

# The University of Manchester

Senate: 6 February 2013

## Annual Report of Student Appeals, Student Complaints and Student Discipline Cases 2011 – 12

### Persons Reporting

Louise Walmsley, Director of Teaching and Learning Support, Directorate for the Student Experience

### Enquiries To

Matthew Valentine, Teaching and Learning Adviser (Appeals and Complaints), Directorate for the Student Experience

Previous reports and data, together with procedural advice, are available on Staffnet, in the Supporting Students area:

- [www.staffnet.manchester.ac.uk/supporting-students/complaints-discipline-appeals/](http://www.staffnet.manchester.ac.uk/supporting-students/complaints-discipline-appeals/)

### Summary

The annual report on student cases details the number and nature of cases handled each academic year by Faculties and Professional Support Services, and is required under the Regulations from the relevant areas. The data reported below relate only to formal cases and do not include the significant number of cases which are resolved informally by Schools, PSS Directorates and other central service providers.

The current student profile provides context to the data and is provided at Appendix 1. Whilst the total number of cases submitted is increasing, the number is nonetheless relatively low in comparison to the student population as a whole.

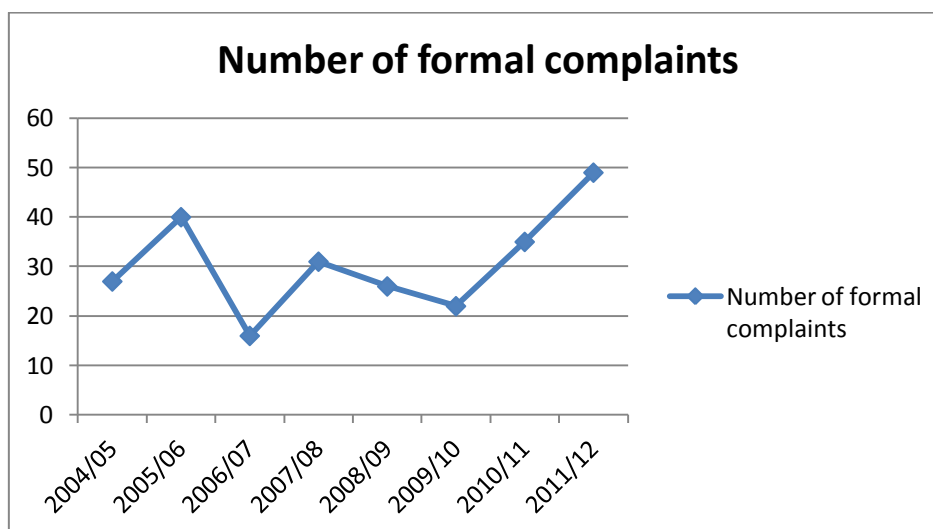
It should be noted that, whilst the number of University of Manchester students taking cases to the Office of the Independent Adjudicator is increasing, this is a national trend which is also seen at other universities of a similar size.

The Review of the Arrangements for University Appeals, Complaints and Student Discipline Cases was reported to Senate on 27<sup>th</sup> June 2012. The review recommended a number of actions which were addressed for the 2012/13 academic year. These included updates to the Regulations to provide clarity, development of further guidance (ongoing) and the relocation of the function for the review of academic appeals, complaints and misconduct appeals to the Teaching and Learning Support Office. The Teaching and Learning Support Office is working with Faculties, the Office of the General Counsel and UMSU to provide training and support for staff who deal with cases.

