

Annual report of Student Appeals, Student Complaints and Student Discipline Cases 2012-13¹

Person reporting

Louise Walmsley, Director of Teaching and Learning Support

Section 1: Executive summary

The Annual Report 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 relates only to formal cases and does not include the significant number of cases which are resolved informally by Schools, PSS Directorates and other central service providers.²

The total number of cases recorded has appeared to decrease in 2012 at the Faculty stage, but has increased at both the institutional review and Office of the Independent Adjudicator (OIA) stages. After successive annual increases in cases it is not yet clear what the reasons for the decrease at Faculty level may be although it is noted that there was a slight decrease in the student population, that the new degree regulations were introduced, and that there were some changes to Regulation XVII (see below). The situation will be monitored during 2013-14.

Increases in complaints to the OIA are a national trend seen at other universities of a similar size. In 2011 the OIA received a total of 1605 complaints from its subscribing institutions which increased to 2012 complaints in 2012. The total number of recorded cases at the University of Manchester remains relatively low in comparison to the student population.

A review of Regulation XVII (Conduct and Discipline of Students) was conducted during 2013, which resulted in an amended Regulation effective from September 2013 onwards. This was supported by a revised Academic Malpractice: Procedure for the Handling of Cases. The changes made included the establishment of a Student Conduct and Discipline Committee to operate and review matters relating to student conduct and discipline, and a change to enable Schools to take responsibility for the handling of first offence postgraduate taught disciplinary cases.

Recourse by students to legal representation at the review and OIA stages is becoming more frequent. Students enlisted solicitors to support eight review requests and four OIA complaints. This usually increases the complexity and scrutiny of cases, and results in the involvement of the Office of the General Counsel. Whilst the involvement of legal representation is not recorded at Faculty level, the TLSO will be looking to capture this information at review and OIA stages in 2013/14 as a comparison to 2012/13. A potential consideration for inclusion in Regulations XVII, XVIII and XIX may be the suspension of the investigation of cases pending legal proceedings to avoid work duplication and exposure to liability; the OIA operate a similar rule.

In 2012, there was also the implementation of the revised Undergraduate and Postgraduate Taught Degree Regulations. These were introduced to aid in the clarity of awards, and have been robustly communicated to aid the understanding for staff and students in the application of those regulations. That clarity may have impacted upon the number of cases submitted to the Faculty stage for consideration.

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/

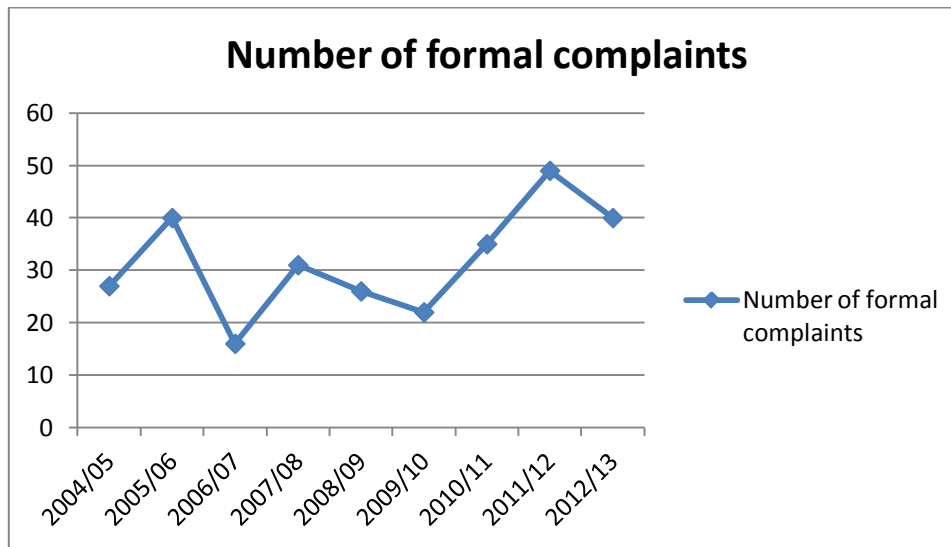
¹ Presented to Senate on 5th February 2014

² Note also that home students are split between white and ethnic minority groupings, and international students are a separate category. These divisions are as required by the Higher Education Statistics Agency.

