

## Section H: Academic appeals

### 1 Introduction

1.1 An appeal is a request for a review of a decision of an Examination Board. A student may only request a review of the decision of an Examination Board on the following grounds:

- i. that a student had submitted evidence of mitigating circumstances which were not considered by the Examination Board;
- ii. that the Examination Board was not aware of mitigating circumstances affecting the student's performance because the student had been unable, or for valid reasons unwilling, to divulge them before the Examination Board reached its decision.

It is only in exceptional circumstances that an appeal will be heard on the basis of evidence submitted after the meeting of an Examination Board, and the attention of students is drawn to the importance of notifying their Head of School or Course Leader, in writing, of any circumstances extraneous to the course which might be prejudicial to their performance, as soon as possible, preferably before the examination and in any event before the examiners meet;

- iii. that the examination procedures were not followed in accordance with the regulations, resulting in an error in the student's assessment;
- iv. that some other material irregularity led to a breach of the procedures or regulations resulting in a decision detrimental to the student.

1.2 There is no right of appeal against decisions of an Examination Board which are matters of academic judgement.

Disagreement with the academic judgement of an Examination Board in assessing any information relating to a student's performance does not in itself constitute grounds for a request by a student for reconsideration.

1.3 A student may not lodge an academic appeal on the grounds of dissatisfaction with the design, curriculum or delivery (teaching, school support, etc) of a course, which should be resolved through the Student Complaints Procedure. The Student Complaints Procedure and the procedure for appeal against disciplinary action that may be taken following a proven case of irregular behaviour in the University are contained within the *Student Handbook*.

1.4 A student whose case is under consideration, either by the Academic Appeals Committee or the Examination Board, shall have the right to continue with his/her course until such time as a decision is reached, to ensure that he/she is not academically disadvantaged<sup>50</sup>. This right should not be interpreted as meaning that an appeal outstanding will necessarily be upheld or, in the case of the Examination Board being required to reconsider its decision, that such decision will necessarily be amended.

<sup>50</sup> Where the student has completed the course and an award has been made by an Examination Board, the student has the right to be re-registered on the course until such time as a decision is reached.

- 1.5 This right does not automatically override course requirements in terms of pre-requisites for continued study. The Chair of the Course Examination Board will be required to approve the proposed continued study, in consultation with the relevant Module Leader(s) and the Secretary to the Academic Board. Approval will normally be given, but particular consideration will be given to cases where the outstanding pre-requisites relate to practical work where the safety of clients or the general public, or the good name of the University, might be jeopardised.
- 1.6 The academic appeals procedure is available to any student registered on a taught University of Brighton award<sup>51</sup>.
- 1.7 Where a student wishes to request a review of an examination board decision, further guidance can be obtained from the Students' Union.
- 1.8 Where a student has declared a disability to the University, the University will endeavour to ensure that information is available to them at all stages of the procedure in appropriate formats, and that any reasonable adjustments are made to the associated proceedings to accommodate the student's needs.
- 1.9 A synopsis of key aspects of the appeals procedure is provided in the University's Student Handbook and available on Studentcentral and Staffcentral.

## **2 Confidentiality**

- 2.1 It is a requirement for all those involved in the procedure that information on personal circumstances presented by students is treated as strictly confidential and only made known to other colleagues if this is essential for due consideration to be given to the student's case.
- 2.2 Once an appeal has been accepted there must be no discussion of any sort between interested parties and members of the Academic Appeals Committee or any other such communication regarding the case.

## **3 Stage 1 - Initial request for a review of an Examination Board decision**

- 3.1 Where a student wishes to request a review of an Examination Board decision, he/she should, within 15 working days<sup>52</sup> from the notification of the student's assessment outcomes by the School:

- i. give notice in writing (this must be e-mailed to: [academic-appeals-regandsec@brighton.ac.uk](mailto:academic-appeals-regandsec@brighton.ac.uk)) to the Secretary to the Academic Board of the intention to appeal;

(Note: from summer 2010 students will be required to complete a form entitled 'Academic Appeals stage 1' when lodging with the Secretary to the Academic Board an intention to appeal. The form will be available on Studentcentral, on the University's web-site, from School offices and the Students' Union.)

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<sup>51</sup> Including Brighton and Sussex Medical School awards.