### Summary of cases considered during 2011-12

	Academic Appeals	Complaints	Conduct and Discipline	Fitness to Practise	Total
Formal Stage Cases	305	49	358	20	732
Review Stage Cases	49	13	31	1	94
OIA complaints	25	8	1	0	34
					860 <sup>1</sup>

### Student Complaints (Regulation XVIII)<sup>2</sup>



#### Overall

Total 2011/12	49 <sup>3</sup>
Total 2010/11	35 <sup>4</sup>

#### Number of Complaints

Faculty	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2010
EPS	3	15	7	6	19	2	1	4	18	25	51	34
FLS			3		3	2			1	3	6	3
HUMS		6	8	7	7	3	2	2	7	14	29	37
MHS	2	2	3	6	1	1	1	2	3	7	14	23
Central Service										0	0	3
Total	5	23	21	19	30	8	8	4	29	49		

#### Type of Complaint

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2010
Academic provision/progress	1	18	15	4	20	1	2	3	18	24	49	57
HDB	2		10	9	3	2	2	2	6	12	24	20
Other	1	3	4	4	4	3		1	4	8	16	18
Supervision	1	1		2				1	1	2	4	3
Services/Facilities		1	2		3	2		1		3	6	3
Grand Total	5	23	21	19	30	8	4	8	29	49		

<sup>1</sup> Total number of cases received at all stages during the 2011/12 academic year.

<sup>2</sup> Complaints in cases involving Harassment, Discrimination and Bullying (HDB) may be dealt with under the Dignity at Work and Student Procedure for Students

<sup>3</sup> Note: 13 complaints from a single individual in EPS

<sup>4</sup> Note: 8 complaints from a single individual in EPS (same individual as above)

#### Outcome of Complaint

Outcome	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% - 2010
Justified or partly justified	1	2	1	3	6	2	1		6	9	18	17
Not justified	2	17	10	9	20	4	2	4	19	29	59	46
Ongoing at 1/10/2012	1	3	1	3	2	1		1	3	5	10	29
Other										0	0	3
Withdrawn by student		1	3	3	1		1	2	1	4	8	3
Referred to another part of the University	1		1	1	1	1		1		2	4	3
Not eligible for investigation by UoM											-	-
<b>Grand Total</b>	<b>5</b>	<b>23</b>	<b>21</b>	<b>19</b>	<b>30</b>	<b>8</b>	<b>4</b>	<b>8</b>	<b>29</b>	<b>49</b>		

#### Resolution of Complaint (Complaints Justified)

Resolution	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%
Apology	1		1	2					2	2	22
Compensation			1		1	1				1	11
Other		2	4	1	5	1	1		4	6	67
<b>Grand Total</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>1</b>		<b>6</b>	<b>9</b>	

Compensation paid totalled £3,850. One complaint was resolved by a fee refund totalling £3270. This cost is borne by the School or Service concerned.

### Complaint Reviews Requested

13 students requested that their complaints be reviewed by the Director of Teaching and Learning Support (Regulation XVIII, paragraph 26).

#### Outcome of Review

Outcome	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%
Decision upheld fully	3	4	1	2	6	1		1	6	8	62
Decision changed partially	2	1	1	2	2	1		1	2	4	31
Decision changed		1		1					1	1	7
<b>Grand Total</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>5</b>	<b>8</b>					<b>13</b>	

Complaints by their nature can involve a variety of factors, and their consideration can often be complex and time-consuming.

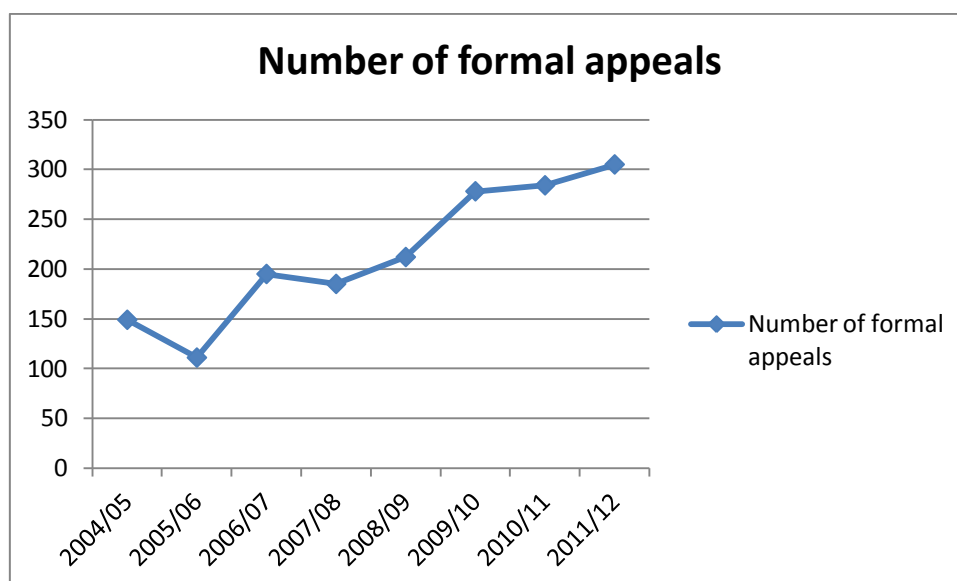
Decisions from the first formal stage of consideration are sometimes upheld in part only e.g. the outcome was correct but there are issues raised that should still be addressed such as delays in dealing with cases. A total of £1700 in compensation was offered across three cases.<sup>5</sup> Recommendations that arose from the review stage of complaints involved the need for procedural updates e.g. review of policies, developing best practice, and in how to address communication issues. The student whose complaint was found on review to be justified was permitted an opportunity for their PhD studentship application to be reconsidered by their School.

