

## B4: Regulations for academic appeals

### Academic year 2016/17 (2<sup>nd</sup> edition)

To take effect from 1 July until the end of the 2016/17 academic year. As agreed at Senate on 9 May 2017, students will have the option to have their appeal heard under the previous 2016/17 version of these Regulations for the remainder of this academic year.

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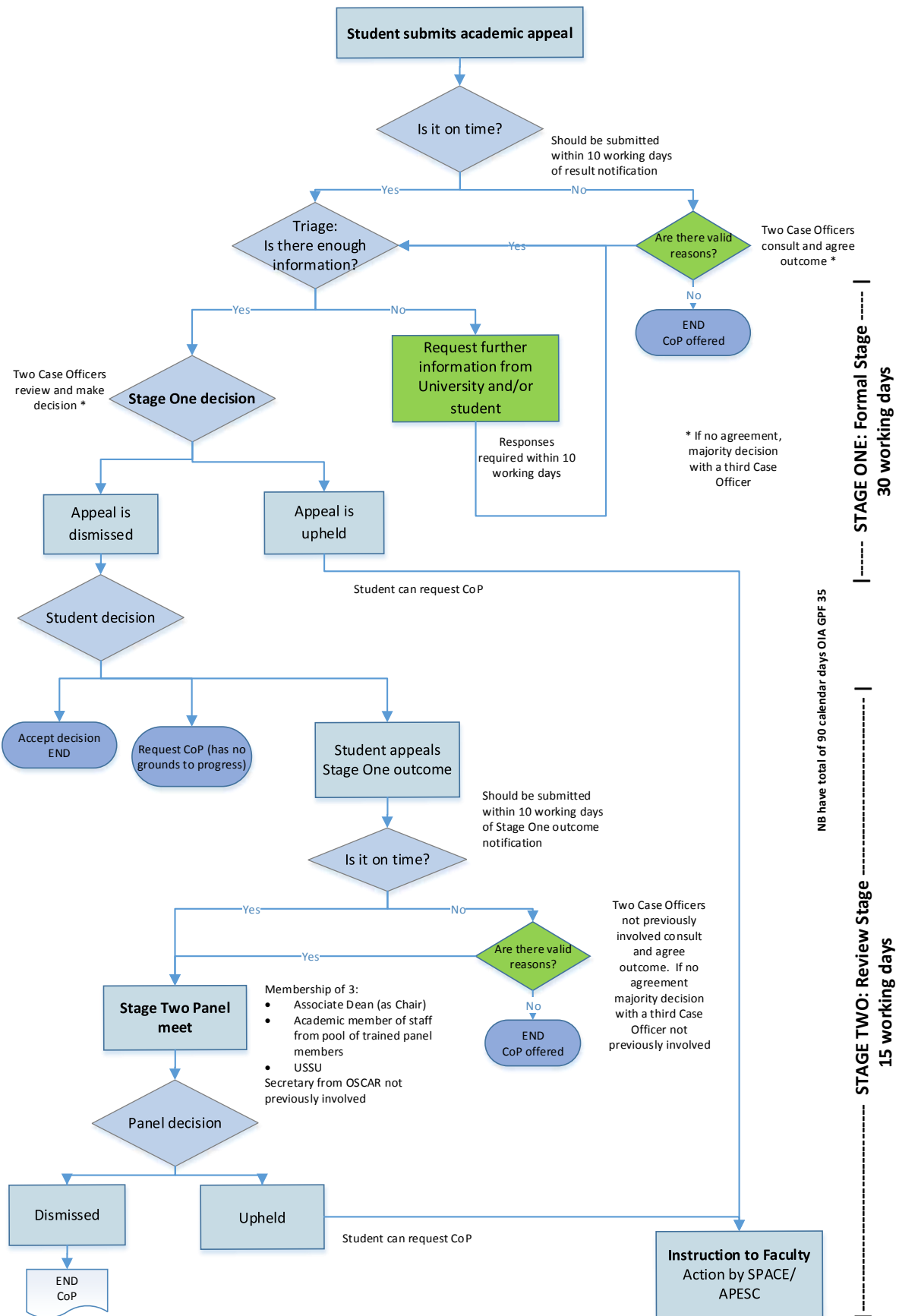
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Figure 1: Appeal procedures



## Definition of 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, or a body at an Associated or Accredited Institution (AI), with authority for making decisions or advising on student progression, assessment, and academic awards'.
2. An academic appeal may be made by a University of Surrey student, or students, in respect of award-bearing programmes and associated modules, or courses that do not lead to the University's award but for which it may grant academic credit.

