitled to bring his complaint before an Appeal Panel if he or she wishes to do so (subject to demonstrating one or both of the two grounds described). There is no reference in this section to the consent of the Academic Registrar being required in order to bring the complaint before a Complaints Panel. It is also not clear whether the 'formal investigation' referred to within section 11.3.9 is a Complaints Panel or not. I suggest the wording of these sections could be significantly improved to provide clarity.

46. Given I find the response was unreasonably delayed, did not address the substantive matters raised, and the identified uncertainties in relation to the complaints handling process, I uphold this complaint. I am very critical of the way the University handled Mr A's complaint. I make the following four recommendations to address the issues raised and to ensure the University improves its complaint handling procedures.

(d) Recommendations

- | | <i>Completion date</i> |
|---|------------------------|
| 47. I recommend that the University: | |
| (i) if required following the re-assessment dissertation, re-consider referral of Mr A's complaint to a Complaints Panel; | 13 February 2013 |
| (ii) provide evidence to the Ombudsman of the steps taken by the University to implement improvements, as referred to in the Acting Academic Registrar's letter of 9 December 2011; | 23 January 2013 |
| (iii) review their Academic Complaints Policy to consider a timescale for response, clarity in relation to sections 11.3.9 and 11.3.10, to ensure there is a procedure in place to follow up on complaints allocated for investigation, and to ensure that responses address the substantive issues raised in complaints; and | 13 February 2013 |
| (iv) issue a full apology to Mr A for the failings identified within this letter. | 7 January 2013 |

(e) The University unreasonably failed to grant the outcome sought by Mr A when his appeal was upheld

48. Mr C said that it was Mr A's position that, on the basis that the Appeals Panel had upheld his appeal in January 2011, they should have, therefore, granted the outcome he was seeking as outlined in his appeal letter, which was that the plagiarism offence be removed from his record and his grades and degree award be adjusted accordingly. Mr C said that given the passage of time and the fact Mr A had not retained documentation (including evidence and data) relating to his dissertation, he would not be in a position to defend himself appropriately at a further meeting. Mr C said there was no reason for Mr A to have retained this documentation after May 2010.

The University's response

49. The University responded to this particular complaint in their letter to my office, but in reference to the outcome they had offered rather than the outcome Mr A himself had sought (ie that the plagiarism offence be removed from his record). On that basis, they simply reiterated that the offer of a meeting had never been withdrawn, although they noted given the addition of the addendum any new decision in relation to plagiarism would not change the grade of the dissertation.

(e) Conclusion

50. In reaching a decision on this complaint, I have considered the conclusions of the Appeals Panel. The Appeals Panel did not find that plagiarism had not been committed, but rather that the manner in which the allegation had been raised and dealt with was not appropriate. At that time, therefore, the decision of the Appeals Panel to offer Mr A a further meeting to address this matter was reasonable and proportionate. I also find it would have been appropriate and sensible for Mr A to have retained documentation relating to his dissertation after May 2010, given the matter was subject to an appeal he had lodged.

51. Clearly, the subsequent addition of the addendum thereafter created further issues, which have been fully considered and dealt with already within this report. For the reason given, I do not uphold this complaint.

52. The University have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the University notify him when the recommendations have been implemented.

Explanation of abbreviations used

Mr C	The complainant
The University	The University of Stirling
Mr A	The aggrieved, Mr C's son
The Chief Examiner	The Chief Examiner of the Division
Officer 1	A Quality Officer at the University
The Acting Academic Registrar	The Acting Academic Registrar at the University
The Deputy Principal	A Deputy Principal at the University
The Head of Division	The Head of the Marketing Division