

Guidance on falsified evidence

1. Background

Over mid-late 2019, the University detected, what it believes to be, a rise in the submission of falsified evidence in support of requests for mitigation and academic appeals, generally 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 but principles may extend to other areas of dishonesty. Cases should be approached from an individual perspective, following the guidance where possible. The guidance may not cover every scenario though 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

Paragraph 8 of the [Mitigating Circumstances Procedures](#):

“Requests should be accompanied by appropriate, independent, third-party supporting or collaborative documentation, which will be checked to ensure there are no doubts regarding their authenticity and which should be written in English (or suitably translated)”

Paragraph 43 of the Mitigating Circumstances Procedures:

“Students are advised to submit independent and time-specific evidence to support a request for mitigation. Mitigating Circumstances Panels should be satisfied that any evidence is sufficiently independent and contemporaneous to confirm the veracity and impact of the circumstances that the student is describing. Panels should check the evidence to be satisfied that the circumstances described by the students are accurate and that the evidence is authentic. It would be expected, for example, that evidence is provided on letter headed paper, written in English (or certifiably translated), clearly states the name and signature of the author of the material, includes relevant dates and has the student’s name visible.”

The [Basic Guide to Mitigating Circumstances](#):

“You should normally provide appropriate independent and time-specific evidence to support your mitigating circumstances form, preferably at the time of submitting the form or if not, as soon as possible afterwards. You should also comply with any additional requests made by your School. Students registered with DASS for a disability will not usually need to provide further evidence of the disability itself but may need to provide evidence of issues exacerbating it, if applicable.”

Template request for mitigation form:

"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."

Section 4.3 of the [Change of Circumstances for PGR Students Policy](#):

"a. In most cases evidence demonstrating the impact of circumstances on the student will be required. Applications for a change in circumstance should therefore normally be accompanied by an appropriate third party independent supporting or collaborative document. In the cases of illness of a close family member of the student, or injury or distress caused to the student by an accident or criminal act against the student, a doctor's note or other document which details the circumstance of the incident (such as a police incident report) will usually be considered acceptable evidence.

b. The supervisor may provide a letter as evidence in situations where students have experienced delays in obtaining ethical approval or have had serious problems with equipment essential to their research.

c. The University will consider what kind of evidence might be provided for other circumstances on an individual case by case basis."

- ii. [Regulation XIX \(Academic Appeals Procedure\)](#) evidence statement (paragraph 4 of Regulation XIX)

"A formal appeal may be initiated by completing an Appeals Form and submitting it to the appropriate Faculty Office within 20 working days of notification of the result or decision. The student should submit with the Form any relevant supporting evidence, e.g., emails and other correspondence that he or she wishes to be considered in the appeal. Such evidence should normally be contemporaneous, and capable of verification. All evidence should be written in English or, if not, certifiably translated."

Academic Appeals Form:

"I declare that the information given in this form is true and that I have consulted the Academic Appeals Procedure before completing the form."

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.

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, the Student Communications Team wrote an article in late 2019 about mitigating circumstances and included the following text:

“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 minute detail.
- It is not always possible to spot falsification.
- There may need to be some allowance for minor errors in documents, in some instances with errors potentially originating from 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. Alternatively was a template used and are any of the fields missing.
- 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 do not make sense when a chronology is put together (e.g. is what the student claiming a realistic timeframe).
- The document is part typed and part handwritten, or the text sporadically 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).

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 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 – a company is likely to know whether the format and design of a document was produced by them.

- 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 the Confucius Institute, who could help assist with translational issues.

In some cases the subject matter associated with the evidence may be sensitive, such as sexual misconduct. Enquiries or decisions should be mindful of this and approach enquires from an 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 Sexual Violence and Harassment Response Manager (adviceandresponse@manchester.ac.uk) may be able to give some comments on 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 Counselling Service.

5. What to say/do if we suspect falsified evidence?

i. Students who are still at University (e.g. requests for mitigation)

If the falsified material comes up by virtue of a process whilst a student is at the University, such as through the mitigating circumstances process, it is recommended that that process stops considering the falsified material. In most cases this will result in a request being rejected. Reasons for the rejection should be given to the student, following a review of the evidence and any further enquiries pursued. If the request is multi-faceted, the request may still be acceptable on the basis of other matters in the request e.g. a doctors letter appears genuine but a flight ticket does not.

Students who are still at the University sit within the scope of Regulation XVII. For dishonesty a referral into the disciplinary process can be made to the level considered appropriate to the seriousness of the case:

- Assessment – this stage allows an investigator the opportunity to resolve borderline/low level, suspected/actual misconduct less formally e.g. by highlighting behavioural expectations.
- Summary – less serious disciplinary issues can be dealt with locally to the area where the misconduct was discovered. This is through the delegated powers of an Authorised University Officer e.g. a Head of School. The Advice and Response Team may be able to assist in complex cases or where there may need to be some separation from the student and referring area.
- University – serious disciplinary issues should be referred to the Advice and Response Team. One way to think about whether a case needs a University Disciplinary Panel is to consider whether the case might warrant exclusion or expulsion.

Considerations in terms of identifying the initial handling location might be whether the student appears to have persisted in their dishonesty, whether they gained a benefit, what the act of dishonesty was, impact on others, the stage of the student's studies and whether the student has any

other offences (including of a similar nature) on file. It may be that the rejection of a request for mitigation causes a student to academically exit from the University; in such circumstances it may not be necessary for further disciplinary action only if the student returns in the future (see heading ii, bullet point 1, below).

The outcome from the disciplinary process will be able to conclude whether misconduct actually has, or has not, occurred. If it has, then the student can still appeal this finding through the disciplinary process. If it has not, it may be that the disciplinary panel makes a recommendation for the initial process to be re-visited e.g. a reconsideration of the student's request for mitigation.

- **Example text for inclusion in letters informing students of a rejected request**

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 rejecting your request.

The intentional 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) (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>). Serious misconduct could result in expulsion. Indeed, producing fraudulent material may be considered illegal. Noting your early year of study and lack of previous offences, we will be referring your case initially to a Summary Disciplinary Panel (SDP) for further consideration. If the SDP considers the evidence was not falsified then a recommendation may be made that your request be re-considered.

- ii. Students who have been withdrawn from the University (e.g. academic appeals)

If students have left the University then they likely sit outside the scope of disciplinary action.

Discretion as to the scope of enquiries for appeals rest with the case handler. If the case handler is less sure of the authenticity of the evidence, then they may look to undertake further enquiries highlighted under heading 4 above. If the case handler considers the evidence to have clear indicators of falsification, then they should discount the evidence (and references to it in the appeal) from their decision on the appeal. Students will still have the opportunity to challenge a decision further into the appeals process e.g. after the Faculty stage a student may request a review, or after the review stage a student could go to the OIA.

If 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, then if the decision 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 intentional 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) (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>). 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 intentional 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) (<http://documents.manchester.ac.uk/display.aspx?DocID=6530>). 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 for disciplinary action, the outcome from which may impact the outcome from your appeal and your degree more broadly.

6. 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 Panel 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).

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.