Regulations for Academic Appeals

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Book of Precedents for Academic Appeal Panels ...................................................... 19
Note

In preparing this draft material for the University of Surrey Learning and Teaching Committee the following documents have been used as points of reference.


iParadigms Europe. *A benchmark tariff for the application of penalties for student plagiarism in higher education*, Peter Tennant, Gill Rowell, 2009-2010.

## Glossary of terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td><strong>Academic appeal</strong></td>
<td>A formal request by a student or students for the review of a decision affecting them that has been made by a University of Surrey academic body with authority for making decisions on student progression, assessment, and academic awards. The University recognises that, exceptionally, an academic appeal may be made in respect of programmes, modules or courses that do not lead to its award but for which it may grant academic credit. The University's regulations do not allow for students to appeal against an academic judgement, properly made by academic staff, about assessment, degree classification, research methodology, course content, or outcomes.</td>
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<td><strong>Academic Appeal Panel</strong></td>
<td>A Panel of three appropriately qualified and trained individuals. The membership of an Academic Appeal Panel consists of two members of staff and one officer of the University of Surrey Students' Union (normally the Vice-president (Education)), who is a full member of the panel. Academic Appeal Panels are convened under the authority of the Head of the Office for Student Complaints, Appeals and Regulations (OSCAR) to receive and consider academic appeals and the evidence relevant to them. Panels are supported by experienced staff drawn from the University Secretariat, the Registry, OSCAR and Faculty Offices who act as Secretaries to the Panels.</td>
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<td><strong>Academic Appeal Procedure</strong></td>
<td>The University's Academic Appeal Procedure normally consists of the following stages.</td>
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<td></td>
<td>First Stage (or Filter Stage), an administrative stage designed to ensure that appeals that are submitted meet the University's criteria for academic appeals and to deal with simple procedural or administrative errors highlighted in an appeal.</td>
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<td></td>
<td>Second Stage (where required) – formal consideration of the appeal by an Academic Appeal Panel.</td>
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<td></td>
<td>Where a student has exhausted this procedure and wishes to pursue their appeal they may complain to the Office of the Independent Adjudicator.</td>
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<td><strong>Academic integrity</strong></td>
<td>As defined by the Center for Academic Integrity, academic integrity requires 'adherence to the values of honesty, trust, fairness, respect, and responsibility’. [Center for Academic Integrity, 1999, cited in Supporting Academic Integrity. Approaches and resources for higher education, HEA/JISC Academic Integrity Service, 2010, p. 3]</td>
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<tr>
<td><strong>Academic Integrity Officers (formerly, Academic Misconduct Officers)</strong></td>
<td>Members of the University's academic staff identified for subject areas, Departments, Schools, and Faculties (as appropriate) to act as experts and advisers, to their colleagues and students, in support of academic integrity generally and more specifically in support of technical and pedagogical aspects of academic integrity.</td>
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For instances of alleged and confirmed academic misconduct, tutors rely on the expertise of the Academic Integrity Officers in how to diagnose and detect academic misconduct and how to deal with it.

### Academic Integrity Steering Group (formerly, Academic Misconduct Steering Group)
A group of the University's Academic Integrity Officers, Faculty Registrars (or nominees) together with one or more members of the Academic Registry and the Centre for Educational and Academic Development. The Group is convened by a nominee of the Vice-President, Academic Affairs to advise the University on practical and policy aspects of academic integrity and the deterrence, detection and handling of academic misconduct.

### Academic misconduct
The University defines academic misconduct as acts by a student that have the potential to give an unfair advantage in assessments.

Forms of academic misconduct include: personation; copying from another student in or for an assessment; the use of unauthorised reference material, texts, or equipment in an assessment; plagiarism; collusion; and fabricating research results.

### Academic Misconduct Panel
A Panel convened at Faculty level to receive evidence of academic misconduct, to hear representations from students, and to make findings and recommendations.

### Books of Precedents
Collections of anonymised cases for each of the University's panel procedures that convey how a panel responded to evidence provided in an instance that might have more general relevance to future panels and their findings.

### Burden of proof
The term used in a hearing to designate who has to prove what. See also 'standard of proof'.

### Collusion
A form of plagiarism, in which work that has been set to be undertaken by an individual is undertaken by more than one person and is submitted as the work of an individual.

