

Academic Appeal Regulations

Version 7.0

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1. INTRODUCTION

- 1.1 These Regulations are intended to provide a student with the opportunity to demonstrate their academic ability without any hindrance. Students may submit an Academic Appeal Application to request a review of a decision made by an Assessment Board charged with making a decision about their assessment, progression and/or award.
- 1.2 These Regulations are based on both the UK Quality Code for Higher Education, and the best practice outlined by the Office of the Independent Adjudicator for Higher Education (known as the 'OIA'). For the purposes of these Regulations, an Academic Appeal is defined by the OIA as:
“a challenge to or request for reconsideration of a decision by an academic body that makes decisions on student progress, assessment and awards This may include a request to change marks or progress decisions, or final award classifications”.
- 1.3 Throughout these Regulations, use of the term 'Assessment Board' normally means a Progression and/or Award Board, or for a student undertaking a Higher Degrees by Research course, the University's Postgraduate Research Assessment Board (PRAB).
- 1.4 An Academic Appeal Committee is not constituted as an Assessment Board and does not have the authority to set aside the decision of an Assessment Board, however, it can request that an Assessment Board reconsiders its decision.
- 1.5 Concerns relating to the operation of these Regulations must be considered in accordance with the Review Stage. Concerns which fall under the remit of these Regulations cannot be investigated using the University's Student Complaints Policy and Procedure.
- 1.6 Reference in these Regulations to a School may also include a Partner Institution where appropriate. Additionally, where reference is made to the 'School representative', this may include a senior member of staff within a School/Partner Institution or the Chair of PRAB.
- 1.7 Students may only submit one Academic Appeal against an Assessment Board decision.
- 1.8 Whilst an Academic Appeal is under consideration the original decision of an Assessment Board will stand. This means that students who have had their course terminated should not attend classes whilst they wait for a decision on their appeal. Students who have appealed will be permitted to graduate, but if the appeal is successful then the original award will be rescinded and a new award confirmed by the relevant Assessment Board.

2. ELIGIBILITY

- 2.1 These Regulations apply to students who are registered or enrolled on a University approved course delivered at the University or one of its Partner Institutions, including those students studying on a Professional Apprenticeship course with the University.

Students who wish to appeal decisions relating to Higher Degrees by Research courses, and former students who have submitted their Academic Appeal within the timescales set out in paragraph 5.1. Those students who are registered on a dual award course should only use these Regulations if they wish to request reconsideration of a Teesside University Assessment Board decision. If a student wishes to appeal a decision of a Dual Award Partner, an application should be made using the equivalent process of the Dual Award Partner.

2.2 The following **do not** constitute grounds for an Academic Appeal:

- Questioning the academic judgement of a properly convened and constituted Assessment Board. In this context, academic judgement is a decision made by academic staff on the quality of work or the criteria being applied to mark the work, and not necessarily evidence of procedural irregularity or bias in the assessment process. This means that a student cannot submit an appeal because they disagree with the decision of the University or feel that a higher mark/award should have been given.
- Questioning provisional (unratified) results.
- Complaints made against the University or its staff, or the level of supervision and teaching. These should be made using the University's Student Complaints Policy and Procedure within the stipulated timescales.
- Following a decision of a Mitigating Circumstances Board, Academic Misconduct, Research Misconduct, Fitness to Study or Fitness to Practise Hearing. A separate Review process is available for these decisions.

3. GROUNDS FOR APPEAL

3.1 An Assessment Board may be asked to reconsider a decision at the request of a student in the following circumstances only:

- 3.1.1 The student's academic achievement or progression was adversely affected by illness or other factors which the student was unable, for valid reasons, to submit an Extenuating Circumstances Application under the University's Extenuating Circumstances Regulations (**Incapacity**).
- 3.1.2 The student's performance in an assessment was adversely affected by a material administrative error attributable to the University, or to an agent acting on behalf of the University, or that an assessment was not conducted in accordance with the current University Regulations (**Procedural Error**).

