

College Appeal Regulations

Scope

2.141 The College Appeal Regulations (CAR) for students provide a single appeal process for students who wish to appeal against an outcome arising from the following procedures:

- i. Student Disciplinary Procedure, as detailed in the Code of Student Discipline.
- ii. Student Disciplinary and Fitness to Practice Procedure, as detailed in the Code of Student Discipline.
- iii. Assessment Offences regulations.
- iv. Student Complaints Policy.
- v. Disciplinary actions taken under the Library Regulations.
- vi. Disciplinary actions taken under the Residences Regulations.
- vii. Decisions to terminate the registration of a student.
- viii. Decisions to terminate the registration of a student on a research studies programme.
- ix. Regulations and procedures for upgrade from MPhil to PhD.
- x. Decisions of Examination Boards (Academic Appeals).
- xi. Decisions relating to student bursaries, scholarships and grants administered by the College.

2.142 In all cases the outcome resulting from the procedure stands and is not varied until the appeal process is completed and, if successful, results in an alternative decision.¹

Definitions

2.143 **Outcome of a procedure** in the College Appeal Regulations refers to a decision, result or other outcome from the relevant procedures and regulations.

2.144 **Academic appeals** in the College Appeal Regulations refers to a request for a review of an examination board decision.

2.145 **Principal's nominee** is a designated Vice Principal or other appropriate person to whom the Principal has delegated authority for the final review of appeals.

Authority and Delegations

2.146 Academic Board is responsible for the approval of the College Appeal Regulations.

2.147 The Principal has overall responsibility and authority for the operation of the College's regulations. The Principal normally delegates his/her authority for the operation of the College Appeal Regulations (CAR) to a Vice Principal. The Principal may authorise a substitute where any person referred to in these regulations is unable to act.

¹ For example: in the case of a decision that a student be excluded from the College due to failure, the student is not reinstated until the appeal process is complete and the decision of the appeal is such; in the case of a student issued with a notice to quit from the Halls of Residence must quit on the prescribed date and not be permitted to remain in residence, a new place in residences will be provided if the student is successful.

2.148 The Academic Secretary may delegate his/her authority to a senior member of administrative staff.

2.149 Academic Board may appoint Deputy Appeal Board Chairs who have the authority to act in the absence of the Chair, or where the Chair has a conflict of interest and/or where the Chair requests the Deputy Chair to act.

Grounds for appeal

2.150 A student may appeal on one or more of the following grounds:

- i. Procedural error where the process leading to the decision being appealed against was not conducted in accordance with the College's procedure such that there is reasonable doubt as to whether the outcome might have been different had the error not occurred. Procedural error includes alleged administrative/clerical error and bias in the operation of the procedure.
- ii. That exceptional circumstances, illness or other relevant factors had for good reason not been made known at the time or had not been taken into account properly.

2.151 'Good reason' requires a student to demonstrate circumstances outside his/her control that prevented the relevant factors being disclosed at the appropriate time. Personal embarrassment, or an unwillingness to disclose personal circumstances, do not count as 'good reason' for the purposes of these Regulations.

2.152 All appeals will be considered on their merit, but the following are not considered to be legitimate grounds for appeal; any appeals based exclusively on one or more of these grounds will be rejected automatically:

- i. Appeals against the academic judgment of internal or external examiners.
- ii. Appeals that are based on the informal assessment of a student's work by members of academic staff.
- iii. The retrospective reporting of extenuating circumstances that might have been reasonably made known at the time.
- iv. Marginal failure to attain a higher class of degree.
- v. In the case of disciplinary matters, the provision of an apology by the student for their actions is not reason for an appeal to be heard.
- vi. Lack of awareness by the student of the relevant procedure/regulations.
- vii. Vexatious appeals.

Appeal Board Composition

2.153 The Appeal Board membership is as follows:

- i. Chair, appointed by Academic Board for the relevant category of appeals.
- ii. One member of academic staff drawn from a panel appointed for this purpose by Academic Board.
- iii. One student member, normally the President of the Student Union or his/her nominee.
- iv. One external member who may either be a lay member of Council drawn from a pool nominated by the Council for this purpose or other external person drawn from a pool approved by Academic Board for this purpose.

2.154 In the case of appeals against a decision of the Student Disciplinary and Fitness to Practice Committee for students on a primary medical or dental qualification and Foundation Year 1, an additional member is appointed who is drawn from the

Postgraduate Deanery or is a senior member of another Medical or Dental School and who is a registered practitioner for the profession in question.

2.155 In all cases, members of the Appeal Board should not have been involved in making the original decision that is being appealed against.

2.156 Chairs and Deputy Chairs of Appeals Panels are appointed by Academic Board, normally for a period of 3 years. Academic Board appoints Chairs and Deputy Chairs to the following categories:

- i. Academic Appeals (requests for a review of an examination board decision).
- ii. Student Disciplinary and Fitness to Practice for students registered for primary qualifying medical and dental qualifications and Foundation Year One doctors.
- iii. Student Disciplinary Committee.
- iv. Student Complaints Procedure.
- v. Examination Offences.
- vi. Research degrees: decisions to exclude a student and/or decisions resulting from the MPhil/PhD upgrade process.
- vii. Decisions arising from the application of regulations other than those detailed above.

2.157 With the exception of the appropriate Chair, and Appeals against decisions of the Student Disciplinary and Fitness to Practice Committee, Appeals Panels are individually constituted for each case or group of cases by the Chair on the advice of the Academic Secretary drawing on the categories of membership identified in 2.153 above.