Section 2: Summary of cases considered during 2012-13

	Academic Appeals	Complaints	Conduct and Discipline	Fitness to Practise	Total
Formal Stage Cases	272	40	254	16	582
Review Stage Cases	64	17	36	2	119
OIA complaints	28	7	5	0	40
					741³

Section 3: Commentary on Student Complaints (Regulation XVIII)⁴



Overall

Total 2012/13	40
Total 2011/12	49 ⁵

Number of Complaints

Faculty	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2011
EPS	3	1	3	2	5			3	4	7	17.5	51
FLS		1	1	2		1			1	2	5	6
HUMS	8	5	11	8	16	2	2	8	12	24	60	29
MHS	2	2	3	3	4	2		1	4	7	17.5	14
Total	13	9	18	15	25	5	2	12	21	40		

Type of Complaint

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2011
Academic provision/progress	3	2	11	6	10	2	2	5	7	16	40	49
HDB	2	2		2	2			1	3	4	10	24
Other	2	4	4	6	4	2		3	5	10	25	16
Supervision	4		1		5			2	3	5	12.5	4
Services/Facilities	2	1	2	1	4	1		1	3	5	12.5	6
Total	13	9	18	15	25	5	2	12	21	40		

³ Total number of cases received at all stages during the 2012/13 academic year.

⁴ Complaints in cases involving Harassment, Discrimination and Bullying (HDB) may be dealt with under the Dignity at Work and Student Procedure for Students

⁵ Note: 13 complaints were from a single individual in EPS

Outcome of Complaint

Outcome	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% . 2011
Justified or partly justified	2	2	3	2	5	1		2	4	7	17.5	18
Not justified	10	4	12	10	16	3	2	6	15	26	65	59
Ongoing at 1/10/2013	1		1	1	1				2	2	5	10
Other		1			1			1		1	2.5	0
Withdrawn by student		1	1	1	1			2		2	5	8
Referred to another part of the University		1	1	1	1	1		1		2	5	4
Not eligible for investigation by UoM												-
Total	13	9	18	15	25	5	2	12	21	40		

Resolution of Complaint (Complaints Justified)

Resolution	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%
Apology/Explanation	1	1	2	1	3			1	3	4	57
Compensation	1	1		1	1	1		1		2	29
Other			1		1				1	1	14
Total	2	2	3	2	5	1		2	4	7	

The compensation paid in two justified cases was done so through the refund of study fees. The justified case with the "Other" resolution was the confirmation of a place on the student's requested programme of study. One PGR student was offered £5000 compensation for a large period of inadequate supervision; the compensation was declined by the student at both the Faculty and review stage and the student has now progressed their complaint to the OIA. The cost of compensation is borne by the School or service concerned.

Review of Faculty (or equivalent) decision

17 students requested a review of the handling of their complaints by the Director of Teaching and Learning Support (Regulation XVIII, paragraph 26).

