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Academic Regulations

Academic Appeals

Section 9

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Section 9

Appeals

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Section 9: Academic Appeals

9.1 Purpose

This section of the Academic Regulations makes provision for students who have valid grounds to appeal against the decision of Module Boards, Progression and Award Boards, Research Degrees Sub-Committee or Academic Misconduct Board. The section sets out students' rights and responsibilities in the Appeal Process, how the University will deal with student requests for an appeal hearing, and possible outcomes of the process.

9.2 Student Rights and Responsibilities

Scope of the Appeals Regulations

9.2.1 Student academic outcomes are determined by:

- Module Boards;
- Progression and Award Boards;
- Research Degrees Sub-Committee;
- Appeal Panels; or
- Academic Misconduct Board (withdrawal only, see section 10, Academic Integrity)

acting in accordance with the Academic Regulations of the University.

9.2.2 Appeals against the decision of Module Boards, Progression and Award Boards, Research Degrees Sub-Committee or Academic Misconduct Board will be permitted where the University has agreed that there are valid grounds for such an appeal.

9.2.3 An individual or group of students seeking redress in respect of a grievance relating to their position as student(s) of the University, should invoke the Student Complaints Procedure. The outcome of the Student Complaints Procedure may provide grounds for appeal, either in itself or in association with other factors. Where any student who has invoked the Student Complaints Procedure lodges a Request for an Appeal Hearing before the Complaints Procedure has been concluded, the Appeal process will take precedence on account of its significance for the determination of progression or award.

Student Rights

- 9.2.4 All students have the right to seek an Appeal Hearing to reconsider a decision of a Module Boards, Progression and Award Boards, Research Degrees Sub-Committee or Academic Misconduct Board acting in accordance with the academic regulations of the University without risk of disadvantage. Appeal Hearings may only proceed where the University has agreed that there are valid grounds for the appeal. [See Section 9.3 below].
- 9.2.5 The University will accept a request for an appeal hearing from students collectively. The Group may elect a spokesperson to liaise with the University on behalf of the group or communicate individually. In both cases the University will ensure communication is maintained with all members of the group to ensure the request fairly represents the views of all members of the group.
- 9.2.6 Students have the right to be accompanied and/or represented at all stages of the process provided that the companion or representative is not a professionally contracted advocate (with the exception of Staff of the Students' Union).
- 9.2.7 Students have the right to full information on the regulations and procedures in respect of Appeals; and to advice on their nature and operation.
- 9.2.8 A student whose case is under consideration within these regulations and procedures has the right to continue with his or her studies, subject to regulation 9.2.13 below.

Student Responsibilities

- 9.2.9 It is the responsibility of a student to draw to the attention of the University any factors which they consider may have adversely affected their performance in assessments. This should be done as soon as possible in order that any due remedial action within the University Academic Regulations may be taken. Failure to seek remedial action or otherwise draw the attention of the University to relevant circumstances may lead to the rejection of a Request for an Appeal Hearing. This is particularly the case in respect of:
- perceived deficiencies in the management of a course
 - disclosure of extenuating circumstances.

[Further details of this are found in Section 9.3 below].

9.2.10 It is the responsibility of the student to:

- ascertain his or her assessment outcomes
- submit all documentation required in respect of the appeal process
- submit any evidence connected with the appeal process
- arrange for accompaniment or representation (if required)
- provide accurate details of contact address, e-mail address (if available) and telephone number.

Information, Advice and Guidance on the Appeals Process

9.2.11 The University will make full information on these regulations and procedures available to students. This information to students will also identify sources of University advice to students on these regulations and their operation. This advice will be limited to advice on the requirements and operation of the regulations and procedures and will not extend to assistance with the preparation of a Request for an Appeal Hearing which remains the responsibility of the individual student; or to assistance with any Appeal Hearing.

9.2.12 A student who is considering seeking an appeal hearing is strongly advised to contact the Students Union. Staff of the Students Union are able to give advice on the regulations and their operation. They may also assist with the identification and framing of the grounds on which the appeal is sought; and/or advise or represent the student during any subsequent Appeal Hearing.

9.2.13 A student whose case is under consideration within these regulations and procedures normally shall have the right to continue with his or her studies until such time as a final decision is reached, unless this conflicts with requirements in respect of professional practice. The determination of the requirements of professional practice will be taken by the relevant Dean of School (or nominee) on the advice of appropriate members of staff. The right to continue studies is intended to ensure that a student whose appeal is successful is not academically disadvantaged. Accordingly:

- it shall not be interpreted as acceptance of the student on a subsequent level of the course of study; and
- satisfactory progress during such attendance is not admissible as evidence in any stage of the appeal process.

This right shall not apply to any student whose fees, charges and other debts have not been paid within the academic session in which the debts were incurred, or the period

of the course of study. The University Secretary's Office will make the administrative arrangements necessary to ensure that the student's formal status is appropriate for this purpose.

Meeting Expenses Incurred through Appeal

9.2.14 Subject to the limits below, the University will meet reasonable and proportionate expenses necessarily incurred by:

- any appellant; and
- one accompanying person where the student would otherwise be attending the appeal alone.

The University will require appropriate documentary evidence, including receipts, in support of all such expenses.