### Complaint (about learning opportunities)
The University defines a complaint about learning opportunities as 'the expression of a specific concern about the provision of all or part of a programme of studies or a related academic support service. See also 'learning opportunities'.
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<tr>
<th><strong>Coursework</strong></th>
<th>All work for assessment that is not completed by the student under examination conditions is coursework. Dissertations and theses are a form of coursework.</th>
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<tr>
<td><strong>Deferred assessments</strong></td>
<td>Where a student is unable to take the assessments for one or more modules in the normal assessment period, and there are confirmed extenuating circumstances, the board of examiners, advised by the programme director, or their equivalent, may permit the student to take the relevant assessments as if for the first time in the late summer reassessment period or, exceptionally, in the following academic year. These assessments are described by the University as 'deferred assessments' to distinguish them from reassessments.</td>
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<tr>
<td><strong>Extenuating circumstances (formerly mitigating circumstances)</strong></td>
<td>Extenuating circumstances are unforeseen circumstances, outside the control of the student, that are accepted by the University as having temporarily prevented them from submitting their work for assessment, attending an assessment, or from performing in an assessment at the level that might reasonably have been expected of them.</td>
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</table>
| **Filter stage (academic appeals)** | The first Stage in the academic appeal procedure. Operated by OSCAR it serves  
- as an administrative check that what has been submitted falls within the scope of the University's academic appeal procedure and contains the information and evidence the University needs in order to address the appeal  
- to enable the University, where the evidence mustered by the student shows that there has been a procedural or administrative error, to advise an academic body that it would be wise to reconsider the academic decision(s) that form the subject of the appeal  
- as a means of determining whether the appeal is suitable to be heard by an Academic Appeal Panel. |
| **'Home' faculty** | The programme of study followed by a student may include modules or other units that are studied in another Faculty. In such circumstances the Faculty that hosts the programme on which the student is registered is their 'home' Faculty. |
| **'Home' institution** | For students studying part of a programme with the University who are registered with another institution the latter is their 'home' institution. |
| **Intermediate exit award.** | An intermediate exit award recognises the academic achievement accrued by students as they progress towards the final award for their programme of studies. It enables a student who wishes to leave their programme without submitting for their final award to gain recognition for their achievements.  
For a Foundation Degree the intermediate exit awards available are the Foundation Certificate where the student has accrued 60 credits at HE level 1 and the Certificate of Higher Education, where
| Learning opportunities | The University defines 'learning opportunities' as the ensemble of the provision it makes available to students registered to study with it for academic awards or credits. The learning opportunities provided by the University for its students comprise  
- the content of the curriculum and tuition, where tuition includes lecturing, instruction, supervision, and support for students by tutors, demonstrators, personal tutors and academic advice services, and pastoral and learning support arrangements such as the Centre for Wellbeing and the Additional Learning Support Service  
- the learning environment including the library and the virtual learning environment, practice, and performance spaces, lecture rooms, laboratories, computer rooms, workshops, seminar, and tutorial rooms and their fixtures and fittings. |
| Module Co-ordinator | For the purpose of these Regulations, a 'Module Co-ordinator' is a 'tutor' (see below) designated by the University to be responsible for coordinating and managing the delivery of a module, whether at undergraduate or taught postgraduate level. Module Co-ordinators may also be responsible for coordinating and managing the assessment processes associated with that module and ensuring that students' achievements are recorded and submitted to SITS. Module Co-ordinators normally report to Programme Directors.  
In rare cases, a Module Co-ordinator may be responsible for one or more free-standing modules. In such a case they have the same |
| **Office of the Independent Adjudicator (OIA)** | The OIA is the independent body that operates the student complaints scheme for England and Wales. It reviews complaints by students against universities and makes findings and recommendations. It has no statutory powers but is widely respected.

Under the scheme operated by the OIA, where students have
- made an academic appeal or a complaint to the University which it has rejected, or has proposed a remedy that is unacceptable, and
- the student has worked through the procedural means provided by the University for pursuing their appeal or complaint and received a 'completion of procedures' letter from the University to that effect

they may direct their complaint to the OIA.

Note: students cannot appeal to the OIA, which has no academic jurisdiction over universities. Rather, students make a complaint to the OIA about the way in which the University has handled their appeal. The OIA has stated that it will not consider academic judgments made by academic experts. See [http://www.oiahe.org.uk](http://www.oiahe.org.uk). |

| **Official of University Surrey Students' Union** | The Students’ Union uses the term 'official' to designate a paid member of its staff. |

| **Officer of University of Surrey Students' Union** | The Students’ Union uses the term 'officer' to designate an elected officer of the Union, such as its President or Vice-President (Education). |

| **OSCAR** | Office for Student Complaints, Appeals and Regulation |

| **Personal tutor** | Each University of Surrey undergraduate and taught postgraduate student is allocated a 'personal tutor'.

For the purpose of these Regulations, a 'personal tutor' is a tutor designated by the University to monitor and report on the academic wellbeing and progress of one or more students through meeting them at specified intervals throughout the session and maintaining contact with them by email and telephone. [Academic Standards Guidelines 2010, Section D pp. 12-14]. |

| **Personation** | In the context of academic misconduct assuming the identity of another in order to mislead or deceive allowing another to assume your identity in order to mislead or deceive.

