



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

ACADEMIC APPEAL PROCEDURE

for

POSTGRADUATE RESEARCH DEGREE STUDENTS

8.75 Academic Appeal Procedure for Postgraduate Research Degree Students

8.75.1 Definitions

- (1) With regard to Academic Appeals for Postgraduate Research Degree Students the following definitions are used:

“Academic Appeal” - a request for the review of a decision that has implications for a student’s progression, assessment and award (for example a decision taken at an Annual Monitoring Board, a Transfer Board or an Examining Board). For further information about the different progression, assessment and award stages see the relevant Code of Practice.

“Student” - any person enrolled or registered to follow a postgraduate research degree offered by the University.
- (2) This procedure is only applicable to students of the University following postgraduate research degrees, who should note the following:
 - (i) Appeals which question the academic judgement of examiners shall not be admissible.
 - (ii) Appeals against informal assessments of the student’s work by the supervisor shall not be admissible.
 - (iii) Appeals where the grounds concern the inadequacy of supervision or other academic arrangements during the period of study shall not be admissible; such complaints should be pursued as soon as they arise, in accordance with the Procedure for Postgraduate Research Degree Students Complaints about Supervision.
- (3) A separate procedure applies to students of the University following taught programmes of study (see Chapter 13).

8.75.2 Grounds for Appeal

- (1) A postgraduate research student is entitled to submit an Academic Appeal, based on one or more of the following:
 - (i) that there were procedural irregularities in the conduct of the Annual Monitoring Board/Transfer Board/Examining Board or in written advice relating thereto of such a nature as to cause reasonable doubt as to whether the decision might have been different had they not occurred;
 - (ii) that there has been an arithmetical or other factual error in the decision published by the University;
 - (iii) that there is clear evidence of prejudice, bias, or inadequate assessment on the part of one or more of the members of the Annual Monitoring Board/Transfer Board/Examining Board.
- (2) Appeals which question the academic judgement of examiners or concern the inadequacy of supervision shall not be admissible.
- (3) The retrospective reporting of exceptional personal circumstances which a student might reasonably have been expected to disclose prior to the meeting of the Annual Monitoring Board/Transfer Board/Examining Board shall not be admissible.

8.75.3 Submitting an Appeal

- (1) Any appeal shall be sent to the Academic Office on the University's Postgraduate Research Degree Academic Appeal Form (Appendix GA10) normally not later than 15 clear working days after the official notification of the decision to be appealed. Simple notice of appeal given in writing by a student within the above deadline shall not be deemed to constitute an appeal and shall not be accepted. At a Postgraduate Research Degree Appeal Panel meeting, the Chair shall have discretion to declare inadmissible any matter introduced by the appellant or by any witness or person accompanying the appellant, if he/she deems it not directly related to the contents of the appeal previously lodged in writing within the stipulated deadline. The University has no obligation to consider an appeal submitted more than 12 months after the relevant Annual Monitoring Board/Transfer Board/Examining Board meeting.
- (2) The Academic Office shall acknowledge receipt of an appeal normally within 5 clear working days. Where appropriate to the circumstances of the case, the appeal shall be referred to the Chair of the Research Degrees Committee or other appropriate officer for verification. Additionally, if necessary, the Academic Office may require further enquiries to be carried out.

8.75.4 Initial Investigation

- (1) The Chair of the Research Degrees Committee or other appropriate officer shall ensure that the facts are verified and upon completion of his/her enquiries, shall submit a written report to the Academic Office setting out the full circumstances of the case and confirming his/her findings.
- (2) The Academic Office shall ask the Chair of the Annual Monitoring Board/Transfer Board/Examining Board to arrange for the initial decision to be reconsidered if the report indicates that the original decision was inappropriate due to one or more of the following having occurred:
 - (i) there were procedural irregularities in the conduct of the Annual Monitoring Board/Transfer Board/Examining Board or in written advice relating thereto;
 - (ii) there has been an arithmetical or other factual error;
 - (iii) there is clear evidence of prejudice, bias, or inadequate assessment on part of one or more of the members of the Annual Monitoring Board/Transfer Board/Examining Board.
- (3) The appellant shall be informed by the Academic Office of the action being taken to remedy the situation by means of an Appeal Outcome letter (which may take the form of an electronic communication).
- (4) If the report indicates that no error as defined in 8.75.4 (2) above has occurred, the Academic Office shall determine, based on the contents of the application for appeal and the written report from the Chair of Research Degrees Committee or other appropriate officer whether a clear case for appeal exists.
- (5) The Academic Office may disallow any appeal normally within 20 clear working days of its receipt which fails to meet the above criteria for making an academic appeal or in which, following the written report, it is apparent that no clear case for appeal has been made. The appellant shall be informed that the appeal has been disallowed by means of an Appeal Outcome letter (which may take the form of an electronic communication).

