

## Scottish Parliament Region: Mid Scotland and Fife

### Case 200502104: University of St Andrews

#### Summary of Investigation

##### **Category**

Scottish Further and Higher Education; Academic appeal

##### **Overview**

The complainant (Miss C) raised concerns that her personal circumstances were not considered by the University of St Andrews (the University) when they determined her degree classification and that her subsequent appeal was not dealt with in line with the University's appeals procedure.

##### **Specific complaints and conclusions**

The complaints which have been investigated are that the University failed to:

- (a) take Miss C's personal circumstances into account when reaching a decision on her degree classification (*not upheld*); and
- (b) follow their appeals procedure when considering Miss C's appeal (*upheld*).

##### **Redress and recommendations**

The Ombudsman recommends that the University:

- (i) remind staff involved in minute-taking at examination board meetings to record the rationale for decisions taken at those meetings;
- (ii) apologise to Miss C for: not fully considering her appeal; the delay in processing her appeal; and failing to provide her with an adequate explanation of the basis on which they took their decision not to uphold her complaint; and
- (iii) reconsider Miss C's appeal, under Section A2.6 of the Code, specifically considering the wider point Miss C made about her honours work more generally having been affected by her mother's illness.

The University are currently considering the recommendations.

## **Main Investigation Report**

### **Introduction**

1. On 1 November 2005, the Ombudsman received a complaint from a woman, referred to in this report as Miss C, against the University of St Andrews (the University). Miss C complained that her personal circumstances had not been considered by the University when determining her degree classification and that her subsequent appeal was not dealt with in line with the University's appeals procedure.

2. Although Miss C brought her complaint to the Ombudsman's office in November 2005, part of her complaint, at that time, was not considered to have exhausted the University's complaints procedure and Miss C was, therefore, referred back to the University. Miss C and the University subsequently entered into a lengthy correspondence, which included requests for clarification of various matters relating to the University's decisions and procedures and also requests for the provision of information and documentation. The Ombudsman's office continued to have a peripheral involvement in the complaint, but our active consideration of the complaint only began on 26 June 2007, when I informed Miss C that, in my view, the matters of concern to her should be brought to a head and actively considered by this office.

3. The complaints from Miss C which I have investigated are that the University failed to:

- (a) take Miss C's personal circumstances into account when reaching a decision on her degree classification; and
- (b) follow their appeals procedure when considering Miss C's appeal.

### **Investigation**

4. The investigation of this complaint involved obtaining and reading all the correspondence between the University and Miss C. In addition, I had sight of the following documents:

- the University's Code of Practice on Complaints, Appeals and Discipline;
- minutes of the University's Modern History Department Board of Examiners meeting dated 6 June 2005;
- minutes of the University's School of History Degree Classification Board meeting dated 7 June 2005;
- records of meetings between Miss C and Student Support Services dated 13 and 16 May 2005;

- a 'Notification of Student Problem Form' dated 16 June 2005;
- an 'Honours Classification' document which outlined the process used to calculate degree classifications;
- a document entitled 'The Composition and Operation of the Special Circumstances Board'; and
- a document entitled 'Guidance for Schools and Units on the Creation of Internal Committee Minutes'.

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

**(a) The University failed to take Miss C's personal circumstances into account when reaching a decision on her degree classification**

*Miss C's Personal Circumstances*

6. On 13 May 2005, Miss C visited the University's Student Support Services and notified them of difficulties she was having. These included illness, ongoing concern over her mother's health and the fact that her debit card had been fraudulently used. Another meeting was arranged for 16 May 2005, during which Miss C repeated her problems and was told that Student Support Services would request that her modules be 'S coded' (this means that modules affected by special circumstances would not count when a degree classification was calculated).