[Personation may or may not involve impersonation.] |

| **Plagiarism** | 1 Inserting words, concepts, or images from the work of someone else into work submitted for assessment without acknowledging the originator's contribution and...
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<thead>
<tr>
<th>2</th>
<th>Representing the work of another as one’s own, whether purchased or not, or taken with or without permission.</th>
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<tr>
<td>Programme Director (Programme Leader; Director of Studies)</td>
<td>For the purpose of these Regulations, the term ‘Programme Director’ is used to refer to the person designated by the University to lead the academic management of a suite of provision that may or may not lead to one or more academic awards.</td>
</tr>
</tbody>
</table>
| Rescission of award/ rescinding of award | Where, after receiving their award from the University, a person is found to have acquired it through misrepresentation or academic misconduct Senate has the power to rescind the award. The University publishes the fact that an award has been rescinded through an announcement in The London Gazette. 
[Statute 18 empowers Senate ‘To deprive persons of any Degrees or other distinctions or titles conferred on them, and to revoke any Diplomas or Certificates granted to them by the University, and to withdraw all privileges connected therewith.’ The Statute does not provide for this power to be limited in time.] |
| Research student | The University uses the term 'research student' to refer to postgraduate students registered for a higher award of the University by research. Such awards include Master of Philosophy (MPhil), Doctor of Philosophy (PhD), and Doctor of Medicine (MD) by research and thesis. 
[Parts of the University's regulations for its postgraduate research students also apply to the research components of studies (such as theses, portfolios, or other products of research) undertaken by postgraduate students registered for higher awards of the University, in which research forms a significant part of their assessment. Such awards include the research components of: taught modular programmes that lead to the University's higher awards and practitioner doctorate awards.] |
| Senate Progression and Conferment Executive (SPACE) | SPACE monitors on behalf of Senate and reports to it and to the University Executive on 
- the awards made by the University and the academic standards attained by its students wherever they study 
- how Faculties and Associated and Accredited Institutions use the academic authority delegated to them in academic matters in order to identify and make known good and unacceptable practice 
- the fitness of the University's academic regulations for its needs. |
| SPLASH | SPLASH is the abbreviation the University uses to refer to the Student Personal Learning and Study Hub. It is located in the Library and provides support for the development of study skills. It is staffed by Learning Advisers and Academic Liaison Librarians. |
| Standard of proof | In University panel hearings, the standard of proof required. In panel hearings the standard of proof is that it was more likely than not that something was or was not the case (the ‘balance of probability’). |
| **Student Progression Information record** | A screen in SITS on which authorised persons may record information relevant to the student's module outcomes and progression. It is used to record the outcomes of academic appeals where these are relevant to the student's progression; instances of academic misconduct in modules; instances of poor academic practice; claims for extenuating circumstances made under the 'fit to sit' procedure that are recorded as 'noted'; and other claims for extenuating circumstances. For academic misconduct and extenuating circumstances the individual's Student Progression Information record is maintained and updated by their 'home' Faculty Office as part of its responsibilities for the support of these procedures. For the outcomes of academic appeals the Student Progression Information record is maintained and updated by OSCAR. |
| **Suspension (of registration)** | A student who is in difficulties with their studies through personal circumstances may be allowed to temporarily suspend their registration with the intention of returning to their studies at an appropriate time. This may be after a successful application for the consideration of extenuating circumstances. Suspension of registration may also be initiated by the University in exceptional circumstances. These include on health grounds and (again, exceptionally) where it is alleged that a student has breached the University's disciplinary or other regulations. |
| **Termination (of registration)** | Where a student has failed to meet the University's requirement that they make academic progress, or has been found to have committed academic misconduct of such a nature that they cannot be allowed to progress in their programme, the University will terminate their registration, at which point they cease to be a student registered to study with the University. Under the terms of University Statute 26 students have a right of appeal against such a decision. Appeals against termination of registration are made through the University's Academic Appeal Procedure. Former students whose registration has been terminated by the University for academic misconduct may not subsequently register for study with the University. |
| **Tutor** | For the purpose of and as used in these Regulations, any member of academic staff who is charged by the University with teaching and assessing students. |
| **USSU** | University of Surrey Students' Union |
What is an 'academic appeal'?

1 The University defines an academic appeal as:

'A formal request by a student or students for the review of a decision affecting them that has been made by a University of Surrey academic body with authority for making decisions or advising on student progression, assessment, and academic awards'.

2 Exceptionally, an academic appeal may be made by a University of Surrey student, or students, in respect of programmes, modules, or courses that do not lead to the University's award but for which it may grant academic credit.

3 For the purposes of these Regulations, and other than where specifically provided, the University takes the term 'student' to include

- those it has formally accepted to study for its awards or credits
- current students registered to study for a University of Surrey qualification or the award of its academic credits whether at the University, studying at a distance or at an Associated or Accredited Institution
- students who have graduated from the University no more than three months previously.

For the sake of clarity, where the term 'student' is used in these Regulations it should also be taken to mean 'students' where appropriate and vice-versa.

4 Students studying for the University's awards with an Associated or Accredited Institution are required to follow the academic appeal procedures specified in the formal agreement between the University and that Institution.