The University will not meet, and is not liable for, the following:

- expenses incurred by an appellant who fails to attend a hearing
- travel expenses of an accompanying person travelling from outside the UK
- costs of legal advice
- expenses of any Officer of the Students Union
- expenses of any friend of the appellant, where the appellant is accompanied or represented by the Students Union.

The University Secretary will make a decision, which shall be final, in respect of a dispute over:

- the legitimacy of a specified expense
- the amount claimed
- the validity of supporting evidence.

9.3 Grounds for Appeal

9.3.1 Permission for an Appeal Hearing against a decision of a Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board acting in accordance with the academic regulations of the University will only be granted where a student can show valid grounds for such an appeal.

9.3.2 It is the student's responsibility to provide the University with sufficient information for a decision on acceptance or rejection of grounds for appeal to be made. The evidence which it is intended to submit need not necessarily be included in the

Request for an Appeal Hearing, but the nature of such evidence needs to be identified. The submission of evidence must take place within 5 working days of the appeal request being submitted.

Academic Judgement

9.3.3 Disagreement with the academic judgement of a Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board cannot, in itself, constitute a valid ground for appeal. The Appeal process within the University may result in an amendment to the decisions of a Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board. Where this is the case, it should be clearly understood that this is not a review of the soundness of the original academic judgement made in respect of the assessment or assessments in question. An amendment to a decision of a Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board is a recognition that, while extraneous or more recently disclosed circumstances make it appropriate to change the final decision in respect of a student, the integrity and soundness of the initial academic judgement itself is not thereby questioned.

Valid Grounds for Appeal – Taught Undergraduate and Postgraduate Courses

9.3.4 There are 4 categories of valid grounds for appeal. These are:

- computational error
- material procedural or administrative error
- course management deficiencies
- extenuating circumstances, which, for valid reasons, were not previously disclosed.

Further information on each of these grounds can be found below.

Computational Error

9.3.5 A student who has reason to believe that a computational error has been made in respect of their results, should lodge a Request for an Appeal Hearing, stating:

- the reasons for the belief that a computational error has taken place
- what they think the computation should have been and why.

The University Secretary's Office will raise the query with the School/Partner concerned. If the belief is found to be correct, appropriate action to rectify the matter

will be taken by the Dean of School (or nominee); the student notified of this; and the matter deemed to be concluded informally without the need for an Appeal Hearing. If the School/Partner maintains the computation is correct, and the student does not accept this view, the matter will proceed to appeal.

Material Procedural or Administrative Error

9.3.6 An Appeal Hearing on the grounds of material procedural or administrative error might arise in relation to concerns about:

- the conduct of assessments or examinations
- the proceedings of the Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board.

A student who has reason to believe that a material procedural or administrative error has been made, should lodge a Request for an Appeal Hearing, stating:

- details of the procedural or administrative error which they believe has occurred
- in what way this was material to the determination of their results
- in what way they feel disadvantaged on account of this alleged error
- what evidence there is of the error, and, if available, evidence of adverse consequences of it.

Course Management Deficiencies

9.3.7 The University expects that students will seek to have any perceived deficiencies in the management of the course of study rectified through the available mechanisms or procedures at the time when they were thought to have occurred.

A student seeking an Appeal Hearing on the grounds of material deficiencies in the management of a course, or any component of a course, should lodge a Request for an Appeal Hearing stating:

- details of the alleged deficiencies
- the time when they took place
- in what way these deficiencies were material to the determination of his or her results
- in what way they feel disadvantaged on account of this alleged irregularity
- what action the student took to have these deficiencies rectified and the outcome of this
- or (as relevant)

- why the student did not seek to rectify the deficiencies through course mechanisms or other University procedures.

Permission for an Appeal Hearing to take place on the grounds of course management deficiencies will be granted only where the student can show one of the following:

- the mechanisms available within the management of the course were not made available to them
- that the mechanisms did not remedy the deficiencies
- that there were valid reasons why they did not use these mechanisms
- that there were valid reasons why the concern was not raised through other University procedures.

Previously Undisclosed Extenuating Circumstances

9.3.8 The University expects that any extenuating circumstances which a student wishes to have taken into account are disclosed prior to the meeting of a Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board acting in accordance with the academic regulations of the University. For extenuating circumstances to be considered at an Appeal Hearing, evidence needs to be produced by the student showing that they were:

- unable to do this;
or
- for valid reasons, unwilling to do this.

Simple unwillingness to disclose personal circumstances is insufficient for permission for an Appeal Hearing to be given on these grounds. For a claim of valid reasons for non-disclosure to be accepted, it is normally expected that

- the circumstances themselves were exceptionally serious, or had an exceptionally serious impact on the student's academic performance;
- *and*
- there were substantial and grave reasons why the student was unwilling to disclose them.

A student who seeks an Appeal Hearing on the grounds that previously undisclosed extenuating circumstances have adversely affected their results, should lodge a Request for an Appeal Hearing stating:

- the nature of the extenuating circumstances

- evidence of the extenuating circumstances
- the reasons why they were unable to submit these prior to the meeting of the Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board , and evidence of the reasons
- or (as relevant)
- the reasons why they were unwilling to do this, and any supporting evidence for this claim.

