B4: Regulations for academic appeals

Academic year 2016/17
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Figure 1: Process review and process review appeal procedures

Academic Appeal Procedure

Student submits Academic Appeal

Is it on time?

Yes: OSCAR compile Dossier

No: Are there valid EC's

End CoP Offered

Process Review Panel (PRP) Meet

PRP Decision

Need more Information or to meet student

Dismissed

Upheld

Student Decision

Accept decision END

Student Appeals PRP Outcome

Process Review Appeal Panel (PRAP) Meet

PRAP Decision

Dismissed

Upheld

Instruction to Faculty Action by SPACE/RDC

END CoP
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 programmes, 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 23 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 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 by the Office of Student Complaints, Appeals and Regulation (OSCAR) to the Head of Student Administration (Assessment and Awards)¹ who will consult with an Extenuating Circumstances Panel to determine whether the appeal should be accepted. 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.

Circumstances in which the University will not consider an academic appeal

12. 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 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

13. 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.

14. 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

¹ The Head of Student Administration (Assessment and Awards) may nominate an alternate to deal with such cases during periods of absence.
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) 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

15. The University's definition of an academic appeal is set out in Regulation 1, above. The University 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”

16. 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). The University addresses concerns about these matters through its Procedure for complaints.

17. 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.

18. 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 the Process Review 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

19. 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.

2 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.
Timeliness

20. The University requires that OSCAR, Faculty, Department, and School Offices, like bodies, and Boards of Examiners, respect the student's right to have their appeal dealt with fairly and in a timely manner. 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.

21. 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.

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 in order to facilitate mutual communication.

Stage 1: submission to the Process Review Panel

23. 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 on the OSCAR web pages. If the appeal is received on time it will be assigned to an OSCAR Case Officer.

24. 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 forwarded to the Head of Student Administration (Assessment and Awards) who will consult with an Extenuating Circumstances Panel to determine whether the extenuating circumstances are valid. 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 Procedure letter. If there are valid extenuating circumstances the appeal will be accepted and assigned to an OSCAR Case Officer.

Appeal dossier

25. 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.

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3 The Head of Student Administration (Assessment and Awards) may nominate an alternate to deal with such cases during periods of absence.
**Process Review Panel**

26. When the compilation of the dossier is finalised it is submitted to the Process Review Panel (PRP) which is convened by OSCAR and meets ordinarily on a weekly basis. The membership of the PRP comprises:

- a permanent Chair (who is a senior academic not aligned to any Faculty)
- 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

In the event of the permanent Chair being unable to Chair a Panel, an Associate Dean (Learning and Teaching) may do so provided there are no conflicts of interest with the cases being considered.

27. The student who has submitted the appeal will not be in attendance at the Panel meeting.

**Outcomes of the Process Review Panel**

28. The PRP considers the dossier and makes one of three decisions:

- 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 12 and 13 above
- that further information is required

29. For a decision to dismiss an appeal the decision of the PRP must be either a unanimous or a majority decision.

30. If further information is required before the PRP can make a decision, this is collected by the OSCAR Case Officer normally within 10 working days and the appeal is re-submitted to the original PRP who may meet virtually or in person to consider the appeal. The PRP has the option to invite the student to attend a Panel meeting if they feel that they need the additional information from the student in person. In such cases the meeting will be conducted in accordance with the *Regulations for hearings by panel*.

31. Where OSCAR 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 or to provide the necessary information within 10 working days of receiving the request, the PRP may dismiss the appeal.
32. If the appeal is upheld in full or in part the Panel will direct the body or person that took the original decision to amend it in the light of the evidence provided to the Process Review Panel and its findings 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 Senate Sub-committee. In the interests of fairness to the student, to expedite matters it may be necessary to take Chair’s action.

33. Following the meeting of the PRP, OSCAR informs the student of the outcome within five working days. The student is offered a Completion of Procedure letter and informed of their right to request a review of the decision to dismiss their appeal.

**Review of a decision of the Process Review Panel**

34. Where an academic appeal is dismissed by the PRP, the student submitting the appeal may submit a request for a review of this decision within 10 working days of being notified of it. In this case the student submits the grounds for review to OSCAR on-line.

35. 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 PRP 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 PRP
- 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.

36. 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 forwarded to the Head of Student Administration (Assessment and Awards) who will consult with an Extenuating Circumstances Panel to determine whether the extenuating circumstances are valid. 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 Procedure letter. If there are valid extenuating circumstances the review request will be accepted and assigned to an OSCAR Case Officer.

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4 At the time of publication of these Regulations the governance structure for research and postgraduate research students is under review. Delegated responsibility from Senate for the award of doctoral degrees may transfer between committees during the 2016/17 academic year.

5 The Head of Student Administration (Assessment and Awards) may nominate an alternate to deal with such cases during periods of absence.
Stage 2: submission to the Process Review Appeal Panel

37. Stage 2 of the University’s academic appeal procedure consists of a formal review of the student’s appeal by a Process Review Appeal Panel (PRAP).

38. The PRAP meets every three weeks and is administered by OSCAR. The membership of the PRAP is:
   - Director of Student Services and Administration (Chair) (or nominee)
   - an academic member of staff from the pool of trained Panel members
   - a student officer nominated by the President of University of Surrey Students’ Union

   The OSCAR Case Officer is in attendance as Secretary to the Panel

39. No member of the PRAP panel can have been on the original PRP that considered the student’s appeal. The student will not be in attendance at the meeting.

40. A meeting of the Process Review Appeal Panel will normally be held within 20 working days of the student submitting an appeal against the outcome of the PRP.

Outcomes of the Process Review Appeal Panel

41. 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 PRP to reconsider its 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 PRP.

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

42. 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.

Withdrawal of appeal

43. Once an academic appeal has been concluded, either after a PRP or a PRAP, the student cannot subsequently withdraw the request.

Follow up to the findings and recommendations of a Process Review Panel and Process Review Appeal Panel

44. In cases where a Panel has partly or fully upheld an academic appeal or a request to review a decision to dismiss an appeal, and has directed that an academic decision made by a body or person be amended in the light of the evidence provided to the Panel and its findings, OSCAR contacts the relevant body or person 10 working days after the Panel's findings were communicated to them 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) the matter is referred to the Chair of SPACE or the Chair of the relevant Senate sub-committee in the case of postgraduate research degrees.

45. Where, having looked into the matter, the Chair of SPACE, or the Chair of the relevant Senate Sub-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 Senate Sub-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.

Reference to the Office of the Independent Adjudicator (OIA)

46. Where the student does not accept the findings of the University's Process Review Panel or Process Review 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.