The total number of Complaints taken to review decreased from 15 in 2010/11 to 13 in 2011/12.

After the review stage, the University of Manchester procedures are completed and students are issued with a Completion of Procedures letter, as required by the Office of the Independent Adjudicator.

<sup>5</sup> Two of these cases have now been taken to the OIA.

## Academic Appeals



### Overall

Total 2011/12	<b>305</b>
Total 2010/11	284

### Total Number of Academic Appeals

Faculty	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2010
EPS	8	27	42	21	56	23	4	36	14	<b>77</b>	25	22
FLS	2	2	19	11	12	5	1	7	10	<b>23</b>	8	5
HUMS	6	35	65	45	61	22	15	31	38	<b>106</b>	35	37
MHS	6	11	82	52	47	35	11	17	36	<b>99</b>	32	37
<b>Total</b>	<b>22</b>	<b>75</b>	<b>208</b>	<b>129</b>	<b>176</b>	<b>85</b>	<b>31</b>	<b>91</b>	<b>98</b>	<b>305</b>		

### Decision Appealed Against

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2010
Degree Classification/Qualification Awarded	2	48	78	59	69	28	17	34	49	<b>128</b>	42	35
Exclusion due to academic failure	13	7	57	33	44	27	5	32	13	<b>77</b>	25	35
Exclusion due to work and attendance		1	7	2	6	4		2	2	<b>8</b>	3	4
Other decision of Board of Examiners/Progress Committee	7	14	57	31	47	24	8	18	28	<b>78</b>	26	20
Other or not stated		5	9	4	10	2	1	5	6	<b>14</b>	5	7
<b>Total</b>	<b>22</b>	<b>75</b>	<b>208</b>	<b>129</b>	<b>176</b>	<b>85</b>	<b>31</b>	<b>91</b>	<b>98</b>	<b>305</b>		

### Grounds for Appeal

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2010
Mitigating Circumstances	12	40	156	91	117	66	26	63	53	<b>208</b>	58	65
Procedural Irregularity	10	14	37	21	40	15	16	7	23	<b>61</b>	17	8
Bias	4	10	26	15	25	8	10	4	18	<b>40</b>	11	11
Poor Supervision	11	20	21	27	25	10	20	2	20	<b>52</b>	14	15
<b>Total</b>	<b>37</b>	<b>84</b>	<b>240</b>	<b>154</b>	<b>207</b>	<b>99</b>	<b>109</b>	<b>39</b>	<b>114</b>	<b>361</b>		

Note: Students can cite more than one ground for appeal.