<sup>52</sup> A working day in these procedures does not include Saturdays, Sundays, public holidays or such additional day as the University is deemed to be closed.

- ii. discuss the matter with the Chair of the Examination Board which made the decision in order to establish the facts surrounding the decision and resolve any misunderstandings in relation to Examination Board procedures or these regulations. This process may lead either to the student accepting the decision or the Chair of the Examination Board may conclude that there were mitigating circumstances, some error or other procedural irregularity within the assessment process. In this case the Chair of the Examination Board has the right to reconvene the Examination Board and to proceed as in section H3.2.
- 3.2 The Examination Board will review its decisions, taking account of the new information and revise decisions as appropriate. If circumstances make it impossible to reconvene a full meeting of the Examination Board, an appropriate sub-group should be convened. This sub-group must include the Chair and at least one external examiner. The membership of the sub-group should be approved by the Dean of Faculty as Chair of the relevant Faculty Academic Board. When it is necessary to reconvene a meeting of the Examination Board, or to convene a sub-group, the Chair of the Examination Board should notify the Secretary to the Academic Board, explaining why this action is necessary and noting both the circumstances which have come to the attention of the Chair, and the reason for reconvening in the light of these circumstances.

## 4 Stage 2 – Lodging an appeal

### 4.1 Introduction

- 4.1.1 If the discussion in stage 1 fails to resolve the matter the student shall lodge an appeal in writing (this must be e-mailed to: [academic-appeals-regandsec@brighton.ac.uk](mailto:academic-appeals-regandsec@brighton.ac.uk)), stating the grounds for the appeal, with the Secretary to the Academic Board within 30 working days from the notification of the student's assessment outcomes by the School. An appeal will only be accepted from the student<sup>53</sup> and not from any other party.

(Note: from summer 2010 students will be required to complete a form entitled 'Academic Appeals stage 2' when lodging with the Secretary to the Academic Board an appeal. The form will be available on Studentcentral, on the University's web-site, from School offices and the Students' Union.)

- 4.1.2 Normally, appeals submitted outside this specified timescale will be ruled invalid.
- 4.1.3 Requests for a review of an Examination Board decision should normally be accompanied by independent<sup>54</sup> documentary evidence (where possible).

### 4.2 Procedure

- 4.2.1 The Secretary to the Academic Board will acknowledge receipt of the appeal, in writing, normally within three working days.
- 4.2.2 The Secretary to the Academic Board will make an **initial assessment** of the validity of the case against the permissible grounds and make a judgement as to whether or not the grounds for the appeal fall within those permitted, and

<sup>53</sup> Collective appeals are not permitted.

<sup>54</sup> The supporting documentary evidence should be from an independent source, not a family member nor fellow student.

whether there is *prima facie* evidence in support of the appeal.

- 4.2.3 If the Secretary to the Academic Board considers **that there is *prima facie* evidence in support of a valid appeal**, he/she will recommend to the Chair of the Examination Board that the decision of the Examination Board is reviewed (**refer H3.2**). Where the Chair of the Examination Board does not agree to reconvene the examination board to review its decision, the Secretary to the Academic Board will refer the matter to the Academic Appeals Committee (refer H5).
- 4.2.4 If the Secretary to the Academic Board considers **that the appeal may be valid**, he/she will refer the matter to the Academic Appeals Committee (stage 3).
- 4.2.5 If the Secretary to the Academic Board considers **that there are no valid grounds of appeal**, he/she will advise the student of this decision and the matter will be at an end.

## 5 Stage 3 – Referral to the Academic Appeals Committee

### 5.1 Introduction

- 5.1.1 The function of the Academic Appeals Committee is to establish whether there is, *prima facie*, a justified case for appeal and if so to consider whether to require the Examination Board whose decision has been challenged to reconsider the decision.
- 5.1.2 The Academic Appeals Committee will meet on the first convenient date, which shall not normally be more than 12 weeks (inclusive of University closures) after the request has been lodged.
- 5.1.3 The Secretary to the Academic Board will be Secretary to the Academic Appeals Committee and in summary:
- is responsible for ensuring that the procedures are appropriately adhered to;
  - shall receive the formal notice of appeal;
  - shall be satisfied that an appeal is within the grounds given above (refer H1.1);
  - shall convene a meeting of the Academic Appeals Committee;
  - shall ensure that decisions are notified to all parties concerned and that appropriate action is taken.

