



leeds metropolitan university

# **Academic Principles and Regulations**

## **Section C16: Appeal against the Decision of the Board of Examiners or Examination Committee**

**August 2011**

Approved June 2002;  
Amended June 2003, July 2004, July 2005, May 2006, July 2007, May 2008 and July 2009

**SECTION C16: APPEAL AGAINST A DECISION OF A BOARD OF EXAMINERS OR EXAMINATION COMMITTEE 1**

<b>C16.1</b>	<b>Introduction.....</b>	<b>1</b>
C16.1.1	Determination of Academic Outcomes .....	1
C16.1.2	Appeal against Academic Outcomes .....	1
C16.1.3	Student Complaints Procedure .....	1
C16.1.4	Student Complaints Procedure and Grounds for Appeal .....	1
C16.1.5	Sequence of Procedures.....	1
<b>C16.2</b>	<b>Rights and Responsibilities of Students.....</b>	<b>1</b>
C16.2.1	Right of Appeal .....	1
C16.2.2	Right to Accompaniment/Representation .....	1
C16.2.3	Right to Information and Advice .....	1
C16.2.4	Right to Continue with Studies.....	1
C16.2.5	Notification of Factors Affecting Performance.....	1
C16.2.6	Consequences of Lack of Notification. ....	1
C16.2.7	Results, Documentation and Evidence.....	1
<b>C16.3</b>	<b>Information and Advice to Students .....</b>	<b>1</b>
C16.3.1	Information to Students .....	1
C16.3.2	Advice on Regulations and Procedures .....	2
C16.3.3	Students Union.....	2
<b>C16.4</b>	<b>Continuation of Studies .....</b>	<b>2</b>
C16.4.1	Continuation of Studies .....	2
C16.4.2	Professional Practice .....	2
C16.4.3	Purpose of the Right of Continuation of Studies .....	2
C16.4.4	Limits on Continuation of Studies .....	2
C16.4.5	Administrative Arrangements .....	2
<b>C16.5</b>	<b>Reimbursement of Expenses .....</b>	<b>2</b>
C16.5.1	Entitlement to Reimbursement.....	2
C16.5.2	Expenses which the University will not meet.....	2
C16.5.3	Evidence for Claims .....	2
C16.5.4	Resolution of Disputes over Expenses.....	2
<b>C16.6</b>	<b>Grounds for Appeal.....</b>	<b>2</b>
C16.6.1	Appeal Hearings .....	2
C16.6.2	Student’s Responsibility .....	2
C16.6.3	Excluded Matters.....	3
C16.6.4	Valid Grounds for Appeal .....	3
C16.6.5	Computational Error.....	3
C16.6.6	Initial Action on Computational Error .....	3
C16.6.7	Material Procedural or Administrative Error.....	3
C16.6.8	Requests Relating to a Material Procedural or Administrative Error.....	3
C16.6.9	Acceptance of Material Procedural or Administrative Error Grounds .....	3

C16.6.10	Programme Management Deficiencies.....	3
C16.6.11	Requests Relating to Programme Management Deficiencies.....	3
C16.6.12	Acceptance of Programme Management Deficiencies grounds.....	4
C16.6.13	Previously Undisclosed Extenuating Circumstances .....	4
C16.6.14	Valid Reasons .....	4
C16.6.15	Requests Relating to such Extenuating Circumstances.....	4
C16.6.16	Acceptance of Extenuating Circumstance Grounds .....	4
<b>C16.7</b>	<b>Submitting a Request for an Appeal Hearing.....</b>	<b>4</b>
C16.7.1	Timescales: submission of Request for an Appeal Hearing.....	4
C16.7.2	Timescales: determination of grounds and hearing.....	4
C16.7.3	Timescales for Complex Cases.....	4
C16.7.4	Definition of Working Days. ....	4
C16.7.5	Time Limits .....	5
C16.7.6	Extension of Deadlines .....	5
C16.7.7	Non-Agreed Late Submissions.....	5
C16.7.8	Submission of Information and Evidence.....	5
C16.7.9	Purpose of Submission of Information and Evidence .....	5
C16.7.10	Acceptance of Submissions without Evidence .....	5
C16.7.11	Identification of Witnesses .....	5
C16.7.12	Evidence at Appeal Hearing .....	5
<b>C16.8</b>	<b>Consideration of a Request for an Appeal Hearing.....</b>	<b>5</b>
C16.8.1	Consideration, Notification and Timescales .....	5
C16.8.2	Valid Grounds for Appeal .....	5
C16.8.3	Basis of Consideration .....	5
C16.8.4	Consideration Limited to Validity.....	6
C16.8.5	Initial Consideration .....	6
C16.8.6	Review of Initial Decision to Reject the Request.....	6
C16.8.7	Final Consideration.....	6
C16.8.8	Final Decision.....	6
C16.8.9	End of the Process .....	6
C16.8.10	Informal Conclusion .....	6
C16.8.11	“Completion of Procedures” letter .....	6
C16.8.12	Office of the Independent Adjudicator .....	6
<b>C16.9</b>	<b>Appeal Hearing .....</b>	<b>6</b>
C16.9.1	Appeal Panels .....	6
C16.9.2	Composition of Appeal Panels.....	6
C16.9.3	Remit of Appeal Panels. ....	7
C16.9.4	Individual Consideration of Appeals.....	7
C16.9.5	Consistency and Fairness.....	7
C16.9.6	Academic Judgement .....	7