### Outcome of Appeal

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2010
Dismissed - invalid grounds	1	6	4	7	4	1		7	3	11	4	2
Dismissed - no substance	14	42	110	68	98	45	20	53	48	166	54	55
Ongoing at 1/10/2012	2	5	10	4	13	5	1	5	6	17	6	11
Upheld/Upheld and referred back to School for review of decision	5	18	67	40	50	31	6	20	33	90	30	26
Withdrawn/Not Pursued		4	17	10	11	3	4	6	8	21	7	6
<b>Grand Total</b>	<b>22</b>	<b>75</b>	<b>208</b>	<b>129</b>	<b>176</b>	<b>85</b>	<b>31</b>	<b>91</b>	<b>98</b>	<b>305</b>		

### Review of Faculty (or equivalent) Decision

#### Total Number of Appeals Reviewed

Faculty	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2010
FLS			3	2	1	1		1	1	3	6	7
MHS			10	5	5	3	1	1	5	10	20	29
HUMS	2	11	12	10	15	7	1	11	6	25	51	27
EPS	2	3	6	4	7	4		6	1	11	22	36
Partner Institution												2
<b>Total</b>	<b>4</b>	<b>14</b>	<b>31</b>	<b>21</b>	<b>28</b>	<b>15</b>	<b>2</b>	<b>19</b>	<b>13</b>	<b>49</b>		

#### Decision Appealed Against

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2010
Degree Classification/ Qualification Awarded / Particular Unit Result	1	5	18	12	12	7	1	7	9	24		29
Exclusion			8	6	2	3		4	1	8		29
Other decision of Board of Examiners/Progress Committee	2	7	2	2	9	1	1	7	2	11		36
Other or not stated	1	2	3	1	5	4		1	1	6		7
<b>Total</b>	<b>4</b>	<b>14</b>	<b>31</b>	<b>21</b>	<b>28</b>	<b>15</b>	<b>2</b>	<b>19</b>	<b>13</b>	<b>49</b>		

#### Outcome of Review

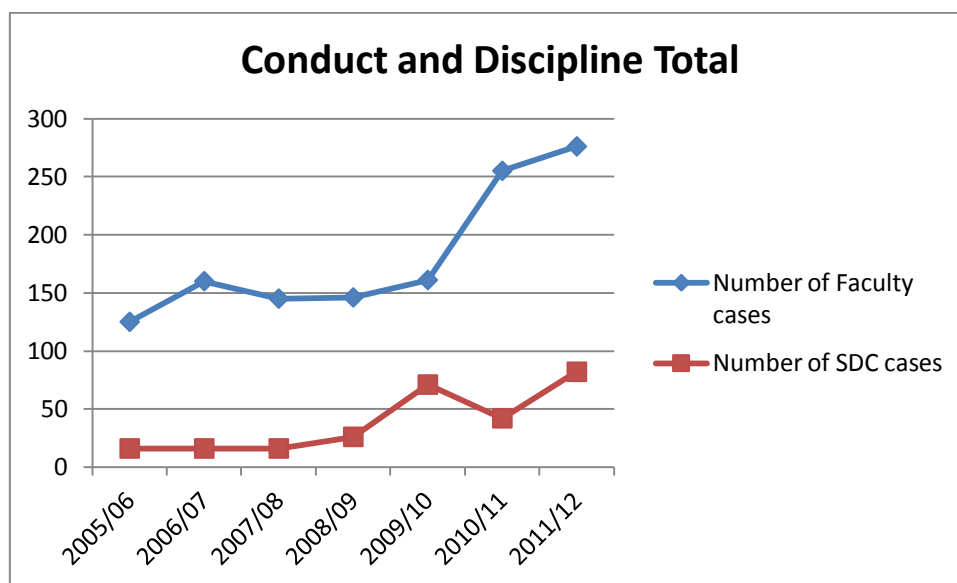
	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2010
Original decision upheld	3	12	28	17	26	14	1	18	10	43	88	80
Original decision changed partially	1	2		2	1	1		1	1	3		6
Original decision changed			3	2	1			1	2	3		20
<b>Grand Total</b>	<b>4</b>	<b>14</b>	<b>31</b>	<b>21</b>	<b>28</b>	<b>15</b>	<b>2</b>	<b>19</b>	<b>13</b>	<b>49</b>		

The total number of Academic Appeals taken to review increased from 45 in 2010/11 to 49 in 2011/12. The main area for review requests concerned the submission of mitigating circumstances.

