

Scottish Parliament Region: North East Scotland

Case 200600328: The Robert Gordon University

Summary of Investigation

Category

Scottish Further and Higher Education: Policy/administration

Overview

The complaint concerned The Robert Gordon University (the University)'s decision to reject an appeal and to allow a student to continue his course.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) Assessment Boards reached their decisions on the basis of incomplete information, that agreements with staff were never implemented and that work presented was not marked (*partially upheld*);
- (b) grounds for rejecting the appeal were contrary to stated University policy (*not upheld*);
- (c) the course leader had a conflict of interest when acting as Chairman of the Assessment Board (*not upheld*); and
- (d) the University's handling of the matter demonstrated poor information management (*not upheld*).

Redress and recommendation

The Ombudsman recommends that the University emphasise to its academic staff the importance of following carefully the Academic Regulations when dealing with cases like Mr C's.

The University have accepted the Ombudsman's recommendation and will act on it accordingly. She asks that they notify her when it is implemented.

Main Investigation Report

Introduction

1. On 2 May 2006, the Ombudsman received a complaint from Mr C concerning The Robert Gordon University (the University)'s decision to reject his appeal to continue his MSc in Oil and Gas Engineering.
2. The complaints from Mr C which I have investigated are that:
 - (a) Assessment Boards reached decisions on the basis of incomplete information, that agreements with staff were never implemented and that work presented was not marked;
 - (b) grounds for rejecting the appeal were contrary to stated University policy;
 - (c) the course leader had a conflict of interest when acting as Chairman of the Assessment Board; and
 - (d) the University's handling of the matter demonstrated poor information management.

Investigation

3. The investigation of this complaint involved obtaining and reading all the relevant documentation, including correspondence between Mr C and the University. I have also had sight of internal memos and emails concerning Mr C's case; letters in support of Mr C; copies of Assessment Boards' decisions and guidance given to such Boards to assist them in reaching decisions; appropriate sections of the University's Academic Regulations and information produced by the University's Credit and Accumulation and Management System. On 7 September 2006 I made a formal enquiry of the University and their response to me was dated 9 October 2006.

4. While I have not included in this report every detail investigated, I am satisfied that no matter of significance has been overlooked. Mr C and the University were given an opportunity to comment on a draft of this report.

(a) Assessment Boards reached decisions on the basis of incomplete information, that agreements with staff were never implemented and that work presented was not marked

5. In October 2003 Mr C registered on an MSc Oil and Gas Engineering Course as a full-time student but in March 2004 he accepted a position in full-time employment and became a part-time student. Mr C went to work abroad.

6. The University have informed me in their formal response (see paragraph 3 above) that as a full-time student, the maximum period of study is two years and for a part-time student, the period is five years. When enrolment status changes, the period of enrolment is worked out pro rata. Whilst students have a maximum period of study to complete a course, a limiting factor to this is the number of assessment opportunities. For postgraduate courses, students are permitted two assessment opportunities. Thus students must complete a course within a maximum period of study and within the number of permitted assessment opportunities.

7. Mr C complained that he had been prevented from continuing his degree programme and had been determined to have failed the course although he was only two years into a five year programme. He said that while Assessment Boards had considered his circumstances, they did so without the benefit of all the available information; that agreements reached with staff members were not honoured and that the University failed to mark all the work he submitted.

8. Mr C said that he submitted three pieces of course work in October 2004 but that these were not sent for scoring as his course leader had instructed. He said that because of this, in February 2005 he arranged to meet with his course leader and, after explaining his situation and providing information, the course leader agreed that the work would be submitted for scoring. Mr C said that they then reached an agreement about how his studies would progress. Despite this, on 2 December 2005, he said the course leader advised him that a decision had been taken that he could not continue his course.