Valid grounds for Appeal – Research Students

9.3.9 The principles for considering appeal requests from research students are the same as those for undergraduate students. However, the grounds available for appeal, the constitution of the Research Appeal Panel and role of the Research Degrees Sub-Committee reflect key differences between undergraduate and postgraduate research study. The specific arrangements for research appeals are set out below.

Right of appeal

9.3.10 Research students may appeal against the following:

- A Confirmation of Registration or Progression Meeting decision
- A decision to withdraw the student from study
- An examination decision

Grounds for appeal – research students

9.3.11 Permission for an Appeal Hearing against a decision of Research Degrees Sub-Committee will only be granted where a student can show grounds for such an appeal. There are four categories of valid grounds for appeal by research students:

- Procedural irregularity
- Inadequate supervision
- Unfair or improper assessment
- Previously undisclosed extenuating circumstances

Further information about each ground is provided below.

Procedural irregularity

9.3.12 An Appeal Hearing on the ground of procedural irregularity might arise in relation to concerns about:

- The conduct of a Confirmation of Registration meeting, a Progression meeting or a viva voce examination.
- The proceedings of the Research Degrees Sub-Committee

A student who has reason to believe that a procedural irregularity has occurred should submit a Request for an Appeal stating:

- details of the procedural irregularity which they believe has occurred
- in what way this has affected the determination of their results
- in what way they believe they were disadvantaged as a result of the irregularity
- what evidence there is of the error and, if available, evidence of any adverse consequences.

Inadequate supervision

9.3.13 The University expects that research students will seek to have any perceived deficiencies in supervision rectified through the available mechanisms at the time that they were believed to have occurred.

A student seeking an Appeal Hearing on the ground of inadequate supervision should submit a Request for an Appeal Hearing stating:

- details of the alleged inadequacies
- when they occurred
- in what way these inadequacies were material to the determination of their results
- in what way they believe they have been disadvantaged by the supervision
- what action the student took to have these issues rectified and the outcome of this action

or (as relevant)

- why the student did not seek to rectify the inadequacies through the available mechanisms and University procedures.

Permission for an Appeal Hearing on the ground of inadequate supervision will only be granted where the student can show one of the following:

- the mechanisms available within the management of the research were not made available to them
- the mechanisms did not remedy the inadequacies
- there were valid reasons why they did not use these mechanisms

- there were valid reasons why the concern was not raised through other University procedures.

Unfair or improper assessment

9.3.14 Students may not challenge the academic judgement of their supervisory team, internal and external examiners or the Research Degrees Sub-Committee.

A student seeking an Appeal Hearing on the ground of unfair or improper assessment should submit a Request for an Appeal Hearing stating:

- details of when the assessment took place
- why they believe that there was unfair or improper assessment on the part of one or more of the examiners
- in what way the conduct of the assessment was material to the determination of their results.

Permission for an Appeal Hearing on this ground will only be granted where the student provides evidence of unfair or improper assessment on the part of one or more of the examiners or decision makers at assessment points leading to final examination (e.g. Confirmation of Registration, or Progression meeting).

Previously undisclosed extenuating circumstances

9.3.15 The University expects that any extenuating circumstances which a student wishes to have taken into account are disclosed prior to the meeting of the Research Degrees Sub-Committee or Academic acting in accordance with the academic regulations of the University. For extenuating circumstances to be considered at an Appeal Hearing, evidence needs to be produced by the student showing that they were:

- unable to do this;

or

- for valid reasons, unwilling to do this.

Simple unwillingness to disclose personal circumstances is insufficient for permission for an Appeal Hearing to be given on these grounds. For a claim of valid reasons for non-disclosure to be accepted, it is normally expected that

- the circumstances themselves were exceptionally serious, or had an exceptionally serious impact on the student's academic performance;

and

- there were substantial and grave reasons why the student was unwilling to disclose them.

A student who seeks an Appeal Hearing on the grounds that previously undisclosed extenuating circumstances have adversely affected their results, should lodge a Request for an Appeal Hearing stating:

- the nature of the extenuating circumstances
- evidence of the extenuating circumstances
- the reasons why they were unable to submit these prior to the meeting of the Research Degrees Sub-Committee, and evidence of the reasons or (as relevant)
- the reasons why they were unwilling to do this, and any supporting evidence for this claim.

9.4 Timescales for Appeal

9.4.1 All Requests for an Appeal Hearing should be submitted within the maximum submission time of 15 working days after the formal publication of decisions of a Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board. “Working Days” includes weekdays and vacations. Saturdays, Sundays, Bank Holidays, Customary Days, and other days when the University is closed are not working days for the purposes of these regulations.

9.4.2 The University intends to determine speedily whether there are valid grounds for seeking an Appeal Hearing; and to hold any permitted Appeal Hearing promptly. The University has developed a service standard for handling requests for an appeal hearing. The full service standard may be found in the procedures which accompany this section of the regulations. The University undertakes to endeavour to meet the timescales of the service standard, but accepts no liability for failure to do so.

9.4.3 In exceptional cases, or where it becomes apparent that an appeal is likely to be complex and protracted; or where relevant evidence cannot be speedily obtained and presented; variation of the expected timescales should be agreed between the student and the University.