8.75.5 Postgraduate Research Degree Appeal Panel

- (1) Periodically, Senate will identify a standing group of appropriately qualified and experienced staff from across the Faculties and Support Services to serve as possible members of the Postgraduate Research Degree Appeal Panel.
- (2) If it is decided that there is a clear case to be considered the appeal shall be referred to a Postgraduate Research Degree Appeal Panel consisting of three members from the standing group; a Chair and two further internal members. Where appropriate an external person may be appointed as an additional member of a Postgraduate Research Degree Appeal Panel. The Postgraduate Research Degree Appeal Panel shall normally meet within 25 clear working days of receipt of the appeal. In the event that it takes longer to verify the facts to which the appeal refers, this period may be extended.
- (3) No member of the Postgraduate Research Degree Appeal Panel shall come from a Faculty in which the appellant has studied or is studying. Staff should not agree to be a member of the Postgraduate Research Degree Appeal Panel if the appellant is known to them.
- (4) The Postgraduate Research Degree Appeal Panel shall have delegated powers to act on behalf of the Senate.
- (5) An appellant shall be offered a personal hearing by the Postgraduate Research Degree Appeal Panel and shall accordingly be informed in advance of the time and date of the meeting and that he/she shall have the right to be accompanied, to hear all the evidence, and to call and question witnesses. The appellant may be accompanied by a person of his/her choosing, and is required to inform the Secretary in writing in advance of the meeting whether he/she intends to be accompanied. The accompanying person shall not normally contribute to the discussions, but the Postgraduate Research Degree Appeal Panel shall have the discretion to invite their contribution if it believes that this will assist them in reaching a decision. Legal representation is not allowed. The appellant may nominate relevant witnesses to provide evidence which relates directly to the grounds of the appeal. Such witnesses shall be informed of the date, time and place that have been set for the appeal hearing but cannot be compelled to attend.
- (6) If for reasons of distance or other significant matters (to be agreed by the Academic Office), physical attendance in person is not possible, the appellant will be invited to contribute via video link, audio link or to make an additional written submission. The appellant may not send another person to an Appeal Panel in his/her stead. Should the appellant not attend the meeting of the Postgraduate Research Degree Appeal Panel and provided that all reasonable means have been taken to contact the appellant, the meeting shall proceed in his/her absence.
- (7) The Chair of the Postgraduate Research Degree Appeal Panel may require a member of staff from the appellant's Faculty and/or the Chair of the Annual Monitoring Board/Transfer Board/Examining Board to contribute to the hearing as witnesses and should ensure that any such individuals are informed of the date, time and place that have been set for the appeal hearing.
- (8) The Postgraduate Research Degree Appeal Panel shall base its decisions on the evidence of the appellant's submission and the testimony of any witnesses, together with any further evidence which it considers relevant. The Postgraduate Research Degree Appeal Panel, when considering its decision, shall meet in private session.

8.75.6 Outcomes of a Postgraduate Research Degree Appeal Panel

- (1) The Postgraduate Research Degree Appeal Panel shall be empowered to take either of the following decisions:

