

# Academic Appeals Procedure: UNMC

Academic Appeal procedure to 25 September 2016

This procedure should be read in conjunction with the Academic Appeals Policy (set out in the Quality Manual).

## 1 The student's written case

1.1 Appeals must be submitted within one calendar month of the student receiving notification of the decision they wish to appeal against (or publication of results in the case of Degree Class appeals). Appeals received out of time will not be considered.

1.2 It is for the student to establish their case, including submission of relevant documentary evidence.

1.3 Appeals should be submitted using the Appeal form and be presented clearly and comprehensibly. The written case should include the following information:

- a) the type of decision being appealed (as set out in section 1.1.2 of the Academic Appeals Policy);
- b) the grounds for appeal (as set out in section 1.2.1 of the Academic Appeals Policy);
- c) the reasons why the student considers there are grounds for appeal.

Where the student's case relies on documentary evidence, s/he must include originals of any relevant documentation. All documentation should be in English and the translation of any documents should be done by an accredited translator.

1.4 Appeals that do not meet these criteria will be referred back to the student.

## 2 The Appeal process

2.1 The appeal is facilitated by the Secretary to the Academic Appeals Committee (the Secretary) at UNMC. The Secretary will acknowledge receipt of the appeal and keep the student informed, in writing, of progress and of the final outcome.

2.2 Throughout the process, the Secretary will liaise directly with the student, unless instructed in writing by the student to liaise with a third party representative instead.

2.3 The Secretary will consider the student's written appeal submission, and may:

- a) request clarification/further information from the student prior to making a recommendation;
- b) request clarification/information from the decision making body prior to making a recommendation;

and then, either

- c) reject submissions which do not demonstrate sufficient grounds for appeal; or

d) request that the decision making body provide a formal, written response (section 2.4).

2.4 If the decision making body is requested to make a formal, written response it may either:

- a) make a revised recommendation or decision in light of the appeal (see 2.5);
- b) make no change to its recommendation and provide a written explanation for this (see 2.6);
- c) request further information from the student, via the Secretary, before it makes a decision.

2.5 If the decision making body makes a revised recommendation which is accepted by the University and this achieves the student's preferred outcome (that which is stated on the appeal form), the appeal process will come to an end. If, however, the decision making body's revised recommendation differs from the student's preferred outcome, the student will be given the option of accepting the revised recommendation and ending the appeal process or continuing with the appeal. If the student chooses to continue with the appeal and the appeal is subsequently rejected, the School's revised recommendation will stand.

2.6 If the decision making body makes no change to its recommendation the Secretary will send the decision making body's formal, written response to the student for their comment. The case, including any such comment made by the student will then be referred to a staff member of the Academic Appeals Committee who may:

- a) request further information from the School or Quality & Standards Committee and/or student via the Secretary before making a decision;
- b) reject the appeal without referring it to a full hearing by an Academic Appeals Committee;
- c) refer the case to a member of the Quality & Standards Committee to determine whether the School should be required to reconsider the recommendation if the School's original decision would not have been endorsed on behalf of Quality & Standards Committee had the full circumstances of the case been known prior to that endorsement;
- d) refer the appeal to a full hearing of the Academic Appeals Committee (section 4).

2.7 If required, the Secretary will provide guidance to Committee members when making their judgement on cases with respect to matters of policy and precedent.

### **3 Response to the Appeal**

3.1 Where the Secretary believes that there may be grounds for appeal, the Secretary will send a copy of the student's appeal form and any supporting evidence to the relevant decision making body, which will be asked to provide written comments in response to the grounds of appeal set out in the student's appeal. The response is to be received by the Secretary normally within 10 working days.

3.2 In the case of Joint Honours students, or students on inter-disciplinary courses, the relevant Schools should consult as to who will make the written response, and appear before the Committee if requested.

3.3 In the case of International Campus students a joint response by the School/Division is expected.

3.4 The response should either:

a) provide a revised recommendation, which, if appropriate, will be forwarded to the Quality & Standards Committee via the Director of Academic Administration or equivalent (see 2.5); or

b) uphold the original decision and provide a written explanation for this. In which case, the student will be given the opportunity to comment on the written response before a staff member of the Academic Appeals Committee is asked to consider the Student's appeal, the decision making body's responses and any comment from the student and to decide whether or not the case should be referred to a full hearing of the Committee (see 2.6).

Before submitting a response, the School may also request, via the Secretary, that further information is obtained from the student.

3.5 An appeal response form is provided to help make a response.

3.6 If the Secretary to the Academic Appeals Committee at the initial submission stage believes that the information provided by the student does not satisfy the grounds of appeal, or if during the appeal process a representative of the Academic Appeals Committee believes that the case is insufficient and therefore bound to fail, the appeal (or a specific ground) may be rejected. The reasons for the decision will be conveyed by letter to the student and, where appropriate, other parties. This will not prevent the student from submitting a revised case within 1 calendar month of receiving notification of the outcome of their appeal if s/he has **new evidence** to make known.

