

Case: 201100552, Edinburgh Napier University
Sector: further and higher education
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C, an international distance learning student on a postgraduate course at the university, complained that the initial communication of a change of assessment method was not communicated to him with reasonable clarity and within a reasonable timescale. He also complained that the university did not reasonably communicate the remit of the mitigating circumstances board to him; and did not reasonably communicate the decision of the mitigating circumstances board, and the consequences of that decision, to him. In addition, Mr C complained that the university's response to his request for an academic appeal was not reasonable, both in terms of content and response time.

We found from looking at the evidence that the university knew about the proposed change at least two months before they told Mr C. Mr C was sent an email about the change eight weeks before the examination. Given his circumstances, our view was that this was a tight timescale for him to make the necessary arrangements to sit the examination abroad. Taking this into account, and as the university's mitigating circumstances board accepted that communication of the change of assessment method may not have been as clear and timely as could reasonably be expected, we upheld this complaint.

We also found that the university focused on Mr C's apparent misunderstanding of what constituted mitigating circumstances, and how it was not the appropriate process to use. Instead, the university said Mr C could have used the student complaints procedure. However, Mr C did raise concerns, both with staff and via comments on the mitigating circumstances form, but at no point was he directed to the appropriate process. We accepted that Mr C had a responsibility to be familiar with university processes. In addition, we found that Mr C asked for clarification of the mitigating circumstances board's decision, and what that meant for him. The university missed the opportunity to clarify the situation and,

instead, simply told Mr C that his claim was valid. Therefore, on balance, we upheld this complaint.

We did not uphold Mr C's complaint about the academic appeal, as we found from looking at the correspondence and the appeal regulations that the university's response was reasonable in terms of content and response time.

Recommendations

We recommended that the university:

- apologise to Mr C for failing to communicate with him about the change in assessment method for a module with reasonable clarity and within a reasonable timescale;
- in future, inform students in writing: of proposed changes to assessment, as soon as formal proposals are made; and confirmed changes to assessment, as soon as confirmation is obtained. This information should include detail about the changes; and
- in light of this case, clarify their guidance to students and staff on what the mitigating circumstances process can and cannot be used for.