

SDT Assessment Event: Case Studies

Case Study 3

11, Brown Avenue
Glasgow

29 September 2003

Dear Mr Justman

Examination Board of Studies, Appeal

I am writing to appeal against a Fail grade awarded to me for 26001, Italian 3, (Italian literature, paper 3) in the August 2003 diet of exams. I am asking that this grade may be changed to a Pass, or, at the very least, that my previous attempt be discounted, and my next attempt be considered as my second attempt. (I previously failed this exam in May 2003.)

The main ground of the appeal is medical. I have had anxiety and depression for approximately 18 months, and have been receiving regular medication during that time. In April 2003, it came to light that I had been issued the wrong medication, and had been taking this for about two weeks. This adversely affected my performance in the Italian oral exam. I submitted a medical certificate to Silvio Berlusconi (Italian Department, acting Head), explaining the mix up in my medication. I did pass the oral exam, but only just, and even if I had not been adversely affected by medication, my anxiety and associated panic attacks were such as to make the experience quite horrendous. The departmental secretary was aware of how upset I was before the exam, and I told her while I was waiting for the oral that I was being treated for anxiety and depression. I am disappointed that she did not at that time direct me to any of the

sources of help within the University. If I had had access to good advice, then I would have sought consideration in relation to the May exams diet, such as additional examination time, which I think was justified on the grounds of the adverse effect on my concentration from medication.

In relation to the Disability Discrimination Act Part IV, I would say that this amounts to a failure to make reasonable adjustments following my disclosure to the institution of my medical condition. Not only did I disclose through the medical certificate, but I also explicitly outlined my medical circumstances to a part-time member of staff, Francesca Caferri, almost a year ago. She also failed to outline institutional sources of assistance, or the possibilities of alternative exam arrangements. I have searched the Italian Department course handbook, and nowhere does it say that disabled students can have additional exam time, or what they need to do in order to access this arrangement. I am aware that because of my ill health, I did not manage to attend some of the introductory lectures, and it may be that information about exam arrangements was given out then. But I think that you should back this up with information in the handbook.

I am submitting new medical evidence, and wish to explain the reasons behind my failure to submit this at an earlier date. The new evidence clarifies how my performance at all exams in May and August, and other assignments, were adversely affected. Although I achieved a Pass in other subjects, I feel that I did not do myself justice in any exams.

I would like to have had the opportunity to discuss my medical difficulties with an academic adviser. However, in the academic year 2001/2, my allocated adviser, Howard Dalton, was on sabbatical leave. When I asked what I should do in this situation, I was ridiculed in class by Prof Berlusconi, who said, 'Patrick is in third year, and still

needs an adviser!' This discouraged me from talking to any other staff members about my medical condition.

In conclusion, I feel that I have been let down by the institution. I was not given appropriate direction towards help by the Italian Department. Even when the circumstances of my condition were made known, the institution failed to provide appropriate assistive measures.

I note on the University web-site that students can expect to hear the outcome of appeals within 3 weeks of the Board meeting. Again with reference to my mental health condition, I would ask you to note that this, in my case, would amount to less favourable treatment, since my anxiety levels are already considerable. Would you please therefore give me feedback on your decision within a maximum of one week.

Patrick Paterson
Student number: 1999007007

DISCUSSION POINTS.

According to the Act, discrimination can occur in two ways:

- When a responsible body treats a disabled person **less favourably**, for a reason relating to the person's disability, than it treats (or would treat) a person to whom that reason does not, or would not, apply and that treatment cannot be **justified**.
- When a responsible body fails to make a **reasonable adjustment** when a disabled student is placed, or likely to be placed, at a **substantial disadvantage** in comparison with a person who is not disabled.

Assume that the student's claims are factually correct.

- Has the student been treated unjustifiably less favourably? Did the University fail to make any reasonable adjustments?
- What changes, if any, should the University make to its examination and assessment practices or associated procedures?

Assume now that the student progresses into the next academic year, with further language oral and written examinations.

- What adjustments should be made to how he is assessed in future? What adjustments should not be made?
- Who should be involved in taking decisions about adjustments to Patrick's examinations? What support, training or other resources will be needed for adjustments to be devised and implemented?