

SENATE REGULATION 12 (November onwards): Academic Appeals

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Scope and coverage of Academic Appeals procedures

1. An academic appeal must relate to one or more of the following decisions of a Panel or Board of Examiners, or of Research Degree Examiners which concern the assessment of a student:

- a) A mark or grade for any examination, test, practical assignment or project, thesis, dissertation or coursework, which has been confirmed by the Examiners;
- b) A recommendation from the Examiners that a student should or should not obtain a degree or qualification from the University;
- c) The class of degree or any mark of distinction recommended by the Examiners;
- d) A recommendation from the Examiners that a student may or may not be permitted to progress into the next year of their programme of study, to repeat any module or programme, to resubmit an assessment, or to re-sit an examination;
- e) The outcome of a formal progress review under Senate Regulation 5.16 (for postgraduate research students)

2. Academic appeals which challenge the academic judgment of the assessors or Examiners are not permitted and will not be considered.

Academic Appeals and Complaints

3. If an academic appeal and complaint are submitted simultaneously, the Registrar will determine how the submissions shall be considered; this may include one matter being suspended whilst the other is reviewed, or both being considered in parallel.

Timeliness

4. It is expected that both students and the University will adhere to the timeframes set out in this Regulation.

Fair dealing

5. Academic appeals are managed with due discretion by the University. Students will not be prejudiced in their academic career or University life by having submitted an academic appeal.

6. Vexatious or frivolous academic appeals will not be considered by the University; in such cases, the University will write to the student to provide reasons for this decision.

7. Where appropriate, the University may verify the authenticity of any documents submitted in support of an academic appeal, or statements made within the appeal itself, and may refer the matter for investigation under Senate Regulation 6, if there are concerns about authenticity.

8. It is expected that all parties involved in an academic appeal will act reasonably and fairly, and treat the process in a respectful manner. If inappropriate behaviour is displayed, further action may be taken.

Equality Act 2010

9. In accordance with the Equality Act, the University will consider any reasonable adjustments to this Senate Regulation, which may be required to support students.

Representation

10. Students are normally expected to pursue their own academic appeal. The University may agree to communicate with a family member or friend acting on behalf of a student, but will only do so with the express written agreement of the student.

11. Students may be accompanied to a meeting or hearing by a representative, who may present the student's case, and/or by a friend who may be present to support the student. Only a current student or staff member of the University, an advice worker from the Union of Brunel Students, or a relevant individual in the case of reasonable adjustments being made for a student, shall normally be permitted to be a representative or supporter. Students are not normally permitted to be represented in their absence in any meeting or hearing held to consider their academic appeal.

12. Neither the student nor the University shall normally be represented or supported by a legal practitioner in any meeting or hearing held to consider the academic appeal.

Confidentiality and disclosure

13. Information submitted in an academic appeal will only be disclosed to other members of the University where necessary to fully investigate the appeal.

14. If a student makes allegations against University staff in the context of their appeal, the staff member has the right to know and respond to these allegations. If a student is unhappy with this disclosure, it should be stated on their academic appeal form; the Clerk and Secretary to the Academic Appeals Committee will advise the student on the extent to which their academic appeal may be considered.

15. Students have the right to see documents considered when reaching a decision on their academic appeal, so long as these do not comprise the privacy and confidentiality of third parties.

16. The meetings of Panels convened under this Senate Regulation are held in closed session.

Mediation Service

17. At any point during the appeals procedure, a student may request, or agree to, mediation. Consideration of the academic appeal will normally be paused whilst the mediation takes place.

Students and partnership arrangements

18. Where a student is studying on a programme delivered through a partnership agreement, any applicable variations to this Senate Regulation will be set out in the relevant agreement and guidance to students.

Academic Appeals Committee and Panel

19. The Academic Appeals Committee is a sub-committee of Senate. The Committee consists of a Chair, who shall be appointed by and a member of Senate, and at least sixteen members of academic staff, who shall also be appointed by Senate, at least 3 of whom shall be Professors. At least two members of the Committee shall be appointed as Vice-Chairs. The Registrar (or nominee) shall appoint a senior member of the University administration as Clerk and Secretary to the Academic Appeals Committee.

20. Each member of the Committee shall be appointed for 3 years, and can be re-appointed at the end of this period. The term of office for members shall normally start at the beginning of an academic year.