The subject of an academic appeal

5 Academic appeals may be formally requested by a student with respect to the following

- a decision by the University about their transfer or progression within a programme or from a programme leading to one award to a programme leading to another award
- a decision by the University to award them what they believe to be incorrect credits, marks, or an incorrect degree classification
- a decision by the University to penalise the student (including terminating their registration) for failure to make progress or for academic misconduct
- a decision by the University not to recognise extenuating circumstances.

6 The University will not accept an academic appeal from a third party on behalf of a student other than when the student is incapacitated or there are other extenuating circumstances. In such a case, in addition to the application to appeal together with the required supporting evidence, the third party must show why the student was unable to make the appeal on their own behalf, and provide supporting evidence. The latter is submitted to the Extenuating Circumstances Panel for the student's home Faculty to advise whether the appeal should be accepted.

7 Students may not appeal against an academic judgement made by academic staff about

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1 See also UK Quality Code for Higher Education, Chapter B9: Complaints and appeals, p.2
• the content or learning outcomes associated with modules, courses, and programmes that have been approved by the University
• the merits of work submitted by the student for assessment
• the research methodology followed by a student

**The grounds for an academic appeal and the burden of proof**

8 The University considers that an academic appeal may be made when there is independent evidence to show

• that staff or bodies have not followed its approved regulations and procedures, or have not followed them with due care
• that staff or bodies have not acted fairly towards the student by showing or appearing to show bias in the way they have made the relevant academic decision
• that the student's performance was affected by circumstances that they could not report at the time for valid reasons and that the extenuating circumstances have not been taken into account in making the relevant academic decision.

**Burden of proof**

9 In making an academic appeal it is for the student to show that one of the matters listed in paragraph 8 applies.

An example of bias, or potential for bias, might be that a member of the body or board that took the academic decision had a conflict of interest that was not declared to the person presiding over the body or board at the time and which made it possible that the body or board did not act fairly towards the student.

Valid reasons for not having provided evidence of illness at the time that it or other relevant circumstance occurred might be

• that, in the case of an illness or impairment, the student was awaiting a diagnosis or its confirmation
• that illness or unforeseen circumstances affected their capacity to be aware of their condition and report it
• that the student did not have access at the time to their medical (including psychiatric) practitioner or registered counsellor, their minister of religion, or solicitor, to provide support and the required independent evidence.

Examples of circumstances where it may be possible to show that approved procedures have not been followed or have not been followed with due care might include the following

• marks that have contributed to a student's result for an assessment were incorrectly recorded
• the calculation of a result for a module, a progression stage or a degree has been incorrectly performed, or has followed a procedure not authorised by the University
• a board or body authorised by the University to make decisions about students' achievements (with or without the presence of external examiners) has followed procedures that were not authorised by the University.

Other cases where an appeal might be made against an academic decision might include where the person or body making the decision has done so without knowing of extenuating circumstances that were relevant to their decision. In such a case, where there are valid reasons why information about the extenuating circumstances was not put forward by the
student at the relevant time (that is, before the decision was reached), the student may appeal against the decision and request that it be reconsidered. The University's arrangements for receiving information about extenuating circumstances and what it will consider as extenuating circumstances are set out in the Regulations for Extenuating Circumstances.

Circumstances in which the University will not consider an academic appeal

10 The University will not consider an academic appeal where it can be shown, at any stage that

i the academic decision against which the appeal is directed has yet to be made or, if made, has yet to be confirmed

ii the academic appeal is based on evidence that relates to alleged ill-health or other extenuating circumstances that could have been reported to the University at the time they occurred, but were not, and the student is unable to provide a valid reason for not having provided the evidence at the time

iii the appeal has been made without there being any relevant evidence to show why it should be considered

iv the substance of the appeal can be shown to relate to a matter that has already been the subject of an academic appeal by that student that is in progress or has been decided

v the evidence put forward to support the appeal can be shown to have been dishonestly acquired or is itself dishonest

vi the appeal can be shown to be vexatious (that is, the appeal can be shown to be malicious, or represent a way of harassing the University by consuming the time and resources of its staff or a way of harassing members of staff or other students).

11 Where, at any stage of an academic appeal, evidence of the circumstances described in paragraphs 10 v and vi comes to light, the appeal will be dismissed and the evidence submitted to the University's disciplinary procedures.

Student registered with another University or higher education institution

12 Where a student submitting an appeal is registered to study for the award of another University or higher education institution, the latter is their 'home' institution.

13 Where academic appeals are covered by a formal agreement between the University and the student's home institution the University follows the procedure laid down in the agreement.

14 Where academic appeals are not covered by a formal agreement the University arranges for the student's appeal to be directed to their 'home' institution, to be heard by it under its own academic regulations. In such a case, the University provides the student and the institution with support and information to enable the student's appeal to be heard.

