Guidance on falsified evidence

1. Background

Occasionally the University identifies potential submission of falsified evidence by students, such as in support of requests for mitigation and academic appeals, and commonly in the area of ill health. This document has been produced as a guide for staff on what to do if evidence is thought to be falsified, and though focussed on requests for mitigation and academic appeals, the principles may extend to other areas and processes where dishonesty is suspected. Cases should be approached from an individual perspective, following the guidance where possible. Though this document focusses on, guidance may not cover every scenario and so a fair and pragmatic approach to case handling should be adopted in unusual cases.

Evidence is a key component of a number of processes at the University including, mitigating circumstances, academic appeals, complaints, discipline, interruptions etc.

The submission of falsified documentation is a disciplinary matter. Paragraph 2(e) of Regulation XVII (Conduct and Discipline of Students) defines as a type of misconduct:

> "*fraud, deceit, deception or dishonesty in relation to the University or its staff or students or in connection with holding any office in the University, in a residents' association or equivalent body, in the Students' Union or the Athletic Union, or in relation to being a student of the University*"

Whether a person was fraudulent, dishonest etc is likely dependent on two tests (1) would the individual have likely known that what they were doing was dishonest, and (2) would a reasonable person conclude that the individual's act was likely to be dishonest.

2. Example policy statements around evidence

i. Mitigating circumstances evidence statements

Mitigating Circumstances Procedures:

> "*Requests should be accompanied by appropriate supporting documents or evidence…*" (2.1.9)
>
> "*To confirm the accuracy and effect of the circumstances described by the student, colleagues considering the requests for mitigation should be satisfied that the evidence provided is credible and relevant to the time period in question. Examples of acceptable evidence include, but are not limited to, medical notes, letters from support services, or personal statements detailing the impact of the circumstances*." (2.1.10)

Schools currently have their own versions of request for mitigation forms, but the template form from the Division of Student and Academic Services suggests including:

> "*I confirm that all information given or referred to above is true and that I believe there has been a significant adverse effect on my performance as a result of the circumstances and/or events described. I consent to the University sharing any relevant personal data about me between departments (e.g. School, Mitigating Circumstances Panel, DASS), based on the information disclosed on this form, which may be necessary to allow for the consideration of my request for mitigation.*"

In the Postgraduate Researcher (PGR) Medical Leave Procedure it states:

> "*For absence greater than seven days, PGRs are required to have a medical certificate, available via their General Practitioner (GP), covering any further periods of sickness in the*

same absence period. PGRs must complete the reverse side of the certificate before submission to the relevant Faculty Doctoral Academy"

ii. Section 4.3 of Regulation XIX (Academic Appeals Procedure) discusses the Provision of Evidence:

"*4.3.1 You must provide evidence to support your appeal…*

4.3.3 Evidence should support your claim and, where possible, be dated from (or refer to circumstances that occurred) at the same time as your assessment(s). It would be helpful if the evidence could confirm the impact of your circumstances on you at that time.

4.3.4. Evidence should be in the English language or, if this isn't possible, a certified translation should be provided. This means a translation carried out by a person or company that confirms it is an accurate translation, and includes their contact details.

4.3.5. If you submit supporting evidence that is found to be fraudulent then it's possible that disciplinary action may be taken under Regulation XVII (Conduct and Discipline of Students). (This could be an invitation to a meeting to discuss the matter, or a referral to a disciplinary panel.) If this happens, your appeal may be rejected or paused while the disciplinary process is ongoing."

3. How should we highlight messages around to students?

The University needs to make its policies and procedures available to students; as a minimum it does this online and through handbooks. The onus then rests with students to make themselves aware of, and adhere to, University policies and procedures. In the context of this document students are considered to be aware of the evidentiary requirements of our processes and of what constitutes misconduct. It should also be self-evident that generating and submitting falsified evidence is improper and this may affect the integrity and handling of a request which has been compromised by false evidence.

Supplementary messages in this area include the declarations made by students at the point that they submit forms. Further preventative work could be taken locally in communications to students. For example, in a previous article written by the Student Communications Team about mitigating circumstances, the following text was included:

"*Each case is considered carefully and the evidence will be reviewed to ensure that outcomes are appropriate. As noted above, when you submit your request for mitigation, you will need to also provide some independent evidence to support your request. If the evidence submitted doesn't seem authentic, it may need to be checked - for example, asking a medical practice if they've issued a doctor's note. If it is found that the evidence is fabricated, the request will be rejected and the University may look to pursue disciplinary action and/or the falsified author of the letter may consider options open to them outside the University. However, such instances are rare, and the University will try our best to support you with any valid requests.*"

4. What to look out for

Whilst we attempt to consider requests carefully where evidence is a requirement, it is acknowledged that:

- It is reasonable to place some level of trust in the person submitting the evidence.

