

21<sup>st</sup> May 2009

University of Birmingham

**Proposed Code of Practice on Student Attendance and Reasonable Diligence**

**Topic and purpose of the paper**

1. To submit for APRC's consideration the proposed Code of Practice on Student Attendance and Reasonable Diligence, attached as Appendix A. A flow chart to illustrate the process is also given as Appendix B. This Code of Practice will replace the current Code of Practice on Reasonable Diligence.

**Proposal(s)/Recommendation(s)**

2. APRC is requested to **consider and approve** the proposed Code of Practice on Student Attendance and Reasonable Diligence to supersede the current Code of Practice on Reasonable Diligence, with effect from the commencement of the 2009/10 academic session.

**Background to the Paper and Consultation**

3. The review of the current Code of Practice and its proposed replacement by Code of Practice on Student Attendance and Reasonable Diligence has been undertaken as part of the review of University legislation for the academic session 2008/09.
4. At its meeting on 29<sup>th</sup> January 2009, the Learning and Teaching Committee received a paper on Attendance Monitoring and the implementation of the Points-Based System (Minute 09/10 refers), and resolved that:
  - (i) The monitoring requirements for non-EEA students should be written into the revised Code of Practice on Reasonable Diligence.
  - (ii) That Schools and Colleges be permitted to identify contact points for their own programmes as appropriate, with the requirement that for each full programme year (or length of programme if shorter than an academic session), there must be at least ten identifiable contact points.
5. This recommendation was subsequently endorsed by University Executive Board on 31<sup>st</sup> March 2009.
6. Accordingly, work was commenced to develop a revised Code of Practice and to assist in this process, a working group was convened with the following membership to draw on expertise from across the University:
  - Mr Paul Fantom, Academic and Student Administration (Secretary)
  - Dr Peter Gardner, College of Engineering and Physical Sciences
  - Dr Armin Grünbacher, College of Arts and Law

- Ms Jackie Harris, Academic and Student Administration
  - Mr Tom Marley, Guild of Students
  - Dr Chris Twine, Academic and Student Administration
7. Initial feedback from across the University was fed into working group, and this revealed that the current Code of Practice on Reasonable Diligence is widely perceived to be cumbersome, unresponsive and is rarely used by Colleges and Schools.
  8. The working group systematically worked through the current Code of Practice to identify those aspects of the document that were useful and which should be retained, together with those that were deemed to be either unwieldy and in need of modification or replacement. A draft Code was formulated, which the working group's members then commented on. Further feedback has been received which has led to subsequent amendments to the working group's draft.
  9. Therefore, the attached proposed Code of Practice has been produced with the aim of meeting the requirements articulated from across the University.

### **Substantive Changes**

10. The following substantive changes were identified via the above-mentioned process and have been incorporated into the proposed Code of Practice on Student Attendance and Reasonable Diligence:
  - (a) Expansion of the Introduction Section to indicate in a clear manner the purpose of the proposed Code of Practice and its relationship to other relevant items of University legislation.
  - (b) A new Section to provide definitions for the concepts and terms employed within the proposed Code of Practice.
  - (c) Considerable revision of the Section dealing with the responsibilities of Principal Academic Units, clearly sub-divided by reference to the attendance of Registered Students, academic progress of Registered Students, and the monitoring of attendance and academic progress by the Principal Academic Unit.
  - (d) Clarification, re-ordering and simplification of the procedures for dealing with unsatisfactory attendance and/or academic progress by Registered Students. This is now provided via a two-stage process:

Section 4: The Initial Stage, which allows for dealing with cases on an informal basis, progressing to a formal basis, should the Registered Student continue to demonstrate a lack of reasonable diligence with regard to their programme of study and research. This is in accordance with the provisions of Regulation 7.8.1 (c).

Section 5: Referral to Boards of Examiners, which is undertaken when a Principal Academic Unit deems that a Registered Student's continued absence is of such a degree that they are not meeting the academic requirements of their programme of study or research. Under the existing Code of Practice, a "Reasonable Diligence Panel"

had to be convened – this was seen by many academic and administrative staff as bureaucratic and cumbersome. From September 2006 to present, only 9 such Panels have been convened across the whole University. Most Schools have simply waited until the examination period to academically fail a non-attending Registered Student. This *laissez-faire* approach is not sufficient to meet the statutory requirements put upon the University by the UK Borders Agency.

