



College Appeal Regulations (CAR) 2009-10

- 2.111. The College Appeal Regulations (CAR) 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 Practise 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.
- 2.112. In all cases, the outcome resulting from the procedure is final and is not varied until the appeal process is completed and, if successful, results in an alternative decision.¹

Definitions

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

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

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

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

2.114. 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

¹ For example; if a student has been excluded from the College due to academic failure, the student is not reinstated until the appeal process is complete and the outcome of the appeal results in an amendment of the original decision. Similarly, students who have been issued with a notice to quit their room in the Halls of Residence must leave College accommodation on the prescribed date, an extension to the notice period will not be granted and students will be re-housed only in the event of the notice to quit being revoked as a result of the appeal process.

authorise a substitute where any person referred to in these regulations is unable to act.

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

2.116. 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

2.117. 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.

2.118. '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, does not count as 'good reason' for the purposes of these Regulations.

2.119. 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 Panel Composition

2.120. The Appeal Panel membership is as follows:

- i. Chair, appointed by Academic Board for the relevant category of appeal.
- 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 Students' Union or his/her nominee.

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- iv. One external member who may be either a lay member of Council drawn from a pool nominated by the Council for this purpose, or another external person drawn from a pool approved by Academic Board for this purpose.
- 2.121. In the case of appeals against a decision of the Student Disciplinary and Fitness to Practise Committee for students undertaking a primary medical or dental qualification, including 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. This additional member will be a registered practitioner of the profession in question.
- 2.122. In all cases, members of the Appeal Panel should not have been involved in making the original decision that is being appealed against.
- 2.123. 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 Practise 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.
- 2.124. 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 Panel Terms of Reference

- 2.125. The terms of reference of the Appeal Panel 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 have been met
 - 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 Panel may not impose a more severe penalty than that which was originally imposed.

Procedure for appeal requests

Making a request for appeal

- 2.126. The student must submit a request for an 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 will be 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.
- 2.127. The student must detail in the request for an appeal the grounds on which their appeal is based, outlining the supporting evidence that will be submitted and stating 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 (e.g. 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.
- 2.128. In the request for an appeal, the student must provide his or her full name, programme and year of study, student number, details of the decision being appealed against and the ground(s) on which the appeal is made.

Actions on receipt of a request for appeal

- 2.129. 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 documentation from the process leading to the original decision, and discussion with the relevant person/body responsible for the original decision.
- 2.130. The Academic Secretary and appointed Chair of the relevant College Appeal Panel will consider the case to determine if the grounds for an appeal have been met and whether the appeal should be heard.
- 2.131. 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 if the appeal relies on reasons that were considered in making the original decision.
- 2.132. The student will be notified as to 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 that the appeal should be heard

- 2.133. 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 Panel or referral back to the original decision making body.

- 2.134. 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.
- 2.135. 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 Panel for consideration.

Appeal Panel Procedure

- 2.136. The student will receive at least 10 days' notice in writing of the date, time and location of the meeting of the Appeal Panel.
- 2.137. The Appeal Panel 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.
- 2.138. The student will receive the same set of documentation as the Appeal Panel.
- 2.139. All papers and proceedings are confidential.
- 2.140. 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 Panel.
- 2.141. The Appeal Panel meeting normally follows the following format:
- The student and/or representative accompanying person addresses the Appeal Panel. The student and College representative may remain present throughout. The Appeal Panel members will ask the student questions that are deemed to be relevant to the case.
 - The College representative puts the College's case. The Appeal Panel asks the College representative questions relevant to the case.
 - Additional witnesses may present to the Appeal Panel where the Chair permits it.
 - The Appeal Panel meets alone to consider its decision.
- 2.142. 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 the decision will be confirmed in writing within 7 days of the meeting. This letter is known as the College's Completion of Procedures letter.
- 2.143. 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

- 2.144. 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.
- 2.145. 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.
- 2.146. 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.
- 2.147. 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 further completion of procedures letter to indicate that this final review has taken place.

Review by the Office of the Independent Adjudicator for Higher Education

- 2.148. The student may request the case to be reviewed by the OIA once the completion 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.org.uk.

Taken from the Academic Regulations 2009 -10, pages 33 – 38