

Research Space

Journal article

Liberating students from epistemic injustice in academic misconduct processes by shifting to a more compassionate and inclusive approach

Courtenay, C.

Liberating students from epistemic injustice in academic misconduct processes by shifting to a more compassionate and inclusive approach

Abstract

Academic misconduct processes in higher education institutions are supposed to ensure fairness. However, these very processes can lead to epistemic injustice (testimonial and hermeneutical) partly because students come from different epistemic cultures and so do not have a homogenised understanding of what constitutes academic misconduct. Understanding the many reasons for why students may turn to academic misconduct either deliberately or accidentally is important to inform teaching practice. Learning development needs to guide students away from epistemic ignorance and potential epistemic injustice by actively involving and immersing students in good academic practice as well as focusing on the positives of critical thinking, objective analysis and reasons for why skills such as referencing are important as part of both respectful dialogue and intellectual growth. This would move away from a focus on negatives and punitive approaches.

Keywords: epistemic injustice, epistemic justice, epistemic ignorance, testimonial injustice, hermeneutical injustice, academic integrity, academic misconduct

Introduction

This opinion piece expands on Miranda Fricker's theory of epistemic injustice which refers to unfairness or discrimination occurring in relation to knowledge production and dissemination. It ensues when someone's capacity to know, understand, or be recognized as a knower is unjustly undermined or marginalized (Fricker, 2007). Fricker divided epistemic injustice into testimonial and hermeneutical injustices, and I investigate these in the context of academic misconduct processes because academic misconduct is an area of conflict for universities because up to one in seven students admit to or are caught engaging in academic misconduct (QAA, 2022) ., and there is also moral panic around fears of misuse of generative AI and the continued proliferation of essay mills (Mulholland 2020, Yusuf, et.al., 2024). So,

students must follow the rules laid out in academic misconduct policies while ideally being encouraged to freely critique and investigate.

I also consider academic misconduct in terms of epistemic justice and epistemic ignorance to help learning developers suggest changes to process and practice and help students avoid become victims of epistemic injustice. Academic misconduct processes should encourage fairness yet come with assumptions about staff and students' knowledge without accounting for different educational backgrounds, cultures and experiences - potentially leading to injustice. As Parther, 2022, Eaton (2021) and Macfarlane et al. (2012) note, international students, mature students, students from poorer socio-economic backgrounds and black students are most likely to be accused of academic misconduct.

Epistemic injustice

Fricker (2007), suggests epistemic injustice arises when some form of wrong is done 'to an individual in their capacity as a knower' in either testimonial injustice or hermeneutical injustice. In testimonial injustice the hearer gives lower credibility to a speaker's word because of discrimination or Otherization. Hermeneutical injustice could occur if a student is unfamiliar with the concept of academic misconduct because it is not recognised in their culture or their education system mainly assesses through exams or oral assessment. The injustice arises from a gap in the hearer (or reader)'s understanding thereby putting the speaker at an unfair disadvantage (Fricker, 2007). Students are at risk of epistemic injustice because of differences in expectations, interpretation and understanding because of misunderstandings, lack of preparation, misleading information from universities and other factors that perpetuate social injustice and the right to accessing higher education.

Epistemic injustice and academic misconduct in universities are related because both involve issues of knowledge and credibility within an academic context. Examples of epistemic injustice in academic misconduct cases could include cases such as self-plagiarism or collusion. In academic misconduct panels for collusion staff must ascertain whether the collusion was deliberate or accidental. The possibility for injustice is likely because if it cannot be proven then both may be penalised. Students may also be confused by what is allowed when group work and

sharing of ideas is encouraged and are often unaware that they cannot reuse work from previous assignments without acknowledgement. Their knowledge of academic misconduct often recognises that one should not plagiarise another source but not that one can plagiarise one's own work.