C16.9.7	Academic Judgement and Appeal Outcomes .....	7
C16.9.8	Consideration by Appeal Panel: most grounds .....	7
C16.9.9	Process of Appeal Hearing: most grounds.....	7
C16.9.10	Consideration by Appeal Panel: previously undisclosed extenuating circumstances.....	7
C16.9.11	Process of Appeal Hearing: previously undisclosed extenuating circumstances.....	8
C16.9.12	Standard of Proof.....	8
C16.9.13	No Detriment to Academic Outcomes .....	8
<b>C16.10</b>	<b>Arrangements for Appeal Hearings .....</b>	<b>8</b>
C16.10.1	Notification, Information and Timescales.....	8
C16.10.2	Attendance at the Appeal Hearing.....	8
C16.10.3	Appeal through Written Submission.....	8
C16.10.4	Appeal Hearings by Telephone Conference.....	8
C16.10.5	Student Undertaking.....	8
C16.10.6	Identification of Witnesses .....	8
C16.10.7	Date of Appeal Hearing.....	8
C16.10.8	Attendance of Witnesses .....	9
C16.10.9	Postponement of an Appeal Hearing.....	9
C16.10.10	Absence of the student.....	9
C16.10.11	Terminated Appeal Hearing.....	9
C16.10.12	Refusal of Re-arranged Hearing .....	9
C16.10.13	Office of the Independent Adjudicator .....	9
<b>C16.11</b>	<b>Student Submission and Appeal Response.....</b>	<b>9</b>
C16.11.1	Information to the Faculty/Partner .....	9
C16.11.2	Appeal Response.....	9
C16.11.3	Information to the Student.....	9
C16.11.4	Information from the Student .....	9
C16.11.5	Agreement by the Faculty/Partner .....	10
C16.11.6	Absence of Appeal Response .....	10
C16.11.7	Representation at Appeal Hearing.....	10
<b>C16.12</b>	<b>The Appeal Hearing: most grounds .....</b>	<b>10</b>
C16.12.1	Conduct of the Appeal Hearing.....	10
C16.12.2	Adjournment.....	10
C16.12.3	Information to the Appeal Panel.....	10
C16.12.4	Access to Information .....	10
C16.12.5	Evidence in Person .....	10
C16.12.6	Written Evidence.....	10
C16.12.7	Further Evidence .....	10
<b>C16.13</b>	<b>The Appeal Hearing: previously undisclosed extenuating circumstances .....</b>	<b>11</b>
C16.13.1	Conduct of the Appeal Hearing.....	11
C16.13.2	Adjournment.....	11

C16.13.3	Information to the Appeal Panel.....	11
C16.13.4	Evidence in Person .....	11
C16.13.5	Written Evidence.....	11
C16.13.6.	Further Evidence .....	11
<b>C16.14</b>	<b>Decisions and Any Consequent Action .....</b>	<b>11</b>
C16.14.1	Decisions on Conclusion of the Hearing.....	11
C16.14.2	Notification to the Student .....	11
C16.14.3	No Amendment to an Academic Outcome .....	11
C16.14.4	Amendment to an Academic Outcome.....	12
C16.14.5	Consultation with the Chair of the Board of Examiners.....	12
C16.14.6	Professional and Statutory Body Programmes .....	12
C16.14.7	Consultation with External Examiners .....	12
C16.14.8	Non-agreement by External Examiner .....	12
C16.14.9	Consistency and Fairness .....	12
C16.14.10	Non-agreement on Consistency and Fairness.....	12
<b>C16.15</b>	<b>Errors or Irregularities Affecting More than One Student .....</b>	<b>12</b>
C16.15.1	Errors or Irregularities Affecting More than One Student .....	12
C16.15.2	Discussion with the Chair of the Board of Examiners .....	12
C16.15.3	Circumstances affecting an entire Cohort of Students .....	12
C16.15.4	Action in respect of such circumstances. ....	13
<b>C16.16</b>	<b>Conclusion of the Appeal Process .....</b>	<b>13</b>
C16.16.1	End of the Process.....	13
C16.16.2	“Completion of Procedures” letter .....	13
C16.16.3	Office of the Independent Adjudicator .....	13
<b>C16.17</b>	<b>Reporting of Outcomes and Formal Record .....</b>	<b>13</b>
C16.17.1	Report of Outcomes of Appeal Hearing.....	13
C16.17.2	Amendment to Minutes of Boards of Examiners.....	13
C16.17.3	Recommendation to the Chair of Academic Board .....	13
C16.17.4	Report to the Academic Board.....	13
<b>APPENDIX A:</b>	<b>APPLICATION TO THE OFFICE OF THE INDEPENDENT ADJUDICATOR.....</b>	<b>14</b>

## **SECTION C16: APPEAL AGAINST A DECISION OF A BOARD OF EXAMINERS OR EXAMINATION COMMITTEE**

### **C16.1 Introduction**

#### **C16.1.1 Determination of Academic Outcomes**

Academic Outcomes are determined by Boards of Examiners; Examination Committees; or Appeal Panels acting in accordance with the academic regulations of the University.

#### **C16.1.2 Appeal against Academic Outcomes**

Appeals against the decision of Boards of Examiners or Examination Committees will be permitted where the University has agreed that there are valid grounds for such an appeal.

#### **C16.1.3 Student Complaints Procedure**

An individual or group of students seeking redress in respect of a grievance relating to their position as student(s) of the University, should invoke the Student Complaints Procedure.

#### **C16.1.4 Student Complaints Procedure and Grounds for Appeal**

The outcome of the Student Complaints Procedure may provide grounds for appeal, either in itself or in association with other factors.

#### **C16.1.5 Sequence of Procedures**

Where any student who has invoked the Student Complaints Procedure lodges a Request for an Appeal Hearing before the Complaints Procedure has been concluded, the Appeal process will take precedence on account of its significance for the determination of progression or award.