9.4.4 A Request for an Appeal Hearing must be lodged with the University Secretary’s Office within 15 days as specified above. Permission for an Appeal Hearing to take place will not normally be given in respect of a request lodged outside of these timescales, and late submissions will normally be rejected as out of time, unless a student can show good and valid reasons for its late submission. The University Secretary (or nominee) has the discretion to extend the deadline for submission of the Request for an Appeal Hearing in exceptional circumstances where the student has shown serious and valid reasons for:

- the late submission
- the failure to contact the University Secretary's Office prior to the deadline.

9.5 Submission of Information and Evidence for Appeal

9.5.1 The nature of the information and evidence required in support of the appeal request is identified in Section 9.3 above. The purpose of the submission of information and evidence at this point is twofold:

- it enables the University to reach a decision on whether or not valid grounds for appeal exist;
- and, where an Appeal Hearing is granted
- it is forwarded to the School/Partner in question to enable them to prepare an Appeal Response, which will be sent to the student prior to the Appeal Hearing itself.

9.5.2 Acceptance of submissions without evidence, or indication of evidence (as appropriate) is at the discretion of the University Secretary, who will appoint a designated officer to make a decision on such submissions and notify the student accordingly. This decision is final.

9.5.3 Requests for an Appeal Hearing should also, if possible, include the names of any persons the student would hope to call as a witness at an Appeal Hearing, and the expected nature of that evidence. The University recognises that this may not be appropriate until after the student has received the Appeal Response from the School/Partner.

9.5.4 It is expected that the evidence to be used at any Appeal Hearing is either disclosed or identified at the point of submission of the request for an appeal hearing. No new *matter* (e.g. different grounds for appeal) will be permitted at the Appeal Hearing. At the discretion of the Chair of the Appeal Panel, supplementary evidence germane to the issue raised may be permitted, where this arises in reply to the Appeal Response, or for some other good reason. (See Regulation 9.11.9)

9.6 University Consideration of a Request for an Appeal Hearing

9.6.1 All appeal submissions will be acknowledged by email within three working days and the date by which a final outcome should be available will be confirmed. Students can normally expect to receive the outcome within 20 working days of submitting a request. If this is exceeded, the student will be advised and a revised deadline provided.

9.6.2 Requests for an Appeal Hearing will be considered to establish whether valid grounds exist on which an Appeal Hearing may be granted. This will be done on the basis of:

- the statements made in the Request for an Appeal Hearing; and
- the evidence submitted.

Consideration at this point concerns the establishment of the validity or otherwise of the grounds claimed for an Appeal Hearing and does not extend to any judgement on the merits of any permitted Appeal Hearing, which is a matter for the designated Appeal Panel.

The University Secretary or nominee of appropriate seniority will consider the Request for an Appeal Hearing and will decide:

- that valid grounds exist;
or
- that valid grounds do not exist.

The nominee may be a designated senior member of University staff but not from the same academic subject area as the student requesting an appeal hearing. A list of designated staff is maintained by the University Secretary's Office.

The request will be reviewed by another designated senior member of staff. This reconsideration will result in:

- an Appeal Hearing being granted;
or
- the Appeal Hearing being rejected
or
- the matter being referred for further, final, consideration

If both designated senior members of staff did not concur on the decision reached, the matter will be referred for consideration by the University Secretary (or nominee). The University Secretary (or nominee) will decide:

- that valid grounds exist, in which case an Appeal Hearing is granted at this stage
or
- that valid grounds do not exist, in which case the Request for an Appeal Hearing is rejected.

The decision of the University Secretary (or nominee) ends the process of consideration of grounds. Students may request a review of the decision to reject their request for an appeal hearing (see Section 9.7 below)

No Detriment to Academic Outcomes

9.6.3 A decision to reject an appeal shall not adversely affect a student's Academic Outcomes decided by the Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board, except in cases where it has been found that an incorrect mark or other material information has been presented to the Module Board and/or Progression and Award Board.

9.7 Informal Resolution

9.7.1 Where it has been found that valid grounds for appeal do exist, the University Secretary's Office will seek to determine whether the case may be resolved informally without the need to convene an appeal hearing.

9.7.2 Informal resolution will be sought at appropriate points in the process, including, but not exclusively following, Initial Consideration, Review of initial decision, Final consideration and upon compilation of the School Response.

The Dean or their nominee will be the point of contact for all matters relating to Informal Resolution within each School.

Where a student is not satisfied with any proposed informal resolution, the formal appeals process will be reinstated. The outcome will be notified to the student within 20 working days from the date of the rejection of the informal resolution.

9.8 Review Stage

9.8.1 Students may request a review of the decision to reject their request for an appeal hearing on the grounds of:

- procedural irregularity; and/or
- that new evidence is available which was not available at the time that the appeal request was submitted.

A Request for review must be submitted within 10 working days of the notification of the outcome of the Request for an Appeal Hearing.

Requests for review will be considered by the University Secretary or designated senior member of University staff. The designated member of staff will have no prior involvement in the case and will not be from the same academic subject area as the student.

The University Secretary or nominee of appropriate seniority will consider the Request for a Review and will decide:

- that valid grounds exist, in which case an Appeal Hearing is granted;
or
- that valid grounds do not exist, in which case the Request is rejected.