### 5.2 Timing

- 5.2.1 Ten working days' notice of the date, time and venue of a meeting of the Academic Appeals Committee will be given to the members, the appellant and any other persons being required to attend. The notice to the appellant shall be sent by recorded delivery service to the address given on the written notice of appeal.
- 5.2.2 An appellant is required to inform the Secretary to the Academic Board in writing if he/she intends to be absent from the address given on the letter of appeal (particularly if he/she will be absent from the United Kingdom) at any time during the 12 week period.

### 5.3 Constitution, membership and terms of reference of the Academic Appeals Committee

#### 5.3.1 The terms of reference are as follows:

A Committee of the Academic Board to act on behalf of the Board in:

1. deciding whether there is a case for appeal by the student against an examination board decision as set out in the University's *General Examination and Assessment Regulations for Taught Courses*;
2. deciding whether there is a case for appeal by the student against exclusion on academic grounds other than failure at assessment as set out in:
  - i. the University's Regulations for MPhil, PhD and Professional Doctorates
  - ii. the University's *General Examination and Assessment Regulations for Taught Courses*
  - iii. the University's approved Fitness to Practise procedures;
3. informing the student where the case for appeal is not upheld;
4. requiring an Examination Board or the Vice Chancellor\* whose decision has been challenged by the appeal to reconsider the decision where the case for appeal is upheld.

\* acting on a recommendation from a Board of Study, Progress Review Panel or approved Fitness to Practise Panel.

#### 5.3.2 The Academic Appeals Committee will be composed of persons who have had no direct involvement with the student(s), or the course or the Examination Board concerned.

#### 5.3.3 The membership of the Academic Appeals Committee shall be:

- i. as Chair:
  - a member of the Senior Management Team (other than the Vice-Chancellor or the Secretary to the Academic Board),
  - or a Dean from a Faculty other than that in which the appellant is based;
- ii. a Head of School or Department, from a Faculty other than that in which either
  - the Chair of the Examination Board or Chair of the body making a recommendation to the Vice-Chancellor is based,
  - or the academic staff member is based,
  - or the appellant is based;

- iii. a member of the academic staff, from a Faculty other than that in which either
    - the Chair of Examination Board or Chair of the body making a recommendation to the Vice-Chancellor is based,
    - or Head of School or Department is based,
    - or the appellant is based;
  - iv. a student of the University from a Faculty other than that in which the appellant is based.
- 5.3.4 If it is necessary to convene the Academic Appeals Committee at short notice and in the event that none of the appointed members in a particular category (i.e. (ii), (iii) or (iv)) is available, the Chair of the Academic Board, or in his/her absence the Deputy Chair, shall have the right to replace any of the appointed members by a member of the same category, where appropriate.
- 5.3.5 The members eligible to serve on the Committee shall be reviewed annually by the Academic Board. The number of individuals serving in category (i) will vary, depending on the number of Senior Management Team members and the number of Faculties in the University. Up to eight individuals will be appointed in categories (ii) and (iv) and 12 individuals in category (iii).
- 5.3.6 Any potential member who has been involved in examining, counselling or advising an appellant will be ineligible to serve on the Committee hearing the case of that appellant.
- 5.3.7 A quorum of the Academic Appeals Committee shall be three members.

#### **5.4 Procedure adopted for a meeting of the Academic Appeals Committee**

- 5.4.1 Papers for a meeting of the Academic Appeals Committee will be available to members of the Committee, the Secretary to the Academic Board, the Chair of the Examination Board and the appellant, and be circulated no later than five working days before the meeting. The papers will include:
- i. notes on procedure;
  - ii. this section of the University's *General Examination and Assessment Regulations for Taught Courses*;
  - iii. the appellant's letter of appeal (together with any supporting documentation);
  - iv. appropriate information supplied to the Secretary to the Academic Board by the Chair of the Examination Board concerning the appellant's academic performance; and
  - v. any other written statement or evidence from the appellant.

Statements tabled at the meeting by the appellant shall not be permitted except by approval of the Committee and may result in the meeting being adjourned (refer H5.5).

- 5.4.2 The appellant must be present at the meeting of the Academic Appeals Committee and cannot be represented in absentia by a third party. The appellant may be accompanied by a person of his/her choosing. The appellant is responsible for securing the attendance of any person accompanying him/her and will inform the Secretary to the Academic Board of the name of any person

accompanying him/her.