### **C16.2 Rights and Responsibilities of Students**

#### **C16.2.1 Right of Appeal**

All students have the right to seek an Appeal Hearing to reconsider a decision of a Board of Examiners or Examination Committee. Appeal Hearings may only proceed where the University has agreed that there are valid grounds for the appeal. [See Section C16.6 below].

#### **C16.2.2 Right to Accompaniment/Representation**

Students have the right to be accompanied and/or represented at all stages of the process provided that the companion or representative is not a professionally contracted advocate.

#### **C16.2.3 Right to Information and Advice**

Students have the right to full information on the regulations and procedures in respect of Appeals; and to advice on their nature and operation.

#### **C16.2.4 Right to Continue with Studies**

A student whose case is under consideration within these regulations and procedures has the right to continue with his or her studies, subject to the provisions of Section C16.4 below.

#### **C16.2.5 Notification of Factors Affecting Performance**

It is the responsibility of a student to draw to the attention of the University any factors which they consider may have adversely affected their performance in assessments. This should be done as soon as possible in order that any due remedial action within the University Academic Regulations may be taken.

#### **C16.2.6 Consequences of Lack of Notification.**

Failure to seek remedial action or otherwise draw the attention of the University to relevant circumstances may lead to the rejection of a Request for an Appeal Hearing. This is particularly the case in respect of:

- perceived deficiencies in the management of a Scheme or Course
- disclosure of extenuating circumstances.

[Further details of this are found in Section C16.6 below].

#### **C16.2.7 Results, Documentation and Evidence**

It is the responsibility of the student to:

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

### **C16.3 Information and Advice to Students**

#### **C16.3.1 Information to Students**

The University will make full information on these regulations and procedures available to students.

### **C16.3.2 Advice on Regulations and Procedures**

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

### **C16.3.3 Students Union**

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

## **C16.4 Continuation of Studies**

### **C16.4.1 Continuation of Studies**

A student whose case is under consideration within these regulations and procedures normally shall have the right to continue with his or her studies until such time as a final decision is reached, unless this conflicts with requirements in respect of professional practice.

### **C16.4.2 Professional Practice**

The determination of the requirements of professional practice will be taken by the relevant Dean of Faculty (or nominee) on the advice of appropriate members of staff.

### **C16.4.3 Purpose of the Right of Continuation of Studies**

The right is intended to ensure that a student whose appeal is successful is not academically disadvantaged. Accordingly:

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

### **C16.4.4 Limits on Continuation of Studies**

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

### **C16.4.5 Administrative Arrangements**

The Registrar and Secretary's Office will make the administrative arrangements necessary to ensure that the student's formal status is appropriate for this purpose.

## **C16.5 Reimbursement of Expenses**

### **C16.5.1 Entitlement to Reimbursement**

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

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

### **C16.5.2 Expenses which the University will not meet**

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

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

### **C16.5.3 Evidence for Claims**

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

### **C16.5.4 Resolution of Disputes over Expenses**

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

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

## **C16.6 Grounds for Appeal**

### **C16.6.1 Appeal Hearings**

Permission for an Appeal Hearing against a decision of a Board of Examiners or Examination Committee will only be granted where a student can adduce valid grounds for such an appeal.

### **C16.6.2 Student's Responsibility**

It is the student's responsibility to provide the University with sufficient information for a decision on acceptance or rejection of grounds for appeal to be made. The evidence which it is

intended to submit need not necessarily be included in the Request for an Appeal Hearing, but the nature of such evidence needs to be identified. [See Section C16.7.8 below].

#### **C16.6.3 Excluded Matters**

Disagreement with the academic judgement of a Board of Examiners or Examination Committee cannot, in itself, constitute a valid ground for appeal. [See Section C16.9.6]

#### **C16.6.4 Valid Grounds for Appeal**

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

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

#### **C16.6.5 Computational Error**

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

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

#### **C16.6.6 Initial Action on Computational Error**

The Registrar and Secretary's Office will raise the query with the Faculty/Partner concerned. If the belief is found to be correct, appropriate action to rectify the matter will be taken by the Chair of the Board of Examiners; the student notified of this; and the matter thus concluded without the need for an Appeal Hearing. If the Faculty/Partner maintains the computation is correct, and the student does not accept this view, the matter will proceed to appeal.

#### **C16.6.7 Material Procedural or Administrative Error**

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

- the conduct of assessments or examinations
- the proceedings of the Board of Examiners or Examination Committee.

#### **C16.6.8 Requests Relating to a Material Procedural or Administrative Error**

A student who has reason to believe that a material procedural or administrative error has

been made, should lodge a Request for an Appeal Hearing, stating:

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

#### **C16.6.9 Acceptance of Material Procedural or Administrative Error Grounds**

Permission for an Appeal Hearing to take place on the grounds of material procedural or administrative error will only be granted where there is a clear *prima facie* case that:

- the error complained of may have occurred or did occur;

*and*

- that this resulted in the possibility or actuality of material disadvantage to the student.

#### **C16.6.10 Programme Management Deficiencies**

It is the expectation of the University that students will seek to have any perceived deficiencies in the management of the programme of study rectified through the available mechanisms or procedures at the time when they were thought to have occurred.

#### **C16.6.11 Requests Relating to Programme Management Deficiencies**

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

- details of the alleged deficiencies
- the time when they took place
- in what way these deficiencies were material to the determination of his or her Academic Outcomes
- in what way they feel disadvantaged on account of this alleged irregularity
- what action the student took to have these deficiencies rectified and the outcome of this or (as relevant)
- why the student did not seek to rectify the deficiencies through Scheme or Course mechanisms or other University procedures.