Epistemic justice

Kotzee (2017), proposes that epistemic justice in education can be achieved through individual and social training, suggesting that learning developers should focus on critical perspectives of the epistemic dimensions of inequality and injustice in the classroom. Kotzee also highlights that selective policies of admission means that less privileged students may be deemed 'unfit' for education and therefore undervalued in their capacity as knowers. Failure to do so, in the context of epistemic injustice, means academic misconduct can exacerbate existing inequalities and perpetuate epistemic injustices because, if students from marginalized backgrounds are more likely to face barriers to accessing educational resources or receive inadequate support, they may be more tempted to engage in academic misconduct. For example, cheating or plagiarising due to a lack of support or unequal access to educational opportunities. To achieve epistemic justice then we need to level the playing field by taking a fairer and more compassionate approach.

Testimonial injustice

Since Fricker's initial introduction of the term testimonial injustice there are now multiple variations or offshoots. Lobb (2018), observes that testimonial injustice identifies the prejudicial (systematic) deflation of a knower's testimonial credibility (due to group identity features such as those of race, gender, class). Berenstain (2016), explains that testimonial injustice occurs when a speaker receives less credibility because of negative identity prejudice. In academic misconduct investigations students are at risk of not being given credibility, particularly if they seem to have transgressed the rules in their academic work.

Wanderer (2017), identifies three kinds of testimonial injustice. Firstly, transactional testimonial injustice could occur in an academic misconduct investigation where the

panel members decree that the student should have already known about academic misconduct and so dismiss the student's rationale or explanation so dismissing their experience as a knower. Secondly, structural testimonial injustice can be illustrated by a hearer not giving credibility to a speaker's opinion on an issue requiring educated judgement. For example, prejudice may well shape academic misconduct judgements if the student has non-standard pronunciation, uses slang or swear words or makes errors, often the case for second language speakers, international students or students from poorer social backgrounds. Thirdly, testimonial betrayal, occurs where a relationship of trust has been forged, for example, a student trusts the tutor, their personal tutor or student support officer to take their opinion or stance seriously. Failure to accord that recognition may be perceived as betrayal and in an academic misconduct investigation students may view the presence of a trusted tutor who should take a professional and objective role in proceedings as traitorous if the panel decides against the student (for example, dismissing their claims in a collusion case) as testimonial betrayal.

Expanding on the link between testimonial injustice and academic misconduct processes

Testimonial injustice occurs in situations where an individual's credibility or knowledge is questioned or undermined based on social prejudices or biases rather than on the merit of their ideas or expertise. An extreme example might be, if a student from a marginalized background presents a well-researched argument in a class, but their ideas are dismissed or devalued because of their social identity. Academic misconduct processes can lead to testimonial injustice because it is often minorities who face the harsher penalties, either because they are from different cultures, or because factors such as wealth or class means that students might have different educational experiences to draw from. An example of this might be when international students are studying at a UK university but are not aware of the different expectations and conventions of academic writing. Wong & Liu (2020, p.3) found that Chinese writers found it difficult to accurately cite sources - especially those less familiar with academic writing in general, 'because traditional Chinese education emphasizes the importance of modelling on others' works, especially master works, with acknowledgments but not necessarily with clear citations.' Rather

than disregarding or dismissing the knowledge held by knowers not familiar with our own educational systems Kotzee (2017, p.329), asks us to recognise 'differences in the epistemic orientation from different cultural groups', and that 'epistemic justice requires that we ...make special arrangements for those... from different epistemic cultures' while actively seeking to include more diverse epistemic perspectives in our processes. Bearing this in mind for academic misconduct cases, while we cannot adopt the way Chinese students cite and reference works (Parther, 2022) , we could recognise the different approach and perhaps provide justification for our chosen approach to encourage epistemic justice. Ultimately, if we took an approach where we listen to students, encourage trust and support them to understand good academic practice, then this would combat such testimonial injustice with compassion (de Souza, 2022).