3.2 For students enrolled on Higher Degrees by Research courses, or who are undertaking the Advanced Independent Work module of a Professional Doctorate course, in addition to the grounds cited at paragraph 3.1, students may also apply under the following ground:

- 3.2.1 On evidence produced by a student or any other person, that there is **prima facie evidence of unfair or improper assessment** on the part of one or more of the Examiners or other assessors.
- 3.3 The Academic Appeal Panel or Committee may ask the Assessment Board to reconsider a decision, at the request of a student undertaking a Higher Degrees by Research course, at the following stages in their study:
- a) Registration for Doctorate direct;
 - b) Annual Monitoring;
 - c) Transfer from Masters to Doctorate;
 - d) Progression;
 - e) Extension of Registration;
 - f) Final Examination;
 - g) Re-Examination.

4. EARLY RESOLUTION STAGE

- 4.1 The University is committed to resolving matters quickly and in the interests of all parties. If a student considers they may have grounds to request reconsideration of a decision by an Assessment Board, the Early Resolution Stage must be commenced within **15 days** of the date of publication of results. Students are strongly encouraged to contact a Students' Union Adviser before commencing the Early Resolution Stage.
- 4.2 Students, wishing to follow the Early Resolution Stage should contact their School, and provide any evidence to support their case. If the matter has previously been brought to the School's attention, the School will decide whether they wish to engage with a student using the Early Resolution process. If necessary, the School will inform the student why the process is not suitable, and that they can make a formal Academic Appeal, clearly setting out the timescales in which to do so, and where they can obtain advice and support.
- 4.3 The Early Resolution Stage should normally be resolved within **20 days** of approaching the School, and the student informed in writing of the outcome.
- 4.4 In the event that the student remains dissatisfied with the outcome the student may submit an Academic Appeal Application Form under the Formal Stage of the process within **7 days** of the date of the written outcome of the Early Resolution Stage, or within **15 days** of the publication of results date (whichever is the later).

5. FORMAL STAGE

5.1 Submitting an Academic Appeal

An Academic Appeal Application Form must be received by the Student Casework Office within **15 days** of the date of formal publication of results unless paragraph 4.4 applies. An Application Pack is available from the University's website, or by emailing sco@tees.ac.uk. Only in exceptional circumstances will an Academic Appeal be accepted after the cut-off date. If a student submits an Academic Appeal Application outside of these timescales, they must enclose with their Application a separate written explanation for the late submission supported by evidence (if applicable).

5.2 Processing of an Academic Appeal

5.2.1 Receipt of the Academic Appeal will normally be acknowledged by the Student Casework Office, and they will determine whether:

- a) The Academic Appeal falls within the scope of the Academic Appeal Regulations or whether an alternative process would be more appropriate.
- b) The matters have been clearly outlined, relevant supporting evidence has been provided, and the desired outcome clearly articulated.
- c) The Academic Appeal has been submitted within the stipulated timescales as cited in paragraph 5.1.
- d) It would first be appropriate to consider the Academic Appeal with the relevant School under the Early Resolution Stage in order to seek resolution.

5.2.2 If the Student Casework Office believes that the Academic Appeal does not meet the above criteria, the student may be asked to provide more information. If no further information is received, or it is felt by the University's nominee that the Academic Appeal does not meet the above criteria, the student will be issued with a 'Completion of Procedures' letter.

5.2.3 If the Student Casework Office believes it is appropriate to progress the Academic Appeal, it will be circulated to the Dean of School or the Chair of PRAB (or nominee) ('School representative').

5.2.4 In considering the Academic Appeal a School representative may seek further clarification from the student. Where it is believed there is a case for the decision of the Assessment Board to be reviewed an Assessment Board may be convened to consider the case or Assessment Board Chair's Action taken. In this event, the decision must be formally recorded for ratification at the next appropriate Assessment Board.

5.2.5 The School's representative must inform the student, in writing, of the decision of the Assessment Board, and/or the decision taken by Chair's Action. A copy

of the decision must be sent to the Student Casework Office. The School's representative must advise the student of their right to continue to pursue the case through the formal Academic Appeal process, and to contact the Student Casework Office if they remain dissatisfied with the decision. If no such request is received from the student within **5 days**, the case will be closed.

5.2.6 Where it appears to the School's representative that there is no reason for the decision of the Assessment Board to be reviewed, they must provide a written report (the Report') to the Student Casework Office within **12 days** of receipt of the Academic Appeal by the School.

