

**A PRELIMINARY PERSPECTIVE ON THE OFFICE
OF THE VICE-CHANCELLOR AND APPEALS
RELATED TO EXCLUSIONS AND ADMISSIONS**

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1. During the past eight months a number of appeals against academic exclusion, and for admission in general or to particular degree programmes (as well as for the lifting of 'academic probation', 'special exams', the granting of a 'special dispensation, and the like) have been addressed to the Vice-Chancellor by parents and students (who have in one or other way either failed to comply with our academic requirements).

Some of these appeals have been made directly to the Vice-Chancellor by parents, students and emissaries. Others have been directed to the Vice-Chancellor by the Registrar. In all cases, the appeals have been addressed to the Vice-Chancellor following a decision by the Head of Department and/or Dean.

2. This short paper is an attempt to clarify my/our thinking on and approach to this matter and invites your views on the matter.
3. In my view, a number of issues are in play here:
 - Academic freedom, Faculty and Departmental autonomy (a variation of institutional autonomy), and academic-self rule around issues of curriculum, learning and teaching, and assessment
 - University policies, rules and regulations, and sometimes particular Faculty and Departmental rules and regulations
 - Administrative justice
 - Equitable (fair and just) treatment of all students
 - Application of the mind to the particulars of a case
 - Understanding
 - Reason informed by experience, and
 - 'Good' judgement.
4. Early on in my tenure, following an appeal by a Pharmacy student I indicated that the exclusion of students was a matter of decision by the Head of Department and/or Dean.

It was agreed that:

- Appeals around exclusions would be considered by the Registrar (by delegation from the Vice-Chancellor) and the relevant Dean. If necessary, the view of another Dean would be canvassed
- The decision would essentially be that of the Dean in consultation with the Registrar, with formal communication to the student by the Registrar.

- Where necessitated by insistent parents and/or students the Vice-Chancellor would meet with parents/students; would in consultation with the Head of Department and/or Dean apply his mind to the appeal; but would ultimately adhere to the decision of the Head of Department and/or Dean and would communicate the decision to the parent/student.
5. Towards the end of the year, in the case of the Acres (Politics 3) appeal, this was the procedure used, a confirmation of the previous agreed procedure.
 6. In my view this agreed procedure is both appropriate and defensible.

At Rhodes the Chairpersonship of the University Senate - the highest academic decision-making authority in the University - by the Vice-Chancellor implicitly recognises the Vice-Chancellor as an academic peer. (It is my view that at a University where the Vice-Chancellor is not an academic, the Chairpersonship of the University Senate should be conferred on a senior academic – but that is another matter!).

Notwithstanding that the Vice-Chancellor enjoys delegated authority by Senate between meetings of the University Senate this does not confer on the Vice-Chancellor unfettered power and authority.

Such authority must be exercised in a way that is deeply respectful of, nurtures, and cultivates academic freedom, Faculty and Departmental autonomy, and academic-self rule.

Of course, the appeals that are directed at the Vice-Chancellor, whether by parents/students, or other Offices in the University, requires the Vice-Chancellor, both as the ‘Chief Executive’ and an academic peer to also apply his mind to issues of policies, rules and regulations; administrative justice; equitable treatment of students; the particulars of a case, and to exercise reason informed by experience, understanding and good judgement. Not doing so would reduce the Vice-Chancellor to a mere ‘rubber-stamp’ of decisions taken by others and would also constitute a violation of administrative justice

Conducted in this way, the agreed procedure on appeals against exclusions (and by extension appeals related to academic probation and the like) is not an abdication of responsibility by the Vice-Chancellor, but a principled, appropriate, defensible, and pragmatic (given the number of appeals) way of dealing with appeals.

7. What about appeals, either directly by prospective parents and students, or indirectly through emissaries or Offices within the University, to the Vice Chancellor for admission in general or to particular degree programmes.

In my view, there is no difference, in principle, between appeals against exclusion and appeals for admission in general or to particular degree programmes.

To my mind, the same issues and considerations related to exclusions apply with respect to admissions, and the standing agreed procedure on appeals against

exclusions is a principled and appropriate way of dealing also with appeals for admission.

8. In summary with respect to appeals against exclusions, for lifting of academic probation, for 'special dispensations' and for admission, the logic of the foregoing is:

- It is necessary for the Vice-Chancellor to occasionally meet with parents, students and emissaries regarding their appeals, and to consider appeals that may be directed by other Offices in the University

This provides the (new) Vice-Chancellor the opportunity to usefully become familiar with the nature and circumstances of appeals, and to also determine whether there may be issues that may need consideration

- The Vice-Chancellor will duly apply his mind to appeals guided by University policies, rules and regulations; administrative justice; equitable treatment of students; the particulars of a case; reason informed by experience, understanding and good judgement, and in consultation with the Head of Department and/or Dean
- The Vice-Chancellor will always exercise authority in a manner that is deeply respectful of, nurtures, and cultivates academic freedom, Faculty and Departmental autonomy, and academic-self rule
- The Vice-Chancellor will ultimately adhere to the decision of the Head of Department and/or Dean and will communicate the decision to the parent, student, emissary or relevant Office in the University
- In the event that there is a difference in views between the Head of Department and the relevant Dean, the matter will be referred to another Dean for decision.