Outcome of Review

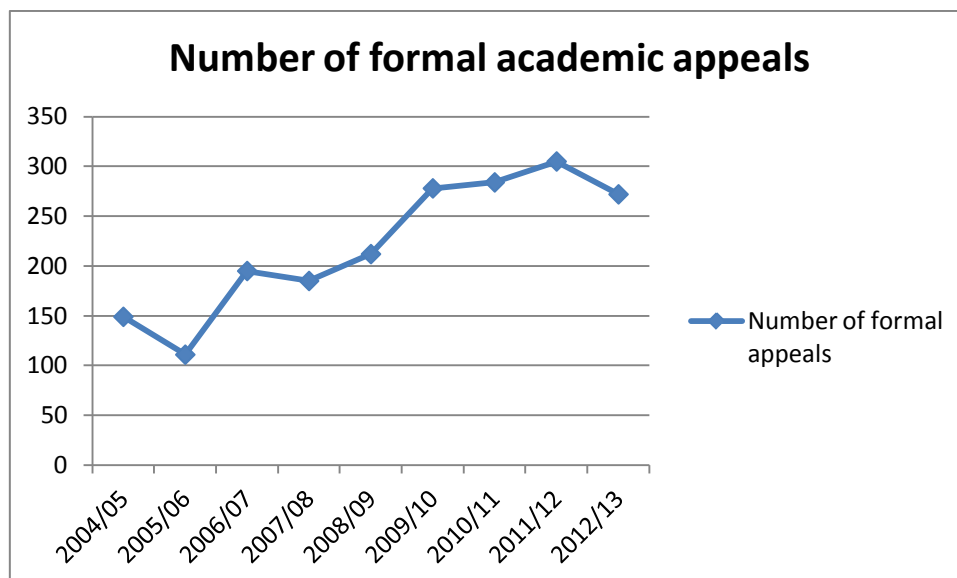
Outcome	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%
Decision upheld fully	5	3	8	6	10	5		4	7	16	94
Decision changed partially										0	
Decision changed										0	
Ongoing			1	1					1	1	6
Total	5	3	9	7	10	5		4	8	17	

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

The total number of complaints taken to review increased from 13 in 2011/12 to 17 in 2012/13; however no review request was upheld. In some cases, information updates were recommended (for e.g. to programme handbooks), an apology was offered for a delay, and a partial fee refund was re-offered to another student. In the latter instance the student is currently pursuing legal proceedings against the University, having not progressed the complaint to the OIA.

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.

Section 4: Commentary on Academic Appeals (Regulation XIX)



Overall

Total 2012/13	272
Total 2011/12	305

Total Number of Academic Appeals

Faculty	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2011
EPS	8	15	42	16	49	15	5	32	13	65	24	25
FLS	1	1	10	4	8	4	2		6	12	4	8
HUMS	2	42	53	33	64	11	11	48	27	97	36	35
MHS		16	82	58	40	33	5	27	33	98	36	32
Total	11	74	187	111	161	63	23	107	79	272		

Decision Appealed Against

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2011
Degree Classification/Qualification Awarded	1	40	44	30	55	19	8	31	27	85	31	42
Exclusion due to academic failure	3	11	71	37	48	24	12	33	16	85	31	25
Exclusion due to work and attendance			4	1	3		1	3		4	1	3
Other decision of Board of Examiners/Progress Committee	5	20	61	40	46	16	2	34	34	86	32	26
Other or not stated	2	3	7	4	8	4		6	2	12	4	5
Total	11	74	187	112	160	63	23	107	79	272		

Grounds for Appeal

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2011
Mitigating Circumstances	7	52	150	85	124	53	22	81	53	209	66	58
Procedural Irregularity	3	23	26	21	31	8	3	21	20	52	16	17
Bias	3	9	12	10	14	3	2	8	11	24	8	11
Poor Supervision	8	9	15	14	18	6	2	13	11	32	10	14
Total	21	93	203	130	187	70	29	123	95	317		

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	%	% / 2011
Dismissed - invalid grounds		6	11	8	9	2	2	8	5	17	6	4
Dismissed - no substance	5	36	102	51	92	30	16	56	41	143	53	54
Ongoing at 1/10/2013	2	1	8	6	5	6	1	3	1	11	4	6
Upheld/Upheld and referred back to School for review of decision	3	27	51	42	39	19	4	33	25	81	30	30
Withdrawn/Not Pursued	1	4	15	5	15	6		7	7	20	7	7
Total	11	74	187	112	160	63	23	107	79	272		

Review of Faculty (or equivalent) Decision

Total Number of Appeals Reviewed

Faculty	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2011
FLS	1	1		2		1		1		2	3	6
MHS	3	5	12	9	11	8	2	6	4	20	31	20
HUMS	1	9	14	7	17	5		10	9	24	38	51
EPS	4	3	10	5	12	3		9	5	17	27	22
Partner Institution		1		1			1			1	2	
Total	9	19	36	24	40	17	3	26	18	64		

