



## Review of student appeals provisions

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## Background

### 1. Conduct of review

In late 2003 the Chair of the Academic Board, on the approval of Senate, engaged a consultant Mr John Topley, a retired Registrar from Griffith University, to review policies and practices relating to appeals against exclusion and appeals against academic judgement. The Review was instigated in response to the significant increase in the number of students appealing against exclusion and against academic decisions.

After significant consultation across the University Mr Topley presented a report *Student progression and Exclusion Policy and Processes*. In this report Topley came to the conclusion that "...appeals, even if sometimes having high procedural weight, essentially require resolution through pragmatic, equitable, academic consideration – achieved through having academic, personal, and procedural grounds considered by people with a disinterested but experienced, direct and current understanding of student circumstances." Accordingly, he recommended "...one set of clear, straightforward arrangements that can deal expeditiously, at faculty and University levels, with the scope of student academic issues and student appeals...".

### 2. Terms of reference

1. Review the current legislation and policy relating to appeals at the University of Sydney and identify and resolve any ambiguities and inconsistencies.
2. Identify the strengths and weaknesses of current legislation and practice.
3. Examine the substance of current requirements and make recommendations about the most appropriate way to deal with these.
4. Ensure that the appeals process is in the interests of all stakeholders by being rigorous, fair, effective and efficient.
5. Review other relevant models.

### 3. Consultation

Consultation on the final proposal was undertaken with the deans and faculties, student bodies, and the Academic Board.

### 4. Implementation

In developing the proposal, a small working party was constituted to respond to the report and to consider issues of implementation. The University's General Counsel was also approached to give advice on the legal aspects of the report and its recommendations. Further advice was also sought from Minter Ellison on the proposed alignment with general administrative law.

This advice has supported the central tenet of the report – the possibility of a single appeal process and the recognition that the current system is complex and causes legal uncertainties and inconsistencies. The recommended process is legally appropriate and compliant with the University's Act.

#### 4.1 Approval

The report is being referred to the Academic Board and Senate for approval.

#### **4.2 Implementation team**

A University-level implementation team will be established with strength and scope of executive and positional authority to direct and co-ordinate development of enabling policy, and drafting legislative and process documentation. The team is likely to continue during, and for approximately one year after the implementation of the new system.

Membership of the implementation team is likely to include:

- Chair of the Academic Board
- Acting Pro Vice-Chancellor (Teaching and Learning)
- Dean
- Associate Dean
- Senior Lecturer
- Faculty Managers
- Examinations and Exclusions staff

#### **4.3 Policy and legislative drafting**

Drafting of the appropriate legislation and ensuring all relevant policies are consistent is required. Advice regarding this has been gained from the General Counsel and Minter Ellison.

#### **4.4 Support for new system**

Protocols and appropriate documentation for the new system will be developed prior to its implementation and this could be a matter for the implementation team.

#### **4.5 Timing of implementation**

An implementation plan will be developed to ensure the timely and appropriate communication about the new process and its implications for future appeals is being developed along with a notional timeline.

# STUDENT PROGRESSION AND EXCLUSION POLICY AND PROCESS

Prepared for the Academic Board by Mr John Topley

## 1. RECOMMENDATIONS

- 1.1 These recommendations are proposed for adoption to reduce the number of students caught up apparently unnecessarily in show-cause and exclusion machinery, to reduce the associated administrative work falling on academic and administrative staff and Senate committees, and to promote progression of students while maintaining the academic standards of the University.
- 1.2 **Recommendation 1: A Comprehensive System Focussed on Student Progression.** Exclusions and related appeals, with provisions for students to withdraw from study or defer it, should be seen as a small part of a much more comprehensive process to promote the progression of students towards securing academic awards, at an appropriate rate, and through which the University maintains its academic standard.
- 1.3 **Recommendation 2: Identify and Assist At-risk Students in Good Time.** In each faculty and centrally, procedures should be introduced to identify, appropriately early in each semester, students considered to be at risk of failure in particular subjects, to alert them to their perceived situation, and to refer them to sources of assistance to address their perceived risk. Particularly for first-year students, the potential impact on them of formal progress requirements should be periodically reiterated.
- 1.4 **Recommendation 3: Base Progression on the Rate of Achievement of Credit Points.** Progression rules should be university-wide and specify the minimum rate at which students need to accumulate credit points towards qualifying for an academic award, considering their enrolled load - recognising the need in some courses to provide for whole-year progression requirements. The number of times a unit of study is attempted should not be a matter for progression rules – while recognising that, to provide equity of access, limits might be applied to re-enrolment in some units.
- 1.5 **Recommendation 4. One Academic Issues Resolution Process.** The resolution of students' concerns about academic determinations, and about student appeals arising from show-cause and exclusion, should be recognised as very frequently being based on much the same grounds of academic judgement, procedural error, and personal misadventure – and be addressed through one set of organisational arrangements.
- 1.6 **Recommendation 5: Two Levels of Resolution of Appeals.** There should be one process provided for final resolution of those matters in each faculty, and another at University level for final resolution of any appeals against faculty determinations.
- 1.7 **Recommendation 6: One Senate Academic Appeals Committee.** There should be one Senate Academic Appeals Committee, replacing the current Senate academic and exclusions appeals committees, to hear such appeals finally in the University. It should comprise experienced academic staff and experienced students, prepared for the work, sitting in panels of three.

