

GUIDELINES FOR THE EXERCISE OF DISCRETION BY COURSE CONVENERS WHEN GRANTING CONCESSIONS FOR ACADEMIC OBLIGATIONS OF STUDENTS

Background and Context

The granting of concessions for academic obligations of students before the stage of final examinations is an administrative necessity. It is a well-established and reasonable practice that course conveners, as part of their duties, bear this responsibility and authority, and it follows logically that they must be accountable for their decisions. The objectives of the exercise of authority must be procedural fairness, consistency, rationality, and equity. Almost all such exercises of authority draw no comment, being done according to accepted rules and practices, generally in line with the types of decisions taken by the Deferred Examinations Committee of the university in regard to similar applications made in respect of final examinations.

However, from time to time, such decisions provoke limited or even widespread attention and controversy. This may arise for a number of reasons, and academic departments and faculties may put systems in place to minimise the possibility of such controversy, as well as attempts by students to gain as much leeway from an individual course convener as possible. Thus it is that all such decisions in the Faculty of Law are centralised in the office of the Dean, so that there can be a degree of consistency, and so that the course convener not experience too much direct pressure from the student. Other models apply across the university. The guidelines set out below seek not to straitjacket but rather to assist course conveners by providing a framework within which they may make their decisions.

Any academic assessment (whether it is a class test, essay, assignment or the like) that counts towards a final mark is deemed an examination in terms of the rules on examinations. Only the final exam falls to the Senate Deferred Examinations Committee (DEC). The deferment of a class test falls to the convener, and one would expect that the same grounds as set out in the general rules, and used by the DEC, would be the basis for a deferment of a class test.

The relevant parts of Handbook 3 provide the context in which the discretion of course conveners is exercised in granting concessions for academic obligations of students. They prescribe as follows (side notes excluded, non-relevant text omission indicated by use of *****):

RULES FOR DEGREES, DIPLOMAS AND CERTIFICATES

G20.1 The University examination sessions are held towards the end of the first and second semesters in each year. Supplementary and deferred examinations are normally held in January but may, in certain cases, be held at another time agreed to by the departments concerned.

NOTE: Students who have religious objections to writing class tests on particular days during the year should notify the lecturers concerned of the days in question as soon as possible after the beginning of the academic year. In the case of this occurring in relation to formal examinations see G28.2. Senate does not undertake to reschedule tests to accommodate religious observances. See also “Rules on Conduct for Students” in this handbook.

G20.2 All tests and other forms of assessment, whether written or oral, where the result of the test or assessment contributes to the final result, are examinations for the purposes of these

rules with the exception of rule G27 (Deferred final examinations) which applies only to final examinations.

Deferred final examinations

G27.1 Senate may allow a student to write a deferred examination where he or she is unable to write a final examination for medical reasons, or has religious objections, or political objections, or other good cause for not writing on the scheduled day or days.

The granting of this permission is entirely at the discretion of Senate, irrespective of the grounds (including medical) on which the application is made.

.....
Text omitted

Deferred examinations for reasons of illness or other good cause

G28.1 The following rules apply:

(a) A student who by reason of illness before, at the time of, or during an examination, or a recurring medical complaint, or a history of illness, or a physical disability, or other good cause has been, or will be, unable to take an examination, may apply for permission to take a deferred examination.

(c) The production of a medical certificate will not necessarily be sufficient to secure the granting of a deferred examination.

.....
(e) A recurring medical complaint or a history of illness, or a physical disability will only be considered if the student has reported the complaint, the history, or the disability to the Student Wellness Services at least three weeks before the day scheduled date of the examination concerned and has satisfied the Student Wellness Service that every effort is being made to avert a recurrence of the complaint or illness, or overcome the disability.

(f) Illness, or unfitness to take an examination, caused by taking drugs of any kind except on the advice of a medical practitioner, may be rejected as grounds for the granting of a deferred examination.

(g) A serious illness or the death of a near relative at the time of an examination may be accepted as good cause.

(h) A period of suspension, resulting from an order by the Vice-Chancellor or nominee in terms of rule DJP3, may be accepted as good cause if:

(i) Senate finds that the student's preparation for, *suspension* or the writing of, the examination has been materially hindered by the suspension; and

(ii) the student is not charged with any offence, or

(iii) the student is charged and is acquitted, or found guilty of a lesser offence than charged for which, in the view of Senate, a suspension order would not have been justified.

Deferred examinations on grounds of religious objections

G28.2 The following rules exist:

(a) A student who objects on religious grounds to taking an examination on the day specified in the examination timetable, may apply for permission to take a deferred examination.