Decision Appealed Against

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2011
Degree Classification/ Qualification Awarded / Particular Unit Result		4	8	3	9	2	1	2	7	12	20	49
Exclusion	4	5	13	10	12	5	3	11	3	22	34	16
Other decision of Board of Examiners/Progress Committee	5	10	15	11	19	7		14	9	30	46	22
Other or not stated												12
Total	9	19	36	24	40	14	4	27	19	64		

Outcome of Review

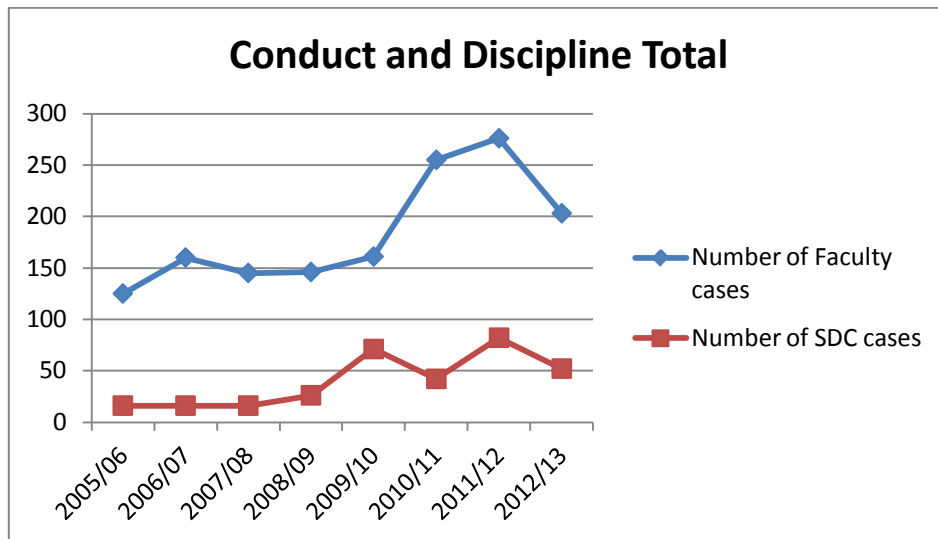
	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total	%	% / 2011
Original decision upheld	8	19	31	24	34	11	4	25	18	58	91	88
Original decision changed partially	1		1		2	1		1		2	3	6
Original decision changed			4		4	2		1	1	4	6	6
Total	9	19	36	24	40	14	4	27	19	64		

The total number of Academic Appeals taken to review increased from 49 in 2011/12 to 64 in 2012/13. The main area for review requests concerned the submission of mitigating circumstances (56 out of 64 cases referenced mitigating circumstances) which has been an identified trend for a number of years, both at review and Faculty stages. A review of the Policy and Procedures on Mitigating Circumstances commissioned in 2013 is being undertaken by Professor Richard Reece on behalf of the Teaching and Learning Group. The report of the review will be considered by TLG in February 2014.

Recommendations that emerged across the review cases included referral back to those involved in decision making e.g. Examination Boards, Mitigating Circumstances Panels, and in two cases offers of compensation for £150 due to delays were made.

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.

Section 5: Commentary on Conduct and Discipline (Regulation XVII)



[Note: SDC = Student Discipline Committee]

Overall

	2012/13	2011/12
Faculties	202	276
SDC	52	82
Total	254	358

Faculty Cases

Total Number

Faculty	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2011
EPS		19	42	14	47	6	14	32	9	61	30	26
FLS										0		5
HUMS	1	60	26	29	58	6	10	64	7	87	43	53
MHS		29	23	32	20	6		31	15	52	26	16
Non-Fac			2		2			2		2	1	
Total	1	109	93	75	128	18	24	130	31	202		

Type of Misconduct

	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2011
Collusion		21	25	12	34	4	10	27	5	46	23	21
Plagiarism	1	86	68	62	93	14	14	101	26	155	77	78
Non-academic misconduct												<1
Other												<1
Fabrication/Falsification		1			1			1		1	<1	<1
Total	1	108	93	74	128	18	24	129	31	202		