7. A 'Notification of Student Problem' form (the Notification Form), dated 16 June 2005, was sent by Student Support Services to the Department of History. The form had been signed by Miss C. The Notification Form stated:

'During the last three weeks, [Miss C] has experienced a range of problems including health issues, family problems, personal difficulties and she has also been the victim of criminal activity. As a result, her preparations for her examinations have been severely affected and it is possible she will under-perform in the exams. I would be grateful if you could treat this Memo as a formal request that [Miss C]'s module results for this semester be S-coded, in view of her present difficulties.'

8. In response to my investigation, the University told me that an administrative error had meant that the Notification Form had been incorrectly dated 16 June 2005 rather than 16 May 2005.

9. Minutes of the Department of History Board of Examiners (Board 1) meeting dated 6 June 2005, stated: 'Medical certificates and other special circumstances which may have influenced results or caused the student to be considered for deferred assessment were carefully considered in the following cases ...'. Miss C's name and examination number then featured in a list of students whose special circumstances were considered. The text 'NAR [No Adjustment Required]' featured next to her name.

10. Minutes of the School of History Degree Classification Board (Board 2) held on Tuesday 7 June 2005 stated in relation to Miss C's case:

'Borderline 2.1/1; mean 16.31, median 16.10. The Board took the view that the preponderance of module grades was Upper Second (15.7, 15.8, 16.0, 16.0, 16.2, 16.8, 16.9, 17.1), and it was agreed to award an Upper Second degree.'

11. The University, in response to my investigation, explained that the reason why Board 1 had decided that no adjustment was required to Miss C's grade was that Miss C's marks were actually higher for the period in which she said she was affected by special circumstances. As her marks were higher at that time than when she did not claim to be affected by special circumstances, Board 1 decided that Miss C's performance could not be shown to have been adversely affected by her circumstances and, therefore, no adjustment was required.

12. The University, again in response to my investigation, explained that, despite the request from Student Support Services, the modules for the period which Miss C said were affected by special circumstances had not been 'S-Coded'. The University explained that, had they applied the 'S-Code' to the modules which Miss C said were affected by special circumstances, it would have meant that those module marks would be excluded from the calculation of her final degree classification. The University said that, given that Miss C had higher marks in the modules she said were affected by special circumstances, it would have adversely impacted on her overall result to have discounted those marks by 'S-Coding' them. The University explained that they did not normally apply an 'S-Code' where it would be prejudicial to a student.

*Minutes of Board 1's Meeting dated 6 June 2005*

13. As part of my investigation, I asked the University to provide me with copies of any guidance they held regarding what should be included in meeting

minutes. I noted that the minutes of Board 1's meeting dated 6 June 2005 gave no details regarding the rationale for deciding that no adjustment was required to Miss C's grades.

14. The University sent me a document called 'Guidance for Schools and Units on the Creation of Internal Committee Minutes' (the Minutes Guidance). The Minutes Guidance states:

'Deciding what to include in a minute will depend upon what the minute is intended to do.

If it is solely intended to record who agreed to do what, then a simple action list will do.

If it is intended to act as a record of the business of the meeting, the minutes should contain a précis of the committee's discussions and decisions, to include any recommendations which require approval by a higher authority. It should include the salient points which influenced the decision or recommendation.'

15. The University told me, in addition, that further information had been provided to schools regarding the recording of Examination Board decisions. They said the guidance had typically stated that full details of the discussions did not require to be recorded but the rationale for decisions on borderline cases should be recorded. The University pointed out that Board 2's minutes dated 7 June 2005 complied with that advice.

*(a) Conclusion*

16. I am satisfied that the University did take Miss C's personal circumstances, notified to them by Student Support Services and relating to her final semester's work only, into account when deciding her degree classification.

17. On balance, I accept the University's statement that an administrative error led to an incorrect date being noted on the Notification Form. This error was unfortunate as it led Miss C to believe that Board 1 had not been notified of her circumstances as the form was dated after Board 1 had met.

