

LTC10D069

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Procedure for Dealing with the Inclusion of Offensive Material Within Work Submitted by Students for Assessment(Academic Conduct)

This Guidance must be read in the context of the University's General Regulations for Students (and specifically General Regulation 10), the Student Disciplinary Procedures and with reference to the University's procedures for dealing with the Harassment or Bullying of staff and students.

This document covers both undergraduate and taught postgraduate students and modules.

What is included?

Any work submitted by a student for assessment, most likely to be an examination script, written assignment, oral presentation, contributions to seminars (where these are assessed), script, poem, PowerPoint slides in support of a presentation, image, or video image.

Material submitted for both formative and summative assessment is included, either at undergraduate or taught postgraduate level. The work may be submitted in respect of a module contributing to a degree, by a visiting student, a postgraduate research student undertaking a taught module or by a student attending a short course not leading to a University award.

What constitutes offensive material?

Students and staff at the University come from a very wide range of backgrounds and their views and beliefs are informed by diverse experiences and influences. Debate, discussion and respectful challenge are key to the intellectual life and vigour of a university and expressing views that may challenge others is not *per se* to be seen as offensive. However, expressing views in an aggressive, academically unsubstantiated and personal manner may be perceived as offensive within the terms of this procedure.

Whilst the following is not exhaustive it provides an indicative list of the types of material that, if included in work submitted by students for assessment, may be deemed to be offensive and be treated seriously by the University and be likely to be subject to disciplinary action¹.

¹ These definitions mirror those included in the University's *Guidelines for Dealing with Harassment* as types of behaviour that are considered offensive and unacceptable.

- Comments about the personal appearance or characteristics of the marker, another member of staff or student;
- Unreasonable criticism of the marker, a member of staff or a student;
- (In the context of a seminar or presentation) shouting at a member of staff or student;
- Profanities, obscenities or expletives²;
- Suggestive comments emphasising the gender or sexuality of the marker, another member of staff or student;
- Pornographic, degrading or indecent pictures or images;
- Requests for sexual contact with the marker;
- A description of intimate or sexual contact with a member of staff or student;
- Discussion of the personal circumstances or experiences of a third party without their explicit consent;
- Reference to a member of staff or a student by a derogatory name or term;
- A threat against the marker, a member of staff or student;
- A racist comment or racist material, images or insignia³;
- Comments that ridicule an individual or group on the basis of race, ethnicity, religion, gender, sexuality, disability or age;
- References to an individual's race, gender, sexuality, age, religion, disability or characteristics that are not warranted within the text / presentation.

Dramatic performances undertaken as part of a module in Drama fall within the category of assessed work, but may in themselves contain material that is offensive to some or which is designed to shock or be challenging. Academic staff and students should approach the choice of such material carefully to ensure that it does not contradict the University's commitments under equality legislation or commitment to create an environment that is respectful of all.

Disciplinary Action

In the majority of cases, it is likely that the offensive material has been included due to carelessness (for example, not making a sufficient distinction between the views of others and the views of the student), a lack of sufficient sensitivity or is not extensive in nature. In such circumstances the marker may decide that it is not appropriate to initiate disciplinary action, but may draw the matter to the attention of the student in either written or verbal feedback.

Where the marker, student or another member of staff feels that the inclusion of offensive material is more extensive or serious they should, separate from the marking of the work, refer the matter to the University's Disciplinary Officer for appropriate action in accordance with the University's Disciplinary Procedures as they relate to General Regulation 10.

If a marker has declined to mark work because s/he believes that it contains material of an offensive nature s/he should refer the work to University's Disciplinary Officer for appropriate action, together with a written justification of the decision not to mark all or part of the work.

Marking Offensive Material

² There will be exceptions, for example where a student is quoting from a source or where the topic of the assessment relates to such material.

³ There will be obvious exceptions where the topic of the assessment is racism and the student is therefore required to reference and comment upon racist thought and literature. The submitted work itself must be mindful of the diversity of the University community and of the legal obligations of the University, its staff and its students to promote good race relations.