#### **C16.6.12 Acceptance of Programme Management Deficiencies grounds**

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

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

#### **C16.6.13 Previously Undisclosed Extenuating Circumstances**

It is the expectation of the University that any extenuating circumstances which a student wishes to have taken into account are disclosed prior to the meeting of a Board of Examiners or Examination Committee. For extenuating circumstances to be considered at an Appeal Hearing, evidence needs to be produced by the student showing that they were:

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

#### **C16.6.14 Valid Reasons**

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

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

and

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

#### **C16.6.15 Requests Relating to such Extenuating Circumstances**

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

- the nature of the extenuating circumstances
- evidence of the extenuating circumstances

- the reasons why they were unable to submit these prior to the meeting of the Board of Examiners, and evidence of the reasons or (as relevant)
- the reasons why they were unwilling to do this, and any supporting evidence for this claim.

#### **C16.6.16 Acceptance of Extenuating Circumstance Grounds**

Permission for an Appeal Hearing to take place on the grounds of previously undisclosed extenuating circumstances will only be granted where there is a clear *prima facie* case of inability, or valid reasons for unwillingness, to disclose the circumstances prior to the meeting of the Board of Examiners.

#### **C16.7 Submitting a Request for an Appeal Hearing**

##### **C16.7.1 Timescales: submission of Request for an Appeal Hearing**

All Requests for an Appeal Hearing should be submitted within the maximum submission time of 15 working days after the formal publication of decisions of a Board of Examiners or Examination Committee.

##### **C16.7.2 Timescales: determination of grounds and hearing**

It is the intention of the University to determine speedily whether there are valid grounds for seeking an Appeal Hearing; and to hold any permitted Appeal Hearing promptly. The timescales set out in the guidance are illustrative of best practice. The University undertakes to endeavour to meet these timescales, but accepts no liability for failure to do so.

##### **C16.7.3 Timescales for Complex Cases**

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

##### **C16.7.4 Definition of Working Days.**

"Working Days" includes weekdays and vacations. Saturdays, Sundays, Bank Holidays, Customary Days, and other days when the University is closed are not working days for the purposes of these regulations.

### **C16.7.5 Time Limits**

A Request for an Appeal Hearing must be lodged with the Registrar and Secretary's Office within the timescales specified in C16.7.1 above. Permission for an Appeal Hearing to take place will not normally be given in respect of a request lodged outside of these timescales, unless a student can show good and valid reasons for its late submission.

### **C16.7.6 Extension of Deadlines**

The Registrar and Secretary (or nominee) has the discretion to extend the deadline for submission of the Request for an Appeal Hearing in exceptional circumstances.

### **C16.7.7 Non-Agreed Late Submissions**

Non-agreed late submissions will normally be rejected as out of time. In exceptional cases, the Registrar and Secretary (or nominee) has the discretion to accept late submissions where the student has shown serious and valid reasons for:

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

### **C16.7.8 Submission of Information and Evidence.**

Information and evidence relating to the Request for an Appeal Hearing should be submitted or indicated at this point. The nature of the information and evidence required is identified in Section C16.6 above. Further details on submission or identification of evidence are found in the guidance which accompany this section of the regulations.

### **C16.7.9 Purpose of Submission of Information and Evidence**

The purpose of the submission of information and evidence at this point is twofold:

- it enables the University to reach a decision on whether or not valid grounds for appeal exist;

and, where an Appeal Hearing is granted

- it is forwarded to the Faculty/Partner in question to enable them to prepare a response (hereafter called the Appeal Response) which will be sent to the student prior to the Appeal Hearing itself.

### **C16.7.10 Acceptance of Submissions without Evidence**

Acceptance of submissions without evidence, or indication of evidence (as appropriate) is at the discretion of the Registrar and Secretary, who will

appoint a designated officer to make a decision on such submissions and notify the student accordingly. This decision is final.

### **C16.7.11 Identification of Witnesses**

Requests for an Appeal Hearing should also, if possible, include the names of any persons the student would hope to call as a witness at an Appeal Hearing, and the expected nature of that evidence. The University recognises that this may not be appropriate until after the student has received the Appeal Response from the Faculty/Partner. [See Section C16.11.2 below].

### **C16.7.12 Evidence at Appeal Hearing**

It is expected that the evidence to be adduced at any Appeal Hearing is either disclosed or identified at this point. No new *matter* (e.g.. different grounds for appeal) will be permitted at the Appeal Hearing. At the discretion of the Chair of the Appeal Panel, supplementary evidence germane to the issue raised may be permitted, where this arises in reply to the Appeal Response, or for some other good reason. [See Section C16.11.4]

## **C16.8 Consideration of a Request for an Appeal Hearing**

### **C16.8.1 Consideration, Notification and Timescales**

The processes involved in the consideration of whether an appeal Hearing will be granted; the method of notification to the student; and the timescales involved, are as set out in the guidance which accompanies this section of the regulations.

### **C16.8.2 Valid Grounds for Appeal**

An Appeal Hearing against a decision of a Board of Examiners or Examination Committee may only take place where valid grounds exist for such an Appeal Hearing to be granted. These grounds, and the information and evidence which should be submitted in respect of them, are set out in full in Section C16.6 above.

### **C16.8.3 Basis of Consideration**

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

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

#### **C16.8.4 Consideration Limited to Validity**

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

#### **C16.8.5 Initial Consideration**

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

- that valid grounds exist, in which case the Appeal Hearing is granted at this stage;
- or
- that valid grounds do not exist, in which case the matter is referred for further consideration.

The nominee may be a senior member of staff within the Registrar and Secretary's Office or a Faculty but not from the same academic subject area as the student requesting an appeal hearing.