The University's provision of a hearing within the appeals procedure does not act as a Court of Law. It is therefore considered inappropriate for the parties to have legal representation. The University would therefore not normally expect the appellant to be accompanied to the meeting of the Academic Appeals Committee by a legal representative. Should the appellant choose to be accompanied by a legal representative, the University then reserves the right to its own legal representative at the meeting.

- 5.4.3 If the appellant does not appear and the Academic Appeals Committee is satisfied that notice of the appeal hearing was duly sent to him/her in accordance with section 5.2, the appeal lapses.
- 5.4.4 Normally the Examination Board shall be represented by the Chair, who may be accompanied by a person of his/her choosing.
- 5.4.5 The Secretary to the Academic Board, or his/her nominee, shall normally be present throughout the meeting in order to advise the Committee.
- 5.4.6 The following procedure shall normally be adopted for a meeting:
- i. preliminary private discussion by the Committee of the case;
  - ii. evidence from the appellant, and any person accompanying him/her, in the presence of the Chair of the Examination Board and any person accompanying him/her;
  - iii. questions by the Committee to the appellant and any person accompanying him/her;
  - iv. questions by the Chair of the Examination Board and any person accompanying him/her to the appellant and any person accompanying him/her;
  - v. further questions by the Committee;
  - vi. evidence from the Chair of the Examination Board, and any person accompanying him/her, in the presence of the appellant and any person accompanying him/her;
  - vii. questions by the Committee to the Chair of the Examination Board and any person accompanying him/her;
  - viii. questions by the appellant and any person accompanying him/her to the Chair of the Examination Board and any person accompanying him/her;
  - ix. further questions by the Committee;
  - x. private meeting of the Committee on the evidence presented;
  - xi. announcement by the Chair of the Committee's decision in the presence of all parties;
  - xii. the Secretary to the Academic Board will inform the appellant in writing of the outcome within five working days of the meeting.
- 5.4.7 The Committee may decide, following its preliminary private discussion, to vary the order of proceedings. If it is not possible for the Committee to come to a final decision, but it is agreed that an adjournment (refer H5.5) is not necessary, the Committee may reserve its decision but a decision must be made within five working days of the meeting.

5.4.8 The Committee, the appellant and the staff representing the Examination Board may summon to appear any other person(s) whom they may consider to be material witnesses. The appellant and the staff representing the Examination Board shall be responsible for informing:

- i. the witnesses that they propose to call, of the details of the meeting and for securing their attendance; and
- ii. the Secretary to the Academic Board, of the names of the witnesses.

The Committee shall decide whether the witnesses will be called one at a time or whether they should be required to attend together.

5.4.9 The Committee shall have the discretion to decide whether sufficient information has been presented or if additional information and/or witnesses are required.

5.4.10 The Committee is not empowered to consider an appeal on grounds other than those lodged by the appellant. Any alteration to the grounds of appeal shall necessitate a fresh submission and a new hearing.

5.4.11 All decisions of the Committee shall be made by a majority vote of the members. In the event of the votes being tied, the decision shall be in favour of the appellant.

5.4.12 The proceedings of the Committee shall be confidential. In accordance with the University's guidelines on the conduct of meetings, no tape recording of the proceedings shall be allowed except by prior permission of the Chair of the Committee and the Secretary to the Academic Board. The minutes of the Committee's meeting and any resulting report shall be confidential to the members of the Committee and the Secretary to the Academic Board only, except where an appeal has been upheld. In these circumstances the minutes and/or a report will be deemed to be of assistance in the Examination Board's reconsideration of a case (**refer H5.6**) and will be made available to the Chair of the Examination Board.

## **5.5 Adjournment**

5.5.1 The Committee may at any time adjourn the meeting to a subsequent meeting of the Committee. Where the day, time and venue for such a meeting are not appointed at the time of the adjournment, the Secretary to the Academic Board shall, not less than 10 working days before the day appointed, give notice to the members of the Committee, the appellant and any other persons being required to attend, of the day, time and venue of the resumed meeting.

5.5.2 When the meeting is resumed no fresh evidence shall, except by approval of the Committee, be produced unless either:

- i. the substance thereof has been communicated by the appellant to the Secretary to the Academic Board not less than 10 working days before the resumed meeting; or
- ii. it is in the nature of a reply to any such evidence.