- (e) The Sections concerned with the Progress and Awards Board and the right of appeal have also been revised to provide fuller information and reflect recent changes to the University's structure.

### **Arguments in Support of the Proposal**

- 11. The current Code of Practice on Reasonable Diligence is essentially derived from a document that has been in existence for a number of years, and whilst it has been periodically updated, was judged to be due for extensive revision to take account of feedback from across the University, together with the need to address developments such as the introduction of the Points-Based System.
- 12. It is contended that the adoption of this proposed Code of Practice on Student Attendance and Reasonable Diligence will rectify problems encountered due to these issues and provide a comprehensive single document applicable to the undergraduate, postgraduate taught and postgraduate research students of the University.

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**Code of Practice on Student Attendance and Reasonable Diligence**

**1. Introduction**

- 1.1 This Code of Practice sets out for Principal Academic Units the steps to be taken when Registered Students on undergraduate, graduate and postgraduate taught programmes of study or postgraduate research programmes are not showing reasonable diligence in their approach to their academic studies due to unsatisfactory attendance and/or lack of academic progress.
- 1.2 This Code of Practice applies to full-time and part-time Registered Students and to those Registered Students undertaking programmes of study or research by distance learning or via collaborative provision with other universities or higher education institutions.
- 1.3 This Code of Practice should be read in conjunction with the following:
- Section 7 of the University Regulations
  - Code of Practice for Student Development and Support in Principal Academic Units.
  - Code of Practice on Supervision and Monitoring of Progress of Research Students
  - Code of Practice on Misconduct and Fitness to Practise Committees
  - Code of Practice on Suspension from Study on Health Grounds
  - Code of Practice on Primary Appeals Procedures
  - The Student Charter, which outlines the responsibilities and entitlements of Registered Students.
- 1.4 This Code of Practice sets out the procedures and processes for the following:
- (a) Attendance requirements for Registered Students and for compliance with the Points-Based System.
  - (b) Academic progress requirements for Registered Students undertaking programmes of study or research.
  - (c) The informal and formal processes and procedures to be used by Principal Academic Units in addressing lack of reasonable diligence due to unsatisfactory attendance or academic progress.
  - (d) The role and operation of the University Progress and Awards Board with regard to reasonable diligence matters.
  - (e) Appeals against decisions made by the University Progress and Awards Board.
- 1.5 In the case of Registered Students studying abroad who are not demonstrating reasonable diligence, the Principal Academic Unit will follow the steps set out in this Code of Practice. Where a Registered Student is required to return to Birmingham for an interview or meeting connected with this Code of Practice, they shall do so at their own expense.
- 1.6 Registered Students may seek advice and guidance on the interpretation and operation of this Code of Practice and its associated procedures from their Principal Academic Unit, from Academic and Student Administration and from the Advice and Representation Centre of the Birmingham University Guild of Students.

## **2. Definitions**

2.1 The following definitions apply in this Code of Practice:

### **2.1.1 Programme of Study**

A programme of study is comprised of the set of modules indicated in the programme specification that a Registered Student is required to successfully complete in order to achieve the qualification for which they have registered with the University.

### **2.1.2 Fitness to Practise Requirements**

Registered Students undertaking programmes of study or research that are subject to fitness to practise requirements and who fail to show reasonable diligence will be dealt with in accordance with the Code of Practice on Misconduct and Fitness to Practise Committees.

### **2.1.3 Points-Based System**

Under the Points-Based System, the University is required to define 10 contact points to verify the attendance of non-EEA Registered Students; non-contact from non-EEA Registered Students ultimately requiring the University to make a report of the non-EEA Registered Student's non-attendance to the UK Borders Agency. The nature and definition of these contact points may vary between programmes of study and research, and will be determined by individual Principal Academic Units.