18. However, two factors lead me to consider that it was likely that the Notification Form was considered by Board 1 at their meeting of 6 June 2005. The first is that the Minutes of Board 1's meeting clearly refer to a list of students (including Miss C) whose special circumstances were considered. The Minutes also clearly show that a specific decision was reached on Miss C's

circumstances, as the decision 'no adjustment required' is noted. In my view, it is highly improbable that Miss C's case could have been included in a list of people whose special circumstances were considered and could have had a decision made that no adjustment was required, had Board 1 not received the Notification Form.

19. The second factor is that Miss C met with Student Support Services on 16 May 2005. It seems far more likely to me that the Student Support Services Officer who met her that day filled out the form on the same day, rather than waiting for a month and, coincidentally, filling out the Notification Form on the 16 June. I also note that the Notification Form has been signed by Miss C, which supports the view that the form was prepared on 16 May 2005, when she met with the Student Support Services Officer.

20. I, therefore, consider that Miss C's personal circumstances, as they were notified to the University at the time, were considered by the University. The University chose not to make any changes as a result of those circumstances, but that was a matter for their academic judgement and not open to challenge by this office. The key point is that the University took their decision having considered all relevant information provided to them at the time, which in this case included information about Miss C's special personal circumstances. I, therefore, do not uphold the complaint.

21. Although not directly relevant to my conclusion on this complaint, I have some concern about the fact that no rationale for the decision not to adjust Miss C's grades was recorded in the minutes of Board 1's meeting. The Minutes Guidance and the further information provided by the University about their practice indicates that the rationale for important decisions should be noted in the minutes. I agree that this represents good practice and should ensure that a contemporary record exists regarding the rationale for decisions. However, that did not happen in this case. I have brought this issue to the University's attention and have the following recommendation to make:

*(a) Recommendation*

22. I recommend that the University remind staff involved in minute-taking at examination board meetings to record the rationale for decisions taken at those meetings.

**(b) The University failed to follow their appeals procedure when considering Miss C's appeal**

23. The University's appeals procedure is contained within their Code of Practice on Complaints, Appeals and Discipline (the Code). The following are relevant parts of the Code:

**'A1. STAGE 1**

A1.1 If a student has a complaint or appeal about an academic matter which cannot be resolved informally with the appropriate member of staff, (s)he should give details in writing:

(a) in the following cases to the Head of School or their representative:

Marks given to assessed work, module grades, degree classification, inadequate supervision or academic provision, harassment or bullying affecting academic performance ...

A1.2 The Head of School or Dean of Faculty will investigate the complaint or appeal and will decide, if appropriate, to involve an external examiner.

A1.3 The Head of School or Dean of Faculty or their representative shall have the power to dismiss the complaint or appeal as trivial or vexatious, to refer the matter back to the party who is the subject of the student's complaint or appeal, to meet themselves with the party who is the subject of the student's complaint or appeal (with or without the student present), to refer the matter to an external examiner or to refer the matter to the next stage of this process or to another appropriate formal process.

A1.4 The Head of School or Dean of Faculty or their representative will ensure that the student is notified in writing of the outcome of the investigation within 10 working days.

**A2. STAGE 2**

A2.1. If a student is unhappy with the outcome of a complaint or appeal at School or faculty level or if the complaint is against the Head of the School or the Dean of Faculty or against discontinuation of studies, (s)he should complain in writing via the Clerk to an appropriate deputy of the Principal who will investigate the matter as in A1.3 above. If the student is unhappy with the outcome of the complaint so raised, (s)he should appeal in writing to the Student Appeals/Complaints Committee, via the Clerk ...

A2.3 Where the student is appealing against marks, grades, classification or progression (including discontinuation of studies), this must be on at least one of the following grounds:

(a) procedural irregularity

(b) bias/prejudice

(c) exceptional personal circumstances not previously notified for good reason\* [\*N.B. Students are instructed to bring such evidence to the attention of their examiners or other relevant persons prior to the assessment of their overall performance in relation to the relevant module or otherwise. Thus, in order to constitute this ground of appeal, a student must be able to show valid reasons for non-compliance with this instruction].