5.2.7 The Report must normally contain:

- A clear statement relating to the Academic Appeal, which may include reference to the decisions made under the Extenuating Circumstances Regulations and/or Assessment Board at the time of the decision. The Report must be confined to factual comments on the case and must not include comments on the merits of the Academic Appeal.
- A copy of the relevant part and appropriately redacted Assessment Board minutes which have been endorsed by the Chair of the Assessment Board.
- A copy of the relevant External Examiner Confirmation of Endorsement of Assessment Process Form.
- The outcome of any Early Resolution discussions.
- Documentary evidence to support the submissions made in the Report. Examples of which could include (but are not limited to) course and module handbooks, tutorial records, communications with the student.

6. ACADEMIC APPEAL PANEL

6.1 Normally, within **7 days** of receipt of the Report the Student Casework Office will convene an Academic Appeal Panel to consider the case.

6.2 The Academic Appeal Panel will be Chaired by the University's nominee, (the Chair), and will also include a representative from the Students' Union (normally a President) who has had no prior involvement with the student, or previous participation in the case under consideration. A Secretary shall also be in attendance. The student or relevant School representative will not be invited to attend this meeting.

6.3 After consideration of the available evidence, the Panel may:

6.3.1 Request further information from the School or student, or any other relevant person. This information should normally be provided to the Secretary of the Panel within **5 days** of the request.

6.3.2 Dismiss the Academic Appeal.

- 6.3.3 Where it is felt that further investigation is required, refer the case to an Academic Appeal Committee.
- 6.4 The Chair of the Academic Appeal Panel will write to the student and School with the decision, normally within **7 days** of its meeting. If the Academic Appeal is unsuccessful the student will be told they have the right, in certain circumstances, to request a review of the decision under the Review Stage process.
- 6.5 In cases where the School, having reviewed the decision of the Academic Appeal Panel that an Academic Appeal Committee should be convened, believe there is a case for the decision of the Assessment Board to be reviewed, they may reconvene the Assessment Board, or take Chair's Action, to amend the Assessment Board's previous decision rather than proceed with the Academic Appeal Committee. In this event, the decision must be formally recorded for ratification at the next appropriate Assessment Board.
- 6.6 In cases where the decision of the Academic Appeal Panel is to dismiss the Academic Appeal and the student fails to submit a request for a review, the Chair's letter concludes the University's deliberations on the Academic Appeal. Should a student wish to take their case to the OIA, they will need a 'Completion of Procedures' letter which can be requested from the Student Casework Office within **28 days** from the issue date of the letter from the Chair of the Academic Appeal Panel.

7. ACADEMIC APPEAL COMMITTEE

7.1 Membership of the Academic Appeal Committee

- 7.1.1 The Committee shall consist of three members who have had no prior involvement in the case. A Committee will have the following membership:
- The nominee of the Chair of the Academic Board, who shall Chair the Committee;
 - One elected President from the Students' Union;
 - One senior representative of a School not related to the case.
- 7.1.2 For a student undertaking a Higher Degrees by Research course, the Chair of the Committee shall normally have experience of supervising and examining Research Degrees. No person registered as a student for a Research Degree, either at this or another University, shall be a member of the Committee.
- 7.1.3 The Committee will have a Clerk, who will attend in an advisory capacity, and a Secretary.