### **2.1.4 Attendance by Registered Students**

- (a) Attendance requirements for a programme of study or research are determined by the Principal Academic Unit and absence must be authorised by that Principal Academic Unit. The following categories of absence are used in this Code of Practice:
  - (i) A short-term absence is an absence from learning and teaching of no more than 10 working days, as counted from the first day of absence, due to illness or other circumstances.
  - (ii) A temporary withdrawal is an interruption of learning and teaching which has been authorised by a Registered Student's Principal Academic Unit, an application having been made by the Registered Student for Leave of Absence. The duration of a temporary withdrawal via Leave of Absence shall not be less than 10 working days or more than 12 months for any category of Registered Student.
  - (iii) Where a Registered Student has been absent without authorisation from their Principal Academic Unit for more than 20 working days, as counted from the first day of absence, and no response has been received to at least two attempts to contact the Registered Student, for example by telephone, email or letter, they will be deemed to have voluntarily withdrawn from their programme of study or research.
  - (iv) Where a non-EEA Registered Student has missed all contact points in a semester, but less than the 10 contact points that would automatically require a referral to the UK Borders Agency, at least two attempts should be made to contact the Registered Student, for example by telephone, email or

letter. If, following such attempts, the non-EEA Registered Student is still uncontactable, then the matter will be referred to the UK Borders Agency.

#### 2.1.5 Academic Progress of Registered Students

- (a) All Registered Students are required to be engaged with their programme of study and research for the full duration of the published session dates for that programme of study or research. The requirements for determining satisfactory academic progress should be consistent with Section 7.8.1 (c) of the University Regulations and will be established by each individual Principal Academic Unit.

#### 2.1.6 Reasonable Diligence

- (a) All Registered Students are expected to show reasonable diligence in relation to the learning and teaching to be undertaken for each module studied, and to the programme of study or research for which they are registered. Reasonable diligence is determined by satisfactory attendance and academic progress, as defined by the Principal Academic Unit, and Registered Students are required:
  - (i) To comply with the attendance requirements for the programme of study or research, as may be published in the programme handbook.
  - (ii) To be engaged with the programme of study or research for which they have registered for the full duration of the published academic session dates and to demonstrate academic progress.
- (b) Failure to show reasonable diligence in relation to learning and teaching on a programme of study or research is defined by Section 7.8.1 (c) of the University Regulations as:
  - (i) Absence from more than 30 per cent of those teaching sessions at which a record of attendance is kept, or failure to submit formally assessed work which is required by the module description or programme specification, for a programme of study or research on more than two occasions during an academic year; or
  - (ii) Absence from teaching sessions, or failure to submit assessed work, contrary to the requirements of a module description or a programme specification, which may be different from those set out in clause 2.1.5 (a), as provided for in clause 3.4 below; or
  - (iii) Failure to attend all teaching sessions and submit all required assessed work after a formal written warning has been given to the Registered Student by the Head of the Principal Academic Unit; or
  - (iv) Failure to register for modules to the required credit value for the programme of study or research (appropriate to the level and stage of learning and teaching required by the programme); or
  - (v) Failure to report to the Head of the Principal Academic Unit (or nominee) an absence of more than five consecutive days during an academic session.
- (c) A Registered Student who does not show reasonable diligence with regard to their programme or study or research will be subject to the procedures set out in this Code of Practice. The sanctions imposed on a Registered Student not showing

reasonable diligence are dependent upon the extent and gravity of the Registered Student's failure to show reasonable diligence and their continuation in doing so following the receipt of an appropriate warning, as set out in this Code of Practice.