## 5.6 Procedure to be followed in the event of an appeal being upheld

- 5.6.1 If the Academic Appeals Committee upholds the appeal, it shall require an Examination Board to reconsider its decision(s) if:
- i. a student establishes to the satisfaction of the Committee that his/her performance in the examination was adversely affected by illness or other factors which he/she was unable, or for valid reasons unwilling, to divulge before the Examination Board reached its decision;
  - ii. the Committee is satisfied on evidence produced by a student or any other person that there has been an internal administrative error, or that the examinations were not conducted in accordance with the regulations for the course, or that some other material irregularity relevant to the assessments has occurred.
- 5.6.2 If the Committee decides that there are grounds for a review, the grounds on which an Examination Board is to be asked to reconsider its decision should be identified. For this purpose it shall supply the Examination Board with its comments, recommendations and any other evidence or information which has been produced.
- If a decision is referred to an Examination Board, as detailed above, the Examination Board shall reconsider, within three calendar months of the date of the appeal hearing, the appellant's case, giving due consideration to the comments and recommendations of the Committee. It will either confirm its decision or make such adjustments as in the circumstances seem just. The Chair of the Examination Board will report the decision to the Secretary to the Academic Board and inform the appellant of the outcome.
- 5.6.3 The Examination Board may, if appropriate, seek additional evidence of the student's performance, either through assessment at the next available opportunity, or through a *viva voce* examination, or through any other form of assessment appropriate to the student's circumstances and the requirements of the programme of study.
- 5.6.4 In cases of procedural or other irregularity (**refer H5.6.1**), Academic Board, acting on the advice of its Secretary, is empowered to annul the decision of an Examination Board if in its opinion due and proper account has not been taken of the relevant factors. Academic Board may annul such a decision without making a prior request for reconsideration, in particular in cases where it is impossible to reconvene an Examination Board. If an error or irregularity is found to have affected more than one student, the Academic Board may annul the whole examination process or any part of it.
- 5.6.5 When a decision has been annulled it is the responsibility of the Academic Board to take whatever action is required, including, if necessary, the appointment of new external examiners, in order to make revised recommendations in respect of the students concerned.
- 5.6.6 The decision of the Examination Board or, where appropriate, Academic Board, is final. There is no further right of appeal within the University.

### **5.7 Procedure to be followed in the event of an appeal being dismissed**

If the appeal is not upheld the outcome and the justification for it will be communicated to the appellant by the Secretary to the Academic Board. There is no further right of appeal within the University.

### **6 Referral to the Office of the Independent Adjudicator**

- 6.1 On exhaustion of the University's internal procedures, the University will issue a letter (Completion of Procedures Letter), to the student making the academic appeal, confirming that the internal appeals procedures have been exhausted.
- 6.2 If the student remains dissatisfied with the outcome of the University's academic appeals procedure, then they may refer the matter to the Office of the Independent Adjudicator (OIA). This must be done within three months from the date of issue of the Completion of Procedures Letter.
- 6.3 Information on the Office of the Independent Adjudicator can be obtained from the Students' Union, Student Services or the OIA website.

### **7 Monitoring and review of Academic Appeals and quality enhancement**

- 7.1 The Secretary to the Academic Board will maintain a record of all academic appeals. The Academic Board will receive an annual report<sup>55</sup> on the outcome of all appeals for the academic year, with the expectation that appeals will be monitored, as far as possible, in accordance with the University's Equality and Diversity Policy.
- 7.2 In the light of this report the Academic Board will, if necessary, consider appropriate recommendations for quality enhancement where consistent themes/issues from the report are identified.
- 7.3 The University provides appropriate support for staff dealing with academic appeals through its staff development framework. Staffcentral provides staff with access to this academic appeals procedure and to other related policies and procedures.

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<sup>55</sup> An annual report contains an anonymised analysis of academic appeals.