#### **C16.8.6 Review of Initial Decision to Reject the Request**

If the initial decision was that there were no valid grounds on which an Appeal Hearing could be granted, the matter will be discussed with another designated senior member of staff. This reconsideration will result in:

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

#### **C16.8.7 Final Consideration**

If both designated senior members of staff concur that there are no valid grounds on which an Appeal Hearing could be granted, the matter will be referred for consideration by the Registrar and Secretary (or nominee).

#### **C16.8.8 Final Decision**

The Registrar and Secretary (or nominee) will decide:

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

#### **C16.8.9 End of the Process**

The decision of the Registrar and Secretary (or nominee) is final; and ends the process of

consideration of grounds. There is no appeal against this decision within the University.

#### **C16.8.10 Informal Conclusion**

Where it has been found that valid grounds for appeal do exist the Registrar and Secretary's Office will seek to determine whether the case may be resolved informally without the need to convene an appeal hearing. For example in cases of computational error.

#### **C16.8.11 "Completion of Procedures" letter**

Where it is decided that valid grounds for appeal do not exist, the student will be notified in writing of the finding and the reasons for it, and informed that the process is now at an end. This communication will be a formal "Completion of Procedures" letter for the purposes of any application to the Office of the Independent Adjudicator.

#### **C16.8.12 Office of the Independent Adjudicator**

A student whose Request for an Appeal Hearing has been rejected by the University has the right to refer the matter to the Office of the Independent Adjudicator. See Appendix A for details on this.

### **C16.9 Appeal Hearing**

#### **C16.9.1 Appeal Panels**

Appeals against a decision of a Board of Examiners will be heard by an Appeal Panel of 3 members which will consist of:

- Chair (member of Academic Board)
- 2 members of Academic Board or an Associate Dean.

#### **C16.9.2 Composition of Appeal Panels**

All members of Academic Board, with the exception of student members of the Board, and all Associate Deans will be eligible to serve on Appeal Panels. The Registrar and Secretary is responsible for determining the specific membership of any Appeal Panel in accordance with the following provisions.

- The Chair of the Panel shall be a member of Academic Board, with the exception of student members of the Board.
- No member of the Appeal Panel shall be drawn from the appellant's Academic Subject area.
- The Panel shall be composed with regard for the experience of its members, and a

balanced selection from the constituencies of Academic Board.

### **C16.9.3 Remit of Appeal Panels.**

Appeal Panels are required to consider each appeal on its individual merits; and, where appropriate, to determine an appropriate remedy for the particular circumstances in question, in accordance with these regulations.

### **C16.9.4 Individual Consideration of Appeals**

All appeals will be considered on their individual merits and the circumstances of the case. Consequently, no precedent may arise from an appeal, and no precedent may be cited in the course of an appeal.

### **C16.9.5 Consistency and Fairness**

A representative of appropriate experience of the Registrar and Secretary's Office shall be in attendance at all hearings. The remit of this representative is to seek to clarify facts (if appropriate); to advise; and, where necessary, to direct the Appeal Panel to ensure consistency of outcomes and the avoidance of perverse decisions. [See Section C16.14].

### **C16.9.6 Academic Judgement**

The academic judgements of examiners cannot in themselves, be questioned or overturned. This is in accordance with Section C1.4.6 of the University's academic regulations which states:

The following provisions apply to the exercise of academic judgement in relation to the assessment process:

- the assessment of a student's work is a matter of judgement, not simply of computation;
- marks, grades and percentages are not absolute values, but symbols used by examiners to communicate their judgement of different aspects of a student's work;
- this is done to provide information on which the final decision on a student's fulfilment of Scheme or Course objectives will be based;
- the academic judgements of examiners cannot, in themselves, be questioned or overturned.

Consequently, disagreement with the academic judgement of a Board of Examiners or Examination Committee cannot, in itself, constitute a valid ground for appeal.

### **C16.9.7 Academic Judgement and Appeal Outcomes**

The Appeal process within the University may result in an amendment to the decisions of a Board of Examiners or Examination Committee. Where this is the case, it should be clearly understood that this is not a review of the soundness of the original academic judgement made in respect of the assessment or assessments in question.

An amendment to a decision of a Board of Examiners or Examination Committee is a recognition that, while extraneous or more recently disclosed circumstances make it appropriate to change the final decision in respect of a student, the integrity and soundness of the initial academic judgement itself is not thereby questioned.

### **C16.9.8 Consideration by Appeal Panel: most grounds**

With the exception of grounds for appeal on the basis of previously undisclosed extenuating circumstances, the Appeal Panel will carry out this general remit by:

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

### **C16.9.9 Process of Appeal Hearing: most grounds**

The process of the appeal hearing for all grounds except those relating to previously undisclosed extenuating circumstances will be as set out in Sections C16.12 below. The essence of this process is that the Faculty/Partner will be invited to respond to the substance of the appeal (Appeal Response) and members of staff of the Faculty/Partner will be eligible to participate in an Appeal Hearing and contest the appeal.

### **C16.9.10 Consideration by Appeal Panel: previously undisclosed extenuating circumstances**

Where the ground for appeal is that of previously undisclosed extenuating circumstances, the Appeal Panel will carry out its general remit by:

- seeking to establish the facts of the matter in respect of the extenuating circumstances adduced
- seeking to establish, on the basis of the evidence presented, whether there were good

grounds for the previous non-disclosure of these circumstances

- on the basis of the above consideration, reach a finding that an appeal is upheld or rejected
- where an appeal is upheld, determine the gravity of the extenuating circumstances themselves, in accordance with University Regulations Section C15
- in the light of this determination of gravity, determine any appropriate course of action.