Student studying with more than one Faculty of the University of Surrey

15 Where a student is studying with more than one Faculty of the University the Faculty through which they register or re-register is considered to be their 'home' Faculty.
Differentiating between an academic appeal and a complaint about an aspect of the learning opportunities the University provides for its students

16. The University’s definition of an academic appeal is set out in paragraph 1, above. The University defines a complaint about the learning opportunities it provides for its students as:

'the expression of a specific concern about the provision of all or part of a programme of studies or a related academic service'.

The University's definition follows from its definition of 'learning opportunities' as 'the ensemble of the provision it makes available to students registered to study with it for academic awards or credits'.

The learning opportunities provided by the University for its students comprise:

- the content of the curriculum and tuition, where tuition includes lecturing, instruction, supervision, and support for students by tutors, demonstrators, personal tutors and academic advice services, and pastoral and learning support arrangements such as the Centre for Wellbeing and the Additional Learning Support Service;
- the learning environment, including the library and the virtual learning environment, practice, and performance spaces, lecture rooms, laboratories, computer rooms, workshops, seminar, and tutorial rooms and their fixtures and fittings.

17. The definitions of 'academic appeal' and 'complaint' adopted by the University are based on those originally published in Section 5 of the QAA Code of practice ... : Academic appeals and student complaints on academic matters, October 2007 and restated in the UK Quality Code for Higher Education, Chapter B9: Complaints and appeals, p.2. Hence, under the University's Academic Regulations, students may not make an academic appeal about the nature of the learning opportunities they have received (tuition, library provision, teaching and learning spaces provided, equipment, and so on). The University addresses concerns about these matters through its procedures for Complaints about Learning Opportunities.

The University recognises that when a student sets out their academic appeal the grounds they cite may also constitute a complaint about the learning opportunities the University has provided for them. In all such cases the University will seek to enable the student to express the subject of their appeal, complaint, or appeal and complaint clearly, and state the nature of the outcome (the remedy) they are seeking. It will do this through providing informal advice through the Office for Student Complaints, Appeals and Regulation (OSCAR) and by encouraging students to seek the support and advice of the relevant staff of the University of Surrey Students' Union (or its equivalents for Associated and Accredited Institutions).

Where the initial view of the person or persons operating the First Stage of the Academic Appeal Procedure on behalf of OSCAR is that the grounds cited for an academic appeal contain within them the basis for a formal complaint they will contact the student making the appeal to clarify matters with a view to one or more of the following:

- confirming that it is their intention to submit an academic appeal and that they wish to amend their submission by removing incidental references to learning opportunities;
- clarifying that it is their intention to submit an academic appeal, as in the bullet point above, and to submit a formal and separate complaint through the University's procedure for Complaints about Academic Matters;
- confirming that it is the student's intention to submit an academic appeal and that matters to do with learning opportunities (see above) raised in the appeal are to be regarded as evidence of extenuating circumstances beyond the student's control that affected their performance and were not notified to the University at the appropriate time. [NB. In such a case the student will need to follow the requirements of the...
University’s extenuating circumstances procedure by providing evidence to show why they were unable to alert the University to the extenuating circumstances at the time.

OSCAR will also advise the student to discuss their appeal with an independent adviser, such as an official of the University of Surrey Students' Union.

**Timeliness**

18 A student wishing to appeal against an academic decision as defined in paragraph 1, above is required to inform OSCAR in writing or by email of their intention to appeal within 10 working days of being notified of the relevant decision and to submit their appeal within no more than 15 working days of being notified of the decision. Thereafter students are expected to respond promptly to communications and requests for information from the University. OSCAR can be contacted at through the Assistant Registrar (Office for Student Complaints, Appeals and Regulation) at g.moulton@surrey.ac.uk.

19 Where an academic appeal relies on the student's view that there were deficiencies in the learning opportunities the University made available to them, to enable their study and learning, the University will check with the student and the Faculty that the student made a complaint about the deficiencies when they were perceived to have occurred. The University will also check the nature of the University’s response to any such complaint. Academic appeals that are based on perceived failings in the learning opportunities that the University made available to the student, and which were not the subject of a complaint at the time, will not be taken into consideration in the absence of extenuating circumstances to explain why the student was unable to complain about the perceived deficiencies to the University.

20 The University requires that OSCAR, Faculty, Department, and School Offices, like bodies, and examination and assessment boards, respect the student’s right to have their appeal dealt with fairly and in a timely manner. Faculty, Department, and School Offices, like bodies, and examination and assessment boards are required by the University to respond promptly to requests from OSCAR for information on individual academic appeals. Where one of these bodies is unable to respond to a request from OSCAR for information on an academic appeal within 10 working days of receiving the request the responsible staff are required to inform OSCAR why they are unable to comply with its request for a prompt response, so that OSCAR can monitor the situation and keep the student informed.

**Suspension of an appeal for failure to respond on the part of the student**

21 Where the University has requested the student to provide evidence or additional information to support their appeal and the student has failed to acknowledge the request within five working days of receiving it and to provide the necessary information within 15 working days of receiving the request, OSCAR may, at its discretion, suspend the appeal until the student responds with the information or evidence requested.