## Appeal process

3. The University's procedures for addressing academic appeals are carried out in two stages; there is no informal stage.
4. Panels conduct their hearings under the general provisions of the University's [\*Regulations for hearings by panels\*](#).

## Applicability of the Regulations

5. For the purposes of these *Regulations*, and other than where specifically provided, the University defines the term 'student' to mean:
  - 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

Former students can submit an appeal provided they do so within the timescale specified in Regulation 22 below.

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.

### ***Students registered with another University or higher education institution***

6. 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.
7. Appeals will be dealt with in accordance with the procedures stated in the formal agreement between the University and the student's home institution.

## Grounds for an academic appeal

8. Academic appeals may be formally requested by a student with respect to the following decisions:
  - academic progression decision
  - agreed credits or marks, or degree classification or degree outcome in the case of a doctoral degree
  - penalty for failing to make progress including programme termination
  - outcome of an Academic Misconduct Panel
  - outcome of an application for the recognition of extenuating circumstances.
9. Academic appeals in respect of the circumstances listed in Regulation 8 above can be made on the following grounds when there is independent evidence to show one or more of the following:

- 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 extenuating circumstances that they could not report at the time for valid reasons, or that were reported at the time and new evidence has since come to light, and that the extenuating circumstances have not been taken into account in making the relevant academic decision
10. The University will not accept an academic appeal or a request to review the decision to dismiss an 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 student must give their consent before the appeal can be processed. The evidence is submitted to the Office of Student Complaints, Appeals and Regulation (OSCAR) and two OSCAR Case Officers will determine whether the appeal should be accepted. If the two Case Officers cannot come to an agreement a third Case Officer will be consulted and a majority decision will be made. A decision will be made normally within five working days of receiving the information.

### **Burden of proof**

11. In making an academic appeal and in requesting a review of the decision to dismiss an academic appeal, it is for the student to show that one or more of the grounds in Regulation 9 above apply and to provide independent evidence to show that such is the case.

### **Standard of proof**

12. The standard of proof applied by OSCAR case officers and appeal panels is that of the balance of probability: that it is more likely than not that something was or was not the case.

### **Circumstances in which the University will not consider an academic appeal**

13. An appeal against a decision where only the opinion of academic expert(s) will suffice is deemed to be a challenge to academic judgement and will not be considered. This includes, but is not limited to, academic judgements on the following:
- the content or learning outcomes associated with programmes, modules and courses that have been approved by the University
  - the merits of work submitted by the student for assessment
  - the research methodology followed by a student
14. The University will not consider an academic appeal where it can be shown, at any stage that the academic decision against which the appeal is directed has yet to be made or, if made, has yet to be confirmed. Nor will an appeal be considered where 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.

15. If at any stage of an academic appeal the evidence put forward to support the appeal can be shown to have been dishonestly acquired or is itself dishonest and/or 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)<sup>1</sup> the appeal will be dismissed and the evidence submitted to the University's disciplinary procedures as specified in the [Student disciplinary regulations](#).

### **Differentiating between an academic appeal and a complaint**

16. The University's definition of an academic appeal is set out in Regulation 1, above. The University's [Procedure for complaints](#) defines a complaint as:  
"an expression of dissatisfaction against the University, either in part or as a whole, where a student is seeking a certain outcome or remedy"
17. Under these *Regulations for academic appeals*, students may not make an academic appeal about the nature of the learning opportunities they have received (for example tuition, library provision, teaching and learning spaces provided, equipment) or the delivery of a service (for example accommodation, student support services). These concerns are addressed through the [Procedure for complaints](#).
18. However 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 or the delivery of a service and that this affected a decision as listed in Regulation 8 above, OSCAR will check whether the student made a complaint about the deficiencies when they were perceived to have occurred. OSCAR will also check the nature of the University's response to any such complaint. Where such a complaint is ongoing at the time the student makes the appeal, the complaint will be dealt with before the appeal can be processed.
19. Academic appeals that are based on perceived failings in the learning opportunities that the University made available to the student or the delivery of a service, and which were not the subject of a complaint at the time, are unlikely to be taken into consideration by OSCAR Case Officers/Process Review Appeal Panel in the absence of extenuating circumstances to explain why the student was unable to complain about the perceived deficiencies to the University at the time.

### **Confidentiality**

20. 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. 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.

