

Extract from the Quality Handbook. Chapter 13

13.6.3 Submitting an Appeal

(1) Any appeal shall be sent to the Academic Office on the University's Academic Appeal Form (Appendix GA4) normally not later than 15 clear working days after the official notification of results. 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 an 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 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 relevant Examining Board or other appropriate officer for verification. Additionally if necessary the Academic Office may require further enquiries to be carried out.

13.6.4 Initial Investigation

(1) The Chair of the relevant Examining Board 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 Examining Board to arrange for the Examining Board to re-consider the student's performance if the report indicates that one or more of the following has occurred:

- a) There has been an arithmetical or other factual error;
- b) There are compelling reasons why extenuating circumstances were not reported, and the Extenuating Circumstances Panel has made a decision which needs to be implemented;
- c) The Examining Board failed to take appropriate action to implement the decision of an Extenuating Circumstances Panel;
- d) Defects or irregularities in the conduct of the examinations or in written advice relating thereto were not properly taken into account by the examiners and this had an adverse effect on the student's performance.

(3) The appellant shall be informed by the Academic Office of the action being taken.

(4) The Academic Office, in consultation with the Chair of the Examining Board and the Registry, shall subsequently arrange for the publication of such supplementary pass-lists as may be necessary.

(5) If the report indicates that no error as defined in 13.6.4 (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 the relevant Examining Board or other appropriate officer whether a clear case for appeal exists.

(6) 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, in writing, by means of a Completion of Procedures letter that the appeal has been disallowed.

13.6.5 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 Appeal Panel.

(2) If it is decided that there is a clear case to be considered, the appeal shall be referred to an 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 an Appeal Panel. The Appeal Panel

shall normally meet within 20 clear working days of the appeal being referred to it. 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 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 Appeal Panel if the appellant is known to them.

(4) The Appeal Panel shall have delegated powers to act on behalf of the Senate.

(5) An appellant shall be offered a personal hearing by the Appeal Panel. The appellant 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 member of academic staff, Student Services, or representative from the Students' Union. The accompanying person shall not normally contribute to the discussions, but the 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.

(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 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 Appeal Panel may require the Chair of the relevant Examining Board or any other member of staff 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 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 Appeal Panel, when considering its decision, shall meet in private session.

13.6.6 Outcomes of an Appeal Panel

(1) The Appeal Panel shall be empowered to take one of the following decisions:

- a) To reject the appeal and uphold the original decision of the Examining Board;
- b) To uphold the appeal and to refer the case back to the Examining Board for a review of the initial decision.

(2) In exceptional cases only, the Appeal Panel may specify the composition of the Examining Board to review a decision. Where the case is referred back to the Examining Board, the Appeal Panel may, where appropriate to the circumstances of the case, require an officer of the University to attend at the meeting of the Examining Board to ensure full consideration of the Appeal Panel's decision.

(3) The decision of the Appeal Panel shall be final, and the matter shall, therefore, be regarded as closed. There shall be no discussion of the decision of the Appeal Panel with the appellant or any other person.

(4) The Appeal Panel may make recommendations for consideration by the Academic Quality and Standards Committee or the Senate as appropriate on any matter arising from the consideration of Appeals.

(5) A full report of the decisions of the Appeal Panel shall be produced.

(6) In the case of Section 13.6.6 (1) a) above, the outcome of the appeal shall be communicated to the appellant, in writing, by means of a Completion of Procedures letter, normally within 15 clear working days of the meeting of the Appeal Panel.

(7) In the case of Section 13.6.6 (1) b) above, the appellant shall be informed that the case has been referred back to the Examining Board and that he/she will be informed of the decision of the Examining Board in due course. The full report, including recommendations or advice where appropriate to the circumstances of the case, together with all supporting documentation, shall be sent to the Examining Board for consideration by the Examining Board. The Examining Board shall normally meet within 30 clear working days of receipt of the Appeal Panel's report. The subsequent decision of the Examining Board, together with a copy of a relevant extract from its minutes, shall be sent to the Academic Office, normally within 10 clear working days of the conclusion of the Examining Board's deliberations.

(8) On notification of the decision of the Examining Board, the Academic Office may, in exceptional cases only, refer the case back to the Chair of the Appeal Panel for a 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 Examining Board's decision may or may not alter the appellant's overall result. If the overall result is altered, the Chair of the Examining Board shall arrange for the Academic Office and Registry to publish any supplementary pass-list which may be necessary. The appellant shall be informed of the decision of the Examining Board, in writing normally within 15 clear working days of the meeting of the Examining Board. There shall be no right of appeal under the University's internal procedures against the decision of an Examining Board, where the case has been referred back by an Appeal Panel and if the student is dissatisfied with the outcome, a Completion of Procedures letter shall be issued.

(10) If, following a successful appeal, the Examining Board decides that the appellant has qualified for an award, the appellant shall be admitted to his/her award at the next succeeding Award Congregation. Alternatively, the Senate shall have authority to deem such an individual to have been admitted to his/her award provided all other necessary conditions for his/her admission have been met.

(11) The Senate shall also have authority to deem an individual who has already been admitted to an award to have been admitted to a different award or a different class of award if, following a successful appeal, an Examining Board decides that the appellant's award classification shall be amended. In such cases, the Academic Office and Registry shall ensure that a replacement certificate is issued upon the return of the original certificate by the appellant.

13.6.7 Status of students who have submitted appeals

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

13.6.8 Independent Review

(1) In the event that the appellant is not prepared to accept the decision to disallow the appeal, or the decision of the Appeal Panel to reject the appeal, or is dissatisfied with the decision of the Examining Board following an appeal which has been upheld, 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 3 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

13.6.9 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.