#### 2.1.7 Timescales

- (a) For undergraduate students, in order to allow sufficient time for the completion of procedures, the recommendation that a Registered Student be required to withdraw from a programme of study shall be made no later than the last teaching day of the second semester prior to the Easter vacation. An exception to this is in cases where the Registered Student is not in attendance at the University during the first semester or when a Registered Student's case is not examined in the weeks following the Easter vacation during the second semester.
- (b) For Registered Students undertaking postgraduate taught programmes of study or modules, a recommendation that a Registered Student is required to withdraw from the module or the programme of study may be made at any time.
- (c) For Registered Students undertaking postgraduate research programmes, reasonable diligence procedures may be invoked at any time, and in accordance with the Code of Practice on Supervision and Monitoring of Research Students.
- (d) In considering whether to invoke the Reasonable Diligence procedure, Principal Academic Units should note the advisability, where possible, of reporting any recommendations for withdrawal to the University Progress and Awards Board no later than the fifth week of the second semester. This enables a Registered Student to lodge an appeal against the decision to be heard before the main summer examination period.

### **3. Responsibilities of Principal Academic Units**

#### 3.1 Attendance by Registered Students

- 3.1.1 Individual Principal Academic Units shall determine the requirements for satisfactory attendance of Registered Students on their programmes of study or research, subject to the University's obligations to monitor the attendance of non-EEA Registered Students in accordance with the Points-Based System, specifying contact points that have been identified for Registered Students, which may include:
  - (a) Teaching sessions, including lectures, seminars or tutorials, where a record of attendance is taken
  - (b) Laboratory or practical classes
  - (c) Field trips
  - (d) Personal tutorials
  - (e) Any other events or meetings arranged by the Principal Academic Unit in connection with the programme of study or research.
- 3.1.2 Where a non-EEA Registered Student has missed the 10 specified contact points, as determined by the Principal Academic Unit, the Principal Academic Unit will inform Academic and Student Administration, who will notify the UK Borders Agency, regardless of whether the Reasonable Diligence procedure has been invoked.

- 3.1.3 Principal Academic Units may determine that Registered Students who are late for a lecture, seminar, tutorial or laboratory class may be deemed to be absent from the session in question and may be refused admission. Principal Academic Units may also determine that Registered Students who fail to engage with a session (for example, by leaving early without completing specified tasks) may be deemed to be absent from the session. Persistent lateness or failure to engage, whether or not admission is refused, may be deemed to be unsatisfactory progress.
- 3.2 Academic Progress of Registered Students
- 3.2.1 Individual Principal Academic Units shall determine the requirements for the satisfactory academic progress of Registered Students on their programmes of study or research, which may include.
- (a) Completion and submission of academic work for assessment or comment.
  - (b) Attendance of examinations, tests or other forms of assessment.
  - (c) Regular reports on academic progress
  - (d) Progression of research and cooperation with the appointed research supervisor(s).
- 3.3 Monitoring Attendance and Academic Progress
- 3.3.1 Principal Academic Units must take appropriate steps to draw attention to the need for Registered Students to demonstrate reasonable diligence by achieving satisfactory attendance and academic progress with regard to their programme of study or research. Such notification should also indicate that failure to show reasonable diligence may result in the imposition of penalties and sanctions, as set out in this Code of Practice. Principal Academic Units should also ensure that Registered Students are aware of the sources of advice and support available to them both from the University and the Birmingham University Guild of Students. The form of publication may include:
- (a) The handbook for the programme of study or research.
  - (b) Notice boards and websites controlled by the Principal Academic Unit.
  - (c) Seminars, tutorials or other meetings attended by Registered Students when they commence study on a module or programme of study or research.
- 3.3.2 Principal Academic Units must have in place effective systems for continuously monitoring and recording the attendance, academic progress and work submitted by Registered Students throughout the academic year. If such monitoring and recording is not undertaken, then it cannot be the basis for proceedings against a Registered Student. In the case of Joint Honours programmes of study, the lead responsibility for undertaking such monitoring and recording resides with the Principal Academic Unit taking primary responsibility for the programme of study.
- 3.4 If a Principal Academic Unit considers that a more stringent definition of satisfactory attendance or academic progress than is provided by Section 7.8.1 (c) of the University Regulations is appropriate, either in relation to particular modules or to a programme of study or research, then this must be clearly set out in the relevant module description and/or programme specification. For example, it may be appropriate to have stricter definitions in the following circumstances:

- (a) Where group assessments are included in the module and/or programme of study or research, since absence and/or unsatisfactory academic performance could prejudice the performance of other Registered Students.
  - (b) Where there are health and safety considerations.
  - (c) Where the attainment of core knowledge is essential for later study on the module and/or programme of study or research.
  - (d) Where attendance and satisfactory academic progress is a requirement of a professional, statutory or regulatory body.
  - (e) Where a satisfactory level of professional competence in interacting with others is a requirement of the programme of study or research.
- 3.5 Principal Academic Units should note that evidence of the information provided to Registered Students in respect of attendance and reasonable diligence may be required in any subsequent proceedings that may arise in accordance with this Code of Practice.
- 3.6 Where Principal Academic Units offer modules to Registered Students from other Principal Academic Units, the Registered Student's 'home' Principal Academic Unit should be informed immediately by other Principal Academic Units if there are concerns that a Registered Student is failing to show reasonable diligence with respect to their attendance and academic progress on the module(s).
- 3.7 The initial decision to recommend that a Registered Student is deemed not to be showing reasonable diligence having regard to attendance or by virtue of unsatisfactory academic performance, resides with the Registered Student's Principal Academic Unit. Accordingly, a Principal Academic Unit must consider whether, in relation to their modules and programmes, a Registered Student's failure to show reasonable diligence is consistent with University Regulation 7.8.1 (c), as may be modified by clause 3.4 above, as appropriate.
- 3.8 For Registered Students on postgraduate research programmes, the initial decision to record that a Registered Student is deemed not to be showing reasonable diligence rests with the Principal Academic Unit and will also be made with reference to the Code of Practice on Supervision and Monitoring of Progress of Research Students.
- 4. The Initial Stage**
- 4.1 Any Registered Student whose attendance and/or academic progress, having been monitored by the Principal Academic Unit, is deemed to be a cause of concern should be informally warned at an early stage, in accordance with clauses 3.7 and 3.8 above.
- 4.2 The reasonable diligence procedure is a serious matter but, in the first instance, lack of reasonable diligence may be dealt with by the Principal Academic Unit on a more informal basis.
- (a) Where a Registered Student does not appear to be showing reasonable diligence towards their programme of study or research, the Principal Academic Unit should write to the Registered Student to request that they attend an interview with their personal tutor, research supervisor or an other academic member of staff determined by the Principal Academic Unit, in order to discuss and/or review the options available to retrieve the situation. For example, submitting mitigation or applying for leave of absence. Where a Registered Student has decided that they

wish to withdraw from their programme of study or research, either temporarily or permanently, they are required to complete the relevant forms and return them to Academic and Student Administration.

- (b) The Registered Student will have 5 working days to respond to the letter from the Principal Academic Unit and to arrange an appointment to see their personal tutor, research supervisor or other academic member of staff. This meeting is also an opportunity for the Registered Student to indicate any circumstances that have had an adverse effect on their reasonable diligence with regard to their programme of study or research.
- (c) The Registered Student may request that they be accompanied to the meeting by a friend. However, such attendance by a friend is at the discretion of the Registered Student's personal tutor, research supervisor or other academic member of staff, who will have been notified in advance of the Registered Student's request to be accompanied by a friend, and has agreed to this.
- (d) A note of the informal meeting shall be prepared by the Principal Academic Unit setting out any action that the Registered Student is required to take to achieve reasonable diligence. Evidence of this note will be required if the Principal Academic Unit subsequently decides that the Registered Student has not taken such action and that the case should be referred to the Board of Examiners (Section 5 of this Code of Practice). A copy of this note, which may be in the form of an email, will be sent to the Registered Student.
- (e) If, following the informal meeting, the Principal Academic Unit judges that the Registered Student's attendance or academic progress continues to be unsatisfactory and that the action identified for improvement at the informal meeting has not been complied with, the Head of the Principal Academic Unit (or nominee) will send a formal written warning to the Registered Student that clearly sets out the requirements and timescales for improved performance, as determined by the Principal Academic Unit.
- (f) The Principal Academic Unit will refer the case of the Registered Student for consideration by the Board of Examiners under Section 5 below, if:
  - (i) The Registered Student has not arranged a meeting with personal tutor, research supervisor or other academic member of staff as set out in clauses 4.1 (a) and (b) above.
  - (ii) The Registered Student has not complied with the requirements and timescales for improvement following the formal written warning, as set out in clause 4.1(e) above.