### **Status of students during an appeal**

21. The decision against which a student is appealing remains in force until such time as the appeal is completed. When a student appeals against the suspension or termination of their registration, the University allows the student access to their

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<sup>1</sup> The Office of the Independent Adjudicator defines examples of vexatious appeals as including: those that are obsessive, harassing or repetitive; insistence on pursuing non-meritorious appeals and/or unrealistic, unreasonable outcomes; insistence on pursuing meritorious appeals in an unreasonable manner; appeals which are designed to cause disruption or annoyance; demands for redress which lack any serious purpose or value.

University email account for the duration of the appeal in order to facilitate mutual communication.

### **Stage one: review by OSCAR**

22. A student wishing to appeal against an academic decision as defined in Regulation 1, above is required to do so within 10 working days of being notified of the decision. Appeals should be submitted to OSCAR on-line and in accordance with published requirements as to the format, content and length of submission. Further details are available on the [OSCAR web pages](#). If the appeal is received on time it will be assigned to an OSCAR Case Officer.
23. If an appeal is received after the 10 working day deadline the student will be asked to provide any extenuating circumstances as to why the appeal is late. Extenuating circumstances will be considered by two OSCAR Case Officers who will determine whether the extenuating circumstances are valid. If the two Case Officers cannot come to an agreement a third Case Officer will be consulted and a majority decision will be made. A decision on the validity of the extenuating circumstances will be made normally within five working days of receiving the information. If there are no valid extenuating circumstances the appeal will not be considered and the student will be offered a Completion of Procedures letter. If there are valid extenuating circumstances the appeal will be accepted and assigned to an OSCAR Case Officer.

### **Appeal dossier**

24. Once assigned an appeal, the OSCAR Case Officer compiles information from relevant parties including the Faculty, Department or School to create the dossier which contains the evidence base for the appeal. This is normally done within 20 working days of receiving the appeal. The dossier contains 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.

### **Timeliness**

25. Students have a right to have their appeal dealt with fairly and in a timely manner. Where a Faculty, Department/ School Office, like body or Board of Examiners, 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.
26. Where OSCAR has requested the student to provide additional information and the student has failed to provide the necessary information within 10 working days of receiving the request, OSCAR will send a further reminder and shall warn the student that their appeal will be closed if a response is not received within a further calendar month.

### **Outcomes of the appeal**

27. When the OSCAR Case Officer has compiled the dossier they consult with another OSCAR Case Officer to review the evidence and come to one of two decisions; if the two Case Officers cannot come to an agreement a third Case Officer will be consulted and a majority decision will be made:
  - that the appeal is upheld in full or partially
  - 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 academic appeal is based on evidence that relates to 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
  - that the appeal falls into the categories set out in Regulations 13 and 14 above
28. If the appeal is upheld in full or in part the responsible OSCAR Case Officer will direct the body or person that took the original decision to amend it in the light of the evidence provided and within 10 working days of notification. If the decision to be amended is that of a Board of Examiners relating to an award, the amended decision will be reported to the Senate Progression and Conferment Executive (SPACE). Depending on the nature of the decision to be amended, SPACE may take action directly. Decisions relating to postgraduate research students will be referred to the relevant Committee. In the interests of fairness to the student, to expedite matters it may be necessary to take Chair's action.
29. The responsible OSCAR Case Officer informs the student of the outcome within five working days of the decision being made. The student is informed of their right to request a review of the decision to dismiss their appeal. If the student has no grounds upon which to make a Stage two appeal they may request a Completion of Procedures letter.

### **Stage two: review by the Process Review Appeal Panel**

30. Where an academic appeal is dismissed by the OSCAR Case Officers, the student submitting the appeal may submit a request for a review of this decision within 10 working days of being notified of it. Requests should be submitted to OSCAR on-line and in accordance with published requirements as to the format, content and length of submission. Further details are available on the [OSCAR web pages](#).
31. In order to request a review of the dismissal of their appeal the student is required to show one or more of the following:
- that in making its decision the OSCAR Case Officers 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 by the OSCAR Case Officers
  - that new evidence is available which the student was unable, for valid reasons, to provide at the time of the appeal. The Process Review Appeal Panel will decide whether there are valid reasons why the evidence was not submitted earlier and, if there are valid reasons, will consider this evidence alongside the review of the dismissal of the appeal.
- If the appeal is received on time it will be assigned to an OSCAR Case Officer who has not been involved in Stage one of the appeal.
32. If a request for a review is received after the 10 working day deadline the student will be asked to provide any extenuating circumstances as to why the request is late. Extenuating circumstances will be considered by two OSCAR Case Officers who have not been involved in Stage one of the appeal who will determine whether the extenuating circumstances are valid. If the two Case Officers cannot come to an agreement a third Case Officer will be consulted and a majority decision will be