Hermeneutical injustice

Hermeneutical injustice occurs when someone's understanding, or interpretation of their own experiences is hindered or invalidated due to a lack of available concepts or frameworks within a given social context (Fricker, 2007). Their experiences or ideas are lost in translation. In an academic context, this could manifest as a student having valuable insights or perspectives not adequately acknowledged or recognized by academics or peers because there is no existing framework to accommodate those perspectives. Additionally, the students themselves do not necessarily know how to express their sense of injustice so hermeneutical injustice may arise if they cannot explain or express their concerns. Medina (2017, p.48) explains that to 'mitigate hermeneutical injustice and work towards hermeneutical justice we must cultivate virtuous listening.' Active listening techniques that would help promote hermeneutical justice include 'knowing when to shut up, knowing when to suspend one's own judgement about intelligibility, calling critical attention to one's own limited expressive habits, listening for silences, checking with others who are differently situated, letting others set the tone etc.' (Medina, 2017, p.48). However, it is also important to encourage hermeneutical resistance by giving students safe spaces, platforms for expression and permission for dissonant voices to be heard. Greater student involvement with the creation of academic misconduct policies and

procedures and ensuring that marginalised voices are included would be a step towards a more compassionate approach.

Epistemic ignorance

Epistemic ignorance, specifically refers to situations where individuals lack access to relevant knowledge, fail to recognize their own ignorance, or are unaware of alternative perspectives or ways of knowing (Peels, 2017; Crutchfield, 2023). It can manifest as gaps in knowledge, biased understandings, or the perpetuation of false beliefs. Epistemic ignorance can occur through limited educational opportunities, social biases, or systemic barriers hindering acquisition or recognition of knowledge. Problems arise when there is an expectation that the ignorance should have been addressed so that the subject is informed and able to take appropriate action. This kind of culpable ignorance can be seen in university expectations of students in academic misconduct policies. Students should read, understand and not commit academic misconduct because there is information presented on the university website or in handbooks. This then devolves responsibility onto the student. However, if, for example essay mills target students looking like a genuine service, or when teachers encourage group work when to hand in the same piece of work as someone else is collusion, distorts knowledge. Interestingly, Attwell and Fraz (2023) found that academic staff often cannot agree how much help is permissible and do not even trust themselves as knowers.

Conclusion

Addressing the relationship between epistemic ignorance and academic misconduct requires efforts to promote a more compassionate and inclusive culture of knowledge acquisition, dissemination, and ethical behaviour. The focus should be on good academic practice while acknowledging the experiences and ideas students can bring. Universities can address epistemic ignorance by providing equitable access to educational resources, promoting inclusive and diverse perspectives, and fostering critical thinking skills but, the problem cannot be addressed by simply providing information without explanation, actual engagement or taking students to academic misconduct panels. We need to address the credibility deficit where students are automatically in the wrong when academic misconduct occurs and treat students as knowers when they bring perspectives from different experiences and

cultures. Furthermore, when we are in the position of hearer, really listen to and process what students are saying so that their knowledge is valued - and overcomes epistemic injustice and epistemic ignorance. Fricker (2007) suggests prevention of epistemic injustice by cultivating epistemic virtues such as intellectual humility, open mindedness and epistemic responsibility. I further argue, that to address epistemic injustice and reduce fear and stress for students, we should promote compassionate good academic practice policies which focus on not only good practice such as objectivity, critical thinking, or good referencing, but also why they are important and take an educative rather than punitive approach (QAA, 2022). Sopcak & Hood (2022), suggest that such restorative practices demonstrate fairness; and foster empathy, compassion and accountability as these foster both civic duty and ethical decision making for students. So often, universities tell students that they must do things without really telling them why. Teaching staff should be given the opportunity to instil positivity and joy in learning rather than a focus on penalties and disciplinary procedures. By promoting the virtues that Fricker outlined, universities can foster compassionate environments which encourage respectful dialogue, intellectual growth and the development of critically evaluative and inclusively minded individuals.

