

B4: Regulations for academic appeals

Academic year 2019/20

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Introduction and scope

1. These *Regulations for academic appeals* apply to the following students:
 - those registered on the Foundation Year and award-bearing programmes delivered by the University, including those on Degree Apprenticeship programmes
 - those registered with one of the University's Associated and Accredited Institutions to study for an award of the University
 - those registered to study for the award of academic credit delivered by the University
 - those former students provided they do so within the timescale specified in Regulation 21 below
2. The University's procedures for addressing academic appeals are carried out in two stages; there is no informal stage.
3. Students who are considering making an academic appeal will find it helpful to seek advice and support from the University of Surrey Students' Union, or its equivalent for the Associated and Accredited Institutions.
4. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University of Surrey is a member of this scheme. Students, who are unhappy with the outcome may be able to ask the OIA to review their appeal case. Students can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.
5. Normally, students need to follow *Regulations for academic appeals* before they complain to the OIA. The University of Surrey will send a letter called a "Completion of Procedures Letter" when students have reached the end of the academic appeal process and there are no further steps they can take internally. If students' appeal is not upheld, the University of Surrey will issue them with a Completion of Procedures Letter automatically. If their appeal is upheld or partly upheld they can ask for a Completion of Procedures Letter if they want one. Students can find more information about Completion of Procedures Letters and when they should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

Third party requests

6. Academic appeals and requests to review the decision to dismiss an appeal are made by the student. Exceptionally, and only where a student is unable to do so on their own behalf, whether through illness or other unforeseen circumstances, an application can be made by a third party on behalf of the student. In such cases the third party must show why the student is unable to make the appeal, or request to review the decision to decline an appeal, on their own behalf, and provide supporting evidence. The student must give their consent before the appeal, or request to review the decision to decline an appeal, can be processed. The evidence is submitted to the Office of Student Complaints, Appeals and Regulation (OSCAR) and two OSCAR Case Managers will determine whether the appeal or request to review the decision to decline an appeal should be accepted. If the two Case Managers cannot come to an agreement a third Case Manager will be consulted and a majority decision will be made. A decision will normally be made within five working days of receiving the information.

Students registered with another higher education institution

7. A student studying with the University may be registered for the award of another higher education institution. In any cases of appeal by the student, the University follows the procedures set out in the formal agreement between the parties.

Reasonable adjustments

8. Reasonable adjustments to the processes within these *Regulations*, including the extending of deadlines for student responses, will be made upon the production by the student of relevant third party evidence which demonstrates the need for those adjustments.

Exceptional circumstances

9. In exceptional circumstances it may be appropriate to amend the procedures set out in these *Regulations*, for example, where strict application of the *Regulations* would result in substantial unfairness to the student or the student is in some way at risk because of health or disability. Such cases will be rare and each will be treated on their own merits.

Definition of an academic appeal

10. 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'.

Burden of proof

11. When 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 14 below apply.

Standard of proof

12. The standard of proof applied by OSCAR Case Managers and Process Review Appeal Panels is that of the balance of probability; that it is more likely than not that something was or was not the case.

Confidentiality and General Data Protection Regulations

13. The University deals with academic appeals in confidence, to the extent that this is compatible with making enquiries and holding meetings to consider the matter. The University collects and processes a variety of personal data in order to fulfil relevant student Regulations (see the [Regulations web page](#) for a list of all Student Regulations). This personal data may be provided by the student or collected from other departments within the University or taken from publicly available sources such as social media or, in the case of apprentices, provided by the employer. The University processes personal data for this purpose in its legitimate interests. Some Regulations will require the sharing of sensitive personal data (defined as “special category” data by data protection legislation). The University processes and shares special category data in the substantial public interest and only where it is necessary to enable the University to fulfil its duties of care to the student, other students, or to safeguard third parties. More detail on the types of data collected and how it is used to meet this need can be found in the Student Regulations Privacy Notice, available at the above link. Under the conditions attached to the operation of Degree Apprenticeship programmes, the University is required by the Education and Skills Funding Agency to inform an employer about the progress and attendance of an apprentice and this may include details of any academic appeal.