9.9 Completion of Procedures Letter and Use of the Office of the Independent Adjudicator

9.9.1 Where it is decided that no valid grounds for appeal exist following the Review Stage, the student will be notified in writing of the finding and the reasons for it, and informed that the process is now at an end. This communication will be a formal “Completion of Procedures” letter for the purposes of any application to the Office of the Independent Adjudicator. Where a student does not request a Review, a “Completion of Procedures” letter will be issued at the expiry of the deadline for submitting a request for a Review. A student whose Request for an Appeal Hearing has been rejected by the University has the right to refer the matter to the Office of the Independent Adjudicator. See Appendix A for details on this.

9.10 Membership of Appeal Panels

Undergraduate and Postgraduate Taught Courses

9.10.1 Appeals against a decision of a Module Board, Progression and Award Board or Academic Misconduct Board will normally be heard by an Appeal Panel of 3 members, which will consist of:

- one member of Academic Board and
- two further members who are Heads of Subject

One of whom shall be appointed as Chair.

No member of the Appeal Panel shall be drawn from the appellant’s Academic Subject area.

In exceptional circumstances (absence due to illness or other unforeseen circumstance) an appeal hearing panel may be heard by the Chair and one panel member. If the panel falls below this membership requirement the appeal hearing cannot proceed and must be re-scheduled.

9.10.2 A representative of the University Secretary's Office with appropriate experience shall be in attendance at all hearings. The remit of this representative is to seek to clarify facts (if appropriate); to advise; and, where necessary, to direct the Appeal Panel to ensure consistency of outcomes and the avoidance of perverse decisions. A perverse decision is one which is grossly inconsistent with the evidence presented; proposes a disproportionate remedy outside the normal scope of the University regulations, or fails to give a reasonable remedy in the light of the circumstances

In the event of non-resolvable differences between the representative of the University Secretary's Office and the Appeal Panel, the Chair of the Appeal Panel will inform the University Secretary. The University Secretary will remit the matter for consideration and determination of outcome to the Chair of Academic Board, whose decision on the matter shall be final.

Research Appeal Hearings – Panel Membership

9.10.3 Appeals made by research students will normally be heard by a Research Appeal Panel of three members which will consist of:

- Deputy Vice-Chancellor (Research & Enterprise) or nominee
- Two Directors of Research

The Deputy Vice-Chancellor (or nominee) will chair the hearing. No member of the Research Appeal Panel shall be drawn from the appellant's academic subject area.

In exceptional circumstances, (e.g. absence due to illness or other unforeseen circumstance) an appeal may be heard by the Chair (or nominee) and one panel member. If the Panel falls below this requirement, the hearing must be rescheduled.

The Research Student Manager shall attend to ensure compliance with the Research Regulations.

A representative of the University Secretary's Office with appropriate experience shall also be in attendance. The remit of this representative is to seek to clarify facts (if appropriate); to advise; and, where necessary, to direct the Research Appeal Panel

to ensure consistency of outcomes and the avoidance of perverse decisions. A perverse decision is one which is grossly inconsistent with the evidence presented; proposes a disproportionate remedy outside the normal scope of the University regulations or fails to give a reasonable remedy in the light of the circumstances.

In the event of non-resolvable differences between the representative of the University Secretary's Office and the Research Appeal Panel, the Chair of the Panel will inform the University Secretary. The University Secretary will remit the matter for consideration and determination of outcome to the Chair of Academic Board, whose decision on the matter shall be final.

Decisions of the Research Appeal Panel

9.10.4 The Research Appeal Panel will determine whether the appeal is upheld or not upheld.

Where an appeal is upheld, the Research Appeal Panel will refer the matter to the Research Degrees Sub-Committee to determine an appropriate remedy.

9.11 Preparing for an Appeal Hearing

Student Responsibilities Following Notification of an Appeal Hearing

9.11.1 Where an appeal has been granted the student will be notified by email and the School will have 15 working days from the date of the decision to resolve the matter locally. If this is exceeded, the student will be advised and a revised date provided by which the hearing will take place.

9.11.2 A student may choose:

- to attend and participate in the Appeal Hearing in person
- to have the appeal considered through written submission(s) only, without personal attendance. Where a student chooses this option they must inform the University Secretary of this in writing at the time of submission of the Request for an Appeal Hearing. Unless such notification is received it will be assumed that the student will be attending the Appeal Hearing in person, and the regulations below relating to attendance will operate.

9.11.3 In exceptional circumstances, for example a student being resident abroad or having serious mobility difficulties, the University Secretary has the discretion to permit a telephone conference to be used. It is the student's responsibility to seek this

permission from the University Secretary, and it should be understood that ordinary timescales cannot apply to such arrangements. Should this process be agreed, a variant on the normal conduct of the hearing will be used for the determination of the appeal.

- 9.11.4 The appeal processes are designed to provide for the prompt hearing of any appeal. A student granted an Appeal Hearing is required to give contact information; and is deemed to have agreed to access that form of contact (e-mail or letter) regularly; and to contact the University Secretary's Office if expected communications have not been received, or if any other material difficulties arise which may impede the process.