At the review stage three appellants were offered a total of £700 across all three cases (£200/£250/£250) in compensation for delays; two in respect of delays associated with the consideration of the appeal at Faculty and the third due to delays with a School's moderation process. Recommendations that emerged across the cases included updates to documents and improvements in communication with students.

After the review stage, the University of Manchester procedures are completed and students are issued with a Completion of Procedures letter, as required by the Office of the Independent Adjudicator.

## Conduct and Discipline (Regulation XVII)



### Overall

	2011/12	2010/11
Faculties	276	255
SDC	82	42
<b>Total</b>	<b>358</b>	<b>297</b>

### Faculty Cases

#### Total Number

Faculty	PGR	PGT	UGD	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2010
EPS	1	45	25	19	52	7	2	56	6	71	26	33
FLS			13	11	2	3	3	3	4	13	5	10
HUMS	1	121	27	55	92	15	5	108	19	147	53	32
MHS		22	45	35	10	15	2	9	19	45	16	23
Non-Fac												2
<b>Total</b>	<b>2</b>	<b>188</b>	<b>86</b>	<b>120</b>	<b>156</b>	<b>40</b>	<b>12</b>	<b>176</b>	<b>48</b>	<b>276</b>		

#### Type of Misconduct

	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2010
Collusion		40	18	17	41	9	2	43	4	58	21	20
Plagiarism	2	147	66	102	113	30	10	132	43	215	78	78
Non-academic misconduct			1		1				1	1	<1	2
Other			1	1		1				1	<1	
Fabrication/Falsification		1			1		1			1	<1	-
<b>Grand Total</b>	<b>2</b>	<b>188</b>	<b>86</b>	<b>120</b>	<b>156</b>	<b>40</b>	<b>13</b>	<b>175</b>	<b>48</b>	<b>276</b>		

#### Outcome of Faculty Misconduct Cases

Outcome	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2010
Accusation withdrawn			1		1				1	1	<1	2
Guilty	2	132	73	95	112	34	9	120	44	207	75	85
Not Guilty		5	3	2	6	1	1	4	2	8	3	9
Ongoing at 1/10/2012		46	6	19	33	3	2	46	1	52	19	4
Other		5	3	4	4	2	6			8	3	1
<b>Grand Total</b>	<b>2</b>	<b>188</b>	<b>86</b>	<b>120</b>	<b>156</b>	<b>40</b>	<b>18</b>	<b>170</b>	<b>48</b>	<b>276</b>		

*Penalties Imposed (more than one penalty can be imposed)*

	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total
Reprimand & Warning	2	6	8	6	10	1	1	12	2	16
Mark Reduction		7	21	18	10	7	5	5	11	28
Mark of Zero for Specific Piece of Work		116	41	73	84	28	4	96	29	157
Mark of Zero for Module		9	6	4	11	1		13	1	15
No reassessment for Specific Piece of Work		10	10	6	14	3		15	2	20
Community Service			1	1				1		1
Other		4	3	3	4			6	1	7
<b>Total</b>	<b>2</b>	<b>152</b>	<b>90</b>	<b>111</b>	<b>133</b>	<b>40</b>	<b>10</b>	<b>148</b>	<b>46</b>	<b>244</b>

**Student Discipline Committee Cases<sup>6</sup>**

*Total Number*

Faculty	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2010
EPS	3	12	27	19	23	3	1	33	3	42	51	48
FLS		2	3	5		2		1	1	5	6	7
HUM	3	3	19	11	14	3		18	3	25	30	40
MHS	1	4	5	6	4	4		4	2	10	12	5
<b>Total</b>	<b>7</b>	<b>21</b>	<b>54</b>	<b>41</b>	<b>41</b>	<b>12</b>	<b>1</b>	<b>56</b>	<b>9</b>	<b>82</b>		

