

Section 8

Procedures for Requiring a Student to Withdraw from the University for Unsatisfactory Academic Progress and the Procedures for a Student to Appeal Against Such a Decision

Guidance may be sought from the University Secretary's Office + 44 (0)191 227 4399

Students may seek independent advice and support from the Students' Union Advice and Representation Centre - su.advice@northumbria.ac.uk

8.1 Background

8.1.1 The most common circumstance in which a student may be required to withdraw from the University on academic grounds is consequent upon failure in examinations or other forms of assessment. In these situations, Examination Boards operate within the framework of individual approved Programme Schemes or University Regulations, which specify the level of attainment necessary at each stage for progression to the next stage of the programme, and the level of attainment necessary for the award to which the programme leads. Depending on the extent of the failure and the wording of the particular scheme, the Examination Board will typically have available to it a range of options, the most severe of which is the requirement to withdraw.

8.1.2 **The University has a well established set of procedures for dealing with appeals by students against the decisions of Examination Boards. This is dealt with in a separate document – ‘Principles and Procedures Relating to Student Appeals Against Examination/Assessment Decisions’. Students wishing to appeal against the consequences of failure of an assessment or any other decision of an Examination Board should therefore see Section 7 of this Handbook.**

8.1.3 In considering a set of procedures which should be followed in dealing with those cases in which a student is required to withdraw, not as a consequence of any specific examination/assessment failure but as a result of unsatisfactory academic performance and progress generally, attention needs to be given to:

Articles of Government 3.3. (a) which refers to the Academic Board being 'responsible for the procedures for the expulsion of students for academic reasons.'

The need to provide Programme Leaders¹ with reasonable freedom of action to manage their programmes and to take actions and decisions accordingly.

8.2 Principles

8.2.1 On enrolling at the University, students undertake to engage in academic study through a variety of means. Their engagement in group work, seminars, tutorials, etc is an important element for learning and also contributes to the learning of others on the programme. Many students benefit from peer learning and such work is particularly important for the development of interpersonal skills.

¹ Throughout these regulations, a Programme Director may act in place of a Programme Leader

- 8.2.2 Research clearly demonstrates that students who engage in the full range of learning and teaching sessions are more likely to be successful. The University therefore monitors attendance in order to supportively encourage a full engagement in academic work in an adult learning environment. However the University also reserves the right to withdraw students who are no longer engaging in academic study.
- 8.2.3 The University is obliged to inform the United Kingdom Border Agency of any International Student who has failed to attend classes. Such a report may be sent to the United Kingdom Border Agency notwithstanding any ongoing discussion about attendance that is continuing under these regulations.
- 8.2.4 **When academic performance and progress generally is judged to be unsatisfactory, as measured by attendance, submission of coursework, attainment in coursework, contributions to seminars and tutorials, etc., and not as a result of any specific examination/assessment failure** then there should be a procedure to be followed, culminating in the student being required to withdraw.
- 8.2.5 There should be a procedure which enables students to submit appeals against the decision that they be required to withdraw from a programme, for the reasons stated in 8.2.4 above.
- 8.2.6 The authority to require a student to withdraw from a programme is delegated by Academic Board to School Programme Committees.
- 8.2.7 The School Programme Committee should ensure that adequate mechanisms exist regularly to review the progress of students on the course and in particular those who are failing to attend, not submitting written work, failing to meet the requirements of relevant professional codes of conduct or otherwise giving signs of unsatisfactory academic performance. Such reviews should be carried out by a Panel of School Programme Committee (composed exclusively of staff members) or by delegation to the Programme Leader acting in consultation with staff involved in management of the programme.
- 8.2.8 Students failing to make satisfactory progress as judged by attendance, etc. should initially receive informal guidance and warnings in a variety of ways such as through the School's Attendance Monitoring Procedure, from Module Tutors, Guidance Tutor, administrative staff, etc.
- 8.2.9 At least one formal warning should be given by the Programme Leader to a student whose academic progress has been identified as unsatisfactory, before the stage is reached at which the student is required to withdraw. Such a warning should refer the student to Section 8 of these regulations, the potential that they may be required to withdraw and, in the case of international students, the visa implications of a withdrawal.
- 8.2.10 Before a formal decision is made that a student is required to withdraw from the programme, the student will have the right to be interviewed by a Panel of Programme Committee members which will be chaired by the Dean of School or their nominee.
- 8.2.11 In the event of a student being required to withdraw from a programme, a full written report is to be forwarded to the Vice-Chancellor, as Chair of Academic Board and the

Student Appeals and Complaints Ombudsman in order that they can inform the student of remaining appeal procedures.

