2.23 Appeal regulations

2.23.1 The Appeal Regulations provide a single process for students who wish to appeal against outcomes arising from the following procedures:

i) Academic or Assessment Board decisions – request to review the decisions of Assessment Boards or research degree examination panels on assessment, progression or award (academic appeals);
ii) Academic Offences Regulations – request to review the decisions of Head of School/Dean of College (informal stage) or the Academic Offences Panel (formal stages);
iii) Withdrawals – request to review the decision to terminate the registration of a student (including research students);
iv) Mitigation – request to review the decision of the Mitigation Panel.

2.23.2 The Appeal Regulations will follow the same process but separate procedures for outcomes arising from the following procedures:

v) Fitness to Practise Procedure – request to review the decision of the Fitness to Practise Panel;
vi) Code of Student Conduct and Disciplinary Procedure – request to review the decision of the Disciplinary Panel.

2.23.3 Chairs of Appeal Panel shall be appointed by the Vice Chancellor, normally for a term of three years.

2.24 Authority and delegations

2.24.1 Academic Board shall be responsible for the approval of the Appeal Regulations following outcomes from Academic or Assessment Board decisions, Academic Offences procedures, Withdrawals and Mitigation procedures.

2.24.2 The Board of Governors shall be responsible for the approval of the Appeal Regulations following outcomes from Fitness to Practise procedures, Code of Student Conduct and Disciplinary procedures.

2.24.3 The Vice Chancellor shall assume overall responsibility and authority for the operation of the University’s regulations. The Vice Chancellor shall normally delegate authority for the operation of the Appeal Regulations to the Head of Academic Registry. The Vice Chancellor may authorise substitutes to act where any person referred to in these regulations is unable to do so.

2.25 Grounds for appeal

2.25.1 A student may appeal on one or more of the following grounds:
i) procedural error: Where the process leading to the decision being appealed against was not conducted in accordance with the University’s procedure, such that there is reasonable doubt as to whether the outcome might have been different had the error not occurred. Procedural error shall include alleged administrative or clerical error, and bias in the operation of the procedure;

ii) that exceptional circumstances, illness, or other relevant factors were not made known at the time for good reason, or were not properly taken into account;

iii) that the Stage II/Stage III of the Academic Offences Regulation was not conducted in accordance with the procedures set out.

2.25.2 ‘Good reason’ requires a student to demonstrate that circumstances beyond their control prevented the disclosure of the relevant facts at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances shall not count as ‘good reason’ for the purposes of these regulations.

2.25.3 An appeal against the decision of a Panel, interview or Board must be made in writing addressed to the Head of Academic Registry, stating in full the grounds for the appeal and must be submitted within ten working days of the receipt of any process outcome letter.

2.25.4 In all cases, the original outcome is final and not varied until and unless a successful appeal results in an alternative decision. For example, where a student is withdrawn due to academic failure, the student shall not be reinstated until the appeals process is complete and the outcome of the appeal results in an amendment to the original decision.

2.25.5 The Head of Academic Registry and the Chair shall consider all appeals on their merit; however, the following shall not be deemed legitimate grounds for appeal. Any appeal founded exclusively on one or more of these grounds shall be rejected automatically:

i) appeals against the academic judgement of internal or External Examiners;

ii) appeals based upon the informal assessment of a student’s work by members of academic staff;

iii) retrospective reporting of mitigating circumstances that might reasonably have been made known at the proper time;

iv) marginal failure to attain a higher classification of award;

v) in the case of disciplinary matters, the provision of an apology by a student for their actions shall not be deemed reason for an appeal to be heard;

vi) lack of awareness by a student of the relevant procedure or regulations;

vii) vexatious or frivolous appeals;

viii) where no fresh evidence is submitted or there has not been a material change of circumstances since the last decision on the matter.
2.26 Submitting an appeal

2.26.1 A student must submit an appeal to the Head of Academic Registry in writing by completing the appeal form. In the appeal form and student statement, the student must detail the decision being appealed against, present the grounds on which the appeal is made, outline the supporting evidence to be submitted and state whether an interview with the Head of Academic Registry is requested.

2.26.2 An appeal must be received within 10 working days of the formal notification of the decision being appealed against. This shall normally be the date given on the decision letter, or else the official publication of results date. The Head of Academic Registry may exercise discretion to consider and allow a late request where a student demonstrates good reason for delay.

2.26.3 Supporting evidence must be submitted by the student together with the appeal request or within seven calendar days of submission of the appeal, and must provide evidence of the points covered in the written request for appeal (for example, medical certification). The Head of Academic Registry may exercise discretion to allow late submission of evidence where a student demonstrates good reason for delay.