*Type of Misconduct*

Type of Misconduct	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2010
Collusion			5		5	2			3	5	6	0
Cheating in an examination		12	42	26	28	5		46	3	54	66	74
Non-academic misconduct e.g. fraud, deception etc	1	1		1	1			2		2	2	7
Plagiarism	6	8	7	14	7	7	1	10	3	21	26	19
<b>Grand Total</b>	<b>7</b>	<b>21</b>	<b>54</b>	<b>41</b>	<b>41</b>	<b>14</b>	<b>1</b>	<b>58</b>	<b>9</b>	<b>82</b>		

*Outcome of SDC misconduct cases*

Outcome	PGR	PGT	UG	Total	%	% / 2010
In breach of regulations	5	19	49	73	89	98
Not Guilty	2	2	5	9	11	2
<b>Grand Total</b>	<b>7</b>	<b>21</b>	<b>54</b>	<b>82</b>		

*Penalties imposed (more than one penalty may be imposed)*

Penalty	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2010
Reprimand & Warning	3	15	40	26	32	9		45	4	58	42	35
Mark Reduction		3	4	4	3	2		4	1	7	5	1
Mark of Zero <sup>7</sup> for Piece of Work e.g. coursework or particular exam	1	10	20	14	17	4	1	24	2	31	22	23
Mark of Zero for Unit		3	15	7	11	2		13	3	18	13	12
No Reassessment for Piece of Work e.g. coursework or particular exam												1
No Reassessment for Unit												4
No Reassessment or Substitution		6	6	3	9		1	11		12	9	
Mark of Zero for all assessed work in the assessment period		1	2	2	1	1		1	1	3	2	
Mark of zero for all assessed work in the academic year		1			1	1				1	1	
Reduction in classification			2	2				2		2	1	7
Suspension												3
Expulsion	1	2	2	3	2			5		5	6	9
Fine												1

<sup>6</sup> SDC record cases during the academic year based on completion date. Faculty case numbers are based on the submission date during the academic year.

<sup>7</sup> A mark of zero may or may not include associated loss of credit





## Fitness to Practise<sup>8</sup>

Fitness to Practise cases are reported separately from other conduct and discipline cases because they often emerge from ill health circumstances, although they can include conduct and discipline matters. Cases can involve one or a combination of types of misconduct such as criminal convictions, dishonesty, ill health, misconduct and unprofessional behaviour.

Fitness to Practise cases usually originate in the Faculty of Medical and Human Sciences because of the nature of the programmes of study undertaken in that Faculty.

### *Number of Fitness to Practise Cases*

School/Discipline Area	PGT	UGRD	F	M	Ethnic minority	Not Known	International	White	Total 2011/12	Total 2010/11
MMS		2		2	1		1		2	3
Dentistry		1		1				1	1	
NMSW	1	12	8	5	5			8	13	7
Pharmacy & Pharm Sci		4		4	3			1	4	2
<b>Grand Total</b>	<b>1</b>	<b>19</b>	<b>8</b>	<b>11</b>	<b>9</b>		<b>1</b>	<b>10</b>	<b>20</b>	<b>12</b>