(d) harassment or bullying affecting academic performance ...

*Procedures preliminary to and during the Hearing of an Appeal*

A2.6 The Clerk, The Vice-Principal (Student Services) or any other deputy of the Principal and Vice President (Representation) or other sabbatical officer of the Student's Association will determine and inform the student within ten working days of receipt of the letter of appeal, whether grounds exist for a case to be heard by the committee and will identify the respondent(s). Where it is agreed that grounds exist, the Clerk will invite the student to attend a hearing of their appeal.

A2.7 All persons required to attend a hearing shall be given at least seven days' notice of the date of the hearing. Appellants should be advised, where applicable, that their graduation will be postponed pending the outcome of the appeal. No appeal will be considered after the prospective appellant has graduated.'

*Appeal Correspondence*

24. On 20 June 2005, Miss C contacted an academic in the history department (Academic 1) regarding the possibility of lodging an appeal against her degree classification. Academic 1 advised Miss C to contact another academic (Academic 2).

25. Miss C wrote to Academic 2, in an undated letter, which stated:

'I am writing to you after approaching [Academic 1] regarding the possible appeal of my degree grade. I would like my mark to be reconsidered



under paragraph A2.3c which states that (c) exceptional personal circumstances not previously notified for good reason ...

Although there were specific circumstances pertaining to my final semester's examinations, I would like to make you aware of other personal circumstances which have affected my Honours work more generally – namely my mother's serious illness which has resulted in her quadriplegia and the negative effect this has had on the amount of time I have been able to spend in St Andrews concentrating on my studies and my own health.

I can, of course, obtain a medical note to this effect from my GP.

Your decision in this case will be regarded as final.'

26. On 27 June 2005, Academic 2 wrote to another academic (Academic 3) enclosing a copy of Miss C's undated letter and the draft minutes of Board 2's meeting. The letter ended:

'I should add that, in light of information from Student Support Services, consideration was given to her grades at the Modern History Module Board [Board 1], but it was not thought appropriate to adjust her grades.'

27. On 28 June 2005, Academic 3 wrote Miss C stating:

'I regret that appeals against degree classification cannot be accepted after a student has graduated, and we cannot therefore accept this appeal. I understand that different circumstances had been taken into consideration at various points in your time in St Andrews.

I appreciate that this may come as a disappointment but I sincerely hope you have enjoyed your time in St Andrews, and wish you well in your future.'

28. On 30 June 2005, Miss C wrote to Academic 3 stating:

'I submitted my written appeal to [Academic 2] by hand to St Katherine's Lodge on Monday 20 June 2005 – before my graduation of the 23rd June. No timescale for an appeal was advised to me.

My mother's illness, secondary progressive multiple sclerosis, caused me considerable anxiety and impinged upon my studies as it progressed, particularly during my final year of study.

I believe that similar circumstances have been taken into account when reviewing other students' degree classifications. I request that you afford me a sympathetic review of my classification in view of the foregoing.'

29. On 27 July 2005, Academic 3 wrote to Miss C stating:

'My position remains that appeals will not be accepted after graduation.

If you wish to pursue this matter further, you should do so by writing to the Academic Registrar.'

30. On 4 August 2005, Miss C wrote to the Academic Registrar (the Registrar) stating:

'I presume you have also received a copy of my letter dated 30 June 2005 to [Academic 3], in which I gave details of my grounds for appeal.

I shall be pleased to hear from you in this matter at your earliest convenience.'

31. On 11 August 2005, the Registrar wrote to Miss C stating:

'Thank you for your letter dated 4th August requesting that your appeal against your degree classification be referred for consideration under the Senate Procedures.

I have forwarded your original letter of appeal and [Academic 3]'s response for assessment in accordance with the enclosed Code of Practice on Complaints, Appeals and Discipline (Ref: Section A2.6).