7.2 Procedure for the Hearing of the Academic Appeal Committee

- 7.2.1 The student and the School representative will be notified by the Student Casework Office of the date and time of the Hearing, their right to be accompanied by one friend, and the membership of the Committee. The University is committed to making reasonable adjustments to facilitate a student's attendance at a Hearing, and should they require any reasonable adjustments, they should inform the Student Casework Office prior to the Hearing.
- 7.2.3 Except where any reasonable adjustments to facilitate attendance are considered necessary, it will not normally be possible to change the date of the Hearing or the Committee membership. This will only be done in exceptional circumstances. Any requests to change the date of the Hearing or Committee membership must be submitted in writing to the Student Casework Office no longer than **3 days** after being notified of the Hearing, and the decision will be at the discretion of the Chair. Where a decision to re-arrange a Hearing / or the Committee membership has been refused, the student will be informed, in writing, of the refusal and, if necessary, the case will be considered in their absence.
- 7.2.4 Only the student, and the School representative and their friend, will normally be allowed to be present throughout the whole of the Hearing, except when the decision is being debated. If the Committee, in its absolute discretion, decides that the presence of any person is not appropriate throughout the whole Hearing or during any specific part of it, the Chair shall use reasonable endeavors to ensure that such a person is given an adequate opportunity to present their case.
- 7.2.5 At least **5 days** prior to the Hearing, the parties should confirm to the Student Casework Office, the names of those who will be attending. Where appropriate, the Chair may call an appropriate person(s) to give evidence.
- 7.2.6 The documentation to be considered by the Committee will be circulated to all parties prior to the Hearing. After this point, the presentation of any new documentation, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. In this event, a suspension of proceedings may be necessary in order to provide all parties with the opportunity to consider the new documentation.
- 7.2.7 During the Hearing:
- The Chair will outline the procedure of the hearing to all parties;
 - The Chair will ask the student and/or friend to present their case in support of their Academic Appeal;
 - Members of the Committee may ask questions of the student and/or friend;

- The School may ask for clarification on any representations made by the student by addressing questions via the Chair;
- The Chair will ask the School representative(s) to present their case;
- Members of the Committee may ask questions of the School representative(s);
- The student may ask for clarification on any representations made by the School addressing questions via the Chair;
- The Chair will give each party the opportunity to sum up their case;
- The Chair will ask the student, their friend and the School representative(s) to leave the hearing;
- The Committee will consider the evidence in private and reach a decision in accordance with paragraph 7.3.

7.2.9 The Committee has the authority to adjourn the Hearing at any time, or any reason, for such a period as it, in its absolute discretion, thinks fit.

7.2.10 If it appears to the Committee that the case raises allegations of misconduct this may lead to action under the relevant Disciplinary Policy and Procedure.

7.3 Decision of the Academic Appeal Committee

7.3.1 The decision of the Committee will be by majority decision.

7.3.2 After consideration of the available evidence relating to the Academic Appeal, the Committee may reach any of the following decisions:

(a) The Academic Appeal is rejected;

or

(b) The Academic Appeal is upheld and the Assessment Board will be asked to reconvene to reconsider its decision along with any additional recommendation(s)/direction(s) made.

7.3.3 The student and the School shall be informed, in writing, of the decision of the Committee normally within 10 days. The outcome will include a clear explanation of the determinations made on the key elements within the Appeal. Where relevant, the University will provide an explanation of how any outcomes are to be implemented.

7.4 Procedure following decision of Academic Appeal Committee

- 7.4.1 The reconvened Assessment Board should normally implement the recommendation(s)/direction(s) made by the Academic Appeal Committee.
- 7.4.2 When it is determined that an Assessment Board shall be reconvened at the earliest opportunity normally, within **15 days**. In cases where there may be a delay in reconvening a Board, it may be necessary for Chair's Action to be taken. In the event of a Chair's Action, the decision must be formally recorded for ratification at the next appropriate Assessment Board. The Chair of the Assessment Board should advise the student if there is likely to be any delay in the convening of the Assessment Board.
- 7.4.3 No member of staff directly involved in the School's submission to the Academic Appeal shall act as Chair, or as a panel member, for the reconvened Assessment Board.
- 7.4.4 The Chair of the reconvened Assessment Board is responsible for communicating the outcome to the student and to the Student Casework Office in writing, within **7 days**. If the reconvened Assessment Board amended its previous decision, then the communication should give reasons for the decision and when the remedy will be implemented. The student should be informed of the right to appeal the decision of the reconvened Assessment Board in accordance with paragraph 8.