- We may not have the time to scrutinise everything in detail.
- It is not always possible to spot falsification.
- There may need to be some allowance for minor errors in documents. Some errors may, for example, be attributed to translational differences.

Common indicators of suspected falsified evidence may include (but are not limited to):

- The details of the student are incorrect e.g. date of birth, gender, address.
- The document is not on any official headed paper so you're not sure who issued it.
- The authorisation of the document is unclear (e.g. a signature but no typed name) or seemingly unusual (e.g. an official seal on a medical certificate might seem out of place, no signature date).
- The document closely matches (in format or content) one you have seen submitted by another student.
- The dates seem unusual when a chronology is put together (e.g. is what the student claiming a realistic timeframe, could the student have obtained the evidence when they say they did e.g. they were out of the country).
- The document is part-typed and part-handwritten, or the text changes fonts, sizes or format.
- There is unusual and unexpected phraseology in the document (e.g. think would a medical practitioner or lawyer write what is written).
- Does the evidence align with what is being referred to in the student's request e.g. has there been a conflation of different conditions within the request and the evidence.
- Links, email addresses or phone numbers do not work.

Note, it may be that one of the above alone e.g. a misspelling, does not rouse suspicion. There may need to be a number of indicators to make an initial assumption that the evidence is falsified.

In some cases, the evidence may speak for itself and indicate falsification in which case further enquiry may not be needed to reach a conclusion, on the balance of probabilities, that a document is likely falsified. Some steps of possible enquiry are listed below:

- As a minimum, detail what your concerns are, using the list of indicators above to review the evidence.
- Look online to see if the author / company etc exist. If they have a website e.g. an NHS surgery, then is the author listed, do the contact details match, do they offer the service/specialism that is referred to in the student's document?
- It may be reasonable to take steps to contact the person/body named in the document and ask if they produced the document. A cautious approach would be to redact the document of anything too sensitive like the student's name; the issuing body is likely to know whether the format and design of a document was produced by them.
    - If a fuller copy of the document might need to be sent, it is best to put the student on notice of this so they have the opportunity to raise any concerns. If the check is essential, but the student objects, then queries as to how to proceed can be raised with the Information Governance Office.
- Ask for more information from the student. For example, if they have used a translation company, you could ask them for the email correspondence they've had with the translation company. If a medical letter says the student was prescribed medication, does the student have a copy of the prescription. What more information could be sought to help review any concerns?

- It may be helpful to seek a further opinion on the evidence, such as from the Advice and Response Team (Division of Campus Life) via conductanddiscipline@manchester.ac.uk. There may also be other areas of the University, such as colleagues, the University Centre for Academic English or the Confucius Institute, who could help assist, in confidence, with translational issues.

In some cases, the subject matter associated with the evidence may be sensitive, such someone saying they've experienced sexual misconduct. Enquiries or decisions should be mindful of this and approach enquires from an understanding and objective perspective, where possible focussing on sufficiency of the evidence rather than directly stating disbelief of the circumstances. For sexual misconduct cases in particular, the Advice and Response (adviceandresponse@manchester.ac.uk) may be able assist with how to approach your enquiries.

A lack of evidence, or evidence falsification, does not necessarily mean the circumstances did not occur. A student could be signposted elsewhere to seek evidence that would be more satisfactory e.g. the Mental Health Support Team.

5. What to say/do there is suspected falsified evidence?

There are three main routes to handle issues of suspected falsified evidence, and these will depend on the context/setting/timing of the process where the evidence was believed to be used. In summary:

i. The student has allegedly submitted falsified evidence to **gain entry** to the University. These will be referred to the Admissions Team to handle. Where it is found false evidence has been used e.g. a fake qualification, this may lead to the student's registration being terminated. This document does not cover the detail of this process.

ii. The student has allegedly submitted falsified evidence and **remains a student** at the University. For example, the evidence has been submitted in a mid-programme request for mitigation. It is recommended that the internal process pauses and the concerns be passed to the Division of Campus Life (c/o conductanddiscipline@manchester.ac.uk) for further consideration.

iii. The student has submitted suspected falsified evidence but has already **exited the University** e.g. an end of programme academic appeal. The area handling the appeal can make enquiries with the student as set out above. If the concerns are not resolved and the case handler considers, on the balance of probabilities, that the evidence is false, they should consider whether this affects the integrity of the full request (which may lead to the request being rejected) or part of the request (which may lead to part of the request being rejected and the remainder considered). In either scenario, reasons for a decision should be given, and the student should be able to access further stages of the process where available e.g. review stage.