Appeal Board Terms of Reference

2.158 The terms of reference of the Appeal Board are:

- i. To hear the student's submission.
- ii. To hear the College's submission.
- iii. To consider and determine whether or not the grounds for appeal are made out.
- iv. To:
 - a) uphold the original decision, or
 - b) refer it back to the relevant body for reconsideration, or
 - c) To uphold the appeal and decide the appropriate course of action in the student's case. For cases that involve a decision where a choice of penalties was available to the original decision-making body, the Appeal Board may not impose a more severe penalty than that originally imposed.

Procedure for appeal requests

Making a request for appeal

2.159 The student must submit his or her request for appeal, in writing, to the Academic Secretary, or nominee. An appeal request must normally be made within 14 days of the formal notification of the decision that is being appealed against. Usually this is the date given on the decision letter. The Academic Secretary has the discretion to consider and allow late requests where the student is able to demonstrate good reason for the delay.

2.160 The student must detail in the request for appeal the grounds for appeal that apply, outline the supporting evidence that will be submitted and state whether the student requests an interview with the Academic Secretary. Supporting evidence should be submitted by the student within 7 days and be of a form that provides proof of the points covered in the written request for appeal (eg a medical certificate). The Academic Secretary has the discretion to allow late submission of evidence where the student is able to demonstrate good reason for the delay.

2.161 In the request for appeal, the student must provide his or her full name, programme and year of study, student number, details of the decision appealed against and the ground(s) on which the appeal is being made.

Actions on receipt of a request for appeal

2.162 On receipt of the appeal request, the Academic Secretary or nominee will make such enquiries into the request for appeal that he/she considers necessary. These enquiries may involve interviewing the student, consulting the paperwork from the process leading to the original decision and speaking with the individual with responsibility for the decision.

2.163 The Academic Secretary and appointed Chair of the relevant College Appeal Board will consider the case to determine whether or not the grounds for appeal are met and the appeal should be heard.

2.164 Any appeal request may be rejected on the grounds that there is clearly no case to be heard:

- i. Where the appeal is determined to be vexatious or frivolous; or
- ii. Where the evidence submitted by the student discloses no grounds for appeal; or
- iii. Where no information is provided to explain why extenuating circumstances were not disclosed originally or relies on reasons that were considered in making the original decision.

2.165 The student will be notified whether or not the appeal should be heard within 28 days of receipt of the submission of the student's supporting evidence.

Actions where there is evidence that the grounds of appeal are met or the appeal should be heard

2.166 Where it is determined that there is clear evidence that the grounds of appeal are met and the grounds are either of an administrative or regulatory nature, the Academic Secretary and appropriate Chair may take action to remedy the situation without referral of the case to an Appeal Board or referral back to the original decision making body.

2.167 Where there is substantive evidence that extenuating circumstances were not considered appropriately or, for good reason, could not be made known at the time of the original decision, the Academic Secretary and appropriate Chair may refer to the case back to the body that made the original decision for reconsideration.

2.168 Where the case is more complex or where the Academic Secretary and appropriate Chair cannot agree on a course of action, the case is referred to the Appeal Board for consideration.

Appeal Board Procedure

2.169 The student will receive at least 10 days' notice in writing of the date, time and location of the meeting of the Appeal Board.

2.170 The Appeal Board will receive the original documentation considered by the decision-making committee and any additional relevant documentation relating to the appeal, including the written appeal request and any response to the request by the College.

2.171 The student will receive the same set of documentation as the Appeal Board.

2.172 All papers and proceedings are confidential.

2.173 The student may be accompanied, or represented, by any one person of his/her choosing. A College representative will put the College's case to the Board.

2.174 The Appeal Board meeting normally follows the following format:

- i. The student and/or representative accompanying person addresses the Appeal Board. The student and college representative may remain present throughout. The Appeal Board members ask the student questions that are deemed to be relevant to the case.
- ii. The College representative puts the College's case. The Appeal Board asks the College representative questions relevant to the case.
- iii. Additional witnesses may present to the Appeal Board where the Chair permits it.
- iv. The Appeal Board meets alone to consider its decision.

2.175 The Appeal Board informs the student of its decision and the reasons for it. As a minimum this will be within 3 working days of the meeting and confirmed in writing within 7 days of the meeting.

2.176 For Academic Appeals, where the decision is referred back to the original Examination Board, the Chair of the Examination Board consults with the relevant internal examiner and the Academic Secretary. If the decision is beneficial to the student, i.e. less harsh than the original decision, Chair's action may be taken. In other cases, the Examination Board is reconvened to consider the student's case.

Final Review by the Principal's nominee

2.177 A student who is dissatisfied with the outcome of a request for appeal may appeal to the Principal's nominee solely on the grounds that the procedure set out in the College Appeal Regulations was not followed.

2.178 On receipt of such a final appeal the Principal's nominee will consider the case and decide either that the appeal was conducted according to the regulations or that it was not conducted according to the regulations.

2.179 Where the Principal's nominee, decides that the Appeal was not conducted according to the regulations, it is referred back to the Academic Secretary for reconsideration through the appeal process.

2.180 The review by the Principal's nominee is the final stage of the College's procedures. Once completed, the Academic Secretary will issue the student with a closure of procedures letter to confirm that all College processes have been completed.

Review by the Office of the Independent Adjudicator for Higher Education

2.181 The student may request the case to be reviewed by the OIA once the closure of procedures letter has been issued to confirm that the College's procedures have been completed. Information about the OIA scheme and its processes can be found at www.oiahe.ac.uk.