made.<sup>2</sup> A decision on the validity of the extenuating circumstances will be made normally within five working days of receiving the information. If there are no valid extenuating circumstances the request will not be considered and the student will be offered a Completion of Procedures letter. If there are valid extenuating circumstances the appeal will be accepted and assigned to an OSCAR Case Officer who has not been involved in Stage one of the appeal.

33. Stage two of the University's academic appeal procedure consists of a formal review of the student's appeal by a Process Review Appeal Panel (PRAP).
  34. The PRAP meets as often as required and is administered by OSCAR. The membership of the PRAP is:
    - an Associate Dean (Chair)
    - an academic member of staff from the pool of trained Panel members
    - a student officer nominated by the President of the University of Surrey Students' Union
- The OSCAR Case Officer is in attendance as Secretary to the Panel
35. The student will not be in attendance at the meeting, although the PRAP has the option to invite the student to attend a Panel meeting if they feel that they need additional information from the student in person. In such cases the meeting will be conducted in accordance with the *Regulations for hearings by panel*.
  36. A meeting of the Process Review Appeal Panel will normally be held within five working days of the student submitting an appeal against the outcome of Stage one.

#### ***Outcomes of the Process Review Appeal Panel***

37. A Process Review Appeal Panel may:
  - uphold all or part of the student's grounds for a review of the dismissal of their appeal and direct the body or person that took the original decision to amend it in the light of the evidence provided to the Process Review Appeal Panel and its findings
  - uphold all or part of the student's grounds for a review of the dismissal of their appeal and direct the Stage one OSCAR Case Officers to reconsider their decision in the light of the evidence provided to the Process Review Appeal Panel and its findings
  - dismiss the grounds for a review of the dismissal of a student's appeal and uphold the original decision of the Stage one OSCAR Case Officers.

The decision of the Process Review Appeal Panel must be either a unanimous or a majority one.

38. Following the meeting of the Process Review Appeal Panel, the findings are conveyed in writing by OSCAR to the student and the body, or person that took the original decision within five working days. The written statement of the Panel's findings that is sent to the student constitutes a Completion of Procedures letter in cases where the review request results in a dismissal of the request.

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<sup>2</sup> In the event that there are no OSCAR Case Officers available who have not previously been involved, other staff in the Directorate of Student Services and Administration will be utilised to make the decision.

### **Withdrawal of an appeal**

39. Once an academic appeal has been concluded, either after Stage one or Stage two, the student cannot subsequently withdraw the request.

### **Follow up to the findings and recommendations of Stage one and Stage two appeals**

40. In cases where an appeal or a request to review a decision to dismiss an appeal have been partly or fully upheld and an academic decision made by a body or person has been directed to be amended in the light of the evidence provided, OSCAR contacts the relevant body or person 10 working days after the findings were communicated to them to enquire what action has been taken to respond to the direction and/or findings. Where OSCAR does not receive a satisfactory response to its enquiry within a reasonable period (usually, 10 working days) the matter is referred to the Chair of SPACE or the Chair of the relevant committee in the case of postgraduate research degrees.
41. Where, having looked into the matter, the Chair of SPACE, or the Chair of the relevant committee considers it necessary in the interests of fairness to the student to take action, they may convene a special meeting of SPACE or the relevant committee which, having taken the advice of the relevant external examiners or assessors (if appropriate), may nullify the original academic decision of the body or person who took the decision and substitute its own decision which it reports to Senate.

### **Audit of Stage one outcomes**

42. On a twice yearly basis the Directorate of Quality Enhancement and Standards will examine a random sample of Stage one appeal cases to ensure consistent application of these *Regulations*. The outcomes will be reported to the University Learning and Teaching Committee or Doctoral College Board as appropriate.

### **Reference to the Office of the Independent Adjudicator (OIA)**

43. Where the student does not accept the findings of the OSCAR Case Officers or Process Review Appeal Panel, and has received the University's Completion of Procedures letter, they may refer their complaint about the findings (or the conduct of the University's academic appeals procedure) to the [Office of the Independent Adjudicator](#).