Identification of Witnesses

- 9.11.5 It is the responsibility of the student to inform the University at the earliest opportunity of the name of any witness which they would wish to call at the Appeal Hearing, and the expected nature of the evidence. Witnesses not identified within the prescribed timescales will not be permitted to attend the hearing. It is the responsibility of the student to ensure the attendance of any witnesses at the Appeal Hearing. If a witness is unable to attend the hearing, the student may present a written statement from the witness, provided that the identity of the witness has previously been disclosed. The non-availability of a witness will not be a valid reason for a change to the date of the Appeal Hearing, unless the University Secretary's representative at the Appeal Hearing decides that the evidence of the witness is essential to the determination of the facts of the matter.

Date of Appeal Hearing

- 9.11.6 A date for the Appeal Hearing will be sent to the student. It is the responsibility of the student to be available on this date, unless they have chosen to have the hearing conducted through written representations only. It will not normally be possible for this date to be changed, and this will only be done in respect of exceptional circumstances, for example medical treatment. Holiday arrangements do not constitute a valid reason for seeking to change the date of the Appeal Hearing.

Where a student anticipating an award of the University has asked for, and been given, a postponement of the Appeal Hearing; it is unlikely that the re-arranged hearing will take place before the relevant award ceremony.

If a student fails to attend for the Appeal Hearing, or, where this has been arranged, is unavailable by telephone; the Chair of the Appeal Panel will determine either

- to proceed on the basis of the written evidence available; or
- to terminate the Appeal Hearing and dismiss the appeal.

The decision of the Chair of the Appeal Panel is final. Where the Chair of the Appeal Panel has taken the decision that the Hearing should be terminated and the appeal dismissed, the matter will be deemed concluded at this point; unless the University Secretary accepts that there were good grounds for the student's absence or non-contactability, and arranges for another hearing to take place.

It is the responsibility of the student to inform the University Secretary of the reasons for the absence or non-contactability and seek a re-arranged hearing. Such re-arrangement is at the discretion of the University Secretary, whose decision on the matter is final.

Refusal of Re-arranged Hearing

9.11.7 Where a re-arranged Appeal Hearing is refused the student will be notified in writing of the refusal and the reasons for it and informed that the process is now at an end. This communication will be a formal "Completion of Process" letter for the purposes of any application to the Office of the Independent Adjudicator. A student whose appeal has been terminated without an Appeal Hearing taking place has the right to refer the matter to the Office of the Independent Adjudicator. See Appendix A for details on this.

Information to the School/Partner and Appeal Response

9.11.8 Once permission for an Appeal Hearing to take place has been granted the submission and evidence contained in the Request for an Appeal Hearing (Student Submission) will be sent to the Dean or their nominee.

The Dean or their nominee is responsible for undertaking an investigation within the School/Partner and producing the Appeal Response (School Response) to the Student Submission. This investigation is conducted between appropriate academic colleagues and does not involve an interview with the student who is appealing.

The Appeal Response will be sent to the student to enable them to prepare for the Appeal Hearing. The Appeal Response is the substantive response to the matter raised by the student. The School/Partner will not normally be able to raise any new matter or use further evidence in the Appeal Hearing itself.

The Dean or their nominee will propose an experienced member of staff to represent the School at the Appeal Hearing. This person must have been present at the meeting of the Module Board, Progression and Award Board or Research Degrees Sub-Committee in question. The Dean or their nominee should notify the University Secretary's Office of any member of staff who will be attending the hearing at the time when the School/Partner Response is submitted, in order that the student can be informed of their identity.

If the School/Partner fails to make a response within the required timescale, the Appeal will be considered to be non-contested, and the matter referred to an Appeal Panel for remedy only.

Information from the Student

9.11.9 On receipt of the Appeal Response, the student should notify the University Secretary's Office if they

- wish to produce evidence in reply to the Appeal Response, indicating what that evidence will be
- wish to call a witness or witnesses in reply to the Appeal Response, indicating the nature of the proposed testimony.

Agreement by the School/ Partner to Informal Resolution

9.11.10 The Dean or their nominee, after consultation with colleagues, and the external examiner(s) if relevant, may accept that the student's appeal is well founded. In such a case, the University Secretary or their nominee should propose a remedy to the student. It is expected that such a proposed remedy will be in accord with decisions normally taken by a Progression and Award Board. Such a remedy will be deemed to resolve the appeal informally.

Where the proposal would involve the recommendation for an award of the University above the level of Certificate of Higher Education, or an amendment to the classification of a Bachelor Degree with honours, or the designation of Merit/Distinction to a Masters award, the Dean or their nominee must consult with the external examiner(s), and confirm to the University Secretary that this has taken place.

The University Secretary's Office is responsible for ensuring that this consultation has taken place.

Where the external examiner does not agree with a proposal to recommend an award of the University, or amend a degree classification or designation the matter will be remitted for consideration by an Appeal Panel.

If the student accepts the proposed remedy, the matter is terminated at this point; and the appropriate amendment made to the minutes of the Progression and Award Board;

If the student does not agree with the remedy proposed through informal resolution, an appeal panel will be convened. The Student and a representative of the School will be invited to attend the Appeal Hearing to discuss a suitable remedy.