Outcome of Faculty Misconduct Cases

Outcome	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2011
Accusation withdrawn		1	5	1	5		2	2	2	6	3	<1
Guilty	1	94	67	54	108	15	19	108	20	162	80	75
Not Guilty		9	8	8	9	1	3	13		17	8	3
Ongoing at 1/10/2013		4	12	11	5	2		5	9	16	8	19
Other			1		1			1		1	<1	3
Total	1	108	93	74	128	18	24	129	31	202		

Penalties Imposed (more than one penalty can be imposed)

	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total
Reprimand & Warning		3	7	5	5	2		7	1	10
Mark Reduction		3	10	7	6	2		7	4	13
Mark of Zero for Specific Piece of Work	1	81	50	41	91	11	18	88	15	132
Mark of Zero for Unit		3	1		4		1	3		4
No reassessment or substitution		13	22	7	28	2	8	20	5	35
Community Service										
Other		2	2	1	3	1		3		4
Total	1	105	92	61	137	18	27	128	25	198

Student Discipline Committee Cases⁶

Total Number

Faculty	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2011
EPS	1	14	12	10	17	3		22	3	27	52	51
FLS										0		6
HUM	2	1	20	11	12	2		20	1	23	44	30
MHS		1	1	2		1		1		2	4	12
Total	3	16	33	23	29	6	0	43	4	52		

Type of Misconduct

Type of Misconduct	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2011
Collusion		7			7			7		7	13	6
Cheating in an examination		7	30	21	16	4	1	29	3	37	71	66
Non-academic misconduct e.g. fraud, deception etc			1		1			1		1	2	2
Plagiarism	3	2	2	2	5	1		6		7	13	26
Total	3	16	33	23	29	5	1	43	3	52		

Outcome of SDC misconduct cases

Outcome	PGR	PGT	UG	Total	%	% / 2011
In breach of regulations	3	16	32	51	98	89
Not Guilty			1	1	2	11
Total	3	16	33	52		

Penalties imposed (more than one penalty may be imposed)

Penalty	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total	%	% / 2011
Reprimand & Warning	3	14	29	23	23	4		39	3	46	43	42
Mark Reduction												5
Mark of Zero ⁷ for Piece of Work e.g. coursework or particular exam		7	11	10	8	3		14	1	18	17	22
Mark of Zero for Unit		3	10	7	6	1		11	1	13	12	13
No Reassessment for Piece of Work e.g. coursework or particular exam		5	1	1	5			6		6	6	
No Reassessment for Unit		2	2	2	2			3	1	4	4	
No Reassessment or Substitution												9
Mark of Zero for all assessed work in the assessment period			1	1				1		1	1	2
Mark of zero for all assessed work in the academic year												1
Reduction in classification		1	9	4	6	1		8	1	10	9	1
Suspension												
Expulsion		2	3		5	1		4		5	5	6
Fine												

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

⁷ A mark of zero may or may not include associated loss of credit

Community Service											
Restricted Access											
Other e.g. referral to another body	2	1	2	1	1		2		3	3	1
Total	5	34	67	50	56	11	0	88	7	106	

Appeals against Conduct and Discipline Decisions

Students may appeal decisions made by the Faculty or SDC (Regulation XVII, paragraph 29).

Faculty (or equivalent) Decisions Appealed

Total Number

Faculty	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total
EPS		2	1	1	2		1	2		3
FLS										
HUM	1	7	6	2	12	1	3	8	2	14
MHS		1	2		3	1		1	1	3
Partner Institution		1		1			1			1
Residential Services			1		1				1	1
Total	1	11	10	4	18	2	5	11	4	22

SDC Decisions Appealed

Total Number

Faculty	PGR	PGT	UG	F	M	Ethnic Minority	Not Known	International	White	Total
EPS		4	3	2	5			5	2	7
HUM		1	6		7	3		4		7
MHS										0
FLS										0
Total		5	9	2	12	3		9	2	14