## Appeal to the Academic Appeals Committee following the exclusion from the University on academic grounds other than failure at assessment

### 1 Introduction

- 1.1 A student may be excluded from the University for reasons other than failure at assessment (**refer GEAR section C10.6.2**). Such decisions of a Board of Study, Progress Review Panel or Fitness to Practise Panel constitute recommendations to the Vice-Chancellor as Chair of Academic Board, who is ultimately responsible for the decision to exclude a student. A student who has been so excluded has the right to submit an appeal to the Academic Appeals Committee.
- 1.2 Where a student wishes to appeal, he/she should within 30 working days<sup>56</sup> after notification of the decision of the Vice-Chancellor, give notice in writing to the Secretary to the Academic Board of the intention to appeal and state the grounds for the appeal. The Secretary to the Academic Board will acknowledge receipt of the appeal, in writing, within three working days, and refer the matter to the Academic Appeals Committee.

### 2 Meeting of the Academic Appeals Committee

#### 2.1 Introduction

- 2.1.1 The function of the Academic Appeals Committee is to establish whether there is, *prima facie*, a justified case for appeal by the student against exclusion on academic grounds other than failure at assessment and if so to consider whether to require the Vice-Chancellor (acting on the recommendation from the Board of Study, Progress Review Panel or Fitness to Practise Panel) whose decision has been challenged, to reconsider his decision.
- 2.1.2 The Academic Appeals Committee will meet on the first convenient date, which shall not normally be more than 12 weeks (inclusive of University closures) after the request has been lodged.
- 2.1.3 The Secretary to the Academic Board will be Secretary to the Academic Appeals Committee and in summary:
- is responsible for ensuring that the procedures are appropriately adhered to;
  - shall receive the formal notice of appeal;
  - shall convene a meeting of the Academic Appeals Committee;
  - shall ensure that decisions are notified to all parties concerned and that appropriate action is taken.

#### 2.2 Timing

- 2.2.1 Ten working days' notice of the date, time and venue of a meeting of the Academic Appeals Committee will be given to the members, the appellant and any other persons being required to attend. The notice to the appellant shall be

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sent by recorded delivery service to the address given on the written notice of appeal.

- 2.2.2 An appellant is required to inform the Secretary to the Academic Board in writing if he/she intends to be absent from the address given on the letter of appeal (particularly if he/she will be absent from the United Kingdom) at any time during the 12 week period.

### 2.3 Constitution, membership and terms of reference of the Academic Appeals Committee

- 2.3.1 The terms of reference are as follows:

A Committee of the Academic Board to act on behalf of the Board in:

- 1 deciding whether there is a case for appeal by the student against an examination board decision as set out in the University's *General Examination and Assessment Regulations for Taught Courses*;
- 2 deciding whether there is a case for appeal by the student against exclusion on academic grounds other than failure at assessment as set out in:
  - i. the University's Regulations for MPhil, PhD and Professional Doctorates
  - ii. the University's *General Examination and Assessment Regulations for Taught Courses*
  - iii. the University's approved Fitness to Practise procedures;
- 3 informing the student where the case for appeal is not upheld;
- 4 requiring an Examination Board or the Vice Chancellor\* whose decision has been challenged by the appeal to reconsider the decision where the case for appeal is upheld.

\* acting on a recommendation from a Board of Study, Progress Review Panel or approved Fitness to Practise Panel.

- 2.3.2 The Academic Appeals Committee will be composed of persons who have had no direct involvement with the student(s), or the course or the Examination Board concerned.

- 2.3.3 The membership of the Academic Appeals Committee shall be:

- i. as Chair:
  - a member of the Senior Management Team (other than the Vice-Chancellor or the Secretary to the Academic Board),
  - or a Dean from a Faculty other than that in which the appellant is based;
- ii. a Head of School or Department, from a Faculty other than that in which either
  - the Chair of the Examination Board or Chair of the body making a recommendation to the Vice-Chancellor is based,

- or the academic staff member is based,
  - or the appellant is based;
- iii. a member of the academic staff, from a Faculty other than that in which either
- the Chair of Examination Board or Chair of the body making a recommendation to the Vice-Chancellor is based,
  - or Head of School or Department is based,
  - or the appellant is based;
- iv. a student of the University from a Faculty other than that in which the appellant is based.
- 2.3.4 If it is necessary to convene the Academic Appeals Committee at short notice and in the event that none of the appointed members in a particular category (i.e. (ii), (iii) or (iv)) is available, the Chair of the Academic Board, or in his/her absence the Deputy Chair, shall have the right to replace any of the appointed members by a member of the same category, where appropriate.
- 2.3.5 The members eligible to serve on the Committee shall be reviewed annually by the Academic Board. The number of individuals serving in category (i) will vary, depending on the number of Senior Management Team members and the number of Faculties in the University. Up to eight individuals will be appointed in categories (ii) and (iv) and 12 individuals in category (iii).
- 2.3.6 Any potential member who has been involved in examining, counselling or advising an appellant will be ineligible to serve on the Committee hearing the case of that appellant.
- 2.3.7 A quorum of the Academic Appeals Committee shall be three members.