A. Students who are still at University (e.g. requests for mitigation) – example text

In support of your request for mitigation you submitted a letter from University Hospital. Our initial review of the letter pointed towards some indicators of falsification e.g. unusual wording, incorrect date of birth, a signature from a doctor but no name. Having made further enquiry with University Hospital, it confirmed that this letter was not one which it would issue. Accordingly, the letter is considered to be false and so we will be pausing your request.

The submission of falsified documentation to gain a personal benefit, and in obstruction of University processes, could be considered misconduct under Regulation XVII (Conduct and Discipline of Students). Serious misconduct could result in expulsion. Indeed, producing fraudulent material may be considered illegal. We will be referring your case to the Division of Campus Life to consider the further through the disciplinary process. If a conclusion is reached that the evidence is false, your original request will be rejected, but if the evidence is considered genuine, the request will be re-considered.

B. Students who have been withdrawn from the University (e.g. academic appeals) – example text

Note: ff some evidence in an appeal is falsified but the case handler is inclined to uphold it on the basis of other evidence/information from the student, and this is likely to result in the student needing to return to study or take an assessment, or an outcome of a similar nature, there may need to be two associated processes ongoing. One, the Exam Board (or equivalent body) should act on the outcome from the appeal with a decision reached in principle but with this outcome not finalised/implemented until disciplinary action is taken. Two, the student is referred for disciplinary action, the outcome from which may, or may not, impact on the Exam Board's decision e.g. if a student is expelled then the student will not be able to return to study.

- **Example text for inclusion in outcome letters (appeal rejected)**

In support of your appeal you submitted a letter from University Hospital. This letter has been discounted from the consideration of your academic appeal as there is reason to suspect it of being falsified. The format of the letter matches one which has been previously submitted by another student (our ref: MV) and found to be false. Of note, the wording in the letter is unusually phrased with some misspellings, the evidence is not on NHS letter headed paper (and does not align with examples available online from the same hospital trust), the diagnosis and treatment plan are handwritten rather than typed and it is not possible to discern who has authorised the evidence.

The submission of falsified documentation to gain a personal benefit, and in obstruction of University processes, could be considered misconduct under Regulation XVII (Conduct and Discipline of Students). Serious misconduct could result in expulsion. Indeed, producing fraudulent material may be considered illegal. In light of your appeal being rejected and you being academically withdrawn we will not be taking any further action in relation to this at present. However, should you at any point return to study at the University the University reserves the right to consider this matter through its disciplinary processes.

- **Example text for inclusion in outcome letters (appeal accepted)**

In support of your appeal you submitted a letter from University Hospital. This letter has been discounted from the consideration of your academic appeal as there is reason to suspect it of being falsified. The format of the letter matches one which has been previously submitted by another student (our ref: MV) and found to be false. Of note, the wording in the letter is unusually phrased with some misspellings, the evidence is not on NHS letter headed paper (and does not align with examples available online from the same hospital trust), the diagnosis and treatment plan are handwritten rather than typed and it is not possible to discern who has authorised the evidence.

The submission of falsified documentation to gain a personal benefit, and in obstruction of University processes, could be considered misconduct under Regulation XVII (Conduct and Discipline of Students). Serious misconduct could result in expulsion. Indeed, producing fraudulent material may be considered illegal. In light of your appeal being upheld, whilst further action is being recommended to address the

appeal, this action will only be in principle (i.e. pending a further process). This is because before that decision is finalised, we will be referring you to the Division of Campus Life to consider disciplinary action, the outcome from which may impact the outcome from your appeal and your degree more broadly.

6. The disciplinary process

Where a current student is believed to have been dishonest during a University process, a case can be referred to the Division of Campus Life (conductanddiscipline@manchester.ac.uk). This should include details of the alleged dishonesty, reasons for the referral and any other student information that may be needed. The Division will review the case under the Assessment stage of the Procedure for Summary Disciplinary Panels / Procedure for the University Disciplinary Panel to determine the next appropriate stage of the process, for example:

- For the case to be referred directly to a Summary or University Disciplinary Panel depending on seriousness. This may be influenced by the potential benefit gained by the student, the scale of dishonesty and the consequences of possible penalties to the student's studies.
- For further enquiry to be undertaken, after which a referral may/may not be made to a disciplinary panel.
- For there to be no further action e.g. the evidence does not support a potential finding of misconduct on the balance of probabilities.