I will contact you again shortly with the outcome of the assessment stage. In the meantime, if you wish assistance with the processing of your Appeal, you may wish to consider contacting [an officer] at the Student's Association, St Mary's Place, St Andrews.'

32. On 12 August 2005, Miss C wrote to the Registrar stating:

'Thank you for your letter dated 11 August 2005.

I acknowledge and thank you for your advice contained therein.

Please be advised that no 'Code of Practice on Complaints, Appeals and Discipline (Ref: Section A2.6)' was received with your letter, I have however been able to access the information via the internet.'

33. On 8 September 2005, Miss C wrote to the Registrar stating:  
'I confirm my desire to appeal my degree classification for the following reasons –

1. Despite strenuous enquiries, no advices were available/given to me how an appeal should be submitted, regarding format or timescale.

2. The appeal was submitted in writing before my graduation date.

3. I received no acknowledgement of my appeal.

4. Student Support Services submitted a written notification of the particular circumstances that I had been suffering during my final months at St Andrews to my academic school on my behalf. I find it surprising that there was no acknowledgement of a decision and apparent subsequent rejection of my appeal advised to me. Paragraphs 3 & 4 of my letter of 30th June 2005 addressed to [Academic 3] are also relevant.

Please be advised that [an officer] of the Students Association has been notified of this situation and has offered to assist me in this matter.'

34. On 20 September 2005, the Registrar wrote to Miss C stating:  
'I can confirm that your appeal has undergone initial assessment under the terms of [the Code]. As a result, further clarification on a number of points has been requested from the School of History and [Academic 3].

As soon as this additional information has been provided and a final decision is reached I will write to you again. I will ensure that decisions are taken as speedily as possible in order that you may receive more information on your appeal in the very near future.'

35. On 26 September 2005, Academic 2 wrote to the Registrar regarding Miss C's appeal. His letter stated:

'1. [Miss C's] module grades for her final semester were given full and careful consideration at [Board 1] meeting on the morning of 6 June. [Board 1] had been alerted by Student Support Services to the fact that her performance in the May examination diet might have been adversely affected by a number of factors. However, her exam marks proved consistently higher than her coursework marks and it was not thought appropriate to adjust the module grades.

2. As these circumstances had been taken into account at [Board 1]'s meeting, [Miss C]'s case was considered at [Board 2]'s meeting on 7 June only because it fell within the discretionary boundaries of the classification algorithm (mean 16.31; median 16.10). The Board took the view that the preponderance of module grades was Upper Second and awarded an Upper Second degree.

3. Subsequently, on 20 June, [Miss C] contacted [Academic 1], indicating that she wished to appeal against her degree classification. [Academic 1] drew her attention to the grounds for such an appeal as set out in [the Code] para A2.3, and advised her to contact myself.

4. [Miss C] left a letter for me (undated), though apparently on 20 June, in which she intimated that she wished to appeal her degree classification on the basis of 'exceptional personal circumstances not previously notified' etc (para A2.3c). I was away from St Andrews from 16 to 22 June, and was therefore not aware of her intention to appeal before 23 June – the day of her graduation. I subsequently forwarded her letter to [Academic 3] on 27 June.'

36. On 29 September 2005, the Registrar wrote to Miss C stating:  
'Further to your Appeal letter of 8 September 2005, the University has closely reviewed the consideration of your degree classification.

Despite the fact that you had graduated, it was agreed the decision surrounding your degree classification should be reconsidered in the light of your appeal. Careful scrutiny of the initial consideration of your classification has confirmed that your circumstances were made known to the External Examiners and discussed by the Examination Board and these were fully taken account of in reaching the final decision to award you an Upper Second Class degree. As a result, the assessors concluded

that your academic appeal should not be upheld and your original classification should stand.

This now concludes the University's internal processes. If you believe that your appeal has not been considered in accordance with approved procedures, you have the right to request an external review of your case by the Scottish Public Services Ombudsman.'