(b) Any such application must be submitted on the prescribed form (obtainable at the Student Records Office/UCT website), not later than seven days after the final examination timetable is published.

(c) Any such application must be supported by: a certificate from the student's minister of religion confirming that he or she is an observing member of the minister's congregation and that his or her religious convictions prevent him or her from taking an examination on the day, or days in question; and a certificate from the head of department that the head of department has been consulted and informed of the application.

Deferred examinations on grounds of political objections

G28.3 The following rules exist:

(a) A student who, in exceptional circumstances objects on grounds of political conviction or conscience to taking an examination on the day specified in the examination timetable may apply for permission to take a deferred examination.

(b) Any such application must be submitted on the prescribed form (obtainable from the Student Records Office/UCT website) not later than ten days before the examination.

(c) Any such application must be supported by a statement showing why he or she believes there are exceptional circumstances, and why him or her, objects to taking the examination on the day, or days, in question.

In addition, in terms of rule G 27.2:

"The V-C may of his or her own accord, or on the recommendation of a Dean or the Registrar, review any decision made under Senate delegated authority where no appeal has been lodged if he or she has reason to believe the decision made (is) substantially unfair or unreasonable."

Thus the VC has the authority to review and remedy any decision made by a course convener, and this authority may be expressly delegated to a dean or an HoD.

Guidelines

From what is set out above, it seems logical that any guidelines adopted by Senate for deferred exams should directly inform how conveners deal with granting any concession to a student in regard to academic commitments and assessments, such as deferring class tests. So it is clear from the rules set out above that the typical concession would be granted on medical/ health grounds, on grounds of religious or political objections, or for compassionate reasons. Any such application must be substantiated in an appropriate manner as also provided for in the rules, so doctors' certificates in the case of illness, and death certificates in the case of compassionate leave to attend a funeral of a close family member or friend are typically required.

Difficulties may arise in regard to the additional ground of “good cause”, because the interpretation may well be flexible, depending on the context and the view of those exercising the discretion. Such flexibility is probably necessary, given the myriad of possible reasons why a concession might be sought. However, it is clear that the nature of the cause must be related to the type of ground listed in the rules, and that any expansion beyond those examples would have to be justified objectively. So, for example, it may be good cause that a student has been selected to participate in a sporting, debating, or musical event as representative of the university or a similar external grouping, and this may justify granting a concession in respect of an academic obligation which clashes directly with such event. Typically, however, attendance at such an event as a spectator would not justify such a concession.

To avoid allegations of undue subjectivity entering into the decision-making process, it is proposed that each academic department weigh up the necessity for instituting a mechanism and a process for facilitating a monitoring and review of all concessions granted for “good cause”, beyond the established and named grounds set out above. If this is deemed necessary, then such steps should be taken as a matter of some urgency, for implementation from the beginning of 2018. The following draft may be useful as a template for the consideration of each faculty/department. Deans are urged to discuss this matter with their heads of department, and to draft and adopt an appropriate version to suit their specific circumstances.

DRAFT PROPOSAL

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Any academic assessment (whether it is a class test, essay, assignment, or the like) that counts towards a final mark is deemed an examination in terms of the rules on examinations. Although decisions on the final exam lie with the Senate Deferred Examinations Committee, the deferment of a class test or extension to a hand-in date is the responsibility of the course convener. However, the basis for any decision must align with general rules of the Senate Deferred Examination Committee.

Thus, for example, a concession would likely be granted on medical grounds, compassion, on grounds of religious or political reasons. Any such application must be substantiated in an appropriate manner: doctor’s certificates in the case of illness, a death certificate in the case of compassionate leave to attend a funeral of a close family member, a letter from a religious leader, and so on.

*The rules also allow concessions based on “good cause”. This may cause difficulties, because the interpretation of “good cause” is flexible, depending on the context and the view of those exercising discretion. Flexibility is necessary, given the myriad possible reasons for seeking a concession. However, it is clear that any such concession must be on a basis **similar to the other grounds listed in the rules, and that any expansion beyond such cases would have to be justified objectively**. So, for example, it may be “good cause” that a student has been selected to participate in a UCT, national or provincial sporting/cultural/academic event; but not if the participation is at local club level. Attendance at an event as a spectator does not justify a concession, nor would social activities.*

To avoid allegations of undue subjectivity in the decision-making process and to ensure consistency, all concessions within a department in the XXXX Faculty (whether approved or not by the course convener) must be signed off at Head of Department level, with appeals directed to the Deputy Dean, Undergraduate. The latter may also be contacted for advice should the HoD feel it necessary, where there is doubt as to whether the reason for the concession sought amounts to “good cause”.