3.7 If a member of the Academic Appeals Committee has been personally involved in the student's case at any prior stage, s/he will not act, and a substitute member will be appointed for this purpose by the relevant Secretary.

## **4 Procedures for an Academic Appeals Committee Hearing**

### **4.1 Powers of the Academic Appeals Committee Panel**

4.1.1 The Academic Appeals Committee Panel acts with the full delegated authority of Senate.

If the Panel is satisfied that any of the grounds in section 1.2.1 of the Academic Appeals Policy have been established (whether or not a ground originally specified by the student), it may:

a) require that the recommendation be reconsidered in the light of the Panel's findings;

b) require that new Examiners be appointed (in a Research Degree Appeal only).

Otherwise, the Committee will confirm the decision.

## **4.2 Composition of the Panel**

4.2.1 The Panel will comprise a minimum of three members, including:

a) At least two members of the Academic Appeals Committee, one of whom shall act as Chair.

Neither of them will have been involved in the original decision.

b) A student delegate nominated by the Students' Association. If no student delegate is available, the Panel shall instead include an Executive Officer of the Students' Association, who is not the Education Officer. In the event that no student delegate and no Executive officer of the Students' Association is available for a hearing, the Panel shall include a third member of academic staff from the Academic Appeals Committee as appropriate.

4.2.2 The Panel will be serviced by a Secretary who is not a member, but will be present throughout the proceedings. For an appeal against the decision of the Faculty of Medicine and Health Sciences Fitness to Practise Committee there will additionally be two members from the Faculty of Medicine and Health Sciences and an external professional member.

4.2.3 Any member of the Committee who knows of any possible conflict of interest or who has been personally involved in the individual student's case at any prior stage will not be eligible to be a member of the Panel for that case.

## **4.3 Circulation of information**

4.3.1 The Secretary will circulate documentation for the appeal prior to the hearing to the Panel members, the student, the Director of Studies (and others if appropriate). The documentation will comprise of the student's written case, comments from the School, any further information sought by the Chair and factual information about the student's academic career.

4.3.2 The student must make arrangements for any further written evidence s/he wishes to bring in support of his/her case to be received by the Secretary before the hearing. Written material will not normally be circulated to the Panel if it is received by the Secretary less than 5 working days before the date of the Appeal. Written evidence submitted at a later time may be circulated, at the discretion of the Chair - for example, if it responds to written comments from the School received too late for the student to comply with the five day rule.

4.3.3 All attendees will normally have access to the same written material, with no privileged access to documentation being given to the Panel members or representative of the decision making body. Exceptionally, and with the prior agreement of the Chair, the student may submit additional written evidence which will be circulated to members of the Panel only. This exceptional arrangement might be invoked, for example, in the case of properly certified medical evidence which a student felt unable to share with his/her School.

## **4.4 Student attendance at the Appeal Hearing**

4.4.1 The student will receive a written invitation from the Secretary to attend the Appeal Hearing in person at least 10 working days in advance of the hearing. They will be asked to confirm his/her intention to attend, or not, in writing. The Secretary will also inform the student of the names and status of the members of the Academic Appeals Committee for their hearing. The student should inform the Secretary of any conflicts of interest, such as Committee members who have been involved in the original decision making or who are connected with the student's School.

4.4.2 The student should inform the Secretary if they do not wish, or if they want to insist, that a student delegate to be included on the Academic Appeals Committee Panel for their hearing.

4.4.3 While the Appeal will take place even if the student does not wish to attend, the Committee regards it as very important to be able to hear the student's point of view expressed in their own words, if at all possible, and the student is therefore encouraged to attend.

4.4.4 The student is entitled to have a person of their choosing attend the hearing with them (referred to here as "the friend"), and is permitted to have the person of their choosing speak on their behalf. The student should confirm the name and status of the person accompanying them in writing to the Secretary no less than five working days before the hearing. The 'friend' may not be a solicitor or other legal representative.

#### **4.5 Staff attendance at the Appeal Hearing**

4.5.1 The student's Head of School or nominee is required to attend the Hearing where the appeal is against a decision of the School Board of Examiners. If the Head of School or nominee does not have the appropriate detailed knowledge, s/he must bring one or more members of staff with detailed knowledge of the case and, in particular, a member of staff (eg. the tutor) who has detailed knowledge of the student's academic career and of the arrangements for the student's course.

4.5.2 Where the appeal is against the Quality & Standards Committee, a relevant member of the Quality & Standards Committee should attend.

#### **4.6 Absence of the student or staff from the Hearing**

4.6.1 If the student has appealed but has indicated that s/he does not wish to attend, the Chair has a duty to ensure that members of the Panel are fully aware of all the facts, and will rehearse the points made in the student's letter. The Chair will ensure that the Panel follows the relevant procedures in section 4.7.