Outcome of Appeal

Outcome of Appeal of Faculty Decisions

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total
Original decision unchanged	1	8	9	3	15	1	3	11	3	18
Original decision changed		3	1	1	3	1	2		1	4
Total	1	11	10	4	18	2	5	11	4	22

Outcome of Appeal of SDC Decisions

	PGR	PGT	UG	F	M	Ethnic minority	Not Known	International	White	Total
Original decision unchanged		4	9	1	12	3		8	2	13
Original decision changed		1		1				1		1
Total		5	9	2	12	3		9	2	14

In 2011/12, 31 cases were appealed which has increased to 36 in 2012/13. In the Faculty cases where the original decision was changed, in two cases this was due to procedural irregularities requiring reconvened disciplinary panels, one of which was in a partner institution offering a validated programme. One partial decision change was due to a delay in the misconduct process for which £750 compensation was awarded. In the SDC decision that was changed the finding of guilt for the offence remained upheld but a lower penalty was administered as those penalties originally imposed were considered to be disproportionate, specifically the student had been caused to drop two degree classifications but a one degree classification decrease was more aligned to case precedent.

In the Conduct and Discipline category the overwhelming majority of students subject to these procedures in 2011/12 were international students, a trend which has been matched in 2012/13, particularly with plagiarism at

Faculty level. The Equality and Diversity Office have been made aware of this trend and the Student Conduct and Discipline Committee will discuss further.

In 2011/12 postgraduate students were also disproportionately represented at Faculty level with 188 recorded cases; during 2012/13 this has dropped to 109. It is important to note that hearings for first offence postgraduate cases have been allocated to Schools for local handling from July 2013 following the publication of Academic Malpractice: Procedure for Handling of Cases. We will capture the recording of cases heard within Schools in the 2013/14 Annual Report to Senate.

After the appeal 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.

Section 6: Commentary on Fitness to Practise⁸

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.

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.

Number of Fitness to Practise Cases

School/Discipline Area	PGT	UGRD	F	M	Ethnic minority	Not Known	International	White	Total 2012/13	Total 2011/12
MMS		4	1	3	1		1	2	4	2
Dentistry									0	1
NMSW	1	9	6	4	2	1		7	10	13
Manchester Pharmacy School		2		2	2				2	4
Total	1	15	7	9	5	1	1	9	16	20

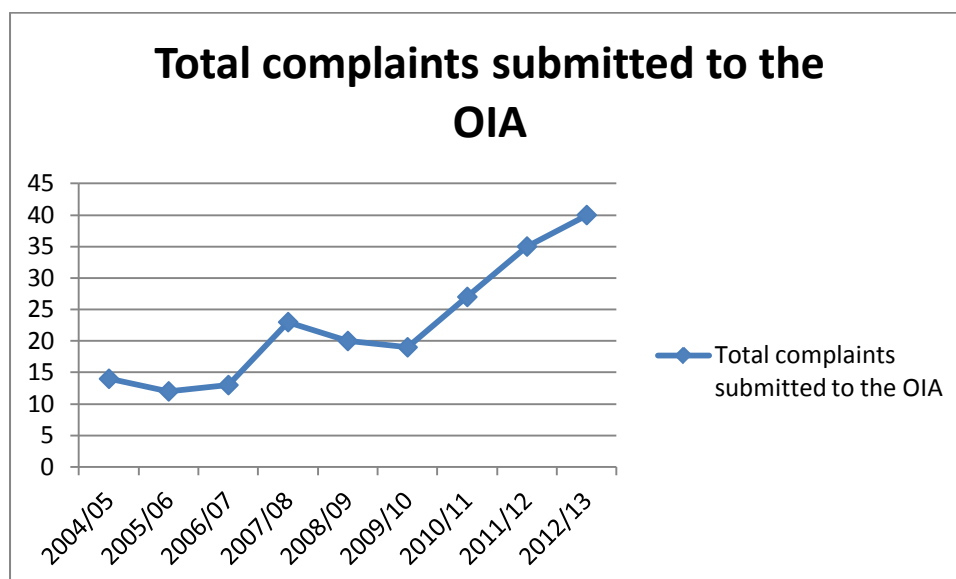
Outcome of Cases

Outcome	PGT	UGRD	F	M	Ethnic minority	Not Known	International	White	Total 2012/13	Total 2011/12
Fit to practise or continue		5	3	2			1	4	5	11
Not currently fit to practise or continue		1		1	1				1	4
Not fit to practise or continue		3		3	2	1			3	2
Withdrawn / not pursued		1		1				1	1	0
Pending	1	5	4	2	2			4	6	3
Total	1	15	7	9	5	1	1	9	16	20