## **5. Boards of Examiners**

### **5.1 Boards of Examiners**

- 5.1.1 The Board of Examiners for the Registered Student's programme of study or research will be convened or, if no meeting is possible or scheduled, the Chair of the Board may take Chair's action, consulting as appropriate, and according to the procedure specified in the Board's Terms of Reference.

## 5.2 Decisions of the Board of Examiners

If the Board of Examiners decides to impose a penalty, it shall ensure that the penalty is proportionate to the Registered Student's failure to show reasonable diligence and may be adjusted in the light of individual circumstances. The possible decisions are as follows:

- (a) To require the Registered Student to withdraw from the programme of study or research.
- (b) To require the Registered Student to continue on the programme of study or research, subject to such requirements of an academic nature as may be imposed. Failure to follow these requirements will result in immediate referral again to the Board of Examiners.
- (c) To permit the Registered Student to continue on the programme of study or research unconditionally.

## 6. **University Progress and Awards Board**

6.1 The decisions of the Boards of Examiners take the form of recommendations to the University's Progress and Awards Board. It is the role of the Progress and Awards Board to ensure that these recommendations have been made in accordance with the University's Regulations and relevant Codes of Practice, as set out in clause 1.3 above.

6.2 If a procedural irregularity has occurred during the proceedings of the Board of Examiners, or if a decision has been made contrary to Regulations, the Progress and Awards Board will decide the case. If the Progress and Awards Board conclude that a procedural irregularity has occurred, it will advise the Head of the Principal Academic Unit and the Board of Examiner's decision be reviewed by the Progress and Awards Board.

6.3 If the Progress and Awards Board is satisfied that appropriate procedures have been followed by the Principal Academic Unit, it will ratify the Board of Examiner's decision. The relevant Board of Examiners will be notified of the decision and the following actions taken:

- (i) Academic and Student Administration will write to the Registered Student to notify them of Progress and Award Board's decision and their right of appeal. This letter, which will normally be sent within five working days, will be sent to the address or addresses held for the Registered Student by Academic and Student Administration, and will also be copied to the Principal Academic Unit.
- (ii) Where the decision is that the Registered Student should be withdrawn, this be done by Academic and Student Administration and it will be noted on the Registered Student's record that the reason for withdrawal was academic failure due to the Registered Student not showing reasonable diligence with respect to their programme of study or research.
- (iii) If the Registered Student does not submit a primary appeal by the stated deadline, or if a primary appeal is submitted and rejected, Academic and Student Administration will write to the following to notify them of the Registered Student's withdrawal from their programme of study or research:
  - The Registered Student's local education authority
  - The Student Loan Company

- The Registered Student's funding council (in the case of postgraduate research students)
- The UK Border Agency (in the case of non-EEA students)

6.4 All warnings and sanctions will remain on the Registered Student's student record throughout their academic career and are carried forward from year-to-year and in the event of a transfer between programmes of study or research.

6.5 In order to monitor the implementation of the requirements to show reasonable diligence across the University, the Progress and Awards Board will receive an annual report from Academic and Student Administration that summarises the cases heard under this Code of Practice.

## **7. The Right of Appeal**

7.1 A Registered Student may appeal against the decision of the University Progress and Awards Board upon one or more of the following grounds:

- (a) That there was a material irregularity or failure in procedure or unfair discrimination which rendered the process leading to the initial decision unfair.
- (b) That mitigating evidence is now available that the student could not reasonably have been expected to produce at the time of the initial decision and which casts substantial doubt upon the appropriateness of that decision.
- (c) That the nature of the Board of Examiner's decision was disproportionate.

7.2 The appeal should be made within 10 working days of the notification of the decision of the Progress and Awards Board, in accordance with the Code of Practice on Primary Appeals, a copy of which will be sent to the Registered Student together with the letter from Academic and Student Administration conveying the Progress and Award Board's decision.