9. From the information available to me, I am aware that because of the difficulties Mr C said he was experiencing (he was frequently travelling), on 13 April 2004, the University advised him to attempt to complete some course modules online. They also advised him of his option to suspend his studies for up to a year. However, Mr C continued with his course and his case was considered by Assessment Boards on 8 June and 2 July 2004 when it was decided that he should resit the exam and course work on one module and, resit the course work on another. On 17 October 2004, Mr C advised the University that he had been able to complete three sets of course work and, the next day, it was suggested that he send in the work to see if the Assessment Board decided whether it would be marked as a first or second attempt as he did not have agreed extensions for late submission. I have been advised by the University that the original deadlines for the work concerned ranged from

2 February to 14 May 2004 (in one case this date was extended to 9 June and later deadlines were extended until August 2004). Mr C submitted the work on 19 October 2004.

10. An Assessment Board was held on 24 November 2004 but as Mr C failed to provide a reason for the late submission of his work, it was not accepted. The Assessment Board took the view that it counted as one of the two assessment opportunities Mr C had been given. They agreed that a second, final attempt for course work be permitted with a submission deadline of 31 January 2005. A transcript advising Mr C of the decision, and of his new course work tasks for the three modules concerned, was sent to him that day. An email on 3 December 2004 from his course leader restated the position.

11. On 18 January 2005, Mr C told the University that he had not received the new course work and it was emailed to him reminding him of the submission date (31 January 2005). The deadline passed and on 8 February 2005 (after the due date) Mr C advised the University that he could not meet it. He did not seek an extension. However, Mr C arranged to visit Aberdeen and, on 11 February 2005, met with his course leader. Mr C said at this meeting it was agreed that the course leader would accept the work he had completed and send it for scoring (see paragraph 8). Mr C said that he also submitted a proposed schedule on how and when he intended to finish his programme of study and this was also accepted.

12. In their response to my enquiries (9 October 2006), the University said by this time Mr C's position was very serious as he had failed to submit three course works on two occasions; with only two assessment attempts being permitted for postgraduate courses (they said that exhausting all assessment opportunities without passing would result in course termination). Under the University's Regulations it is the responsibility of the Assessment Board to make decisions about a student's progress/award and the University pointed out that while the course leader met with Mr C, he did so in order to assist Mr C to complete his course, but, at the same time, emphasising to him the seriousness of his situation. They said that:

'At the February meeting, a plan for the student to complete the course was agreed. However, this plan was dependent upon the student submitting evidence to the Assessment Board of mitigating circumstances such that would permit the student a further attempt to undertake the course work in question. A crucial part of this plan was [the course leader]

having the three original, late-submitted, course works marked and requesting the next Assessment Board to consider these as either the student's first or second attempts. [The course leader] made it clear to the student that in order to consider revising its 24 November 2004 decision, the Board would require an explanation about why the original course works had been submitted late, with appropriate supporting evidence provided by the student. [The course leader] made no guarantees that the Assessment Board would find in the student's favour.'

13. The University pointed out that technically, the course leader had instigated a part of the appeals process (referred to in the Academic Regulations) that should not have been invoked as a period of greater than 20 working days had passed after the last Assessment Board. They said that in fact a more appropriate part of the Academic Regulations should have been invoked. However, they said that the course leader, by agreeing to ask the Assessment Board to reconsider its 24 November 2004 decision and allow the three late course works to be marked as either a first or second attempt, had been trying to help the student and that although the course leader's actions had strayed from what should have happened, this was only to Mr C's advantage.

14. The University said that despite the agreement reached, Mr C failed to provide a satisfactory explanation, with supporting evidence, relating to the late submitted first attempts or the second attempts (which they said were never submitted) which would allow the 7 June 2005 Assessment Board to consider the matter further. Therefore, the decision of 24 November 2004 remained unchanged. Moreover, as Mr C had not resubmitted new course work for 31 January 2005 deadline, his second and final attempts were considered to be fails. The Board's decision was that Mr C had failed the course.

15. I have had sight of an email from the course leader dated 20 June 2005 (which was initiated by an internal enquiry). This details the course leader's understanding of the nature of the agreement he reached with Mr C when they discussed his situation on 11 February 2005. Amongst other things it said,

'This is what he agreed to when I met him 1) We arrange to have his submitted course works (in his file), (for three named courses) marked. I will raise the issue of whether these are first or second attempts at the Exam Board in June. >>> did this happen???'