- 8.2.12 Procedures shall normally be completed according to the timescales indicated in these regulations. If for any reason these timescales cannot be met, the student shall be informed.

8.3 Stage 1

- 8.3.1 As part of this process of review (see 8.2.7 above), in addition to the School Attendance Monitoring Procedure, tutors are asked to submit written reports in respect of any students whose failure to attend classes, submit written work or meet the requirements of the relevant professional codes of conduct is giving rise to concern, or whose academic performance on the programme is generally considered unsatisfactory.
- 8.3.2 This process should enable early identification to be made of cases which may potentially lead to a requirement to withdraw, in order that appropriate 'early warnings' and advice can be given to the student (in accordance with 8.2.8 above) with the intention that the situation can thereby be remedied before the question of a requirement to withdraw arises.

8.4 Stage 2, Formal Warning

- 8.4.1 If, in the judgement of the Programme Leader acting on behalf of School Programme Committee, the academic progress of a student remains unsatisfactory over a significant period of time, the student shall be formally notified of this fact by the Programme Leader.
- 8.4.2 Formal notification shall be given in the form of a letter and/or an interview by the Programme Leader. Whatever form of notification is used, the student should be informed that his/her progress has been unsatisfactory, the deficiencies in progress specified, and an appropriate time limit stipulated by which these deficiencies must be remedied. The student should be advised that failure to remedy the deficiencies by the specified date may result in his/her being required to withdraw from the programme.
- (a) Where notification is given by letter, a copy of this should be placed on the student's file.
 - (b) Where notification is given by means of an interview, then the Programme Leader should conduct the interview together with the School Registrar or his/her representative who will take notes of the interview and subsequently ensure that a written summary of it is prepared and placed on file and a copy issued to the student.
- 8.4.3 At the expiry of the specified time period referred to in 8.4.2 above, the Programme Leader may choose to issue a further formal warning and define a further time limit by which the deficiencies in progress must be remedied.

8.5 Stage 3, Recommendation of Withdrawal and Panel

- 8.5.1 If in the judgement of the Programme Leader acting on behalf, of School Programme Committee the academic progress of the student remains unsatisfactory at the expiry

of the specified time period, and the decision is therefore made to recommend that the student should be required to withdraw, a formal written report,, is submitted by the Programme Leader to the Registrar who will forward it to the Dean of School or their nominee as appropriate.

8.5.2 The responsibility then rests with a Panel of School Programme Committee members (consisting of a minimum of an Associate Dean and one other member of academic staff who have had no previous dealings with the case, together with the Registrar to take notes).

8.5.3 The purpose of the Panel is to establish why academic progress has been unsatisfactory and, in the light of this, determine what action the University should take. This may vary from a further Formal Warning to a requirement that the student withdraw.

8.5.4 Before the Panel of School Programme Committee members makes a decision, the student, accompanied if he/she so wishes by a Friend shall be invited to be interviewed, normally within 15 working days of the Programme Leader's recommendation that they withdraw in 8.5.1 above.

(i) If the student declines this invitation, the Panel shall proceed to a decision on the basis of the evidence available to it.

(iii) The student shall be given no less than five working days notice of the Panel.

8.5.5 Within 10 working days of its meeting, the decision of the Panel of School Programme Committee shall be conveyed in writing to the student and to the Programme Leader. If the decision is that the student is required to withdraw, then the letter to the student will refer to the right to appeal (regulation 8.6).