4.6.2 If the student chooses not to attend, the friend may only attend in exceptional circumstances, at the discretion of the Chair.

4.6.3 If the student has indicated his/her intention to attend, but is prevented from doing so for good reason and contacts the Secretary before the meeting to that effect, the Chair will agree to defer consideration of the case and will agree alternative arrangements for an Appeal. The Chair will have discretion as to what constitutes "good reason".

4.6.4 If the student has indicated his/her intention to attend, but fails to attend without reasonable explanation, the Panel will consider the case in the student's absence. The Chair will have discretion as to what constitutes a "reasonable explanation".

4.6.5 If a member of staff has indicated his/her intention to be present, or has been required to attend, but is absent from the Appeal, the Chair will have discretion as to whether the Appeal should proceed in their absence, or should be deferred.

#### **4.7 Procedure for conduct of the Panel Hearing**

This section defines the steps which should be followed during the Appeal Hearing itself. The Chair has discretion to vary these arrangements as s/he thinks fit as long as any changes do not contravene the basic principles set out in the Quality Manual Academic Appeals Policy sections 2.2.10 - 2.2.12.

- a) An Officer will meet the student (if attending) outside the meeting before the Hearing and will offer to explain the procedure, check that the student has copies of the documents circulated to members of the Committee and, if not, provide a set.
- b) If either the decision making body representative and/or the student has obtained prior agreement from the Chair to call upon other persons to attend the Appeal (see sections 4.4 and 4.5 above), the Chair will decide if they may attend throughout the proceedings until all parties withdraw, or whether they shall attend the meeting only while they give such relevant information.
- c) The Chair will ask if any member has been personally involved in the student's case at any prior stage and, if so, will ask them to withdraw for the duration of the case.
- d) An Officer will escort the student (if attending), the friend (if attending), and the decision making body representative into the meeting.
- e) The Chair will introduce by name and explain the functions of the members of the Committee, the decision making body representative, and any others present.
- f) The Chair will explain the powers of the Committee, as set out above.
- g) The Chair will tell the student that the Committee will take their case to be as set out in their letter, and will ask if they wish to make a brief opening statement, or whether they wish the friend to do so on their behalf. If the friend makes the statement, the Chair will ask the student if they wish to add anything. The Chair will then explain that the Committee wishes to hear directly from the student in their own words, and that they will be expected to answer questions.
- h) Members of the Committee will be invited to question the student.
- i) The Chair will invite the decision making body representative to make a brief opening statement, and will then invite the Committee to ask questions. If the decision making body representative is accompanied by other colleagues, they will be afforded the same opportunity, and questioned.
- j) At each stage the Chair has discretion to allow reciprocal questioning by the various parties.

- k) The Chair will ensure that the members of the Committee have completed their questioning.
- l) The Chair will ask each member of staff, in turn, and finally the student (or the friend) if they wish to make any closing statement and if they are satisfied that they have had a full opportunity to explain their case to the Committee.
- m) The Chair will ask everyone except the members and Officers to leave the meeting, and will ask them to wait pending the Committee's decision.
- n) The Committee will discuss the case.
- o) If for any reason during its discussion the Committee requires clarification of any aspect of the case, by further questioning either the student or the staff, they must all be invited back into the meeting while the questioning takes place. They will then all leave the meeting again.
- p) The Committee will make its decision.

#### **4.8 After the Panel Hearing**

- a) The decision, and any findings of fact, will be conveyed to the student and the other parties in writing, within two working days. If an appeal is disallowed reasons will be given in writing.
- b) If the decision is to require the decision making body to review the original recommendation, the Chair will write to the Head of School or equivalent giving reasons for the Panel's decision and including guidance as to a revised recommendation, if appropriate. If the decision is to refer the case to the Chair of QSC, the Chair will set out the reasons and any recommendation in writing to the Chair.
- c) A report on the outcome of the appeal will be made to Teaching & Learning Board as appropriate.
- d) The Committee may, if appropriate, provide a written report to Teaching & Learning Board or one of its sub-committees raising such matters as shortcomings in School procedures or requesting advice on dealing with technical matters in hearings.

### **5 Further steps**

5.1 Students who consider that the University has failed to carry out its duty to act fairly in the application of the Academic Appeals Policy may write to the Director of the Academic Services Division to request a review of their case. Such requests should be made within one month of the student being notified of the outcome of their application to appeal. The Director will conduct a review of the papers relating to the appeal and any other information supplied by the student. Where necessary, the Director may liaise with the Chair of the Academic Appeals Committee in conducting the review and in determining an appropriate outcome. The Chair may substitute a decision on behalf of the University.

5.2 Guidance and advice about further steps should be sought, if required, from the Students' Association.