37. On 28 October 2005, Miss C wrote to the Ombudsman complaining that, at that time, the University had not given her an adequate explanation regarding the rejection of her appeal. Miss C was informed by this office that her complaint about an inadequate explanation having been provided to her would first need to invoke and exhaust the University's complaints procedure, before it could be considered by the Ombudsman. There followed a lengthy correspondence between Miss C and the University, none of which is directly relevant, in terms of evidence, to my consideration of whether the appeals procedure was correctly implemented in this case. Consequently, I do not refer to that correspondence in this report.

*The University's response to my investigation*

38. As part of my investigation, I asked the University to explain how they followed the Code in dealing with Miss C's appeal. The University said that Miss C's appeal was first considered by Academic 3 under Stage 1 of the Code. They said Academic 3 found that there were no grounds for an appeal to be considered, because Miss C had already graduated and, therefore, under the Code, she was not eligible to appeal. The University said Miss C challenged Academic 3's view by writing to the Registrar and, as a result, her appeal was considered under Stage 2 of the Code. The University said that, before an appeal could be considered for a Hearing, it would first be assessed as outlined in Section A2.6 (see paragraph 23 above).

39. The University explained that Miss C's ground of appeal was that she was affected by 'exceptional personal circumstances not previously notified'. They said, therefore, that their pre-Hearing assessment involved establishing whether the circumstances outlined in Miss C's appeal were substantially different from the circumstances previously taken account of by Board 1. The University said that a comparison of the Notification Form from Student Support Services (see paragraph 7) and Miss C's letter of appeal (see paragraph 25) showed that no new information had been provided by Miss C. Consequently, the University

said there were no grounds to proceed to a formal hearing. The University said this decision was communicated to Miss C in their letter dated 29 September 2005 (see paragraph 36 above).

40. The University said that the screening of appeals prior to hearings being organised was important as it allowed appeals with no grounds to be screened out and allowed appeals that had been appropriately considered under Stage 1 not to be considered again.

*(b) Conclusion*

41. The Stage 1 consideration of Miss C's appeal found that she was ineligible to appeal, because she had already graduated. Although, technically, this response was correct under the Code, I consider that it was appropriate, in the circumstances, for the Registrar to use her discretion to allow Miss C's appeal to be considered at Stage 2.

42. Indeed, from the evidence available, it appears that Academic 1, whom Miss C approached about the possibility of appeal, informed Miss C that she would need to put forward grounds of appeal as set out in the Code, but did not inform her that graduating would prevent an appeal. In the circumstances, given that Miss C had indicated her desire to appeal prior to graduating and that she had not been notified of the consequences of graduating, despite her discussion with Academic 1, I consider that it was reasonable to allow the appeal to proceed to Stage 2.

43. Miss C's appeal was subsequently considered under Section A2.6 of the Code. However, according to the Code, the appeal should first have been considered under Section A2.1, which requires that a response be provided following similar investigation to that carried out under Section A1.3. Only if a student remains dissatisfied with a response under Section A2.1, could an appeal then be made to the Committee. Section A2.1 of the Code's procedure appears to have been missed out in this case.

44. With regard to the consideration of Miss C's appeal under Section A2.6, the University believe there were no grounds of appeal, because the personal circumstances Miss C based her appeal on had been previously notified to the University and had already been considered. The University said a comparison of Miss C's letter of appeal (see paragraph 25) and the Notification Form (see paragraph 7) showed that no new information had been provided by Miss C.

However, in my view, the letter of appeal does contain new, different information.

45. Indeed, although the nature of the circumstances Miss C claimed were affecting her performance (her mother's illness) was substantially the same, the period to which those circumstances were claimed to apply was substantially different. The letter of appeal clearly refers to the specific problems previously notified – 'although there were specific circumstances pertaining to my final semester's examinations' – but then moves on to refer to new information – 'I would like to make you aware of other personal circumstances which have affected my Honours work more generally'. This was a wider point than that made in the Notification Form from Student Support Services, which referred to problems affecting Miss C's final semester work only – 'in the past three weeks', 'this semester'.