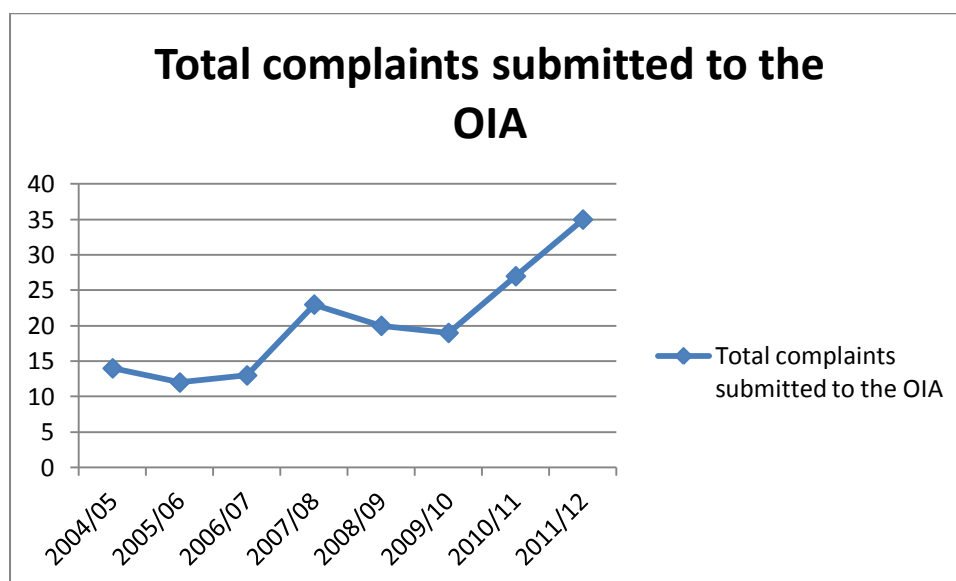
### *Outcome of Cases*

Outcome	PGT	UGRD	F	M	Ethnic minority	Not Known	International	White	Total 2011/12	Total 2010/11
Fit to practise or continue	1	10	4	7	6			5	11	3
Not currently fit to practise or continue		4	2	2	1			3	4	1
Not fit to practise or continue	1	2	1	1	1			1	2	3
Pending		3	1	2	1		1	1	3	5
<b>Grand Total</b>	<b>1</b>	<b>19</b>	<b>8</b>	<b>12</b>	<b>9</b>		<b>1</b>	<b>10</b>	<b>20</b>	<b>12</b>

One case was appealed against to the Registrar, Secretary and Chief Operating Officer; the finding of which was that the original outcome was upheld. The student was issued with a Completion of Procedures letter.

<sup>8</sup> Cases dealt with under the Procedure for a Committee on Fitness to Practise

**Cases taken by students to the Office of the Independent Adjudicator (OIA)**  
(after completion of internal procedures<sup>9</sup>)



	PGR	PGT	UG	F	M	Ethnic minority	Not known	International	White	Total	2010
Total	5	13	16	16	18	10	3	12	9	34	28
Percentage	15	38	47	47	53	29	9	35	26		

Outcome	PGR	PGT	UG	F	M	Ethnic minority	Not known	International	White	Total	%	% / 2010
Awaited (at 31/01/2012)	1	8	5	8	6	3		6	5	14	41	39
Justified												4
Not justified	3	5	10	6	12	7	2	5	4	18	53	36
Not eligible	1		1	2			1	1		2	6	14
OIA closed												7
Total	5	13	16	16	18	10	3	12	9	34		

The OIA is appointed as the national, independent body to consider student complaints. The OIA has no regulatory powers over universities and cannot punish or fine them, however universities are expected to act upon their recommendations. The Teaching and Learning Support Office has become the main contact for the OIA within the University and has developed a protocol in the handling of complaints submitted.

Academic Appeals formed the majority of cases that students progressed as complaints to the OIA. No case taken to the OIA during 2011/12 was found to be justified. Of the two considered to be not eligible for consideration, one was assessed as having not exhausted the University's internal procedures and the other was pursuing legal action. The OIA still however made recommendations in specific areas, namely in student attendance monitoring and the circulation of materials to students in advance of conduct and discipline hearings.

One complainant after completing internal procedures at the University initiated a judicial review questioning the independence and impartiality of the OIA in the handling of their complaint. The judgement found in favour of the OIA. The OIA subsequently accepted the complainant's submission after the judgement was issued and found it to be not justified.