21. The Committee shall meet at least once annually to consider matters of policy as well as the anonymised range of cases and outcomes it has considered in the previous period. The quorum for the Committee is 8, including the Chair; the Committee shall be supported by the Clerk and Secretary to the Academic Appeals Committee. A summary of this meeting and other key matters for discussion shall be submitted in an annual report to Senate.

22. A Panel of the Committee is convened to consider Stage One Appeals. A quorate Panel shall consist of at least three members, including a Chair and normally at least one Professor. A Secretary shall be appointed by the Clerk and Secretary to the Academic Appeals Committee to assist the Panel.

Early resolution

23. Where a student has concerns about their academic results, they should first raise these with an appropriate member of staff in their Department, normally within 5 working days of the release of their results. A brief record of the discussion should be made by the staff member involved, on the Early Resolution Form, and shared with the student.

24. If a student has not engaged with Early Resolution prior to submitting their Stage One Appeal Form, they will be referred back to this step.

Stage One Appeal

25. If a student's concerns are not satisfactorily resolved through Early Resolution, they should submit a Stage One Appeal Form within 10 working days of the release of their results. Appeals received after this deadline will only be accepted at the discretion of the Office for Student Complaints, Conduct and Appeals.

26. The Stage One Appeal Form must be submitted electronically and with supporting evidence. The student must state if there is further evidence to follow, which should normally be submitted within a further 5 working days.

27. A student may appeal on one or more of the following grounds only:

- a) That there is evidence that the assessment(s) may have been adversely affected by extenuating circumstances which the student was, for valid reasons, unable to make known to the Examiners or progress review beforehand;
- b) That there were procedural irregularities in the conduct of the assessment(s) and/or assessment procedures, which adversely affected the result achieved;

- c) That there is evidence of prejudice or bias on the part of one or more of the assessors, Examiners, or members of staff conducting a progress review;
- d) That there is evidence of inadequate assessment on the part of one or more of the assessors, Examiners, or members of staff conducting a progress review.

Eligibility check

28. Upon receipt of an academic appeal, the Office for Student Complaints, Conduct and Appeals will undertake an eligibility check. An appeal may be dismissed at this stage in the following circumstances:

- a) The appeal has not been submitted on the correct form, or the form is incomplete;
- b) The appeal, or further evidence, has been submitted out of time;
- c) The appeal has no independent third-party evidence of the extenuating circumstances, if relevant;
- d) The appeal contains no evidence that the ground(s) have been met;
- e) The appeal is frivolous or vexatious;
- f) The appeal falls outside the scope of this Senate Regulation and should be considered under another procedure.

29. If an appeal is considered eligible, it shall be referred to the College for investigation.

30. If an appeal is not considered eligible, the student can contest this decision, but is not able to submit additional evidence.

31. A contestation must be submitted to the Manager of the Office for Student Complaints, Conduct and Appeals within 5 working days of the date of the eligibility decision. The Manager of the Office for Student Complaints, Conduct and Appeals will, normally within 5 days of receipt of the contestation, consider whether the decision to reject the appeal was made in accordance with this Regulation. If the contestation is accepted, the appeal will be passed to the College for consideration. If the contestation is rejected, there are no further opportunities for the appeal to be considered by the University, and a Completion of Procedures letter will be issued.

Stage One consideration

32. Appeals will be investigated by an academic staff member from the College, who has not previously been involved with the case, and the Appeals, Complaints and Students Misconduct Manager (or nominee). The Investigators may talk to key staff and consider documents and other evidence, particularly those received from the student's Department, who will be asked to comment on the appeal. The Investigators may meet with the student to discuss the case; if a meeting is arranged, a record of this will be kept by the Investigators and shared with the student.

33. On completion of the investigation, the Investigators may uphold the appeal and make recommendations to resolve it, may dismiss the appeal, or may refer the appeal to an Academic Appeals Panel, if they determine it requires further consideration. The decision of

the Investigators will be considered by the Chair or a Vice Chair of the Academic Appeals Committee, and either ratified or varied, in consultation with the Investigators.

34. The decision of the Investigators shall normally be communicated in writing, within 30 working days of their receipt of the appeal.

Academic Appeals Panel

35. Written notice of the Panel will be sent to the student, together with the Panel membership, the name of the Investigator attending, the student's right to be accompanied, and all documentary evidence at least 10 working days before the Panel date. The student and the Investigator will have the opportunity to provide a further statement for the Panel's consideration, but will not be permitted to provide any further evidence. Any further statement, the names of any witnesses the student or the Investigator wish to call, and any concerns with the membership of the Panel should be submitted 5 working days before the Panel meeting.