Grounds for making an academic appeal

14. Academic appeals may be 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.
15. When making an academic appeal in respect of the circumstances listed in Regulation 14 above the student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:
 - that staff or bodies have failed to follow regulations and/or procedures or have failed to follow them with due care
 - that staff or bodies have shown bias or prejudice towards the student 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
 - that the student's performance was affected by extenuating circumstances that were reported at the time and relevant new evidence has since become available which has not been taken into account in making the relevant academic decision

Circumstances in which the University will not consider an academic appeal

16. 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
 - captured content and live teaching events
 - the merits of work submitted by the student for assessment
 - the research methodology followed by a student
17. 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.
18. 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 students¹) 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

19. The University's definition of an academic appeal is set out in Regulation 10 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.'
20. 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](#).
21. Where an academic appeal relies on the student's view that there were earlier deficiencies in the learning opportunities the University made available to them, the University will ordinarily expect the student to have raised their concerns regarding the perceived deficiencies at the time they occurred. If a student is unable to provide evidence of having raised their concerns earlier, or has no evidence to reasonably explain why they did not raise their concerns earlier, the academic appeal is unlikely to be successful. Where an academic appeal is submitted while the associated complaint is ongoing, the complaint will normally be completed before the appeal is processed.

Status of students during an appeal

22. 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 University email account for the duration of the appeal.

Stage one: review by OSCAR

23. A student wishing to appeal against an academic decision as defined in Regulation 14 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 Manager.
24. If an appeal is received after the 10 working day deadline the student will be asked to provide any good reasons as to why the appeal is late. The evidence will be considered by two OSCAR Case Managers who will determine whether the good reasons are valid. If the two Case Managers cannot come to an agreement a third Case Manager will be consulted and a majority decision will be made. A decision on the validity of the good reasons will normally be made within five working days of receiving the information. If the good reasons are not deemed valid the appeal will not be considered and the student will be offered a Completion of Procedures letter.²

¹ The Office of the Independent Adjudicator defines examples of vexatious complaints/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.

² A Completion of Procedures letter is a formal written statement issued by the University to a student to confirm that the student has exhausted the University's internal procedures. A Completion of

If there are valid good reasons the appeal will be accepted and assigned to an OSCAR Case Manager.

25. In the event that the student is known to all OSCAR staff such that there would be a conflict of interest in them dealing with the case and any subsequent appeal (see Regulations 32 - 34 below), the case would be assigned to another member of staff within the Academic Registry.

Appeal dossier

26. Once assigned an appeal, the OSCAR Case Manager 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

27. 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.
28. Where OSCAR has requested the student to provide additional information and the student fails to do so within 10 working days of the request being sent to the student's University email address, the student will be sent a further reminder and warned that their appeal will be closed if a response is not received within a further calendar month.

Outcomes of the review

29. When the OSCAR Case Manager has compiled the dossier they consult with another OSCAR Case Manager to review the evidence and come to one of two decisions. If the two Case Managers cannot come to an agreement a third Case Manager will be consulted and a majority decision will be made. The decision is either:
- that the appeal should be upheld in full or partially; or
 - that the appeal should be 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 16 and 17 above

Procedures statement is required before a student can refer a matter to the Office of the Independent Adjudicator.

30. If the appeal is upheld in full or in part, the responsible OSCAR Case Manager 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 Student Progression and Awards Board (SPAB). Depending on the nature of the decision to be amended, SPAB 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.
31. The responsible OSCAR Case Manager 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.

Request for a review of the decision to dismiss an appeal

32. Where an academic appeal is dismissed by the OSCAR Case Managers, the student submitting the appeal may submit a request for a review of this decision by a Process Review Appeal Panel (PRAP) 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](#).
33. If the appeal is received on time it will be assigned to an OSCAR Case Manager who has not been involved in Stage one of the appeal.
34. If a request for a review is received after the 10 working day deadline the student will be asked to provide any good reasons as to why the request is late. The evidence will be considered by two OSCAR Case Managers who have not been involved in Stage one of the appeal who will determine whether the good reasons are valid. If the two Case Managers cannot come to an agreement a third Case Manager will be consulted and a majority decision will be made.³ A decision on the validity of the good reasons will normally be made within five working days of receiving the information. If the good reasons are not deemed valid the request will not be considered and the student will be offered a Completion of Procedures letter. If there are valid good reasons the request will be accepted and assigned to an OSCAR Case Manager who has not been involved in Stage one of the appeal.