Separate from any disciplinary action taken in response to an allegation that a student has breached General Regulation 10 by including offensive material in assessed work, the following process will apply to the marking of work.

A marker is tasked with reaching an academic judgement on the academic merits of work submitted for assessment. It is a matter for the marker to determine whether the section of a student's work that is deemed to be offensive has any academic merit. If the marker judges that the offensive material has no academic merit that section of the assessed work will be awarded no marks. If the marker judges that notwithstanding the use of offensive material that section of the work has academic merit, an appropriate mark shall be awarded. The rest of the work shall be marked on its academic merits.

No further academic penalty may be imposed by the marker. A mark of zero may only be awarded where it is the view of the marker that the submitted work contains nothing of academic merit with reference to the intended learning outcomes and task set. No marks may be deducted that would otherwise have been awarded for the remainder of the work on the basis that a section of the whole includes offensive material.

Where the marker is concerned that the work contains extensive offensive material such that they believe it to be impossible for them to mark or that the marking of the work would cause them distress, the matter must be referred to the Chair of Examiners (summative assessment) or to the School Director of LTQ (formative assessment)⁴.

The Chair of Examiners or Director will review the material or such elements of the work as are necessary to determine the extent and nature of the offensive material and shall decide whether a) the material is such that the work should not be marked, or b) that another member of academic staff may be asked to review the material and mark as much of it as possible. If the alternative marker declines to mark the work on the basis that the work, or part of the work contains gratuitously offensive material, the work or the relevant part(s) of the work shall be deemed unmarkable and a provisional mark of zero recorded for those parts of the work that are deemed unmarkable.

As set out above, the matter should then be drawn to the attention of the University's Disciplinary Officer for disciplinary action in respect of General Regulation 10.

Once the Disciplinary Officer has concluded his/her investigation (which may mean referral to the Senate Student Discipline Committee) the mark for the assessed work can be confirmed by the Board of Examiners.⁵

Where a student or other member of staff draws to the attention of a marker a section of a student's assessed work that they feel to be offensive, the marker shall take due account of these concerns when reaching an academic judgement on the merits of the work. (It is expected that where students undertaking group work identify concerns about material being submitted or suggested by another member of the group, these concerns should first have been raised with the student concerned. Where this fails to address the problem, the group-work co-ordinator should be approached for

⁴ The Chair of Examiners decides whether or not the work can be marked whereas the Disciplinary Officer determines whether the student has breached General Regulation 10 by including offensive material in assessed work.

⁵ Until this process has been completed, the provisional mark should be flagged as an Alleged Offence (AO) on the Student Information System and the student should not be processed through a Board of Examiners. This parallels the procedures for dealing with allegations of unfair means, such as plagiarism or collusion.

assistance⁶.) As set out above, a student or other member of staff may refer the matter to the University's Investigating Officer for appropriate action.

Where the assessed work takes the form of a presentation, the marker / member of academic staff coordinating the assessment should immediately stop the presentation if it appears that the presentation includes material that is offensive, distressing to members of the audience, or which represents harassment under the University's definition. The marker and another member of academic staff, normally the Chair of Examiners, shall then view the presentation in its entirety and determine whether the student may be given a further opportunity to present their work, omitting any section that contains offensive material, if they judge that the offensive material represents only a small part of the presentation.

Feedback shall be provided to the student identifying those sections of the work that were deemed to contain offensive material (either by the marker or someone else) or noting that a mark of zero has been awarded because either the work could not be marked or had no academic merit.

A student has the right to submit an Academic Appeal if they disagree with the academic judgement of a marker in respect of the academic merits of their work. There is also an appeal route within the University's Disciplinary Procedures.

⁶ Schools and Senior Advisers may wish to consider what procedures they have in place for allowing students to raise concerns about the behaviour of their peers. Teachers setting group work tasks are expected to provide guidance to students on managing difficult situations within the group and to have processes in place to support students who have concerns about a member of their group.