There is no suggestion in the email that this agreed action was conditional upon Mr C providing a satisfactory explanation, together with supporting evidence, about his late submitted first attempts or his second attempts (which the University said were not made).

16. Mr C is also aggrieved because he contends that work he submitted was not marked. He particularly makes reference to three pieces of course work submitted on 19 October 2004 (see paragraph 9). However, this work was not accepted, and hence not marked, because it was submitted late and no reason for the delay had been given (paragraph 10). This was counted as one of Mr C's two assessment opportunities. Mr C was then given new course work to complete and he was twice reminded of the deadline (paragraphs 10 and 11) but this work was not forthcoming and was, therefore, viewed as a second instance of non-submission. It was then that Mr C arranged to meet with his course leader who agreed to ask the Assessment Board of 7 June to 2005 allow the three late course works to be marked as first or second attempts.

(a) Conclusion

17. From the information above (see paragraphs 9 to 12) it appears that Mr C regularly missed deadlines for course work, even after they were extended. He missed new deadlines for new course work advised to him after the Assessment Board meeting of 24 November 2004 and this information was given to him on three occasions (paragraphs 10 and 11). On 8 February 2005 Mr C acknowledged that he could not meet the deadline of 31 January 2005 but he failed to ask for an extension. The University did not assess this work for reasons outlined above (paragraph 16). It does not appear that Mr C ever submitted the new course work he was advised to complete (paragraph 10). Between times, the University had suggested to him that he consider completing his course online or suspend it for up to a year (paragraph 9).

18. Up to this point, I am satisfied that the University dealt fairly and correctly with Mr C in accordance with their Academic Regulations. There is no evidence of maladministration. For whatever reason, Mr C did not meet the requirements (including extended deadlines) placed on him by the University and this matter is his responsibility.

19. In an attempt to get the University to consider his case once more, Mr C approached his course leader to assist him. The University said that the course leader's actions in this regard were not what should have happened

(paragraph 13) but that this was only to Mr C's advantage. It is the University's view that the agreement between Mr C and the course leader was conditional upon Mr C providing an explanation, and supporting evidence, about his late submission of course work but I can see no reference to this in any of the available documentation. The course leader's email makes no reference to this (paragraph 15). On 20 June 2005, after the 7 June 2005 Assessment Board meeting, the course leader enquired whether his agreement with the student had been acted upon (paragraph 15) making no reference to any conditions. Therefore, I can understand why Mr C considered that the 7 June 2005 Assessment Board was not fully apprised of the facts and that his agreement with his course leader had not been honoured. His work was not submitted for marking as either a first or second attempt. Notwithstanding the fact that the course leader was trying to be helpful, I have to conclude that there was a failure in the way in which the 7 June 2005 Assessment Board dealt with Mr C's circumstances. Taking all the evidence into account, which shows that the University generally handled the matter properly and fairly (see paragraph 16 above), and, given Mr C's own role in this situation, I, nevertheless, partially uphold this complaint. However, I do not consider that Mr C can claim continuing injustice for the fact that his work was not marked. He failed to meet deadlines, some of which were extended. Thereafter, the decision of 7 June 2005 Assessment Board was reconsidered on a further three occasions (see below).

(a) Recommendation

20. The Ombudsman recommends that the University emphasise to its academic staff the importance of their following carefully the University's Academic Regulations when dealing with circumstances similar to those of Mr C.

(b) Grounds for rejecting the appeal were contrary to stated University policy

21. In his complaint to the Ombudsman, Mr C maintained that he had never failed any exam since starting his degree programme. He said that the part-time programme allowed him a maximum of five years to complete it and that he had been allowed less than two years before it was determined that he had failed the course. He said that nowhere in University policy does it say that a student cannot continue a course programme due to late submission of work.