#### **C16.9.11 Process of Appeal Hearing: previously undisclosed extenuating circumstances**

The process of the Appeal Hearing in respect of grounds of previously undisclosed extenuating circumstances, will be as set out in Section C16.13. The essence of this process is that, on account of the confidentiality of extenuating circumstances, the matter is conducted entirely between the student, and his or her friend, representative and witnesses (if relevant), and the Appeal Panel. The Faculty/Partner is not invited to comment on the submission, nor does a representative of the Faculty/Partner attend the Appeal Hearing.

#### **C16.9.12 Standard of Proof**

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

#### **C16.9.13 No Detriment to Academic Outcomes**

A decision to reject an appeal shall not adversely affect a student’s Academic Outcomes decided by the Board of Examiners or Examination Committee, except in cases where it has been found that an incorrect mark has been presented to the Board of Examiners or Examination Committee.

### **C16.10 Arrangements for Appeal Hearings**

#### **C16.10.1 Notification, Information and Timescales**

Details relating to the processes of appeal; the method of notification to the student; the provision of any information; and the timescales involved, are as set out in the procedures which accompany this section of the regulations.

#### **C16.10.2 Attendance at the Appeal Hearing**

A student may choose:

- to attend and participate in the Appeal Hearing in person

- to have the appeal considered through written submission(s) only without personal attendance.

#### **C16.10.3 Appeal through Written Submission**

Where a student chooses this option they must inform the Registrar and Secretary of this in writing at the time of submission of the Request for an Appeal Hearing. Unless such notification is received it will be assumed that the student will be attending the Appeal Hearing in person, and the provisions found below relating to attendance will operate.

#### **C16.10.4 Appeal Hearings by Telephone Conference**

In exceptional circumstances, for example a student being resident abroad or having serious mobility difficulties, the Registrar and Secretary has the discretion to permit a telephone conference to be used. It is the student’s responsibility to seek this permission from the Registrar and Secretary, and it should be understood that ordinary timescales cannot apply to such arrangements. Should this process be agreed, a variant on the normal conduct of the hearing (set out in the University procedures) will be used for the determination of the appeal.

#### **C16.10.5 Student Undertaking**

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

#### **C16.10.6 Identification of Witnesses**

It is the responsibility of the student to inform the University at the earliest opportunity of the name of any witness which they would wish to call at the Appeal Hearing, and the expected nature of the evidence. Witnesses not identified within the prescribed timescales will not be permitted to attend the hearing.

#### **C16.10.7 Date of Appeal Hearing**

A date for the Appeal Hearing will be sent to the student. It is the responsibility of the student to be available on this date; unless they have chosen to have the hearing conducted through written representations only. It will not normally be possible for this date to be changed, and this will only be done in respect of exceptional

circumstances, for example medical treatment. Holiday arrangements do not constitute a valid reason for seeking to change the date of the Appeal Hearing.

#### **C16.10.8 Attendance of Witnesses**

It is the responsibility of the student to ensure the attendance of any witnesses at the Appeal Hearing. If a witness is unable to attend the hearing, the student may present a written statement from the witness, provided that the identify of the witness has previously been disclosed. The non-availability of a witness will not be a valid reason for a change to the date of the Appeal Hearing, unless the Registrar and Secretary's representative at the Appeal Hearing (see below) decides that the evidence of the witness is essential to the determination of the facts of the matter.

#### **C16.10.9 Postponement of an Appeal Hearing**

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

#### **C16.10.10 Absence of the student**

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

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

The decision of the Chair of the Appeal Panel is final.

#### **C16.10.11 Terminated Appeal Hearing**

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

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

#### **C16.10.12 Refusal of Re-arranged Hearing**

Where a re-arranged Appeal Hearing is refused the student will be notified in writing of the refusal and the reasons for it and informed that the process is now at an end. This communication will be a formal "Completion of Process" letter for the purposes of any application to the Office of the Independent Adjudicator.

#### **C16.10.13 Office of the Independent Adjudicator**

A student whose appeal has been terminated without an Appeal Hearing taking place has the right to refer the matter to the Office of the Independent Adjudicator. See Appendix A for details on this.

#### **C16.11 Student Submission and Appeal Response**

##### **C16.11.1 Information to the Faculty/Partner**

Once permission for an Appeal Hearing to take place has been granted the submission and evidence contained in the Request for an Appeal Hearing (Student Submission) will be sent to the Chair of the Board of Examiners.

##### **C16.11.2 Appeal Response**

The Chair of the Board of Examiners is responsible for undertaking an investigation within the Faculty/Partner and producing the Appeal Response (Faculty Response) to the Student Submission.

This investigation is conducted between appropriate academic colleagues and does not involve an interview with the student who is appealing.

##### **C16.11.3 Information to the Student**

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

##### **C16.11.4 Information from the Student**

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

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

#### **C16.11.5 Agreement by the Faculty/Partner**

The Chair of the Board of Examiners, after consultation with colleagues, and the external examiner(s) if relevant, may accept that the student's appeal is well founded. In such a case, the Chair of the Board of Examiners should propose a remedy to the student. It is expected that such a proposed remedy will be in accord with decisions normally taken by a Board of Examiners.

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

The Registrar and Secretary's Office is responsible for ensuring that this consultation has taken place before issuing the "Completion of Procedures" letter. No amended award classification will be progressed by the Registrar and Secretary's Office without the "Completion of Procedures" letter.

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

If the student accepts the proposed remedy, the matter is terminated at this point; and the appropriate amendment made to the minutes of the Board of Examiners; and a "Completion of Procedures" letter issued.

If the student does not accept the proposed remedy any Appeal Hearing will be conducted for the purposes of establishing due remedy only. Such remedy may be the same as that originally proposed by the Faculty/Partner.