36. The absence of the student or of the Investigator will not prevent the Panel from taking place nor invalidate the proceedings. In the event that a student cannot attend for good reason, but wishes to be present, the Chair of the Panel should consider an adjournment.

37. The Panel shall consider the documentary evidence before it, and invite the student and the Investigator to give evidence. Other persons shall be asked to attend to give evidence, if the Panel wishes.

38. The Panel will determine whether the ground(s) of appeal have been met or not. Where the ground(s) have been met, the Panel will decide whether to modify or confirm the decision appealed against. Where the ground(s) have not been met, the original decision stands. The Panel may also reject the appeal on the basis of the eligibility grounds, set out in SR12.28 above, or on the basis that the student has challenged academic judgment.

39. The decision of the Panel will normally be communicated in writing, within 5 working days of its meeting.

Stage Two Appeal

40. If a student is dissatisfied with the decision made at Stage One, they should submit a Stage Two Appeal Form within 10 working days of the date of the outcome letter. Appeals received after this deadline will only be accepted at the discretion of the Head of Student Affairs & Casework.

41. The Stage Two Appeal Form must be submitted electronically and with supporting evidence. The student must state if there is further evidence to follow, which should normally be submitted within a further 5 working days.

42. A student may appeal on one or more of the following grounds only:

- a) That there is evidence that could not have been, or for good reason was not, made available at the time of the Stage One Appeal Form submission, and that sufficient evidence remains that the appeal warrants further consideration;

- b) That there is evidence of a procedural irregularity on the part of the University in considering the Stage One Appeal, and that sufficient evidence remains that the appeal warrants further consideration;
- c) That there is evidence of prejudice or bias on the part of the Investigators and/or the Academic Appeals Panel;
- d) That, giving due consideration to the documentation previously provided, the decision of the Investigators and/or the Academic Appeals Panel was unreasonable.

43. Upon receipt of a Stage Two Appeal, the Head of Student Affairs & Casework (or nominee) will determine whether the ground(s) for appeal have been met. Where they have, a Review Panel will be convened; otherwise the appeal will be dismissed. This decision will normally be communicated within 10 working days of receipt of the appeal.

44. Where a Review Panel is convened, this will comprise two senior Officers of the University, neither of whom will have been previously involved in the appeal, supported by a member of the Office for Student Complaints, Conduct and Appeals, acting as Clerk to the Panel. The Review Panel shall normally meet within 10 working days of the decision to refer the appeal to them.

45. The Review Panel will consider whether there is sufficient reason to challenge the decision made at Stage One. If the Panel determine such reason is present, they can set aside the Stage One decision and replace it with one of its own, or it can refer the case back to the Investigators or the Academic Appeals Panel for fresh consideration with commentary. If the Panel determines there is insufficient reason to challenge the decision made at Stage One, the appeal will be dismissed and the outcome of the Stage One Appeal will stand.

46. The decision of the Review Panel shall normally be communicated in writing by the Office for Student Complaints, Conduct and Appeals, within 5 working days of its meeting.

47. The decision of the Head of Student Affairs & Casework and any subsequent Review Panel is final. There is no further right of appeal and no right to appeal against the decision of the Investigators or the Academic Appeals Panel if the case has been referred back for fresh consideration.

Office of the Independent Adjudicator (OIA)

When all internal procedures are complete, students will be issued with a Completion of Procedures Letter, and may then request an independent review of their case by the OIA.

APPENDIX A – Upheld academic appeals

Where an academic appeal is upheld, the following actions may be considered as a means of resolution:

In the case of an appeal by an undergraduate or taught postgraduate student

- Require the Board of Examiners to reconsider its decision, taking into account such information or findings as deemed appropriate.

In the case of an appeal by a postgraduate research student concerning an examination

- Require the Examiners to reconsider their decision, taking into account such information or findings as deemed appropriate;
- Require that the student be permitted to revise and resubmit their thesis within a specified timeframe, with specified support or supervision; or
- Require the thesis to be re-examined (this may also include the appointment of one or more new Examiners).

In the case of an appeal by a postgraduate research student concerning a progress review

- Require the Review Assessors to reconsider their decision, taking into account such information or findings as deemed appropriate;
- Require that the student be permitted to prepare for a further review of their progress within a specified timeframe, with specified support or supervision; or
- Require the student's progress to be re-assessed (this may also include the appointment of one or more new Assessors).

(Updated September 2020, effective November 2021)