## 2. BACKGROUND TO THE REVIEW

- 2.1 In establishing the review, the Chair of the Academic Board has responded to a number of aspects of student appeals arrangements that have concerned academic and administrative staff especially during the last two or three years. A review conducted from University and student-service perspectives might establish whether there are general grounds for concern, and propose any solutions required.
- 2.2 The timeliness of this action has been pointed to by constructive measures being trialled in some faculties to deal with concerns similar to those felt in the Board, for example, about high numbers of students being required to show cause against exclusion.
- 2.3 At the Academic Board level, marked increases have been observed over the last three years in the number of student appeals against exclusion, on academic and procedural grounds, being made to higher appeals committees. These are principally, but not exclusively, to do with appeals against exclusion for inadequate achievement in formal, recorded academic assessment – including failing to meet faculty and course-based progression rules, however applied.
- 2.4 The Academic Board has been concerned, and to a degree alarmed, at the increasing numbers of students involved in show-cause and exclusion procedures. This concern reflects those heard by Board members in the faculties, or occurring in response to summary reports on exclusions and appeals made annually in the Senate. This is despite an increasing tendency in some faculties to ask the Examinations and Exclusions Office to send warning rather than show-cause letters.
- 2.5 Some appellants wait months for appeals processing to be completed. Appeals work loads in faculties and at Appeals Committee level have been burgeoning. There are concerns about the high number of undergraduate students who are being identified by “the system” as being candidates for exclusion. A view among informed observers that students show increasing readiness to pursue higher-level appeals seems supportable.
- 2.6 Further, unease has recently developed in the Academic Board at an apparent disconnection between the understandings, processes, and associated grounds for appeal taken account of during deliberations:
  - on one hand, at the stage of initial consideration, i.e., by academic staff working within the faculties; and
  - at the other, by the Student Appeals Committee (Exclusions and Readmissions), an instrument of the Senate composed of Fellows.
- 2.7 This unease about perceived disconnection has not been able to be resolved by reference to codified records of determinations, since there is no standard arrangement for structured collection of appeal information as a matter of University academic administration, or for deliberating on it, or for recording the key grounds and judgements.
- 2.8 There are perceptions that increasingly different expectations and assumptions about the appeals process and its workings are held at the different appeals levels. Perceptions of ambiguity and structural confusion are reported to be common.
- 2.9 The matter of appeals has been considered by the Academic Board at various times since 2001. This review arises from those considerations. It is an attempt to examine and address an academic management issue in its wider academic and procedural context, and to make constructive and practical proposals to deal with any matters requiring attention.

### 3. ARE THERE GROUNDS FOR CONCERN OR ACTION?

3.1 To explore whether there are grounds for concern, and what actions or reforms might be sensible:

- University Rules and resolutions concerning appeals and related matters were reviewed;
- the University's collection of data on the incidence of student appeals and related matters was examined;
- comparative information on student appeals obtained from other universities by the Examinations and Exclusions Office<sup>1</sup> was drawn upon; and
- face-to-face consultations were held with Fellows of Senate, the Chair of the Academic Board, the Registrar, academic officers and staff, professional administrative officers in Central Administration and in faculties, student counsellors and advisors, and elected student union and association office holders – over 30 people in all.

3.2 Concise observations on the results of those enquiries are made in each of the following major sections of this report. Of course, particular observations often draw on information from a number of the fields investigated - this is reflected in the comprehensive range of some of them.

### 4. INCIDENCE OF STUDENT APPEALS

#### Appeals at Higher Level

4.1 In the four years 2000 to 2003, the number of student appeals heard by the Senate Student Appeals Committee (Exclusions and Readmissions) nearly tripled:

**Table 4.1: Higher-level Appeals (Exclusions and Readmissions), 2000-2003**

<u>Year</u>	<u>No of Appeals</u>
2000	20
2001	40
2002	58
2003	72

4.2 Previously, the incidence of higher-level appeals against exclusion has been mainly in single digits or low teens.

4.3 The rate of lodgement of higher-level appeals against academic decisions is in the order of 10-12 per year for consideration by the Chair of the Academic Board.