2.27 Actions on receipt of a request for appeal

2.27.1 On receipt of an appeal, the Head of Academic Registry shall first determine if the appeal was submitted in time, as specified above.

2.27.2 If an appeal is determined to be out of time then a letter shall be issued to reflect this decision. Where an appeal is deemed to be out of time, the substance of an appeal shall not be considered.

2.27.3 Where an appeal is deemed to be submitted in time, the Head of Academic Registry shall be responsible for investigating the substance of the appeal. This will normally consist of reviewing the decision which is made under the previous procedure. This may typically involve consulting documentation from the process leading to the original decision, discussions with those responsible for the original decision, interviewing the student, and other relevant enquiries.

2.27.4 Under no circumstances shall the costs of appeal incurred by the student or the University be reclaimable save for expenses in exceptional cases.

2.27.5 The Chair of the Appeal Panel shall consider the appeal to determine whether it should be upheld or rejected based on the grounds for appeal. All the documentation in relation to any Panel, interview or Board appealed against can be made available upon request, in compliance with the Data Protection Act 1998.

2.27.6 Where the Chair cannot decide upon a course of action, or the case is deemed to be more complex, cases shall be referred to the Appeal Panel for consideration.
2.27.7 The Head of Academic Registry shall notify the student in writing at least five working days before the Appeal Hearing is due to take place and provide the student with:

i) details of the date, time and place of the meeting and those who will be present;

ii) a statement of the grounds upon which their appeal is to be considered;

iii) a statement of the student’s right to be accompanied by a friend or representative, e.g. from the Students’ Union. However, under no circumstances may the student be represented by an external organisation or person;

iv) a statement to the effect that the new witnesses may be called in support of the grounds of appeal and the University has the right to call new witnesses on its behalf;

v) copies of any documents to be considered in connection with the appeal including the signed and dated outcome form and record of the previous procedure or panel.

2.27.8 The Appeal Panel shall hear oral submissions from the student and, at its absolute discretion, any other persons whose evidence may be relevant.

2.27.9 If the student does not attend the hearing then the Panel shall make a decision in their absence.

2.28 Notification of outcome of an appeal

2.28.1 A student shall normally be notified of the outcome of their appeal within 90 calendar days of the date of submission of their appeal. Any expected delays beyond the 90 days will be notified to the student. The Completion of Procedures (COP) letter will set out the outcome of the appeal.

2.28.2 The University will expedite the appeals procedures where circumstances warrant swift action. These may include, but are not limited to:

i) cases where the impact of the issues raised has detrimental consequences for the student’s mental health or where the student displays significant stress;

ii) cases where external time limits apply for example in meeting regulatory requirements for the completion of professional courses, including cases where students have been withdrawn from the course of study.

2.29 Actions where an appeal is upheld

2.29.1 Where an appeal is upheld, and the grounds of appeal are of either an administrative or regulatory nature that cannot be referred back to the Assessment Board for Chair’s action, the Head of Academic Registry and the Chair may take action to remedy the situation without referral to the original decision making body.

2.29.2 Where an appeal is upheld and there is substantive evidence that mitigating circumstances were either not considered appropriately, or for good reason could not have been made known at the time of the original decision, the Head of Academic
Regulatory and the Chair shall refer the case back to the body that made the original decision for reconsideration.

2.29.3 For appeals where the decision is referred back to the Assessment Board, the Chair of the Assessment Board shall consult with the relevant internal examiner and the Head of Academic Registry. Chair’s action may be employed where decisions are beneficial to students (that is, less severe than the original decisions). Otherwise, the Assessment Board shall be reconvened to consider the case.

2.30 Actions where an appeal is not upheld

2.30.1 If the Chair and Head of Academic Registry are in agreement that there are no grounds for appeal then the appeal shall not be upheld.

2.30.2 A student whose appeal is not upheld by the Appeal Panel has a right to submit an application to the Vice-Chancellor or nominee, if it has been lodged in accordance with the time period set out in section 2.31.2. The Vice-Chancellor or nominee shall review the Appeal and all the documentation relating to the case, as soon as possible after the receipt of a request.

2.30.3 The Vice-Chancellor or nominee shall either uphold or dismiss the Appeal panel’s decision and the Head of Academic Registry will confirm the decision of the Vice-Chancellor by the Close of Procedure (COP) letter to the student confirming their right of referral to the Office of Independent Adjudicator (OIA).

2.30.4 A student whose Appeal is not upheld by the Vice-Chancellor may submit an application to the OIA (see below section 2.34).