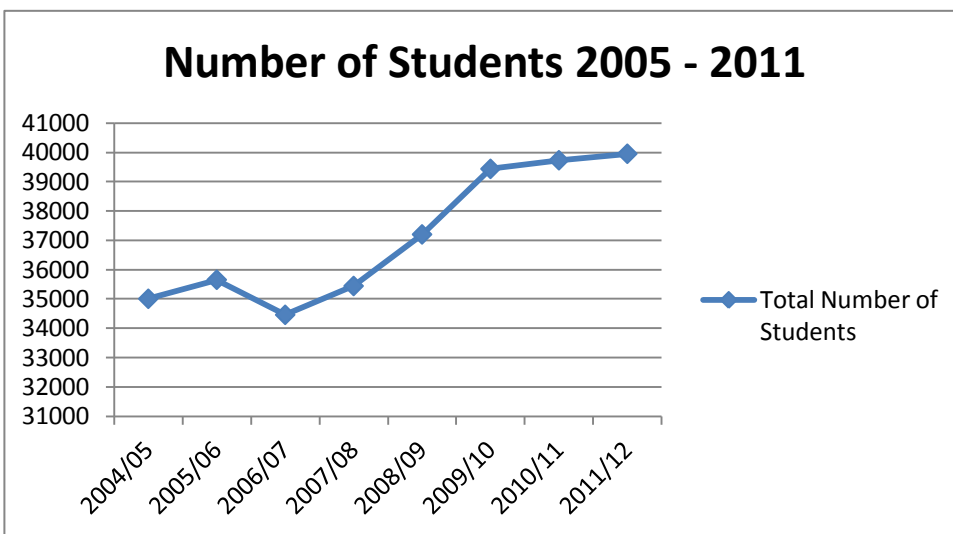
<sup>9</sup> 122 (including 44 Faculty) Completion of Procedures letters were issued by the University during 2011/12 academic year  
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**Profile of the Student Population 2011 - 2012**

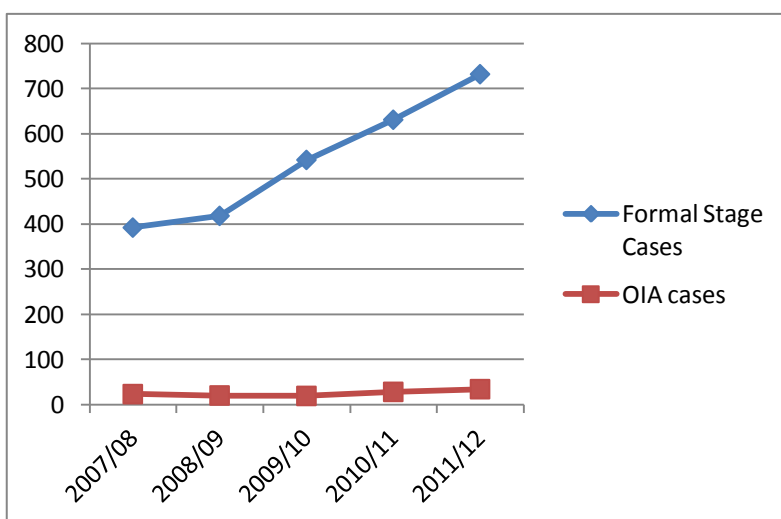
Total Number of Registered Students 1/12/2011

	Grand Total	Home Students													
		UGRD		PGDT		PGDR		International (incl. EU)		White		Ethnic Minority		Ethnicity Not Known	
			%		%		%		%		%		%		%
Faculty of Eng and Physical Sciences	10561	7191	68.1	1969	18.6	1401	13.3	4373	41.4	4763	45.1	1329	12.6	96	0.9
Faculty of Life Sciences	2670	2105	78.8	187	7.0	378	14.2	589	22.1	1634	61.2	424	15.9	23	0.9
Faculty of Humanities	17920	12285	68.6	4480	25.0	1155	6.4	5576	31.1	10174	56.8	1940	10.8	230	1.3
Faculty of Med and Human Sciences	8802	6415	72.9	1710	19.4	677	7.7	1113	12.6	5589	63.5	1975	22.4	125	1.4
<b>Grand Total</b>	<b>39953</b>	<b>27996</b>	<b>70.1</b>	<b>8346</b>	<b>20.9</b>	<b>3611</b>	<b>9.0</b>	<b>11651</b>	<b>29.2</b>	<b>22160</b>	<b>55.5</b>	<b>5668</b>	<b>14.2</b>	<b>474</b>	<b>1.2</b>

\* Note: Throughout this report EU students are regarded as international.



**Number of cases submitted (excluding review)**



**Number of cases submitted (excluding review) as a percentage of the student population**