#### **C16.11.6 Absence of Appeal Response**

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

#### **C16.11.7 Representation at Appeal Hearing**

The Chair of the Board of Examiners (or nominee) will normally represent the Faculty/Partner at an Appeal Hearing. Any nominee must be an experienced member of staff and must have been

present at the meeting of the Board of Examiners in question. The Chair of the Board of Examiners should notify the Registrar and Secretary's Office of any other member of staff who will be attending the hearing at the time when the Faculty/Partner Response is submitted, in order that the student can be informed of their identity.

#### **C16.12 The Appeal Hearing: most grounds**

##### **C16.12.1 Conduct of the Appeal Hearing**

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

##### **C16.12.2 Adjournment**

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

##### **C16.12.3 Information to the Appeal Panel**

The Appeal Panel will be provided with the following information:

- the minutes of the relevant Board of Examiners and/or Examination Committee
- details of the student's academic profile
- the student's file
- outcomes of any requests for consideration of extenuating circumstances made by the student where these apply to any assessments which are the subject of the appeal
- the Course/Scheme regulations.

##### **C16.12.4 Access to Information**

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

##### **C16.12.5 Evidence in Person**

The Appeal Panel will hear evidence from:

- the student
- the Chair of the Board of Examiners or Examination Committee or nominee
- all other appropriate persons.

##### **C16.12.6 Written Evidence**

The Appeal Panel will consider:

- written evidence produced by the appellant (Student Submission)
- written evidence produced by the Faculty/Partner (Appeal Response)
- written witness statements.

##### **C16.12.7 Further Evidence**

It is expected that the evidence to be adduced at any Appeal Hearing will have been previously

disclosed or identified (Student Submission and Appeal Response) No new *matter* (e.g. different grounds for appeal) will be permitted to be raised at the Appeal Hearing. At the discretion of the Chair or the Appeal Panel, a student may be permitted to present supplementary evidence germane to the issue raised where this arises in reply to the Appeal Response, or for some other good reason. It is not normally expected that the Faculty/Partner will seek to present further evidence; and the Chair of the Appeal Panel will only permit this in exceptional cases.

### **C16.13 The Appeal Hearing: previously undisclosed extenuating circumstances**

#### **C16.13.1 Conduct of the Appeal Hearing**

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

#### **C16.13.2 Adjournment**

The Chair of the Appeal Panel, in consultation with other Panel members, has the authority to adjourn the Appeal Hearing should the necessity for this become apparent, for example to seek further clarification of evidence produced, or in the light of statements made during the hearing which suggest that other enquiries need to be made before a decision can be reached.

#### **C16.13.3 Information to the Appeal Panel**

The Appeal Panel will be provided with the following information:

- the minutes of the relevant Board of Examiners and/or Examination Committee
- details of the student's academic profile
- the student's file
- minutes of the relevant Mitigation Panel (to ensure that double-mitigation is not being sought)
- the Course/Scheme regulations.

#### **C16.13.4 Evidence in Person**

The Appeal Panel will hear evidence from:

- the student
- all other appropriate persons.

#### **C16.13.5 Written Evidence**

The Appeal Panel will consider:

- written evidence produced by the appellant (Student Submission)
- written witness statements.

#### **C16.13.6. Further Evidence**

It is expected that the evidence to be adduced at any Appeal Hearing will have been previously

disclosed or identified (Student Submission). No new *matter* (e.g. different grounds for appeal) will be permitted to be raised at the Appeal Hearing, but at the discretion of the Chair or the Appeal Panel, a student may be permitted to present supplementary evidence germane to the issue raised where there is good reason for this.

### **C16.14 Decisions and Any Consequent Action**

#### **C16.14.1 Decisions on Conclusion of the Hearing**

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

- the appeal is upheld
- the appeal is rejected.

Where the appeal is upheld, the Panel will also determine any appropriate action in respect of this finding.

Where the appeal is on the grounds of hitherto undisclosed extenuating circumstances, the Appeal Panel will first categorise the grounds themselves as provided for in Section C15 10.7 of the University regulations, before determining appropriate action.

#### **C16.14.2 Notification to the Student**

It is normally expected that the decision, and any action arising from it, will be notified to the student verbally on the day and subsequently confirmed in writing. Where the Appeal Panel proposes to recommend an award of the University above the level of Certificate of Higher Education, or amend the classification of a Bachelor degree with honours, or the designation of Merit/Distinction to a Masters Award, the student will be informed that such a recommendation or amendment is subject to consultation with the external examiner.

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

#### **C16.14.3 No Amendment to an Academic Outcome**

An Appeal Panel may find that the appeal itself is upheld, but that the circumstances do not warrant an amendment of the decision on the student's Academic Outcomes reached by the Board of Examiners or Examination Committee. In such a case, the Appeal Panel will determine whether any

other outcome, for example an apology, is appropriate.

#### **C16.14.4 Amendment to an Academic Outcome**

If the Appeal Panel determines that an amendment should be made to an Academic Outcome as determined by the Board of Examiners or Examination Committee, this should be one of the actions authorised under Section C13.29 of the University Regulations.

#### **C16.14.5 Consultation with the Chair of the Board of Examiners**

If the Appeal Panel considers that it is appropriate, members may consult with the Chair of the Board of Examiners on any proposed amendment to the decision of the Board of Examiners or Examination Committee. This would normally be solely for the purpose of ensuring consistency of treatment with other students.

#### **C16.14.6 Professional and Statutory Body Programmes**

Where the programme of study is accredited by a Professional or Statutory Body, the Appeal Panel must consult with the Chair of the Board of Examiners or the relevant Associate Dean to ensure that any proposed amendment to the decision of a Board of Examiners is compatible with the requirements of the Professional or Statutory Body in question.