22 Before the end of the academic session OSCAR writes to the originators of any academic appeal under suspension to notify them that their appeal will be dismissed at the end of the academic session unless the requested information or evidence is supplied. If the requested information or evidence is provided the appeal is reanimated. Where the requested information or evidence is not provided before the end of the academic session the appeal is dismissed and OSCAR notifies the student in writing accordingly. At the end of the academic session OSCAR archives the papers of any appeals that have been dismissed in this way in line with the University's policy on the retention of records.
Students will wish to note that where an academic appeal is dismissed by the University because of a failure to provide evidence or information that is needed to support an appeal and the student subsequently complains to the Office of the Independent Adjudicator the latter is unlikely to find for the student.

Confidentiality

The University deals with academic appeals made by students in confidence, to the extent that this is compatible with making enquiries and holding meetings to consider the appeal. Papers, emails and telephone conversations that are connected to an academic appeal are kept securely and are not disclosed where it is not strictly necessary as part of the Academic Appeal Procedure. All parties observe the requirements of confidentiality in all matters to do with academic appeals and information to which the University and University of Surrey Students' Union officers and officials are party. The University's Regulations for Hearings by Panels and associated guidance documents can be found at http://www.surrey.ac.uk/learningandteaching/regulations.

Representation of students in academic appeals

23 A student may be supported at an Academic Appeal Panel by a 'friend' (normally another student or an official of the University of Surrey Students' Union). Where this is the case, the student is asked to inform OSCAR of the contact details of the friend at least three working days before the panel, so that the University can confirm the date, time, and place of the panel and provide the friend with the evidence. The friend may speak to the student during the panel meeting and may ask questions of the Panel or those attending to provide information with the permission of the Chair.

24 The University's academic appeals procedure is an academic not a legal procedure. Where a student insists on legal representation in an academic appeal the University will also insist on legal representation.

Appeal Panel proceedings in the absence of the student

25 Exceptionally, where a student can provide good reasons why they are unable to attend a scheduled meeting of an Academic Appeal Panel they may ask the University if they may be represented by a friend, in the interest of hearing the appeal in a timely manner. In this context, 'good reasons' include the circumstances listed in paragraph 6 of the Regulations for Extenuating Circumstances (with the appropriate evidence listed in paragraph 7). The friend will normally be a fellow student or an official of University of Surrey Students' Union.

Appeals against suspension or termination of registration

26 Where a student appeals against the suspension or termination of their registration the decision suspending or terminating their registration remains in force while the appeal is heard. In such a case the University allows the student access to their University email account for the duration of the appeal in order to facilitate mutual communication.

Appeals by students registered for higher degrees by research

27 A student who, as the result of a recommendation of their examiners, has not been given the award for which they were registered and has not been permitted to submit a revised thesis for the same award, may lodge an academic appeal in accordance with these Academic Regulations.

Procedure for addressing academic appeals

28 The University's procedures for addressing academic appeals are in two stages. Other than where stated, appeals and supporting information and evidence are submitted to OSCAR.
29 Students studying for University of Surrey awards who are registered to study with Associated, Accredited or other partner institutions are advised to check with their home institution before submitting an academic appeal to OSCAR. In all cases, however, a student studying for a University of Surrey award is entitled to appeal to the University against academic decisions linked to the University's award.

The University views it as essential that there are robust central arrangements for receiving academic appeals, recording their progress, storing confidential papers securely, and issuing formal communications on behalf of individuals, groups and panels associated with its procedure for academic appeals.

The University’s responsibilities to its staff and students and to external monitoring bodies also require that it is able to generate reliable statistics for the number and nature of the academic appeals that are made and their outcomes, as already happens with the Annual Reports of the Head of OSCAR and the University Secretariat (Appeals Section) to the University Learning and Teaching Committee.

The University therefore requires all communications to do with academic appeals (including challenges to findings) to be made through OSCAR so that their receipt can be recorded and they can be followed up.

**Stage 1: Preparation and filter**

30 This Stage may take up to 30 working days after the student has lodged their appeal and supporting evidence with OSCAR. Where it seems likely to take longer than 30 days to conduct this Stage, an OSCAR Case Officer will notify the student of the possible delay and the reasons for this.

31 This Stage is conducted by a member of an OSCAR Case Officer and begins with

- receiving and recording the written appeal and supporting evidence
- checking that the appeal is consistent with the University’s criteria for academic appeals
- gathering additional information and evidence from relevant parties including the student's Faculty, Department, or School.

**Appeal dossier**

32 The appeal lodged by the student, the supporting evidence for their appeal, the information provided by the person or body that made the decision that is the focus of the appeal, and any other relevant information gathered by OSCAR together constitute the evidence base, or ‘dossier’ for the appeal.

**Provision of the appeal dossier**

33 When OSCAR has compiled the dossier it provides this for the student (and their friend, where relevant) so that they can check that the appeal and the evidence base they have provided are complete and so that they can remedy any minor defects. The appeal dossier also contains the evidence and information provided by the body or person that made the academic decision that is the focus of the appeal.