22. On 18 October 2005, Mr C submitted an appeal against the 7 June 2005 Assessment Board's decision and an Assessment Board was convened on 26 October 2005 to consider the matter. A decision was deferred, and the course leader (who had acted as Convenor to that Board) emailed Mr C advising him of the action he should take; he was told that his appeal had not been properly constructed in terms of the University's Academic Regulations and, he was advised to refer to the Academic Regulations, which were attached (in particular to Section 8), and also to seek guidance and support from the University's Student Counselling Service who would help him with his appeal; contact details were given. Mr C was also advised to supply independently certified evidence (such as a letter from his employer) supporting his case that on multiple occasions, he failed to submit course work by the due dates because of work commitments.

23. An extraordinary Assessment Board appeal was heard on Mr C's case, and the circumstances pertaining to it, on 28 November 2005. An external examiner was involved but it was confirmed that no evidence had been provided in Mr C's support by his employer (see paragraph 22). Consequently his appeal was rejected. A letter was sent the next day (29 November 2005) to Mr C confirming the situation. This information was reiterated by email of 2 December 2005. It was emphasised that the decision stood.

24. The University then received a letter from Mr C dated 9 January 2006, attaching a letter from his employer. I have had sight of this enclosure, dated 20 December 2005 and it merely confirms Mr C's employment and that he had been on 'international rotational training'. The letter makes no reference to extenuating circumstances. A further letter was received on 10 January 2006 written in the capacity of 'a close friend' and saying what a difficult time Mr C had had over recent years; it asked that the University allow him to complete his studies.

25. Both these letters, and that from the complainant, were considered at another Assessment Board appeal on 12 January 2006. Two external examiners were consulted but the University took the view that as no new information had been provided, Mr C's course fail was confirmed. This decision was brought to his attention by letter on 20 January 2006.

(b) Conclusion

26. Mr C was clearly advised how to progress his appeal (paragraph 22). It was emphasised to him that he needed independent certified evidence. The letter from his employer did not provide this and the other letter was from a close friend. There were, therefore, no grounds for the Board to change their decision on his case. I note Mr C's opinion above (paragraph 21) that his appeal had been turned down for reasons that were contrary to the University's stated policy but, if his logic was followed, it would mean that a part-time student, who never submitted work on time, missed deadlines or failed to submit work at all, could not be penalised. This would be unacceptable. I have carefully considered the grounds that the University had for rejecting Mr C's appeal, but I can see no evidence to suggest that the appeal was not properly handled. In all the circumstances, I do not uphold this aspect of the complaint.

(c) The Course Leader had a conflict of interest when acting as Chairman of the Assessment Board

27. Mr C alleges that the course leader had a conflict of interest when he acted as Chairman to the 26 October 2005 Assessment Board appeal. From the information available, it is clear to me that the course leader could have been perceived to have an interest in Mr C's case. He was supportive of Mr C. He had met him in February 2005 when he tried to assist and he sent him specific emails (for example on 28 October 2005) directing him how to pursue his appeal. The decision of this appeal was also to defer, which was further to Mr C's advantage. In my view, the course leader should have declared an interest and withdrawn when this matter was being discussed. However, after considering this aspect of the matter very carefully, I do not uphold the complaint on the basis that Mr C cannot claim an injustice as a consequence. Nevertheless, I would draw the University's attention to the relevant Quality Assurance Agency for Higher Education Code of Practice (Section 5 on Academic Appeals and Student Complaints on Academic Matters) which states, amongst other things, that those adjudicating on complaints or appeals must not act in any matter where a potential conflict of interest may arise.

(d) The University's handling of the matter demonstrated poor information management

28. It is Mr C's view that there is 'overwhelming evidence' of poor information management and that this has resulted in a decision that did not allow him to continue his course. He alleged that this was because information had been overlooked or not considered.

29. I have looked very carefully at this allegation and I am satisfied that the handling of Mr C's case was in line with University Regulations and procedures. Any correspondence from Mr C was replied to and he was fully apprised how to proceed with an appeal. All the information he submitted was considered by the various Assessment Boards involved. Similarly, the Boards were aware of deadlines missed and failures to provide course work. Therefore, I do not uphold this aspect of the complaint.

27 March 2007

Explanation of abbreviations used

Mr C

The complainant

The University

The Robert Gordon University