Two cases were appealed against to the Registrar, Secretary and Chief Operating Officer. In one case the appeal was dismissed, and in the second the appeal was upheld on the grounds that the original penalty imposed was disproportionate with new penalties then being imposed. Both students were issued with a Completion of Procedures letter.

⁸ Cases dealt with under the Procedure for a Committee on Fitness to Practise

Section 7: Commentary on cases taken by students to the Office of the Independent Adjudicator (OIA) (after completion of internal procedures⁹)



	PGR	PGT	UG	F	M	Ethnic minority	Not known	International	White	Total	2011
Total	9	9	22	14	26	13	2	15	10	40	34
Percentage	22.5	22.5	55	35	65	32.5	5	37.5	25		

Outcome

	PGR	PGT	UG	F	M	Ethnic minority	Not known	International	White	Total	%	% / 2011
Ongoing (at 01/01/2014)	5	5	13	8	15	6	2	9	6	23	57.5	41
Justified	1				1			1		1	2.5	
Partly Justified			1		1	1				1	2.5	
Not justified	3	2	8	5	8	6		4	3	13	32.5	53
Not eligible		1		1					1	1	2.5	6
Withdrawn		1			1			1		1	2.5	
Total	9	9	22	14	26	13	2	15	10	40		

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 Director of Teaching and Learning Support is the University's contact for the OIA.

The University currently subscribes to the OIA's Band G (30,001 – 50,000) for which a £40,812 fee is incurred. In the OIA's Annual Letter, the OIA reported that they had received more complaints from University of Manchester students than its Band median (35 compared to 26). However the University was also shown to issue more Completion of Procedures letters (135 compared to 97) and to have more findings of Not Justified (27 compared to 13) than its Band median.

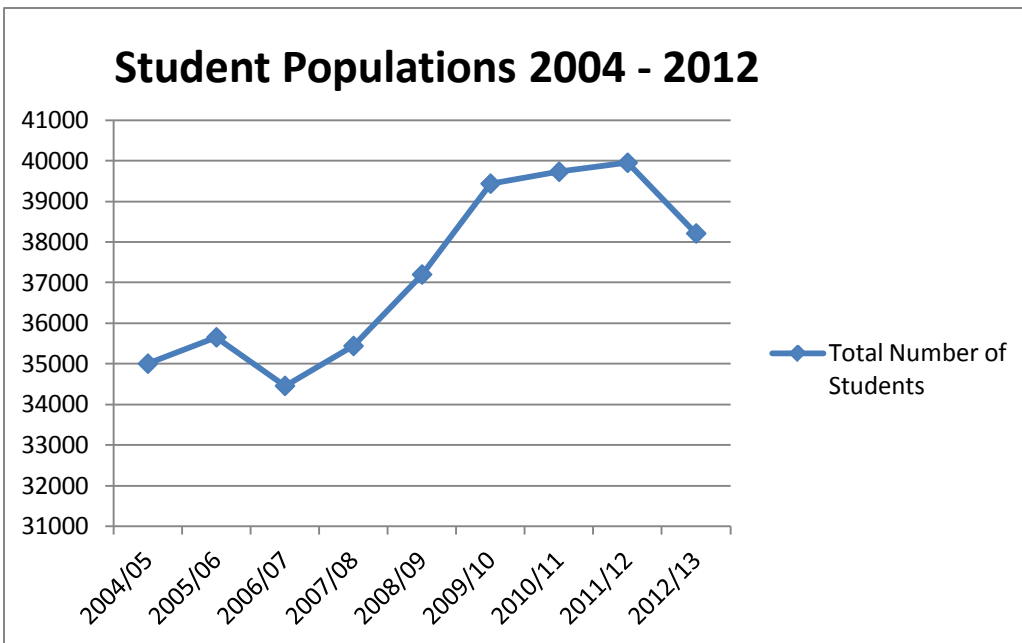
Academic Appeals remain the majority of cases that students have progressed as complaints to the OIA. One case taken to the OIA during 2012/13 was found to be justified which has resulted in a reconvened disciplinary panel and measures now implemented to avoid identified concerns in the future. The partially justified case was found so as a result of delays in the academic appeals process and £200 compensation was awarded. The case assessed as not eligible for consideration was due to the pursuit of legal action by the student. The OIA also made recommendations in other cases, such as a review of internal communication between schools and in maintaining detailed minutes from meetings e.g. Mitigating Circumstances Panels.