#### Show Cause against Exclusion – Origins of Appellants

4.4 From a simple procedural view, appeals to the Student Appeals Committee (Exclusions and Readmissions) are generated as a consequence of the following sequence:

- students being identified centrally, from computer interrogation of codified assessment (examinations) data, as not meeting the various, different progress requirements of the faculties; then
- students being required to show cause why they should not be excluded; and

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<sup>1</sup> The Examinations and Exclusions Office has provided valuable support to this review by collecting and assembling information in the University about the general exclusions and appeals field of activity. Mr Glenn Condell has also made enquiries in other universities to collect comparative information. The Office has shown understanding and strategic insight by putting forward helpful suggestions for policy and procedural improvement.

- students choosing to challenge unsuccessful outcomes of show cause submissions based on decisions made in faculties.
- 4.5 But, as can be seen from Table 4.2 below, the procedure is not really so neat in practice. Judgements are made on many cases without the show cause request being responded to.
- 4.6 The students first identified are potentially the recipients of letters requiring them to show cause why they should not be excluded. However, faculties variously review the selected names, and decide whether to proceed with some notices. Increasingly, selected students receive warning letters to which no response is required, and these tend to show up in the non dis-aggregated figures in Table 4.2 below, and as students re-admitted without having shown cause.
- 4.7 Some faculties are understood to add students to the show-cause list. Some students, such as those whose results have not been completely entered when the show-cause register is generated and replaced or do not appear on the register – but faculty staff who are aware of poor performance sometimes add them to the list.
- 4.8 On a University-wide basis (not including Medicine and Dentistry) the sequence of events following identification takes this form (2001 and 2002 data):

Table 4.2: Sequence of Stages at Faculty Level following Identification of Possible Undergraduate Students to Receive Show-Cause Notices, end Years 2001 and 2002.

(\* minor categories omitted + %s rounded)

Stage	End 2001			End 2002		
	No.*	%total+	% notices sent+	No.*	%total+	% notices sent+
Total possible show cause	2052	100%	-	1934	100%	-
Faculties decide not to notify students	622	30%	-	45	2%	-
Warning letters – not excluded	546	26%	37%	915	47%	48%
Notices sent to students	1430	70%	-	1889	98%	-
Students respond to notice	643	31%	44%	641	33%	34%
Submitted cause – excluded	121	6%	8%	148	8%	8%
Did not submit cause – excluded	241	12%	16%	333	17%	18%
Submitted cause – not excluded	522	25%	35%	493	25%	26%

- 4.9 The relevant features of this information follow. (Please note that where pairs of figures are here separated by a dash, they apply respectively to end 2001 and end 2002.)
- About 81% - 74% of the numbers originally identified (2052 – 1934) on the show-cause register eventually continued their studies.
  - A large proportion in 2001 (30%) of students to whom show cause notices might have been sent were removed from the register after future consideration in faculties.

- In 2002, the proportion of listed students who were sent show-cause notices or warning letters rose from 70% to 98%. This notable increase from 2001 is thought to have been brought about by factors such as:
    - the late arrival of the show-cause register lists from faculties;
    - central pressure for very quick screening by faculties and consequent faculty decisions to rely on lists rather than to work under pressure to screen them;
    - adventitious changes to grounds for screening brought about by changes to responsible staff in faculties;
    - consequential changes to views on screening first years; and
    - faculties being increasingly aware of and willing to use the warning letter option.
  - The numbers of students in due course excluded rose from about 360 in 2001 to about 480 in 2001-2002. Both figures represent relatively small proportions – 18% and 25% respectively – of those students originally identified in the show-cause list, many of whom were required to show cause.
- 4.10 From consideration of the more detailed information in Table 4.3, and from explanations that were sought about actions not made evident by the table, some observations arise.
- 4.11 There is a concentration of identifications for inclusion in the show-cause list in large faculties which use rules based on various, different measures for progression. These tend to produce blunt means of identification for show cause, compared with other rules, or with closely manually screened lists. For example:
- Arts uses a target number of units;
  - Nursing, Engineering and Economics use rules relying on both full-year advancement and target numbers of units;
  - Science has unit-based progression; and
  - Because of different procedures used in medicine and Dentistry, no data is shown in table 4.3 because of very low numbers.
- 4.13 A few faculties (including Engineering, Arts, Law and Economics) routinely remove first-year students from the list, and have warning letters send by the Examinations and Exclusions Office about future performance expectations.
- 4.14 Overall, just under half listed are first-year students.
- 4.15 Some faculties and departments are using or trialling methods of identifying “at risk” students sufficiently early in the academic year to enable them to take some form of early intervention – formative, or alerting. (For example in Economics and Chemical Engineering).