#### **C16.14.7 Consultation with External Examiners**

Where the Appeal Panel proposes the recommendation of an award of the University above the level of Certificate of Higher Education, or that an amendment be made to the classification of a Bachelor degree with honours, or that the designation of Merit/Distinction be given in respect of a Masters award, this may only be done after consultation with the External Examiner for the programme of study, or the Chief External Examiner where there are several.

The written consent of the external examiner is required for the above. This may be by oral agreement followed by written confirmation.

#### **C16.14.8 Non-agreement by External Examiner**

Where an external examiner does not agree with a proposal to recommend an award of the University; amend the classification of a Bachelor degree with honours; or designate Merit or Distinction for a Masters Award the Chair of the Appeal Panel will inform the Registrar and Secretary.

The Registrar and Secretary will remit the matter for consideration and determination between the Chair of Academic Board and the external examiner. The Chair of Academic Board's decision on the matter shall be final.

#### **C16.14.9 Consistency and Fairness**

A representative of appropriate experience of the Registrar and Secretary's Office shall be in attendance at all hearings. The remit of this representative is to seek to clarify facts (if appropriate); to advise; and, where necessary, to direct the Appeal Panel to ensure consistency of outcomes and the avoidance of perverse decisions.

A perverse decision is one which is grossly inconsistent with the evidence presented; proposes a disproportional remedy outside the normal scope of the University regulations, or fails to give a reasonable remedy in the light of the circumstances.

#### **C16.14.10 Non-agreement on Consistency and Fairness**

In the event of non-resolvable differences between the representative of the Registrar and Secretary's Office and the Appeal Panel, the Chair of the Appeal Panel will inform the Registrar and Secretary.

The Registrar and Secretary will remit the matter for consideration and determination of outcome to the Chair of Academic Board, whose decision on the matter shall be final.

#### **C16.15 Errors or Irregularities Affecting More than One Student**

##### **C16.15.1 Errors or Irregularities Affecting More than One Student**

If the Appeal Panel has reason to believe that an error or irregularity raised during the Appeal Hearing may have adversely affected the performance of more than one student, the Chair of the Appeal Panel shall discuss the finding with the Chair of the Board of Examiners.

##### **C16.15.2 Discussion with the Chair of the Board of Examiners**

The purpose of that discussion will be to establish whether or not more than one student was adversely affected, and if so, what remedial action might be appropriate in respect of other students.

##### **C16.15.3 Circumstances affecting an entire Cohort of Students**

Where the circumstances are found to have affected the entire cohort of students, the matter shall be reported to the Registrar and Secretary. The Registrar and Secretary will inform the Chair of the Academic Board, who, after consultation with such colleagues as are deemed appropriate, will determine a course of action to be taken.

#### **C16.15.4 Action in respect of such circumstances.**

The course of action to be taken will be determined in the light of the circumstances of the case and the need for equitable and fair treatment of students of the University; and includes the authority to annul an examination, or any other assessment or part of it.

In order to provide for equitable and fair treatment of students of the University, any course of action determined on in such a case is not limited to action which is currently provided for within the academic regulations.

### **C16.16 Conclusion of the Appeal Process**

#### **C16.16.1 End of the Process**

The decision of the Appeal Panel, or Chair of Academic Board where relevant, is final; and ends the process of appeal. There is no further appeal mechanism available in the University.

#### **C16.16.2 “Completion of Procedures” letter**

On the conclusion of the process, all appellants will receive a formal letter from the University, setting out:

- the decision
- a summary of the reasons for the decision
- notification of any outcome arising from the decision
- confirmation that the process is now at an end.

This communication will be a formal “Completion of Procedures” letter for the purposes of any application to the Office of the Independent Adjudicator.

#### **C16.16.3 Office of the Independent Adjudicator**

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

### **C16.17 Reporting of Outcomes and Formal Record**

#### **C16.17.1 Report of Outcomes of Appeal Hearing**

The Chair of the Appeal Panel will formally report the outcome of the Appeal Hearing to the Registrar and Secretary.

#### **C16.17.2 Amendment to Minutes of Boards of Examiners**

Where the outcome of the Appeal Hearing was an amendment to the Academic Outcome of the student, the Registrar and Secretary will so inform the Chair of the Board of Examiners or Examination Committee in order that the necessary addendum to the Minutes of the Board or Committee, recording that amendment, can be made.

#### **C16.17.3 Recommendation to the Chair of Academic Board**

Where the outcome of an Appeal Hearing was the recommendation of an award of the University, or the recommendation of an amendment to the classification of a Bachelor degree with honours, or the designation of Merit/Distinction to a Masters Award, the Registrar and Secretary will forward the report from the Chair of the Appeal Panel to the Chair of Academic Board in order that authority for conferment may be given.

#### **C16.17.4 Report to the Academic Board**

The Registrar and Secretary will make an annual report to the Academic Board of the University on the Appeal Process. The contents of this report will be as set out in the procedures which accompany this section of the Regulations.

**APPENDIX A: APPLICATION TO THE OFFICE OF THE INDEPENDENT ADJUDICATOR**

than three years before the complaint is received by the OIA.

C16.A1 A student who is dissatisfied with the academic appeal process or its conduct has the right to submit an application to the Independent Adjudicator that their dissatisfaction be reviewed independently of the University.

C16.A7 Further information on the Office of the Independent Adjudicator and its services is available on <http://www.oiahe.org.uk/>

C16.A2 This right may only be exercised once the internal processes have been exhausted.

C16.A3 The University issues a "Completion of Procedures" letter when:

- permission to appeal has not been granted;

or, as relevant

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

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

C16.A4 A Scheme Application Form must be completed in order to make a submission to the Office of the Independent Adjudicator.

C16.A5 This must be received within 3 months of the date of the "Completion of Procedures" letter.

C16.A6 The Office of the Independent Adjudicator will not review:

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