## **2.4 Procedure adopted for a meeting of the Academic Appeals Committee**

- 2.4.1 Papers for a meeting of the Academic Appeals Committee will be available to members of the Committee, the Secretary to the Academic Board, the Vice-Chancellor and the appellant, and be circulated no later than five working days before the meeting. The papers will include:
- i. notes on procedure;
  - ii. this section of the University's *General Examination and Assessment Regulations for Taught Courses*;
  - iii. the appellant's letter of appeal (together with any supporting documentation);
  - iv. appropriate information supplied to the Secretary to the Academic Board by the Vice-Chancellor concerning the appellant's academic performance; and
  - v. any other written statement or evidence from the appellant.

Statements tabled at the meeting by the appellant shall not be permitted except by approval of the Committee and may result in the meeting being adjourned (refer annex 1 H2.5)

- 2.4.2 The appellant must be present at the meeting of the Academic Appeals Committee and cannot be represented in absentia by a third party. The

appellant may be accompanied by a person of his/her choosing. The appellant is responsible for securing the attendance of any person accompanying him/her and will inform the Secretary to the Academic Board of the name of any person accompanying him/her.

The University's provision of a hearing within the appeals procedure does not act as a Court of Law. It is therefore considered inappropriate for the parties to have legal representation. The University would therefore not normally expect the appellant to be accompanied to the meeting of the Academic Appeals Committee by a legal representative. Should the appellant choose to be accompanied by a legal representative, the University then reserves the right to its own legal representative at the meeting.

- 2.4.3 If the appellant does not appear and the Academic Appeals Committee is satisfied that notice of the appeal hearing was duly sent to him/her in accordance with annex 1 section 2.2, the appeal lapses.
- 2.4.4 The Vice-Chancellor will be accompanied by the Chair of the Board of Study, Progress Review Panel or Fitness to Practise Panel as appropriate, and other relevant staff.
- 2.4.5 The Secretary to the Academic Board, or his/her nominee, shall normally be present throughout the meeting in order to advise the Committee.
- 2.4.6 The following procedure shall normally be adopted for a meeting:
  - i. preliminary private discussion by the Committee of the case;
  - ii. statement/evidence from the Vice-Chancellor, and any person accompanying him/her, in the presence of the appellant and any person(s) accompanying him/her;
  - iii. questions by the Committee to the Vice-Chancellor and any person accompanying him/her;
  - iv. questions by the appellant and any person accompanying him/her to the Vice-Chancellor and any person(s) accompanying him/her;
  - v. further questions by the Committee;
  - vi. statement/evidence from the appellant and any person(s) accompanying him/her, in the presence of the Vice-Chancellor and any person accompanying him/her;
  - vii. questions by the Committee to the appellant and any person(s) accompanying him/her;
  - viii. questions by the Vice-Chancellor and any person accompanying him/her to the appellant and any person(s) accompanying him/her;
  - ix. further questions by the Committee;
  - x. private meeting of the Committee on the evidence presented;
  - xi. announcement by the Chair of the Committee's decision in the presence of all parties;
  - xii. the Secretary to the Academic Board will inform the appellant in writing of the outcome within five working days of the meeting.
- 2.4.7 The Committee may decide, following its preliminary private discussion, to vary the order of proceedings. If it is not possible for the Committee to come to a final decision, but it is agreed that an adjournment (refer H2.5) is not necessary, the Committee may reserve its decision but a decision must be made within five working days of the meeting.

2.4.8 The Committee, the appellant and the Vice-Chancellor may summon to appear any other person(s) whom they may consider to be material witnesses. The appellant and the Vice-Chancellor shall be responsible for informing:

- i. the witnesses that they propose to call, of the details of the meeting and for securing their attendance; and
- ii. the Secretary to the Academic Board, of the names of the witnesses.