⁹ 182 (including 63 Faculty) Completion of Procedures letters were issued by the University during 2012/13 academic year
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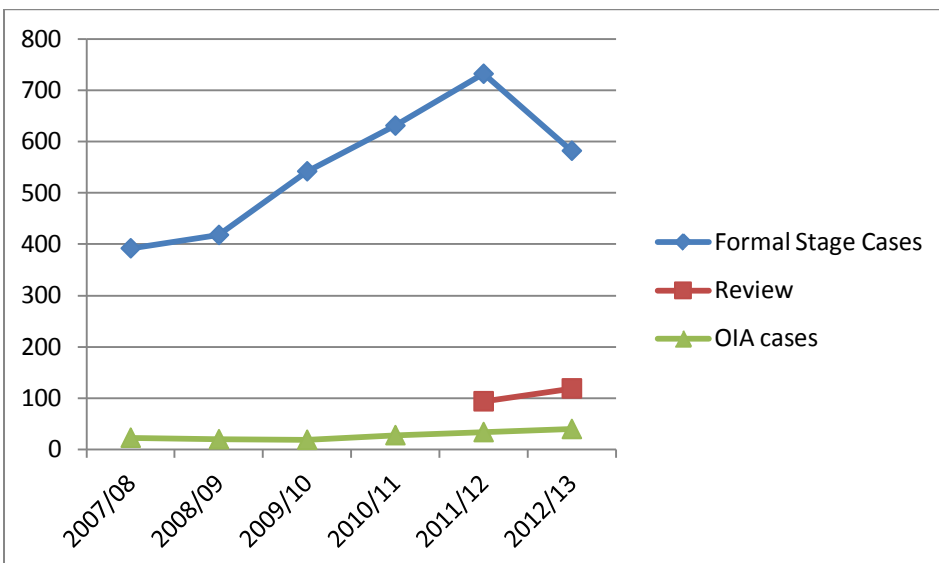
Profile of the Student Population 2012 - 2013

Total Number of Registered Students 1/12/2012

	Grand Total	Home Students													
		UGRD		PGDT		PGDR		International (incl. EU)		White		Ethnic Minority		Ethnicity Not Known	
			%		%		%		%		%		%		%
Faculty of Eng and Phys Sci	10535	7191	68.3	1873	17.8	1471	14.0	4524	42.9	4669	44.3	1269	12.0	73	0.7
Faculty of Life Sciences	2618	2122	81.1	126	4.8	370	14.1	604	23.1	1569	59.9	432	16.5	13	0.5
Faculty of Humanities	16669	11269	67.6	4296	25.8	1104	6.6	5513	33.1	9122	54.7	1868	11.2	165	1.0
Faculty of Med and Human Sci	8390	6088	72.6	1660	19.8	642	7.7	1099	13.1	5281	62.9	1923	22.9	86	1.0
Grand Total	38212	26670	69.8	7955	20.8	3587	9.4	11740	30.7	20641	54.0	5492	14.4	337	0.9



Number of cases recorded



Number of cases recorded as a percentage of the student population