**Table 4.3: At Faculty level, Stages following identification of Possible Undergraduate Students to receive Show-Cause Notices, end Year 2001 and 2002, Showing Numbers of Students**

**2001**

Stage	Agric	Arch	Arts	SCA	SCM	Dent	Econ	Edu	Eng	Law	Nurs	Med	Pharm	Sci	SocWk	Vet Sci
Total Students enrolled*	535	501	6416	524	547	280	3229	1782	2319	758	1132	850	788	4203		526
Total identified as possible recipients	51	30	687	27	27	0	63	50	389	16	387	0	39	321	6	1
Faculties decide not to notify students	6	7	128	9			2	5	236	3	202		18	4	2	
Students respond to notice	16	11	253	10	19	0	32	33	129	1	124	0	6	40	3	1
Submitted cause – excluded	2		14	3	4		5	5	61		20			4	2	1
Did not submit cause – excluded	3	4	95	8	8		14	12	24		58			14	1	
Submitted cause – not excluded	12	11	222	6	14		27	28	63	1	95		6	36	1	
Did not submit cause – not excluded	25	8	209				15			11			15	263		

**2002**

Stage	Agric	Arch	Arts	SCA	SCM	Dent	Econ	Edu	Eng	Law	Nurs	Med	Pharm	Sci	SocWk	Vet Sci
Total Students enrolled*	596	538	6442	533	543	280	3474	1874	2497	869	1016	908	813	4403	221	553
Total identified as possible recipients	55	28	669	18	39	0	43	46	330	14	222	0	40	429	8	5
Faculties decide not to notify students	6	2	4		1		2	2	6		14		1	7		
Students respond to notice	17	1	224	12	23	0	23	32	80	7	132	0	12	76	8	4
Submitted cause – excluded	7		11		1		12	6	35		42		1	30	2	1
Did not submit cause – excluded	9	2	143	5	9		16	12	23	4	51			58		1
Submitted cause – not excluded	10	1	213	12	20		11	26	44	7	85		11	44	6	3
Did not submit cause – not excluded	23	23	298		6		2		221	3	24		27	288		

### **Observations on the Show-Cause Process**

- 4.16 The present method of resolving who shall show cause appears, on the consolidated information, to be too blunt a process, identifying a surprisingly large number of students, late in the piece, in a way that causes a good deal of unnecessary work to faculties and University, and unnecessary reaction by students.
- 4.17 Further, the difference in the University's show-cause behaviour between 2001 and 2002 might appear to students to be uneven – especially considering the massive increase in show-cause letters sent, and the change in exclusion rates from 18% to 25% of the show-cause register list.
- 4.18 On the other hand, the relatively small change in the proportion of exclusions confirmed, compared with the increase in the proportion of exclusion notices generated (70% to 98% of those mechanically identified) does seem to reinforce the view that more early intervention, and better, clearer, more uniform exclusion rules would focus exclusion action more effectively on the appropriate targets, and spare other students from being caught up in a procedure that in the end does not affect their standing – or help them very much.
- 4.19 There are factors that appear to play a part in making it difficult to refine the identification of students for a show-cause list:
- different faculty course-subject structures that are difficult to deal with in current University definitions of achievement/progression requirements;
  - in some cases, faculty progression requirements overlaid on University requirements;
  - timing of assessment and recording of results too late in the semester to allow for constructive intervention;
  - varying views on academic standards and “rigour” held by a shifting population of academic decision makers deciding appeals; and
  - different (if any) approaches by faculties to early intervention intended to head off unsatisfactory student performance, and the use of show-cause letters to address progression issues.
- 4.20 37% - 49% of students who received show-cause notices (or warning letters), and who offered no response, were not excluded – especially considering that students receiving show-cause letters are told they will be excluded if they do not respond. Those re-admitted include some students who turn up at enrolment time claiming they did not receive show-cause letters.
- 4.21 Interesting, un-investigated issues arise from the observation in s.4.20:
- what impression of the University this creates for those students;
  - whether such students might have been unconcerned about the prospect of not continuing their studies;
  - whether they were Science students caught up in the machinery for single-subject failure, knowing their standing would subsequently be “sorted out” by the faculty; and
  - what proportion of them did eventually re-enrol.
- 4.22 From advice received, the present sequence of procedures is felt to confuse two issues:
- the University's need to identify students whose standard of performance shows they should not be permitted to continue; and