8.5.5 If the decision is that the student is required to withdraw, then a full written Report of the case is to be sent to the Vice-Chancellor, as Chair of Academic Board, for information, and to the Student Appeals and Complaints Ombudsman (in order that they may inform the student of remaining appeals procedures).

8.6 Stage 4, Procedures for a Student Appealing Against a Decision Requiring Withdrawal from a Course

8.6.1 In the event of a student wishing to appeal against the decision to require him/her to withdraw from a course, the student should submit a written statement to the Vice-Chancellor as quickly as possible and, in any case, within 10 working days of being formally notified of the requirement to withdraw, requesting that his/her case should be reviewed. The statement must explain the reasons on which the appeal is based. The permitted grounds for an appeal are:

(i) that there was a procedural irregularity that materially prejudiced the student's case *or*

(ii) that the decision reached was not supported by the evidence provided *or*

(iii) that relevant information that was not previously available has subsequently emerged.

- 8.6.2 On receipt of such a letter by the Vice-Chancellor, the University Secretary shall be informed immediately. The University Secretary will review the case in the light of the documentation provided and decide on the appropriate action of:
- (i) dismissing the appeal at this stage and instructing the Student Appeals and Complaints Ombudsman to issue a Completion of Procedures Letter (regulation 9.1) *or*
 - (ii) referring the appeal to an ad hoc Appeals Panel established in the name of Academic Board.
- 8.6.3 It is open to the Academic Board Appeals Panel to require the Panel of the Programme Committee in conjunction with the Dean of School to reconsider a case taking account of the evidence assembled and the views, advice, recommendations and conclusions arrived at by the Appeals Panel in respect of the evidence. The final decision about the withdrawal of an individual student must however rest with the Panel of the Programme Committee in conjunction with the Dean of School, and its decision cannot be rescinded or replaced by a different decision other than by that Committee duly constituted at a later occasion.
- 8.6.4 The Dean of School to which the student belongs, the Programme Leader and any other relevant person will be invited by the University Secretary to submit written comments normally within 10 working days of receiving notification that the student has appealed. Likewise the School Registrar will be responsible for ensuring that the student's complete personal file is submitted normally within 10 working days. In the interests of avoiding delay the Vice-Chancellor may convene an Appeals Panel if the required written information cannot be submitted within 10 working days.
- 8.6.5 The University Secretary will advise the student of the date of the Panel meeting and of the right to attend and to be accompanied by a Friend if desired. Such a Panel shall normally be convened within 15 working days of the appeal letter being received.
- 8.6.6 As the continued attendance of the student will be dependent on the outcome of the appeal, the student may, at the discretion of the Vice-Chancellor, be allowed to remain on the programme until the outcome is known. During any such interim period of attendance the student shall be permitted to attend lectures, seminars, tutorials, practicals etc., to submit coursework for assessment, and to sit any examinations required by the course programme.
- 8.6.7 Academic Board Appeals Panels shall normally be constituted by the Vice-Chancellor as follows:
- Chair: Pro Vice-Chancellor (Learning & Teaching).
 - A nominee of the University Secretary.
 - Two staff members of Academic Board (not from the School to which the student concerned belongs).
 - One student member of Academic Board.
- The University Secretary or his/her nominee shall attend as adviser and shall appoint a Clerk to the Panel. Papers relating to the appeal shall normally be received by Panel members at least five working days prior to the meeting.

8.6.8 The Academic Board Appeals Panel shall be charged with the duty of hearing and judging the student's appeal and should adopt the following method of operation:

- the Panel should invite the student, accompanied by a friend if he/she wishes, to present evidence and to respond to questions from the Panel. Failure of a student to attend an Appeals Panel, after being properly served with Notice to do so, shall not prevent the case being heard.
- having received evidence from the student, the Panel should invite the Dean of School, Programme Leader and any other relevant persons to present evidence and to respond to questions from the Panel.
- no other persons would have the right of attendance, but the Panel should be able to receive evidence from, and invite attendance by, any other individual, at its discretion. Such persons may include the student's Guidance Tutor, for example, and, where possible, the Secretary to the Panel should consult with the Chair of the Enquiry about the witnesses to be invited to attend.
- a Panel is not analogous to a law court and should not be governed by court procedures. However, the principles of natural justice shall apply to all the Panel's proceedings.
- the Chair of the Panel shall decide, after taking account of the evidence assembled, whether evidence from each party can be heard in the other's presence.