9.12 Conduct of the Appeal Hearing

9.12.1 The Appeal Hearing will be conducted in accordance with the procedures which accompany this section of the regulations.

9.12.2 All Appeal Panels will seek to carry out their remit by:

- seeking to establish the facts of the matter
- seeking to establish the degree of gravity of the circumstances
- on the basis of the evidence presented, reach a finding that an appeal is upheld or rejected
- determine a course of action in respect of appeals which have been upheld.

9.12.3 Where the grounds for appeal concern previously undisclosed extenuating circumstances, the Appeal Panel in seeking to carry out the remit above, will pay particular attention to:

- seeking to establish the facts of the matter in respect of the extenuating circumstances claimed
- seeking to establish, on the basis of the evidence presented, whether there were good grounds for the previous non-disclosure of these circumstances
- on the basis of the above consideration, reach a finding that an appeal is upheld or rejected
- where an appeal is upheld, determine the gravity of the extenuating circumstances themselves, in accordance with University Codes of Practice for Taught Students Section 9
- in the light of this determination of gravity, determine any appropriate course of action.

9.12.4 Where the grounds for appeal are other than those relating to previously undisclosed extenuating circumstances, the essence of the Appeal Hearing process is that the School/Partner will be invited to respond to the substance of the appeal (Appeal Response) and members of staff of the School/Partner will be eligible to participate in an Appeal Hearing and contest the appeal.

9.12.5 Where the grounds relate to previously undisclosed extenuating circumstances, the School will be invited to send a representative to attend the Appeal Hearing to comment on matters relating to the course and the implementation of any proposed outcomes of the Appeal.

9.12.6 Appeal Panels are required to consider each appeal on its individual merits and the circumstances of the case; and, where appropriate, to determine an appropriate remedy for the particular circumstances in question, in accordance with these regulations. No precedent may arise from an appeal, and no precedent may be cited in the course of an appeal.

Standard of Proof

9.12.7 Where the facts of the matter are at issue, the standard of proof required by the Appeal Panel in respect of all appeals, is that of “balance of probabilities”.

Adjournment

9.12.8 The Chair of the Appeal Panel has the authority to adjourn the Appeal Hearing should the need for this become apparent, for example to seek further clarification of evidence produced.

Information to the Appeal Panel

9.12.9 The Appeal Panel will be provided with the following information:

- the minutes of the relevant Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board
- details of the student’s academic profile
- outcomes of any requests for consideration of extenuating circumstances made by the student where these apply to any assessments which are the subject of the appeal
- the course regulations.
- Course Handbook
- Any other information from the student file which the School determines is relevant to its case.

Where the ground of appeal concerns previously undisclosed extenuating circumstances, the panel will also receive:

- minutes of the relevant Mitigation Panel (to ensure that double-mitigation is not being sought)

The Appeal Panel shall have the right to access any other information it considers may be relevant.

Evidence in Person

9.12.10 The Appeal Panel will hear evidence from:

- the student
- all other appropriate persons.
- And – for all grounds for appeal which do not involve previously undisclosed extenuating circumstances:
- the School representative proposed by the Dean or their nominee

Written Evidence

9.12.11 The Appeal Panel will consider:

- written evidence produced by the appellant (Student Submission)
- written witness statements.
- And – for all grounds of appeal which do not involve previously undisclosed extenuating circumstances:
- written evidence produced by the School/Partner (Appeal Response)

Decisions on Conclusion of the Hearing and Any Consequent Action

9.12.12 At the conclusion of the hearing, the Appeal Panel will reach one of these decisions:

- the appeal is upheld
- the appeal is rejected.

Where the appeal is upheld, the Panel will also determine any appropriate action in respect of this finding. Where the appeal is on the grounds of hitherto undisclosed extenuating circumstances, the Appeal Panel will first categorise the grounds themselves as provided for in the Code of Practice for Taught Students Section 2.7, before determining appropriate action.

Notification to the Student

9.12.13 The decision and any action arising from an appeal hearing will be notified to the student in writing within 5 working days. Where the Appeal Panel proposes to recommend an award of the University above the level of Certificate of Higher Education, or amend the classification of a Bachelor degree with honours, or the designation of Merit/Distinction to a Masters Award, the student will be informed that such a recommendation or amendment is subject to consultation with the external examiner.

Where some delay is anticipated in reaching a decision on any proposed action arising from an upheld appeal, the student should be advised of this, and given an indication of when it is anticipated the matter will be concluded.

Research awards of the University cannot be made without successful completion of the relevant examination process.

No Amendment to a Student's Academic Outcome

9.12.14 An Appeal Panel may decide that the appeal itself is upheld, but that the circumstances do not warrant an amendment of the decision on the student's Academic Outcomes reached by the Module Board, Progression and Award Board, Research Degrees Sub-Committee or Academic Misconduct Board. In such a case, the Appeal Panel will determine whether any other outcome, for example an apology, is appropriate.

Amendment to an Academic Outcome

9.12.15 If the Appeal Panel determines that an amendment should be made to an Academic Outcome as determined by the Module Boards, Progression and Award Boards, Research Degrees Sub-Committee or Academic Misconduct Board, this should be one of the actions authorised under the Code of Practice for Taught Students, Sections 2.5, or 3 in the case of research students, of the University Academic Regulations.