- achieving remedial and formative purposes for at-risk students, intended to foster student success, or to assist students to redirect themselves to more suitable courses or careers.
- 4.23 There is an argument that the show-cause experience focuses the minds of students who lack diligence or capability. However, there are other, formative methods available to monitor students' performance and guide them on their future achievement that would most probably reduce substantially the volume of cases falling in the show-cause and exclusion zone. These are to varying degrees employed in some faculties.
- 4.24 The current show-cause procedures, which threaten exclusion from university study, and do in many cases lead to this, appear to lack refinement – many of those consulted see them as being applied too late to be helpful. Further, they are perceived to be used with quite different degrees of flexibility in different locations. Other measures in addition to exclusion could be made available, eg, deferment, withdrawal without penalty, and change of course, and are recommended later in this document.
- 4.25 The University clearly needs to require minimum performance levels; but excessive numbers of students are caught up in the present net, often too late to permit effective recovery action. This large number is surprising when the comparatively high previous scholarly performance of the University's students – of whom it is evidently and justly proud – is considered. And when the proportion of identified students eventually excluded is so small.
- 4.26 Along side this factor is the belief widely expressed by people consulted that giving earlier advice to “at-risk” students would very likely further reduce the exclusion figure. It appears this early warning approach is gaining favour in some other universities, and in some faculties in University of Sydney.

## **5. PRACTICES IN OTHER UNIVERSITIES**

- 5.1 For use in this review, and under the direction of the Chair, Academic Board, the Examinations and Exclusions Office made enquiries about exclusions, appeals, and related matters in seven other universities from the “Group of 8”. All responded. The reviewer asked for similar enquiries to be made of four selected other Australian universities. In addition, the reviewer consulted confidentially at senior professional level in another G8 university.
- 5.2 Overall differences between practices at the University of Sydney and other Go8 universities are stark.
- 5.3 As expected, these enquiries highlighted differences in policy, machinery and terminology among the universities. So officers followed up with personal telephone discussions with counterparts, and endeavoured to bring as much useful comparability as possible to the results. The reviewer discussed these results, and the way they had been arrived at, with the officers concerned. While their comparative strength is probably moderate, they do produce some information that illuminates the University's comparative position.

### **Incidence of Appeals in Go8 Universities**

- 5.4 This is presented here in as much detail as seems reasonable:
- Two major universities have no higher-level undergraduate appeals body at all – faculty-level decisions are final in the university.
  - Including those, five have low, single digit-numbers of appeals.
  - One university had 56 appeals. This recent rise in appeals has led to urgent rule changes designed to increase the capacity to deal with exclusion issues at front-line levels, and with the intention of markedly reducing the number of cases going to higher-level appeal.
  - Another last year heard about 80 appeals, of which about 5% were upheld. The appeals are considered by a small panel of academic staff, taking about 15 mins per appeal. The number of appeals is diminishing. All appeals were determined before the commencement of teaching.
  - This University is at the higher end of the higher-level appeals range - 72 in 2003. The majority of appeals were not determined before the commencement of teaching.
  - Five universities permit student or faculty appearances before higher appeals bodies: two do not.
  - Recording proceedings is considered important. Six universities routinely convey to appellants written reasons for rejecting an appeal – the seventh does sometimes.
  - Three universities have had appeal decisions challenged externally, or have had the threat of this happening; and four have not – but one of these is currently expecting a challenge.
  - Perhaps not surprisingly, informal conversations at officer level revealed a general strong conviction that issues of academic judgment and process should be resolved at early stages - to avoid as far as possible having universities involved in operating legalistic appellate machinery dealing with more than a very small numbers of exceptional, difficult cases.

### **Observations on Relevance of Other Universities' Practices**

- 5.5 Unstructured conversations with officers of universities consulted, and consideration of their responses, and discussions conducted by the reviewer, lead to the following observations.
- 5.6 Universities wish to avoid excessive upward referral of academic appeals. At the same time, they wish to comply with the requirements of the range of external agencies that might be involved in administrative or judicial review of appeals matters. Therefore they have been refining progression and appeals policies and procedures, trying to produce simple and equitable internal provisions that will be seen to have integrity if reviewed externally.
- 5.7 A general impression is that other universities expect progression matters to be satisfactorily dealt with at faculty level, leaving very few if any cases to move to higher levels – or they are trying to achieve that situation. Higher-level, internal appeal is not always provided for.
- 5.8 The principle of allowing, for student and faculty, only written submissions and no appearances, streamlines process and logistics in many ways. It avoids issues of formal or informal legal representation at internal appeals bodies, but does allow students to use legal, counselling, and other professional help to craft an appeal based on the student's case. It ensures that professional or other evidence on which an appeal relies is delivered in writing and over a form of authority.