The Committee shall decide whether the witnesses will be called one at a time or whether they should be required to attend together.

2.4.9 The Committee shall have the discretion to decide whether sufficient information has been presented or if additional information and/or witnesses are required.

2.4.10 The Committee is not empowered to consider an appeal on grounds other than those lodged by the appellant. Any alteration to the grounds of appeal shall necessitate a fresh submission and a new hearing.

2.4.11 All decisions of the Committee shall be made by a majority vote of the members. In the event of the votes being tied, the decision shall be in favour of the appellant.

2.4.12 The proceedings of the Committee shall be confidential. In accordance with the University's guidelines on the conduct of meetings, no tape recording of the proceedings shall be allowed except by prior permission of the Chair of the Committee and the Secretary to the Academic Board. The minutes of the Committee's meeting and any resulting report shall be confidential to the members of the Committee and the Secretary to the Academic Board only, except where an appeal has been upheld. In these circumstances the minutes and/or a report will be deemed to be of assistance to the Vice-Chancellor when reconsidering the case (refer annex 1 H3.1).

## **2.5 Adjournment**

2.5.1 The Committee may at any time adjourn the meeting to a subsequent meeting of the Committee. Where the day, time and venue for such a meeting are not appointed at the time of the adjournment, the Secretary to the Academic Board shall, not less than 10 working days before the day appointed, give notice to the members of the Committee, the appellant and any other persons being required to attend, of the day, time and venue of the resumed meeting.

2.5.2 When the meeting is resumed no fresh evidence shall, except by approval of the Committee, be produced unless either:

- i. the substance thereof has been communicated by the appellant to the Secretary to the Academic Board not less than 10 working days before the resumed meeting; or
- ii. it is in the nature of a reply to any such evidence.

## **3 Procedure to be followed in the event of an appeal being upheld**

3.1 If the Academic Appeals Committee upholds the appeal, it shall require the Vice-Chancellor (acting on a recommendation from the Board of Study, Progress Review Panel or Fitness to Practise Panel) to reconsider his decision.

- 3.2 If the Committee decides that there are grounds for a review, the grounds on which the Vice-Chancellor is to be asked to reconsider his decision should be identified. For this purpose it shall supply the Vice-Chancellor with its comments, recommendations and any other evidence or information which has been produced.

If a decision is referred to the Vice-Chancellor, as detailed above, the Vice-Chancellor shall reconsider, within three calendar months of the date of the appeal hearing, the appellant's case, giving due consideration to the comments and recommendations of the Committee. The Vice-Chancellor will either confirm his decision or make such adjustments as in the circumstances seem just. The Vice-Chancellor will report his decision to the Secretary to the Academic Board who will inform the appellant and take any necessary action.

#### **4 Procedure to be followed in the event of an appeal being dismissed**

If the appeal is not upheld the outcome and the justification for it will be communicated to the appellant by the Secretary to the Academic Board. There is no further right of appeal within the University.

#### **5 Referral to the Office of the Independent Adjudicator**

- 5.1 On exhaustion of the University's internal procedures, the University will issue a letter (Completion of Procedures Letter), to the student making the academic appeal, confirming that the internal appeals procedures have been exhausted.
- 5.2 If the student remains dissatisfied with the outcome of the University's academic appeals procedure, then they may refer the matter to the Office of the Independent Adjudicator (OIA). This must be done within three months from the date of issue of the Completion of Procedures Letter.
- 5.3 Information on the Office of the Independent Adjudicator can be obtained from the Students' Union, Student Services or the OIA website.

#### **6 Monitoring and review of Academic Appeals and quality enhancement**

- 6.1 The Secretary to the Academic Board will maintain a record of all academic appeals. The Academic Board will receive an annual report<sup>57</sup> on the outcome of all appeals for the academic year, with the expectation that appeals will be monitored, as far as possible, in accordance with the University's Equality and Diversity Policy.
- 6.2 In the light of this report the Academic Board will, if necessary, consider appropriate recommendations for quality enhancement where consistent themes/issues from the report are identified.
- 6.3 The University provides appropriate support for staff dealing with academic appeals through its staff development framework. Staffcentral provides staff with access to this academic appeals procedure and to other related policies and procedures.

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<sup>57</sup> An annual report contains an anonymised analysis of academic appeals.

### Academic Appeals Procedure