8.6.9 The Academic Board Appeals Panel will submit a written report of its findings to the Academic Board, via the Vice-Chancellor, including a statement of whether, in its judgement, the appeal is upheld or not. It will submit its report to the Vice-Chancellor as soon as possible, and normally not later than 10 working days after it has met. A copy of the report will also be sent to the Director of Academic Registry as Secretary to Academic Board.

8.6.10 In the event of the Panel finding against the student and the Report having been approved by Academic Board or by the Vice-Chancellor as Chair of the Academic Board, the University Secretary will inform the student that his/her appeal has been unsuccessful. The Student Appeals and Complaints Ombudsman will issue a Completion of Procedures Letter (regulation 9.1). In the event of the Panel finding in the student's favour, the case will be referred back to the School in order that it can be further considered in the light of the findings of the Panel and the University Secretary shall inform the student of this decision once the Report has been approved by Academic Board or by the Vice-Chancellor as Chair of Academic Board.

8.6.11 With regard to those cases referred back to the School for reconsideration, the School will take very careful account of the findings and conclusions of the Appeals Panels and the expectation of the Academic Board will therefore be that the decision then arrived at by the School, full account having been taken of all relevant factors, will represent justice having been done in respect of the appeal. The appeals procedure would therefore, at this stage, be terminated and the University Secretary will inform the student of the outcome and the Student Appeals and Complaints Ombudsman will issue a Completion of Procedures Letter (regulation 9.1).

8.6.12 The Appeals Panel may recommend that its Chair, or another member of the Panel acting on behalf of the Chair, shall attend discussions in the School at which the disputed case is to be reconsidered. This would serve two purposes:

- to ensure that the conclusions and views of the Appeals Panel are fully understood by the School;
- to act as an observer, on behalf of the Academic Board, to enable the Board to be satisfied that all relevant factors have been taken into account.

8.6.13 With regard to the character of the written reports produced by the Appeals Panels, the following guidelines shall be observed:

- the Report should be sufficiently full to reflect the reasoning by which the conclusions and recommendations have been reached;
- the Report should be sufficiently comprehensive to allow the School and the Academic Board to use it as a basis for review of the case;
- the Report should be compiled with all due regard for confidentiality. The student should not be named in the Report but referred to as the 'appellant' only. All other witnesses should normally be identified in the Report, though where individuals are named during the course of the Panel meeting but do not appear as witnesses their anonymity should be preserved in the Report;
- the Report should state explicitly whether or not the appeal is upheld.

8.6.14 Once the Report has been approved by Academic Board, or by the Vice-Chancellor on its behalf, then copies should be sent to all witnesses, as well as the School Registrar and Dean of School.

9. Independent Adjudication

9.1 Under the Higher Education Act 2004 provision is made for reference of student complaints to the Office of the Independent Adjudicator (OIA) for Higher Education when the University's internal student complaints processes have been exhausted, but the student remains dissatisfied with the outcome.

On completion of the University's internal Appeals Procedure a student will be issued with a 'Completion of Procedures Letter' by the University Secretary's Office and provided with details of the services available to the student from the Office of the Independent Adjudicator. The Completion of Procedures Letter will:

- provide a description of the complaint
- confirm that the University's internal complaints procedure has been completed
- state the outcome of the internal complaint process
- confirm that the student has the right to take the complaint to the OIA
- indicate how a student can contact the OIA
- stipulate that the OIA will only consider complaints from students within a period of three months from the date of the Completion of Process Letter
- enclose an explanatory leaflet on the OIA.

Further advice and/or assistance concerning the OIA, or in contacting or submitting a complaint to the OIA, should be obtained from the University Secretary's Office.