- 5.9 Further, by requiring a written faculty response to an appeal case, and by then providing this to the appellant for written comment, the appellant is given the opportunity to have the last say to the appeals body<sup>4</sup>
- 5.10 Generally, it is considered wise for professional counsellors and advisors not to sit on appeals bodies. Their advice comes as part of written submissions; or they might formally attend sittings of an appeals body, giving advice when called upon.
- 5.11 In ways appropriate to particular university Acts, institutions tend to make the appeals body *de jure* or *de facto* the highest level of appeal in the institution, accepting that any further consideration ought to be external.
- 5.12 Having a *pro forma* approach to lodgement of appeals in writing guides appellants in scope and shape of their submissions, facilitates staged record keeping, and eventually can be a source for compiling advice on outcomes of appeals.
- 5.13 Graduated levels and severity of classes of exclusion provide for some discretion in faculty or automated decisions - for example, having available, along with early intervention by faculties in “at risk” cases, the later options of exclusion for one year with re-enrolment eligibility thereafter, or for two years and requiring the student to compete for admission through the Admissions Centre.
- 5.14 Beyond exclusion action, it is reported that the use of a graduated scale of actions, leading to exclusion only as a last resort, has kept the pressure off formal higher appeals. Such actions include alerting students at risk, offering advice on recovery, and the availability of a one-year stand aside from study.
- 5.15 In some cases, meetings of the appeals body are scheduled in advance for the action period – before the commencement of teaching - to expedite processing, and strict timetables for submission and consideration are followed.

## 6. UNIVERSITY RULES AND RESOLUTIONS PROVIDING FOR STUDENT APPEALS

- 6.1 The Calendar 2003 shows on pages 94 and 165-169, the Rules and resolutions providing for student appeals.
- 6.2 There are two Senate appeals committees provided for, to deal with matters not resolved by appeal at faculty or other<sup>5</sup> earlier level:
- The **Senate Student Appeals Committee (Exclusions and Readmissions)** deals with appeals against exclusion and refusal to re-admit after the prescribed period following exclusion.
  - The **(Senate) Student Academic Appeals Committee** deals with matters relating to academic judgement where, in the opinion of the Chair, Academic Board, due process has not been observed at an earlier appeal stage.

### Functional Simplicity and Clarity

- 6.3 It is not clear why there ought to be two higher level committees that appear to be concerned with reviewing judgements and hearing submissions dealing with much the same sort of material and grounds.

- 6.4 Comments made during consultations suggest that the appeals process could be much better understood by staff and students, and better managed, if there were one linear progression for all appeals and other resolution of academic issues, requiring consideration of academic judgement and related due process.
- 6.5 The like naming of the present committees is confusing. The present naming of the Examinations and Exclusions Office seems, to an outsider, to accentuate the unpalatable. Perhaps a name emphasising attributes such as academic standing and progression would produce a more positive tone.

#### **Practicability of Structure and Membership of the Appeals Bodies**

- 6.6 Core empowering, machinery, and determining functions for higher appeals are, mainly, retained directly in the hands of the Senate and the Fellows.
- 6.7 There are four (Exclusions and Readmissions) and five (Academic Appeals) constituencies from each of which to draw committees potentially required to consider upwards of 80 appeals.
- 6.8 The constituencies are composed almost entirely of Fellows, are very limited in size, and in some cases contain only one or a few otherwise heavily engaged ex officio members drawn on by both committees.
- 6.9 The constitution of the Student Appeals Committee (Exclusions and Readmissions) is provided for in Senate Resolutions as follows:
- One of the Chancellor, Deputy Chancellor, and Vice-Chancellor.
  - One of the Chair or Deputy Chair of the Academic Board.
  - One of the two student Fellows.
  - One of four other Fellows.
- 6.10 The membership requirement for a hearing by the Academic Appeals Committee is almost the same.
- 6.11 Were more academic appeals to flow beyond the review conducted by the Chair, Academic Board, or the number of appeals against exclusion increase, the present high demand on the constituencies would increase.
- 6.12 Further, appeals are most likely to require attention at a time of year when Fellows are least readily available. This is a problem, clearly evident in practice that is delaying and choking the process.
- 6.13 The present arrangements probably worked in days of smaller scale and far fewer appeals, with students possibly less anxious about supporting themselves, paying for tuition, graduating, getting to work, or returning to overseas families and sponsors.
- 6.14 But with exclusions appeals rising to over 70 in 2003, delay has proved inevitable, despite the best will and intentions of those in the committee(s) and in support. In early 2003, only four exclusions appeals had been heard by the end of February, the last four being heard in early May.

### **Management of the Process**

- 6.15 The Academic Board resolutions contain some well meaning enjoining and sometimes possibly prejudicial matter, e.g., procedures “should not be treated as a series of hurdles that prolong the *“dispute”*”; there are also some injunctions (*“must”*) to do with personal meetings or considerations that practicalities at times would make impossible to observe. The Resolutions should be reviewed.
- 6.16 It seems inappropriate for deliberative bodies such as the Senate and the Academic Board to be prescribing detailed approaches to managing the policies and processes they establish, or for style of conduct. More flexibility and incremental improvement in hearing and processing practice would very probably be obtained by:
- deliberately fostering among those making decisions, at all levels, a shared apprehension of the validity of various grounds for appeal, and
  - placing process management responsibility in the hands of the Registrar and administrative officers in the faculties and centrally.
- 6.17 Ensuring appropriately equitable and consistent approaches by members when acting in appeals considerations is addressed later.