Grounds for requesting a review of the decision to dismiss an appeal

35. When requesting a review of the dismissal of their appeal the student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:
 - that in making its decision the OSCAR Case Managers failed to follow the University's regulations and/or procedures or failed to follow them with due care
 - that the OSCAR Case Managers have shown bias or prejudice towards the student in the way that the decision was taken
 - that relevant new evidence has become available that should be considered and there are valid reasons why it was not presented at the time of the appeal. The Process Review Appeal Panel will decide whether there are valid reasons why

³ In the event that there are no OSCAR Case Managers available who have not previously been involved, other staff in the Academic Registry will be utilised to make the decision.

the evidence was not submitted earlier and, if so, will consider this evidence alongside the review of the dismissal of the appeal

- that the decision of the OSCAR Case Managers was unreasonable and/or the outcome was not proportionate in all of the circumstances

Stage two: Process Review Appeal Panels

36. 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.
37. Process Review Appeal Panels are convened by OSCAR and conduct their business in accordance with the [Regulations for hearings by panel](#) which detail how Panels work, including, where relevant, the right of a student to attend a hearing and to be accompanied. It is expected that those asked to attend a hearing will acquaint themselves with the *Regulations*.
38. The Panel hearing will normally be held within 10 working days of the student submitting an appeal against the outcome of Stage one. Where it is going to take longer than this, the student will be kept updated as to progress and likely timescales.

Membership of a Process Review Appeal Panel

39. The membership of a Process Review Appeal Panel comprises three members from the pool of trained panel members as follows:
 - an Associate Dean (Chair)
 - a member of academic staff
 - a sabbatical officer or a student member nominated by the Students' Union

The OSCAR Case Manager is in attendance as Secretary to the Panel.

40. Members of a Process Review Appeal Panel should have no current academic or personal connection with the student (or students) considered by the Panel.

Attendance of the student at a Process Review Appeal Panel

41. The student will not be in attendance at the meeting, although the Process Review Appeal Panel 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.

Findings and outcomes of a Process Review Appeal Panel

42. A Process Review Appeal Panel may come to one of three findings:
 - (i) that all or part of the student's grounds for a review of the dismissal of their appeal should be upheld and the body or person that took the original decision directed to amend it in the light of the evidence provided to the Process Review Appeal Panel and its findings;
 - (ii) that all or part of the student's grounds for a review of the dismissal of their appeal should be upheld and the Stage one OSCAR Case Managers directed to reconsider their decision in the light of the evidence provided to the Process Review Appeal Panel and its findings;
 - (iii) that the grounds for a review of the dismissal of a student's appeal should be dismissed and the original decision of the Stage one OSCAR Case Managers upheld.
43. Following the meeting of the Process Review Appeal Panel, the Secretary conveys the findings of the Panel to the student and the body or person that took the original decision in writing within five working days. The Secretary's letter also states that it

constitutes a completion of the University's procedures and that the student can request a review of the University's decision by the [Office of the Independent Adjudicator](#).

Withdrawal of an appeal

44. 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 outcomes of Stage one and Stage two appeals

45. 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 SPAB or the Chair of the relevant committee in the case of postgraduate research degrees.
46. Where, having looked into the matter, the Chair of SPAB or the Chair of the relevant postgraduate committee considers it necessary in the interests of fairness to the student to take action, they may convene a special meeting of SPAB or the relevant postgraduate 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.
47. In cases where an appeal or a request to review a decision to dismiss an appeal have been partially or fully upheld on the grounds of extenuating circumstances, the Head of OSCAR or the Chair of a Process Review Appeal Panel as Authorised Persons under the [Procedure for support to study](#), may request in writing that the Chief Student Officer initiates the support for study procedure.

Audit of Stage one outcomes

48. On a twice yearly basis 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.