- (i) to reject the appeal and uphold the original decision;
 - (ii) to uphold the appeal and to refer the case back to the Annual Monitoring Board/Transfer Board/Examining Board for a review of the initial decision.
- (2) In cases where an appeal is based on evidence of prejudice, bias, or inadequate assessment on the part of one or more of the members of the Annual Monitoring Board/Transfer Board/Examining Board, the Postgraduate Research Degree Appeal Panel may specify that the composition of the Annual Monitoring Board/Transfer Board/Examining Board is modified to ensure that such prejudice, bias, or inadequate assessment does not reoccur.
- (3) Where the case is referred back to the relevant Annual Monitoring Board/Transfer Board/Examining Board, the Postgraduate Research Degree Appeal Panel may, where appropriate to the circumstances of the case, require an officer of the University to attend at the meeting of the Annual Monitoring Board/Transfer Board/Examining Board to ensure full consideration of the Postgraduate Research Degree Appeal Panel's decision.
- (4) The Postgraduate Research Degree Appeal Panel may make recommendations for consideration by the Academic Quality and Standards Committee and/or the Research Degrees Committee as appropriate on any matter arising from the consideration of Appeals.
- (5) A report, setting out attendance, a brief outline of the proceedings and the reasons for the decisions of the Postgraduate Research Degree Appeal Panel shall be produced.
- (6) In the case of paragraph 8.75.6 (1) a) above, the outcome of the appeal shall be communicated to the appellant by means of an Appeal Outcome letter, normally within 10 clear working days of the meeting of the Postgraduate Research Degree Appeal Panel.
- (7) In the case of paragraph 8.75.6 (1) b) above, the appellant shall be informed that the case has been referred back to the Annual Monitoring Board/Transfer Board/Examining Board and that he/she will be informed of the revised decision of the Annual Monitoring Board/Transfer Board/Examining Board in due course. The report, including recommendations or advice where appropriate to the circumstances of the case, together with all supporting documentation, shall be sent to the Chair of the Annual Monitoring Board/Transfer Board/Examining Board for consideration by the Annual Monitoring Board/Transfer Board/Examining Board. The Annual Monitoring Board/Transfer Board/Examining Board shall normally meet within 10 clear working days of receipt of the Postgraduate Research Degree Appeal Panel's report. The subsequent decision of the Annual Monitoring Board/Transfer Board/Examining Board, together with a copy of a relevant extract from its minutes, shall be sent to the Academic Office.
- (8) On notification of the final decision of the Annual Monitoring Board/Transfer Board/Examining Board, the Academic Office may, in exceptional cases only, refer the case back to the Chair of the Postgraduate Research Degree Appeal Panel for review of the procedures followed. If it transpires that a serious procedural irregularity has occurred, the case may be referred to the Senate for reconsideration.
- (9) The final decision of the Annual Monitoring Board/Transfer Board/Examining Board may, or may not, alter the student's current status. If the student's current status is altered, the Academic Office shall ensure that the student's current status is correctly recorded. The appellant shall be informed of the decision of the Annual Monitoring Board/Transfer Board/Examining Board by means of an Appeal Outcome letter (which may take the form of an electronic communication) normally within 10 clear working days of the meeting of the special Examining Board. There shall be no right of appeal under the University's internal procedures against the decision of an Annual Monitoring Board/Transfer Board/Examining Board where the case has been referred back by a Postgraduate Research Degree Appeal Panel.

8.75.7 Review of Appeal Outcome

- (1) On receipt of an Appeal Outcome letter, if the appellant is not satisfied with the remedy proposed following the initial investigation (paragraph 8.75.4 (3) above), or is not prepared to accept the decision to disallow the appeal (paragraph 8.75.4 (5) above), or the decision of the Postgraduate Research Appeal Panel to reject the appeal (paragraph 8.75.6 (6) above), or is dissatisfied with the decision of the special Examining Board following an appeal which has been upheld (paragraph 8.75.6 (9) above), the appellant may request that the appeal outcome be reviewed by the Deputy Vice-Chancellor (Academic) or his/her nominee.
- (2) A request for a review may only be made on one or more of the following grounds:
 - a) irregularities in the conduct of the academic appeals procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;
 - b) the existence of relevant evidence and there are compelling reasons why this evidence was not provided earlier in the appeals procedure;
 - c) the appeal outcome was not reasonable given the circumstances of the case.
- (3) If the appellant does not wish to request that the appeal outcome be reviewed, the appellant may request that a Completion of Procedures letter be issued.
- (4) A request for review of the appeal outcome must be sent to the Academic Office on the Request for Review of Appeal Outcome Form (Appendix GA24) normally not later than 15 clear working days after the notification of the appeal outcome. Simple notice of a desire to request a review by a student within the above deadline shall not be deemed to constitute a formal request for review and shall not be accepted. The appellant shall provide full details of the grounds on which the request for a review is being made.
- (5) If no request for review is received within 15 clear working days, the University will assume that the appellant does not wish to request a review. Where an appeal has been disallowed (paragraph 8.75.4 (5) above) or rejected (paragraph 8.69.6 (6) above), a Completion of Procedures letter will be issued no more than 10 clear working days after the deadline for receipt of a request for review. In all other cases, a Completion of Procedures letter will be issued on request.
- (6) Receipt of the request for review shall be acknowledged normally within 5 clear working days.
- (7) The Deputy Vice-Chancellor (Academic) or nominee shall review the request to ascertain if the request has been made on permissible grounds and if a clear case has been made. The Deputy Vice-Chancellor (Academic) or nominee may refuse any request which is not based on the grounds stated above or in which it is apparent that no clear case to review the appeal outcome has been made. The appellant shall be informed by means of a Completion of Procedures letter that the request for review has been rejected and that the original appeal outcome stands.
- (8) If it is determined that the request has been made on permissible grounds and that a clear case for reviewing the appeal outcome has been made, the Deputy Vice-Chancellor (Academic) or nominee shall consider the request on the grounds indicated by the appellant.
- (9) In reaching a decision on the request, the Deputy Vice-Chancellor (Academic) or nominee shall base his/her decision on the evidence of the appellant's submission together with any further evidence which he/she considers relevant.
- (10) The Deputy Vice-Chancellor (Academic) or nominee shall be empowered to take one of the following decisions:

- a) to uphold the original appeal outcome;
 - b) to refer the appeal back to the Postgraduate Research Degree Appeal Panel;
 - c) to instruct that appropriate action be taken to remedy the situation.
- (11) The decision of the Deputy Vice-Chancellor (Academic) or nominee shall be final, and the matter shall, therefore, be regarded as closed. There shall be no discussion of the decision of the Deputy Vice-Chancellor (Academic) or nominee with the appellant or any other person.
- (12) In the case of paragraph 8.75.7 (10) a) above, the decision of the Deputy Vice-Chancellor (Academic) or nominee shall be communicated to the appellant by means of a Completion of Procedures letter, normally within 15 clear working days of receipt of the request for review.
- (13) In the case of paragraph 8.75.7 (10) b) above, the appellant shall be informed that the case has been referred back to the Postgraduate Research Degree Appeal Panel and that the procedures set out in Sections 8.75.5 and 8.75.6 will be followed. There shall be no right to request a further review of the appeal outcome as set out in a revised Appeal Outcome letter issued in accordance with paragraphs 8.75.6 (6) or 8.75.6 (9) where the case has been referred back after review by the Deputy Vice-Chancellor (Academic) or nominee. If the Postgraduate Research Degree Appeal Panel rejects the appeal, the revised Appeal Outcome letter will be incorporated into a Completion of Procedures letter. In other cases, on receipt of the revised Appeal Outcome letter, the appellant may request a Completion of Procedures letter.
- (14) In the case of paragraph 8.75.7 (10) c) above, the appellant shall be informed of the action being taken to remedy the situation by means of a revised Appeal Outcome letter (which may take the form of an electronic communication). There shall be no right to request a further review of the appeal outcome as set out in the revised Appeal Outcome letter. On receipt of the revised Appeal Outcome letter, the appellant may request a Completion of Procedures letter.

8.75.8 Status of students who have submitted appeals

- (1) Where an appeal has been submitted, the original decision of the relevant Annual Monitoring Board/Transfer Board/Examining Board shall stand until the final outcome of the Academic Appeal Procedure is known.

8.75.9 Completions of Procedures letter Independent Review

- (1) The Completion of Procedures letter confirms that the internal procedures of the University in relation to the academic appeal have been completed. The letter will indicate whether or not a review of the appeal outcome was requested. The appellant will be advised via the Completion of Procedures letter, that he/she can take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.
- (2) Complaints to the Office of the Independent Adjudicator (OIA) for Higher Education must be made within 12 months of the date of the Completion of Procedures letter. Full details of the procedure will be available from the Academic Office or from the OIA website: www.oiahe.org.uk.

8.75.10 Reporting on appeals

- (1) The Academic Office shall report annually to the Senate on the operation of these procedures in a form that maintains confidentiality and enables the University to reflect upon lessons learnt from student appeals and disseminate advice accordingly.