The University aims to have all the material that comprises a dossier submitted electronically. Where the dossier includes a few items submitted in writing, and these are brief, the University will make digital scans of these in order to make all the contents of the dossier available electronically. Where, however, a dossier includes lengthy written or published items the University may decide that it is more practical to provide the dossier as a whole on paper.

34 Where the student is satisfied that the statement of their appeal in the dossier and the evidence they have submitted has been accurately incorporated in it, they are asked to
confirm in writing, normally within five working days, that they wish to proceed with their appeal. Likewise where, having viewed the dossier, the student decides not to proceed with their appeal, they are asked to confirm in writing within five working days that they wish to close their appeal. In such a case OSCAR returns the appeal papers submitted by the student to them with a written statement that their appeal has been closed at their request.

35 Where OSCAR does not receive written confirmation from the student that they wish to continue with the appeal, or that they wish it to be closed OSCAR writes to the student to remind them of the need to communicate their intentions. If the student fails to respond to this enquiry within 10 working days of its despatch, OSCAR suspends the appeal. Before the end of each academic session OSCAR writes to the author of any suspended appeal to remind them that their appeal is suspended and inform them that it will be closed at the end of the session. In the absence of any response from the student at the end of the academic session OSCAR returns the student's appeal papers with a written statement that their appeal has been closed.

36 Where the student confirms that they wish to proceed with their appeal the dossier provides the basis on which OSCAR recommends whether and how the appeal should progress.

37 The student's friend who has seen the dossier may submit a written commentary on the dossier to OSCAR for the purpose of assisting OSCAR in clarifying matters of fact and interpretation. Where the student's friend is willing to submit such a commentary to OSCAR they may do so only with the formal written approval of the student.

Academic Appeals Filter Group

38 When it has finalised the compilation of the dossier, OSCAR sends it to a three person Academic Appeals Filter Group (AAFG) with its recommendation. The membership of AAFG comprises two members of staff drawn from the University's pool of trained panel members, one of whom will normally be an Associate Dean (Learning and Teaching) and a student officer nominated by the President of the University of Surrey Students' Union (USSU).

39 The recommendation to the Filter Group that accompanies the dossier will be one of the following

- that the academic decision against which the student is appealing is referred back to the person or body that made the decision with a note of the additional evidence provided by the student and a recommendation that the decision be reconsidered
- that the appeal is heard by an Academic Appeal Panel
- that the appeal is dismissed on one or more of the following grounds
- that the grounds cited for the appeal are not consistent with the University's criteria for academic appeals
- that no evidence (or no relevant evidence) has been submitted to support the appeal
- that the appeal constitutes an abuse of process in that
  - it makes demonstrably false claims or relies on false evidence
  - it represents an attempt to reopen a matter already dealt with under the University's Academic Appeal Procedure.

40 The Filter Group discusses the dossier and the recommendation from OSCAR in a meeting convened for the purpose and in consultation with the person who compiled
the dossier. Where circumstances require, the group may conduct its business by correspondence. For a decision to dismiss an appeal the decision of the group must be unanimous. The group conveys its recommendation(s) to the student and other relevant parties via OSCAR.

Challenge to the dismissal of an academic appeal by the three person group

41 Where an academic appeal is dismissed by the three person group and there is not to be a hearing by an Academic Appeal Panel, the student submitting the appeal may challenge this decision within 10 working days of being notified of it. In this case the student submits the grounds for challenging the dismissal of their appeal to the University Vice-President Administration and Registrar, advised by an Associate Dean (Learning and Teaching) not connected with the matter. The submission to the Vice-President Administration and Registrar is made in writing via OSCAR.

42 If the student does not challenge the dismissal of their appeal at this stage within 10 working days OSCAR writes to the student to state that their appeal is closed. At the end of the academic session OSCAR archives the papers of all closed appeals in line with the University's policy on the retention of records.

Grounds for challenging the dismissal of an academic appeal without a hearing

43 In order to challenge the dismissal of their appeal without a hearing by the Academic Appeal Panel the student is required to show one of the following

- that in making its decision on the recommendation made by OSCAR the three person group failed to follow the University's procedures or failed to follow them with due care
- that there was evident bias or a conflict of interest in the way that the decision was taken.

44 The Vice-President Administration and Registrar, advised by the Associate Dean (see paragraph 41) conducts a desk-based review of the student's challenge. Where the Vice-President Administration and Registrar finds that the recommendation to the panel, or the decision to dismiss the appeal without a hearing, was procedurally flawed, or that there was bias or appeared to be bias in the way the decision was taken, they direct that the appeal is heard by an Academic Appeal Panel.