In cases that proceed to a disciplinary panel, a final finding will be made about whether there has or has not been misconduct e.g. is the evidence falsified or not. Of note, where there is a breach found to exist, the disciplinary panel should, amongst usual aggravating and mitigating factors, consider whether to put the student in the position that they would have been in had the dishonesty not occurred. One penalty open to a Summary or University Disciplinary Panel is 2.4 "*A requirement to remove any material (either physical or electronic) associated with the misconduct.*". About this penalty, the Guidance on Applying Student Discipline Penalties states:

"*This penalty may apply in various situations and may be a requirement on the student to remove something associated to the misconduct or alternatively on the University to remove something. For example:*

- *A student who has made an inappropriate social media post may be required to delete the problematic post.*
- *A student who has collected data without ethics approval may be asked to remove data from their piece of work. This may lead to consequences in the academic standing of the work.*
- *If a student is found to have submitted falsified material as part of a particular process, such as mitigating circumstances, this penalty may be used to put the student back in the position they would have been had the misconduct not occurred. For example, for a request for mitigation originally approved based on problematic material, this penalty may cause the original request and outcome to be rescinded.*"

Fitness to practice / professionalism

Honesty is often a core behavioural expectation of students on programmes that lead to registration with Professional, Statutory and Regulatory Bodies e.g. medicine, education, nursing. Consideration will need to be given to whether the core behavioural issue is more appropriately handled through discipline or fitness to practice / professionalism and so context to the behaviour will be key. Where

cases are first handled through discipline, the outcomes are reported back to a student's academic School, and this may lead to the instigation of professionalism processes.

7. Discipline case examples

i. Student X

A PGT student submitted two medical-related letters in support of an extension request. One letter was undated, had odd wording and on querying its authenticity with the doctors surgery, it confirmed it had not produced the letter. The second letter was again undated and the address appeared incorrect; attempts to contact the purported sender were unsuccessful. The student was referred to a University Disciplinary Panel (UDP) which considered the case in the student's absence but with a written statement from the student. The student made an admission as to their dishonesty and so misconduct was found to have been committed.

In considering the penalty, the UDP noted that the student was clearly aware of conduct expectations having been at the University a long time, there was intent to deceive and it was unclear whether the student did or did not have any other mitigating circumstances (support had been given none-the-less). Case precedent indicated a serious penalty was warranted. In light of the student's admission, not persisting in the dishonesty and seeming contrite the UDP opted to exclude (i.e. suspend) the student for 12 months rather than expel them. Included with this was a disclosure to the student's professional healthcare body.

ii. Student Y

A first year UG student submitted a suspected falsified hospital letter with a request for mitigation. The case was considered by a Summary Disciplinary Panel (SDP) which concluded (in the student's absence) there had been dishonesty by the student. Of note, the wording in the evidence was unusually phrased with some misspellings, the evidence was not on NHS letter headed paper (and it did not align with examples available online from the same hospital trust), the diagnosis and treatment plan were handwritten rather than typed and it was not possible to discern who had authorised the evidence.

In considering the penalty, the SDP considered there was intent to deceive, no mitigating circumstances and a lack of remorse. Of limited mitigation was the student's early year of study, this being a first offence and as the student gained no advantage from the request. Penalties included a warning, undertaking and training (for the student to produce a reflective statement about honesty). The student's request for mitigation was not accepted as a result of the outcome.

Student Y later attempted to submit the same false document for another change of circumstances process. The student was referred to a University Disciplinary Panel (UDP) given this was a second serious offence of a similar nature and as the student had not complied with the previous penalty. The student opted to withdraw from the University prior to the UDP.

iii. Student Z

The University was asked for a reference from another organisation relating to a current PGR student who had informed them in an application that they had obtained a certain award. The student had submitted a letter purporting to be from the University confirming the award; the student did not have the award nor had the letter been issued by the University. The student was referred to a SDP which supported the finding of dishonesty, considering the student's explanation of having their emails hacked unlikely. There was limited mitigation, but it was a first offence, the student accepted

some statements made were misleading and they were close to completing their studies. The organisation had also subsequently been given a factually accurate reference by the University. The SDP imposed a warning, undertaking and a requirement for the student to apologise to the purported author of the falsified letter.