

Matters for consideration arising from two recent academic appeals (November 2014)

You may find two recent academic appeals of interest. In both cases, work and attendance issues resulted in referrals back to their respective Schools.

Case One

Background

1. An undergraduate student appealed the decision of the School to exclude him from the programme on the following grounds:
 - That there exists or existed circumstances affecting the student's performance of which, for good reason, the board of examiners or committee may not have been made aware when the decision was taken and which might have had a material effect on the decision.

Circumstances which the student claimed affected his studies

2. The student believed that a number of exams had been affected by illness. He did not seek medical assistance whilst studying in Manchester as he had not registered with a GP.
3. The Faculty agreed with the School's assessment of the student's case in that there was no contemporaneous evidence which showed the condition deteriorated at the time of the exams.

Irregularity in the application of the regulations

4. The decision to exclude the student from the programme was taken on the basis that his work and attendance had been unsatisfactory. Boards of Examiners have the discretion to refuse reassessment on this basis when a formal warning has been issued. The Faculty established that no such warning had been issued. It was considered that the issue of poor attendance should have been formally addressed through Regulation XX Work and Attendance. As no formal warning was issued, the decision to exclude the student was not considered to have been made in accordance with the regulations

Decision

5. The appeal was upheld. Taking into account the student's previous academic performance and lack of engagement, but noting the irregularity in its original decision, the Board of Examiners decided that he should be allowed the opportunity to repeat the first year in attendance (with no fee payable).

Case Two

Background

1. A postgraduate student appealed the decision of the School to exclude her from the programme on the following grounds:
 - That there exists or existed circumstances affecting the student's performance of which, for good reason, the board of examiners or committee may not have been made aware

when the decision was taken and which might have had a material effect on the decision.

2. The student was excluded as a result of poor attendance and her failure to attend a lecture (although she stated she was merely late for it), after she had been warned that her attendance at every class and lecture was compulsory.
3. During Semester Two, the student was invited to attend a meeting to discuss her attendance with the Postgraduate Manager and the Programme Administrator. Subsequently, the student was sent an email informing her that taking account of her satisfactory attendance and good results in the previous semester; she was allowed to stay on the programme. From then on, however, her attendance would be carefully monitored and that she must report to the course leaders before and after every class and sign register at their presence.
4. A week later, the student arrived late for a lecture. The student was emailed by the Programme Administrator 3 days later requesting she attend a meeting with herself and the Assessment Coordinator. In the meeting the student explained that her non-attendance had been the result of ill-health. She was informed that due to her poor attendance, the course of action would be to remove her from the programme. She was sent a letter confirming the decision the following day.
5. The attendance monitoring records show a number of absences during Semester 1 and 2.
6. Early in Semester Two she had explained that she would be away from the University for a week due to a family commitment. The student was informed that such absences could not be authorised and that her non-attendance would be reported to the UK Border Authority (now UK Visas and Immigration) and that the absence could jeopardise her future participation on the programme.
7. The matter of non-attendance was not highlighted to her as a cause of concern until two months later at the meeting with the Postgraduate Manager and the Programme Administrator.

Procedural Matters

8. The School did not have a written procedure in place for dealing with continued unauthorised absences. The Faculty considered that decisions of significant impact require a transparent procedure which is communicated to students.
9. It was considered that the student was not given adequate notice to attend the meetings about her attendance. On both occasions, she was initially given less than 24 hours' notice.
10. There were mixed messages from the School as to the requirements for attendance. The Handbook states that attendance is compulsory, but in the email warning about her attendance, a representative from the School described her Semester One attendance (which showed similar patterns of non-attendance) as satisfactory.
11. Regulation XX directs that Programme Committees can exclude students on the basis of not attendance. The formal involvement of a member of academic staff from the Programme Committee was required for such a panel to be properly constituted.
12. The letter giving the decision to exclude her from the Programme did not explain the reasons why the decision was taken.

13. It was noted that the student did make efforts to attend the lecture in which she was late for. The Handbook does not provide a statement on the School's position on lateness.
14. The issue of non-attendance was not formally addressed by the School until late into Semester Two. Regulation XX requires Programme Committees to keep the attendance of students under continuous review.

Decision

15. The appeal was upheld. Upon consideration of the evidence, the Faculty was not satisfied that the student had established a good reason for her failure to draw her ill health to the attention of the School at the appropriate time. However, they were not satisfied that the decision to withdraw her from the Programme was reasonable. It was found that her case was not handled properly or fairly and procedures were not followed correctly.
16. It was recommended that she should be permitted to return to the Programme without penalty.