45 Where the Vice-President Administration and Registrar, advised by the Associate Dean finds that there are no grounds on which to direct the appeal to an Academic Appeal Panel they uphold the dismissal of the appeal. Subsequently the Vice-President Administration and Registrar writes to the student, via OSCAR, to confirm that the panel's decision has been upheld, that this completes the University's academic appeal procedure for the appeal. The letter conveying this information notes that the student may complain to the Office of the Independent Adjudicator.

46 The University would normally expect to be able to review a challenge by a student of a decision to dismiss an appeal without a hearing within 10 working days of the challenge being submitted to OSCAR.

Stage 2: hearing by an Academic Appeal Panel

47 Stage 2 of the University's academic appeal procedure consists of a formal hearing of the student's appeal by an Academic Appeal Panel. Panels conduct their hearings under the general provisions of the University's Regulations for Hearings by Panels.

48 For an Academic Appeal Panel to be validly constituted its membership must include a student nominated by the President of the University of Surrey Students' Union. This person will normally be the Vice-President (Education) of the University of Surrey Students' Union, other than where they have been party to the decision to have the
appeal heard (see paragraph 38). The University would normally expect to be able to undertake a hearing by an Academic Appeal Panel within 20 working days of the approval of a recommendation that a Panel hearing be held.

Powers of an Academic Appeal Panel

49 Academic Appeal Panels report their findings to Senate which delegates authority to such Panels, where necessary, to issue directions to examination boards, assessment boards and other bodies that deal with student progression and academic integrity to review or reconsider a decision against which a student has appealed.

Findings by an Academic Appeal Panel

50 Academic Appeal Panels may

- uphold all or part of the student's appeal and direct the body or person that took the original decision to reconsider it in the light of the evidence provided to the Academic Appeal Panel and its findings
- dismiss the appeal and uphold the original decision, with or without advice to the student and the body or person that took the original decision.

51 At the end of the Academic Appeal Panel, the Chair states its findings to the student (if they are present). The findings are also conveyed in writing by OSCAR to the student, and the board, body, or person that took the original decision. The written statement of the Panel's findings that is sent to the student constitutes a 'completion of procedures letter'.

Follow up to the findings and recommendations of an Academic Appeal Panel

52 In cases where an Academic Appeal Panel has partly or fully upheld an academic appeal, and has directed that an academic decision made by a body or person be reconsidered in the light of the evidence provided to the Panel and its findings, OSCAR (acting on behalf of the Chair of the Panel) contacts the relevant body or person 10 working days after the Panel's findings were communicated to them. The purpose of this contact is to enquire what action has been taken to respond to the Panel's direction and/or findings. Where OSCAR does not receive a satisfactory response to its enquiry within a reasonable period (usually, 10 working days) it refers the matter to the Chair of SPACE or the Chair of the Research Degrees Committee in the case of postgraduate research degrees).

53 Where, having looked into the matter, the Chair of SPACE (or the Chair of the Research Degrees Committee in the case of postgraduate research degrees) considers it necessary in the interests of fairness to the student to take action, they may convene a special meeting of SPACE (or RDC) which, having taken the advice of the relevant external examiners or assessors, may nullify the original decision and substitute its own decision which it reports to Senate.

Reference to the Office of the Independent Adjudicator (OIA)

54 Where the student does not accept the findings of the University's Academic Appeal Panel, and has received the University's 'completion of procedures' letter, they may refer their complaint about the Panel's findings (or the conduct of the University's academic appeals procedure) to the Office of the Independent Adjudicator.

Book of Precedents for Academic Appeal Panels

55 At the end of each Academic Appeal Panel hearing where the Panel considers that the facts of the case brought to the hearing might usefully be added to the 'Book of Precedents for Academic Appeal Panels' the Chair of the Panel brings this to the
attention of the Regulations Sub-Committee of the University Learning and Teaching Committee, via OSCAR.

56 At the end of each session the Regulations Sub-Committee of the University Learning and Teaching Committee reviews the academic appeals that have been nominated as precedents in that session. Where it agrees that the circumstances that constitute the facts and the outcomes of a particular academic appeal represent an instance that is likely to recur or otherwise is relevant for training future Panel members it requests OSCAR, working with the University Secretariat (Appeals Section), to distil and anonymise the relevant cases

- as an aid to achieving consistency in decision making when Panels are faced with similar facts and situations
- for the information of present and future Panel members
- as an aid in training future Panel members.

57 Again, at the end of each session the Regulations Sub-Committee of the University Learning and Teaching Committee reviews The ‘Book of Precedents for Academic Appeal Panels’ in order to weed out precedents that no longer apply or where the University's regulations or external circumstances (such as legislation or decided cases) have changed.

Status of findings recorded in the Book of Precedents for Academic Appeals

58 The Book of Precedents for Academic Appeal Panels is intended for the information and support of Panels. The University expects that Panels will refer to the Book of Precedents and, where the facts of a case are identical with a case the Book records, it believes that the subsequent Panel would be well advised to follow its findings. Academic Appeal Panels are, however, not required to follow the findings of an earlier case recorded in the Book of Precedents.