Consultation with the Chair of the Progression and Award Board

9.12.16 If the Appeal Panel considers that it is appropriate, members may consult with the Chair of the Module Board, Progression and Award Board or Academic Misconduct

Board. This would normally be solely for the purpose of ensuring consistency of treatment with other students.

Professional, Statutory or Regulatory Body Courses

9.12.17 Where the course of study is accredited by a Professional, Statutory or Regulatory Body, the Appeal Panel must consult with the Chair of the Progression and Award Board or the relevant Dean of School or nominee to ensure that any proposed amendment to the decision is compatible with the requirements of the Body in question.

Consultation with External Examiners

9.12.18 Where the Appeal Panel proposes the recommendation of an award of the University above the level of Certificate of Higher Education, or that an amendment be made to the classification of a Bachelor degree with honours, or that the designation of Merit/Distinction be given in respect of non-honours awards, this may be done only after consultation with the External Examiner for the course of study, or the Chief External Examiner where there are several. The written consent of the external examiner is required for the above. This may be by oral agreement followed by written confirmation.

Where an external examiner does not agree with a proposal to recommend an award of the University; amend the classification of a Bachelor degree with honours; or designate Merit or Distinction for non-honours awards, the Chair of the Appeal Panel will inform the University Secretary. The University Secretary will remit the matter for consideration and determination between the Chair of Academic Board and the external examiner. The Chair of Academic Board's decision on the matter shall be final.

Errors or Irregularities Affecting More than One Student

9.12.19 If the Appeal Panel has reason to believe that an error or irregularity raised during the Appeal Hearing may have adversely affected the performance of more than one student, the Chair of the Appeal Panel shall discuss the finding with the Dean or their nominee or nominee. The purpose of that discussion will be to establish whether or not more than one student was adversely affected, and if so, what remedial action might be appropriate in respect of other students. Where the circumstances are found to have affected the entire cohort of students, the matter shall be reported to the University Secretary. The University Secretary will inform the Chair of the

Academic Board, who, after consultation with such colleagues as are deemed appropriate, will determine a course of action to be taken.

The course of action to be taken will be determined in the light of the circumstances of the case and the need for equitable and fair treatment of students of the University; and includes the authority to annul an examination, or any other assessment or part of it. In order to provide for equitable and fair treatment of students of the University, any course of action determined on in such a case is not limited to action which is currently provided for within the academic regulations.

Conclusion of the Appeal Process

9.12.20 The decision of the Appeal Panel, or Chair of Academic Board where relevant, is final; and ends the process of appeal. There is no further appeal mechanism available in the University. On conclusion of the process, all students who have had an appeal hearing will receive a formal letter from the University, setting out:

- the decision
- a summary of the reasons for the decision
- notification of any outcome arising from the decision
- confirmation that the process is now at an end. This communication will be a formal “Completion of Procedures” letter for the purposes of any application to the Office of the Independent Adjudicator.

Office of the Independent Adjudicator

9.12.21 A student whose Appeal has been rejected by the University, or who is otherwise dissatisfied with the process or its conduct, has the right to refer the matter to the Office of the Independent Adjudicator. See Appendix A for details on this.

Amendment to Minutes of Progression and Award Boards and the Student Record System

9.12.22 Where the outcome of the Appeal Hearing is an amendment to the Academic Outcome of the student, the University Secretary or nominee will so inform the Dean or their nominee in order that the necessary addendum to the Minutes of the Board or Committee and student record system, recording that amendment, can be made.

Report to Faculties on Outcomes

9.12.23 The University Secretary (or nominee) will inform each Dean or their nominee of the outcome of Appeals to facilitate future enhancement of the student experience. This information will be anonymised to maintain student confidentiality.

Report to the Academic Board

9.12.24 The University Secretary will make an annual report to the Academic Board of the University or its Committees on the Appeal Process.

APPENDIX A: APPLICATION TO THE OFFICE OF THE INDEPENDENT ADJUDICATOR

9.A1 A student who is dissatisfied with the academic appeal process or its conduct has the right to submit an application to the Independent Adjudicator that their dissatisfaction be reviewed independently of the University.

9.A2 This right may be exercised only once the internal processes have been exhausted.

9.A3 The University issues a "Completion of Procedures" letter when:

- permission to appeal has not been granted;

- or, as relevant

- at the conclusion of an Appeal Hearing or earlier resolution.

This letter is the formal University confirmation that the internal process is at an end.

9.A4 A Framework Application Form must be completed in order to make a submission to the Office of the Independent Adjudicator.

9.A5 This must be received within 3 months of the date of the "Completion of Procedures" letter.

9.A6 The Office of the Independent Adjudicator will not review:

- Admissions
- Academic judgement
- Student employment
- Matters which have already been considered by a court or tribunal and where the proceedings have been concluded
- Matters which are being considered by a court or tribunal where the proceedings have not been **stayed**
- Matters which have not materially affected the complainant as a student
- Matters which they have already dealt with
- Complaints where the main issues complained about took place more than three years before the complaint is received by the OIA.

9.A7 Further information on the Office of the Independent Adjudicator and its services is available on www.oiahe.org.uk.