### **General Observations on Structural Arrangements**

- 6.18 Whatever number of appeals will come forward if appeals procedures are reformed, the arrangements for dealing with them, while carrying the authority of the Senate, need to be of rational scale, timely, reasonably simple and readily mobilised, and based on a relatively shared set of academic and equity understandings employed by those making determinations – at all levels.
- 6.19 Appeals should not be potentially subject to unreasonable attenuation. Appeals arrangements should be structured to provide appellants with an outcome in time to take up academic work in the normal time progression, and with a positive view of their futures – if that is to be the case. It is a matter about which concern has been widely expressed.
- 6.20 While the authority of the Senate needs to be evident, the work itself does not need to be done by Fellows.
- 6.21 A solution might be to create a sufficient pool of experienced, selected, and prepared academic staff - and students as experienced as can be managed - from whom sufficient panels can be drawn to expedite the appeals process in an equitable way. The members would need an approach – formed and intrinsic - to judging grounds of appeal that is shared among the pool members and vertically with those dealing with decisions in faculties.
- 6.22 It is questionable whether there is any value to student or University in providing for appeals to go further within the institution. Indeed, providing for reasonable, front-line treatment of a student’s concern about academic judgement, with one higher review opportunity in serious cases, seems a fair internal limit.

## 7. CONSULTATIONS IN THE UNIVERSITY

- 7.1 Those consulted in the University are people closely interested in exclusions and appeals arrangements, whose perspectives represent the main participants and associated administrative systems, e.g., student bodies and student counsellors, academic and general professional staff in faculties and University-wide agencies, members of appeals committees, legal-administrative interests.
- 7.2 Some core issues concerning exclusions, appeals, and related matters became evident during consultations. Separate agreement about the issues was remarkable.
- 7.3 The issues are presented here as concise assertions. Some of the issues raised were previously identified in the Academic Board Resolution “Assessment and Examination of Coursework”, 13 December, 2000.

### **Remove Unnecessary Causes of Appeals**

- 7.4 There is widespread advocacy for reforming University and faculty practices and systems to remove what are seen as unnecessary triggers to appeal. The notions are:
- Much of the present agreed overuse of appeals arises from the number of students who for various reasons fall under threat of exclusion; or who do not believe that their representations over academic judgement or related processes have been convincingly resolved in the first instance.
  - Faculties should have arrangements to identify, in time for some remediation, students facing a risk of showing unsatisfactory performance. Some faculties are working on or operating such measures.
  - Early identification of such students would be aided by analysis of early, recorded, codified assessment information, supplemented by staff observations of student performance.
  - Informal observation of student performance that is unsatisfactory, or indicative of possible failure, should be accepted as a basis for formative intervention.
  - Identified students should be formally told they are showing some signs of risk, and offered face-to-face advice on what steps they might take to recover their situation. This event should be recorded.
  - Where appropriate and possible, monitoring, mentoring, or similar measures should be taken to support students.
  - In particular, students “at risk” should be offered advice on measures they might take, as seem indicated, to lift their game, or to interrupt or defer study, or consider a change of direction, before possibly facing the swingeing prospect of effective exclusion from university admission or enrolment for two years.
- 7.5 A strong, underlying opinion was that the longer it takes to bring early, convincing closure on a student’s academic or progress concern, the more likely some students are to become fixed in the role of appellant. An associated view is that students increasingly see their relationship to the University as being commercial, especially through paying HECS and tuition fees. Assumptions of a customer-supplier relationship and associated obligations of care follow.
- 7.6 This development is considered likely to increase the tendency to appeal. Thus, the University should try to establish a transparent, convincing and clearly well regulated way of resolving academic and show-cause issues as close as possible to the elements of the University visible to students and understood by them.

### **Ensure Students are Conscious of Key Factors in Progression**

- 7.7 It is difficult to disagree with the view that many undergraduate students – and some post-graduate – are not conscious of the formal risks to their achieving satisfactory progression rates, or of the need themselves to monitor their performance against the University’s formal progression expectations.
- 7.8 Especially but not only in the first year, students are seen often not to have adjusted their expectations away from those of primary and secondary schooling – where students move forward almost inexorably from year to year.
- 7.9 Conventional vehicles for advising students on this matter are seen to be ineffectual, e.g., calendars and handbooks, orientation addresses.
- 7.10 Two methods used in some faculties to foster awareness are:
- Two or three times each year, include in the course of a normal class session an unexpected 15-minute reminder of progression and similar matters, the need for self monitoring, and sources of “what to do” advice.
  - Provide a faculty-specific, one-page key progression matters and action documents. Made available in hard copy and on the faculty web site.