References

- Attewell, S. & Fraz, A. (2023). *Academic development in an age of Generative AI*. SEDA Spring Conference. (Accessed: 21 June 2024).
- Berenstain, N. (2016). 'Epistemic Exploitation.' *Ergo: An Open Access Journal of Philosophy*, 3 (22), pp.569-590. Available at: <https://doi.org/10.3998/ergo.12405314.0003.022>
- De Souza, D. (2022). *Quality and Compassion: Reframing Academic Integrity*. Available at: <https://www.hepi.ac.uk/2022/07/05/on-academic-integrity%E2%80%9C/>
- Eaton, S., (2021). *Plagiarism in Higher Education: Tackling Tough Topics in Academic Integrity*. Santa-Barbara: ABC-CLIO.
- Fricker, M., (2007). *Epistemic Injustice: Power & The Ethics of Knowing*. Oxford: Oxford University Press.
- Kotzee, B., (2017). 'Education and Epistemic Injustice'. In Kidd, et al., (2017). *The Routledge Handbook of Epistemic Injustice*. London: Routledge, pp. 324-335.
- Lobb, A., (2018). 'Prediscursive Epistemic Injury: Recognizing Another Form of Epistemic Injustice?' *Feminist Philosophy Quarterly*, 4(4), pp.1-23. Available at: <https://ojs.lib.uwo.ca/index.php/fpq/article/view/6232>
- Macfarlane, B., Zhang J. and Pun A. (2012). 'Academic integrity: a review of the literature'. *Studies in Higher Education*, 39(2), pp.339-358. Available at: <https://doi.org/10.1080/03075079.2012.709495>
- Mulholland, M. (2020). 'Honor and Shame: Plagiarism and Governing Student Morality'. *Journal of College and Character*. 21(2), pp.104-115.
- Medina, J., (2017). 'Varieties of hermeneutical injustice'. In Kidd, et al., (2017). *The Routledge Handbook of Epistemic Injustice*. London: Routledge, pp. 41-52.
- Parnther, C. (2022). 'International Students and Academic Misconduct: Considering Culture, Community, and Context'. *Journal of College and Character*. 23(1), pp.60-75.
- Peels, R. (2016). *The Epistemic Dimensions of Ignorance*. Cambridge: Cambridge University Press.
- Quality Assurance Agency for Higher Education (QAA) (2022) *Contracting to cheat in higher education: how to address contract cheating, the use of third-party services and essay mills*. 3rd edn. Available at: https://www.qaa.ac.uk/docs/qaa/guidance/contracting-to-cheat-in-higher-education-third-edition.pdf?sfvrsn=2fbfa581_14

Quality Assurance Agency for Higher Education (QAA). (2022). *Revisiting Academic Integrity from a Student Perspective: Check Out Our Latest Quality Compass*. Available at: <https://www.qaa.ac.uk/news-events/news/revisiting-academic-integrity-from-a-student-perspective-check-out-our-latest-quality-compass>

Sopcak, P. and Hood, K. (2022). *Building a Culture of Restorative Practice and Restorative Responses to Academic Misconduct*. In T. Bretag (Ed.), *Academic Integrity in Canada* (pp. 553-571). Springer. Available at: https://link.springer.com/chapter/10.1007/978-3-030-83255-1_

Wanderer, J. (2017). 'Varieties of testimonial injustice.' In Kidd, et al., (2017). *The Routledge Handbook of Epistemic Injustice*. London: Routledge, pp. 27-40.

Wong, M. & Liu, Y., (2020) 'Chinese undergraduate EFL learners' perceptions of Plagiarism and use of citations in course papers'. *Cogent Education*, 7, pp. 1-14. <https://doi.org/10.1080/2331186X.2020.1855769>

Yusuf, A., Pervin, N. and Román-González, M. (2024) 'Generative AI and the future of higher education: a threat to academic integrity or reformation? Evidence from multicultural perspectives', *International Journal of Educational Technology in Higher Education* 21(21). Available at: <https://educationaltechnologyjournal.springeropen.com/articles/10.1186/s41239-024-00453-6>

