

Scottish Parliament Region: North East Scotland

Case 200502175: UHI Millennium Institute

Summary of Investigation

Category

Scottish Higher Education: Policy/administration

Overview

The complaint concerned the alleged failure by UHI Millennium Institute (UHIMI) to award a qualification due to an administration error and/or personal reasons of a member of staff.

Specific complaint and conclusion

The complaint which has been investigated is that UHIMI failed to award Mr C a Certificate of Higher Education (*not upheld*).

Redress and recommendations

The Ombudsman recommends that UHIMI, in relation to making arrangements for Board of Governors Complaints Appeal Committee meetings and given the importance of this final stage of the internal appeals process, should consider inviting students to attend by sending a letter with a tear-off reply slip. UHIMI should also consider contacting students by telephone to confirm their attendance, subject to the student having supplied UHIMI with correct and current details.

UHIMI have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. In November 2005 the Ombudsman accepted a complaint from a person who is referred to in this report as Mr C. He complained that UHIMI had failed to award him a qualification as a result of an administration error and possibly because of personal reasons of staff at UHIMI.

2. The complaint from Mr C which I have investigated is that UHIMI failed to award Mr C a Certificate of Higher Education.

Investigation

3. Mr C was a student at UHIMI for most of academic year 2002/03 and part of academic year 2003/04. He was enrolled on a full-time undergraduate degree programme, based at one of the network of academic partner colleges of UHIMI (see paragraph 4). Due to illness Mr C had to stop his degree programme and asked UHIMI for an HNC certificate which he believed he was due for a completed first year of study.

4. UHIMI provides access to higher education through a partnership of colleges and research institutions (known as 'academic partners'). The teaching is delivered at and by the partner colleges on behalf of UHIMI. In addition some educational programmes are delivered online.

5. Mr C's examinations and assessments were marked by academic staff and ratified by Examination Boards at UHIMI. There is a dispute between Mr C and UHIMI on what modules were passed and what were failed.

6. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. I have examined correspondence and documents supplied by Mr C, as well as correspondence and documents, such as the UHIMI Degree Exam Board Handbook, supplied by UHIMI. Mr C and UHIMI were given an opportunity to comment on a draft of this report.

Complaint: UHIMI failed to award Mr C a Certificate of Higher Education

7. Mr C believed that he was due 'an HNC certificate which [he] worked for, passed, and also [had] to pay cash for'. It became clear early in my investigation that Mr C was not in fact on a programme of study that could lead

to an HNC. The appropriate exit award at the end of a completed first year of study on Mr C's degree programme is a Certificate of Higher Education. It is possible that Mr C was confused about the award he was seeking because the venue for his study was in the premises of one of the UHIMI partner colleges, given the 'virtual' nature of UHIMI itself (see paragraph 4). Mr C has acknowledged that his previous experience of studying for an HNC might also have led to this confusion.

8. Mr C failed two first year modules, which were the subject of dispute, at the first attempt. Mr C resat the failed modules and he was sent a Student Academic Transcript, dated September 2003, by UHIMI. This showed that he had passed the two modules and that the results 'have been confirmed by the September 2003 Exam Board'. Mr C maintained that this document is proof that he is entitled to the award of a Certificate of Higher Education. UHIMI said that on checking their records they discovered that this transcript was issued in error and that Mr C had in fact failed one of the modules at the resit. In order to obtain a Certificate of Higher Education, UHIMI advised Mr C that he would have to pass the outstanding module. They offered to waive the module fee and provide additional tuition to assist Mr C.

9. Mr C appealed the decision not to award the Certificate of Higher Education. The evidence provided by both Mr C and UHIMI shows that UHIMI correctly followed the appeals procedure and that, as required, upon its conclusion UHIMI sent Mr C information on how to contact the Ombudsman. There is a dispute regarding a meeting of the Board of Governors Complaints Appeal Committee which Mr C did not attend and for which he said he did not receive an invitation. UHIMI have provided copies of two separate letters sent to Mr C about this Committee meeting, but there is no evidence that UHIMI tried to contact Mr C by other means when he failed to acknowledge receipt of the letters.

10. UHIMI have apologised on several occasions to Mr C through the UHIMI Secretary, Principal and Board of Governors Complaints Appeal Committee. In particular, the UHIMI Principal made the following statement in writing to Mr C: 'If you are willing to resit this module examination I will ask for the fee to be waived and any reasonable out-of-pocket expenses to be reimbursed. In addition, you have my sincere apologies for the shortcomings in [UHIMI]'s procedures.'

UHIMI have acknowledged that they made an error in issuing an incorrect Student Academic Transcript, apologised for the error and have made an offer of redress. They have also taken steps to minimise the possibility of such an incident happening again by introducing a new student record system and revising procedures for the distribution of marks to students.

The UHIMI Principal also wrote to Mr C:

'I do not accept the argument in your letter that since you failed by only 2% this should be overlooked and a Certificate awarded. In my view a fail is a fail whether it is by 1% or 20%.'

Conclusion

11. The evidence available to me points to an unfortunate and regrettable error on the part of UHIMI. However, given the actions already taken by UHIMI before the matter was referred to the Ombudsman I do not uphold this aspect of Mr C's complaint. Mr C does not appear to accept that this was an error and appears to still believe that the incorrectly issued transcript confirms that he has passed. It is, however, clear from the evidence I have seen that he did not successfully complete the module. UHIMI are not obliged to award him a pass unless the module was successfully completed. The offer made by the UHIMI Principal seems appropriate in the circumstances and would resolve the complaint. I suggest that Mr C takes up the offer stated in paragraph 10.

12. In relation to the alleged personal reasons of UHIMI staff in preventing Mr C from passing the module, I have seen no evidence to suggest this. Mr C said it was difficult for him to explain this aspect of his complaint but felt that the letter from the UHIMI Principal was in an 'offhand and bullying tone'. I have read the letter and quoted from it in paragraph 10. I do not agree with Mr C's interpretation that this letter was offhand or bullying, rather the UHIMI Principal was attempting to clarify the point that a fail by any margin is still a fail and, therefore, an award cannot be made. Indeed I consider that the offer by the UHIMI Principal (as I explained in paragraph 11) militates against Mr C's perception of personal bias against him. It is also unfortunate that Mr C did not attend the Board of Governors Complaints Appeal Committee, as this might have provided an opportunity for Mr C to interact with UHIMI representatives who were not directly involved in teaching or assessment of his programme. However, as noted in paragraph 9, Mr C said that he did not receive an invitation. Therefore, I do not uphold this element of Mr C's complaint.

Recommendation

13. In relation to making arrangements for Board of Governors Complaints Appeal Committee meetings, and given the importance of this final stage of the internal appeals process, UHIMI should consider inviting students to attend by sending a letter with a tear-off reply slip. UHIMI should also consider contacting students by telephone to confirm their attendance, subject to the student having supplied UHIMI with correct and current details.

14. UHIMI have accepted the recommendations and will act on them accordingly.

23 May 2007

Explanation of abbreviations used

Mr C	The complainant
UHIMI	UHI Millennium Institute
HNC	Higher National Certificate
UHIMI Principal	The Chief Executive of UHIMI
UHIMI Secretary	The senior administrator of UHIMI

Glossary of terms

Examination Board

A meeting of academic staff to moderate and ratify student examination and assessment marks, in line with national quality assurance frameworks

Exit award

Certification issued by a higher education institution to show that a student has achieved the required number of credits for a year (or more, if appropriate) or study