



COMMENT

## The university justice system is in disarray

Accused students are routinely presumed guilty and made to feel like criminals by poorly trained investigators

Joshua Ellis and Daniel Sokol

Thursday January 21 2021, 12:01am, The Times

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**I**n their eagerness to catch students who cheat, universities also punish the innocent. Yet little is said about those students wrongly accused of academic misconduct.

Simon (not his real name) was a final-year undergraduate student at a leading university. Only one assignment stood between him and the completion of his degree.

Simon worked hard and submitted the essay on time. He expected to graduate in the summer and was looking forward to entering the job market.

But on results day, Simon received a letter from the university accusing him of receiving third-party assistance for his final essay. The examiner considered the essay too good to be written

by an undergraduate. Simon was warned that he could be expelled if found guilty.

At the hearing, Simon explained how he wrote the essay and protested his innocence. The disciplinary panel disbelieved his account and expelled him.

Simon was distraught. He now had no degree, massive debt and poor job prospects. As his stress and anxiety increased, the panic attacks that had plagued him over the previous three years worsened.

Simon appealed and instructed a barrister to assist him. The barrister approached an expert in linguistics to comment on the university's allegation of third-party involvement.

The expert analysed forensically the language of Simon's essays and produced a detailed report that concluded that the assignment in question was Simon's own work. The scientific rigour of the expert was in stark contrast to the examiner's half-baked theories.

After reading the barrister's submissions and the expert's report, the university's appeals committee found that the evidence against Simon was insufficient to uphold the charge of cheating and he was reinstated.

As lawyers who represent university students, we see dozens of students like Simon every year. These students, expelled or punished for offences they have not committed, are the victims of a university justice system in disarray.

Accused students are presumed guilty and made to feel like criminals. Investigators and decision-makers are insufficiently trained to distinguish the innocent from the guilty.

Universities do not invest enough resources into this little-known, unglamorous but high stakes area of university life. Some institutions even dissuade students from seeking legal help.

Simon was lucky – his decision was reversed. Many students will be unable to afford a lawyer or may not know about the appeals process. Some will be too upset to put up a fight against the Goliath of the university.

Simon never received an apology from the university and paid the cost of the barrister and expert out of his own pocket.

### Joshua Ellis and Daniel Sokol are legal advisers at Alpha Academic Appeals

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Andre Sokol

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**Jamie Gerry** 5 HOURS AGO

No real names, no university mentioned, no course mentioned.....  
? And we do know plagiarism is rife.

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**John Macleod** 8 HOURS AGO

Scary

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