46. In my view, therefore, the grounds of appeal were not only that the University had failed to consider the specific circumstances that had affected Miss C's final semester's work, but also that the University should consider the impact of Miss C's mother's illness on her honours work more generally. However, in considering Miss C's appeal, the University did not consider this wider point. Instead, they only looked at her personal circumstances as they related to her final semester's performance. They did not consider the point Miss C made that her honours work more generally had been affected by her mother's illness.

47. In commenting on a draft of this report, the University said that they had discussed the case with the former member of staff who had dealt with Miss C's appeal. They said that he had had at least two conversations with members of the School of History in order to confirm that their consideration of Miss C's case had taken into account the additional information contained in her appeal. The University said that staff had confirmed that this was the case and, therefore, the appeal had not been upheld. The University said they had no records of these conversations having taken place and they could provide no documentary evidence to show that Miss C's additional grounds of appeal were considered. They pointed out that they were a relatively small institution where personal contact was frequent and conversations not written down as evidence. They said they would be reviewing their practice in light of the circumstances highlighted in Miss C's case.

48. While I note the points made by the University, the absence of any documentary evidence indicating that Miss C's additional grounds of appeal were considered leads me to the view that the University did not fully consider her appeal. Given the potential importance of the appeal decision for Miss C, I would have expected a written record to have existed which set out the full details of the University's consideration. In addition to this, I have concerns regarding the time taken to consider the appeal and the communication of the decision to reject the appeal.

49. Section A2.6 of the Code states that students should be informed within ten working days of an appeal being received whether there were grounds for a case to be heard by the Student Complaints and Appeals Committee. In this case, Miss C's appeal was received by the Registrar on 4 August 2005, and a substantive response only provided on 29 September 2005. An interim letter was sent by the Registrar on 20 September 2005, explaining what was happening with the appeal, but this was well after the ten working days referred to in the Code. I note that no explanation or apology for the delay was provided to Miss C.

50. The letter communicating the decision on Miss C's appeal is, in my view, very inadequate. While the thrust of the decision is explained – in that the letter states that information relating to Miss C's circumstances in her final semester was considered by the relevant examination boards – there is no information given about what was done to investigate the appeal and what evidence was relied on to reach the decision. Academic 2's letter to the Registrar dated 26 September 2005, for example, contained information that would have helped explain the rationale for the decision on the degree classification and on the appeal, but this information was not related to Miss C. Similarly, no reference was made to documentary evidence that had been considered, such as the Notification Form and the minutes of Board 1 and Board 2's meetings. While it is clear from Academic 2's letter that some assessment was made of Miss C's appeal, the explanation Miss C was given regarding the rejection of her appeal was inadequate.

51. The failures described at paragraphs 43 to 50 amount to maladministration and show that the appeals procedure was not correctly implemented in all respects. Consequently, I uphold this complaint.



(b) *Recommendation*

52. I recommend that the University:

- (i) apologise to Miss C for: not fully considering her appeal; the delay in processing her appeal; and failing to provide her with an adequate explanation of the basis on which they took their decision not to uphold her complaint; and
- (ii) reconsider Miss C's appeal, under Section A2.6 of the Code, specifically considering the wider point Miss C made about her honours work more generally having been affected by her mother's illness.

53. The University are currently considering the recommendations. The Ombudsman asks that the University notify her when the recommendations have been implemented.

**Explanation of abbreviations used**

Miss C	The complainant
The University	The University of St Andrews
The Notification Form	A Notification of Student Problem Form dated 16 June 2005
Board 1	The Department of History's Board of Examiners
Board 2	The School of History Degree Classification Board
The Minutes Guidance	The University's Guidance for Schools and Units on the Creation of Internal Committee Minutes
The Code	Code of Practice on Complaints, Appeals and Discipline
Academic 1	An Academic
Academic 2	An Academic
Academic 3	An Academic
The Registrar	The Academic Registrar