2.31 Appeal Panel composition

2.31.1 The membership of the Appeal Panel reviewing the outcomes from Academic or Assessment Board decisions, Assessment Offences procedures, Withdrawals and Mitigation procedures shall be as follows:

i) a Chair, appointed by Vice Chancellor for the relevant category of appeal. If for any reason the Chair is unable to act, the Vice Chancellor shall appoint an Acting Chair;

ii) a member of academic staff of a cognate department to that of the student (normally in the same School/College), drawn from the academic membership of senior University committees;

iii) a member of the academic staff, drawn from the membership of Academic Board;

one student member, normally the President of the Students’ Union.

2.31.2 The membership of the Appeal Panel reviewing the outcomes from Fitness to Practise procedures, Code of Student Conduct and Disciplinary procedures shall be as follows:
i) a Chair, appointed by Vice Chancellor for the relevant category of appeal. If for any reason the Chair is unable to act, the Vice Chancellor shall appoint an Acting Chair;

iv) a member of academic staff of a cognate department to that of the student (normally in the same School/College), academic membership of senior University committees;

ii) a member drawn from the relevant professional body, who shall be a registered practitioner;

iii) one student member, normally the President of the Students’ Union or their nominee.

2.31.3 There shall be a Secretary to the Panel, who shall be present throughout the hearing including the deliberations of the Panel. The Secretary may provide advice to the Panel with regard to the University Regulations, but the Secretary shall not be involved in the decision making process.

2.31.4 Members of the Appeal Panel shall not have been involved in making the original decision being appealed against.

2.31.5 Except for appeals against outcomes of the Fitness to Practise, and except for all Chairs, Appeal Panel shall be individually constituted for each case or group of cases by Chairs, on the advice of the Head of Academic Registry, drawing upon the categories of membership identified above.

2.32 Appeal Panel terms of reference

2.32.1 The terms of reference of Appeal Panel are:

i) to hear the student’s submission.

ii) to hear the University’s submission.

iii) to consider and determine whether or not the appeal is upheld, based on the permitted grounds of appeal specified above.

iv) to agree to one of the following:
   a) to uphold the original decision;
   b) to refer the original decision back to the relevant body for reconsideration;
   c) to uphold the appeal and agree an appropriate course of action for the case.

2.32.2 Where a range of penalties were available to the original decision making body, the Appeal Panel may impose more severe penalties than those that were originally imposed.

2.33 Appeal Panel procedure

2.33.1 The student shall receive at least five working days’ notice, in writing, of the date, time and location of the Appeal Panel hearing.

2.33.2 The Appeal Panel shall receive the original documentation considered by the decision making committee, and any relevant additional documentation relating to the
appeal; this shall include the written appeal request and any response to the request from the University.

2.33.3 The student shall receive the same set of documentation as the Appeal Panel.

2.33.4 All papers and proceedings shall be confidential.

2.33.5 The student may be accompanied, or represented, by any one person of their choosing, except by an organisation or person external to the University.

2.33.6 A University representative shall put the University’s case to the Panel, and shall be present throughout the hearing but not during the Panel’s deliberations.

2.33.7 Witnesses may be called to the Appeal Panel where permitted by the Chair.

2.33.8 The Appeal Panel meeting shall normally follow the following format:

   i) the members of the panel shall be introduced to those present;
   ii) the student (or representative) shall be asked to address the Appeal Panel as to the substance of their appeal;
   iii) the student and the University representative may remain present throughout;
   iv) the Appeal Panel members shall ask the student questions relevant to the case;
   v) the University representative shall put forward the University’s case;
   vi) the Appeal Panel shall ask the University representative questions relevant to the case;
   vii) the Appeal Panel shall meet alone with the Secretary to consider its decision.

2.33.9 The Appeal Panel shall inform the student of its decision and the reasons for it within three working days of the meeting. The decision shall be confirmed in writing within seven days of the meeting, in a COP letter.

2.34  Review by the Office of the Independent Adjudicator for Higher Education

2.34.1 A student not satisfied with the outcome provided by the University following receipt of their Completion of Procedures letter may submit a complaint to the Office of the Independent Adjudicator (OIA).

2.34.2 Information on submitting a complaint to the OIA shall be contained in the Completion of Procedures letter. Information on how to submit a complaint to the OIA can also be found on their website: www.oiahe.org.uk.

2.34.3 The OIA will consider whether the University followed its policy correctly, and whether the outcome is reasonable in the light of the facts of the case. Please note that the OIA will not normally consider a submission until a student has completed the University’s internal procedures.