### **Refine Methods for Identifying Students to Show Cause against Exclusion**

- 7.11 Those consulted generally saw as excessive the number of students required to show cause. See sections 4.0 and 5.0.
- 7.12 Some reasons cited have been given in s.4.4-4.7. Another reason put forward is the variety of essentially faculty-based progression requirements, and the difficulty of applying University-wide algorithms to achieve finely discriminated progress identifications. Some associated factors put forward were:
- the stringency of progression requirements in some whole-year set courses; and
  - the practice in some faculties of focussing on progression within subjects rather than looking towards rate of course completion.
- 7.13 A view was put that student progress measures might best be based on the rate at which students are progressing to overall course completion, i.e. credit points as a proportion of award requirements achieved against time.
- 7.14 Methods for regulation of success in units of study, to replace reliance on “show-cause” action for individual units of study could include limiting number of attempts at expensive or high-demand units, but ought not to be related to measuring progress towards achieving an award.
- 7.15 Further it was put that an extent of uniformity in measures of progress across the University is desirable to provide higher probability of equity in application of University standards.

### **Provide Vertical and Lateral Consistency in Grounds for Consideration of Like Academic Appeal Issues**

- 7.16 At higher appeals level, issues of progress and academic decision making are seen often to contain similar elements of process, academic judgement, and individual personal circumstances. A similar congruency is observed at faculty level.

- 7.17 Since the sorts of considerations and judgements required for resolution are seen to be similar, the sense of having different procedural strands for two types of quite similar appeals is questioned.
- 7.18 Similarly, questions have been raised about the desirability of moving academic or exclusion appeals to higher bodies with rather different constitutions and academic experience. It is perceived that in some cases, the appeals committee has used quite different approaches to considering grounds for appeal from those used at faculty level. The feeling was that a higher degree of consistency of view on grounds and their weight in resolving appeals should be obtained.

#### **Ensure a Timely and Smooth Process**

- 7.19 The slowness of the process, and some structural contributors to that, are mentioned in sections 4.0 and 6.0.
- 7.20 Operational difficulties seen to be imposed by the constitutions of the two higher appeals bodies were frequently mentioned. This led to discussion of the extent to which the work of the bodies might be combined, and the membership drawn more widely from students and experienced, disinterested members of the University, while retaining the delegated and final power of the Senate.
- 7.21 The time of year when appeals are dealt with is an inconvenient one in the ancient cycle of universities. Arranging for higher appeals committees to meet in January has been very difficult. Traditionally, academic staff have been unavailable at this time.
- 7.22 However, substantial changes are occurring in the idea of the university working year, e.g., by offering formal summer programs of study during the traditional long summer “vacation.” The need to have managerial, academic and general staffing provisions to operate the appeals cycle seems to be recognised – especially to enable appellants to resolve their futures as students or otherwise in a reasonable time. It seems necessary to effectively complete appeals hearings and show cause considerations during that period.
- 7.23 The simplification of structures and procedures, the use of fewer levels of “appeal”, for grievance appeals, avoidance of re-working issues in faculties, having more standardised principles for progression, and simply documenting key progressive stages of intervention and consideration of show-cause matters – were all referred to by various people consulted.

#### **Standard Show-cause and Academic Issue Resolution Structure in Faculties**

- 7.24 Much comment concerned processing procedures in the faculties. In summary, the ideas are:
- Having arrangements for dealing with at-risk students, and making use of more appropriate diversionary measures than exclusion, are vital provisions for diminishing the incidence of matters that might lead to appeals.
  - Similar arrangements should be used in faculties for dealing with show-cause appeals and academic issues (e.g., marks and grades, feelings of being dealt with harshly in assessment or tutorials).
  - Faculty procedures should be designed so as to be expedient for both staff and students by either:
    - obtaining resolution through consulting a front-line, faculty academic staff member or officer, whose finding is reviewed and endorsed by one of a group of more senior faculty officers (after further action if the senior officer requires it), then becoming the only final decision at faculty level; or

- obtaining a determination by approaching a front-line officer, and requesting deliberative involvement also by one of a group of more senior faculty officers, who will eventually make a sole determination that is final at faculty level. (This latter course might be followed if a front-line officer does not satisfy a student's concerns during the consultation; however, it is a continuation of the one process, not a staged process.)

### **Vexatious, Frivolous and Obsessive Appeals**

7.25 The question of how to deal fairly with what are seen to be groundless, or vexatious, or obsessive appeals and representations was raised. While it was felt there ought to be a method for avoiding exhaustive pursuit of such appeals, people consulted also believed that all appeals should receive a careful, disinterested, higher-level appraisal before being disposed of. This should not necessarily be by hearing – some officers or bodies hearing appeals might be empowered to determine that certain sorts of appeals not be heard.