8. REVIEW STAGE

- 8.1 Review of Decision of Academic Appeal Panel/Committee (at instigation of Student)
 - 8.1.1 Within **7 days** of notification of the decision of the Academic Appeal Panel or Academic Appeal Committee, a student may make a written request for a Review asking for reconsideration of their Academic Appeal ('Review') otherwise the case will be considered closed.
 - 8.1.2 A Review can only be made on the grounds:
 - (a) That the decision of the Academic Appeal Panel or Academic Appeal Committee was unreasonable and unsupported by evidence;
 - and/or**
 - (b) That there was a material procedural irregularity by the Academic Appeal Panel or Academic Appeal Committee which has prejudiced the student's case;

and/or

- (c) That additional evidence has come to light since the decision of the Academic Appeal Panel or Academic Appeal Committee, which could not reasonably have been expected to have been produced at the time of the consideration of the Academic Appeal.
- 8.1.3 A student must submit their request on a Review Stage Application Form to the Student Casework Office. An Application Pack is available from the University's website, or by emailing sco@tees.ac.uk. If a student submits a Review outside of the timescales cited above they must enclose with their Review a separate written explanation for the late submission supported by evidence (if applicable). New issues may not be introduced at the Review Stage and the process will not normally involve a further investigation.
- 8.1.4 Receipt of an Application will normally be acknowledged by the Student Casework Office, and they will determine whether:
- a) The Application falls within the scope of the Academic Appeal Regulations.
 - b) The matters have been clearly outlined, relevant supporting evidence is provided, and the outcome clearly articulated.
 - c) The Application has been submitted within the stipulated timescales cited in paragraph 8.1.1.
- 8.1.5 If the Student Casework Office believes that the Application does not meet the above criteria, the student may be asked to provide more information. If no further information is received, or it is felt by the University's nominee that the Application does not meet the above criteria, the student will be issued with a 'Completion of Procedures' letter.
- 8.1.6 If the Student Casework Office believes it is appropriate to progress the Application a copy will be sent to the Dean of School or Chair of PRAB (or nominee) ('School's representative') for information. Where a student submits their Application under ground 8.1.2 c), the School's representative will be asked whether they wish to consider the additional information presented. If the School's representative believes there is a case for the decision of the Assessment Board to be reviewed, an Assessment Board may be convened to consider the case or Chair's Action taken. In this event, the decision must be formally recorded for ratification at the next appropriate Assessment Board. The School's representative must inform the student, in writing, of the decision and a copy sent to the Student Casework Office. The School's representative must advise the student of their right to continue to pursue their case through the Review process, and to contact the Student Casework Office if they remain dissatisfied with the decision. If no such request is received from the student within **5 days**, the case will be closed.

- 8.1.7 Where it appears to the School's representative that there is no reason for the decision of the Assessment Board to be reviewed, they must inform the Student Casework Office who will gather any relevant information and submit the case to the University's nominee, not previously involved in the case, for their consideration.
- 8.1.8 Following consideration of the case the University's nominee may:
- a) Reject the student's Review.
 - b) Ask the Student Casework Office to convene/reconvene an Academic Appeal Committee.
- 8.1.9 The student will normally be informed of the decision of the University's nominee within **15 days** of their receipt of the Review. If the decision is not to convene/reconvene an Academic Appeal Committee, the student will be issued with a 'Completion of Procedures' letter.

9. THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)

At the conclusion of the University's internal processes the student will be issued with a 'Completion of Procedures' letter of internal proceedings. A student who is of the opinion that their case is unresolved may apply to the OIA for reconsideration of the case under the rules of its scheme. This will require completion of an OIA scheme application form upon receipt of the 'Completion of Procedures' letter. The scheme application form must be submitted within 12 months of the date that the 'Completion of Procedures' letter was issued. Information on the process may be obtained directly from the OIA's website at www.oiahe.org.uk Independent advice about submitting a complaint for review to the OIA is available through the Students' Union.

APPENDIX 1

GENERAL PRINCIPLES

1. **Legal Proceedings**

If a student chooses to start legal proceedings against the University relevant to an Academic Appeal Application or Review Application, any Application will be stayed until legal proceedings are completed. If a determination on the matters which are subject to the Application is made during legal proceedings, the University may terminate consideration of the Academic Appeal and the student will be issued with a 'Completion of Procedures' letter.

2. **Simultaneous Applications**

If a student raise issues which may also be covered by more than one University process, for example, a related complaint when pursuing an appeal against an academic decision, the University has the discretion to decide how to progress matters in the best interests of all parties involved. This may involve deciding which matter should take precedence, run concurrently, or whether interlinked matters can be considered under one process. The decision on how to proceed will be taken by the University's nominee and the student will be informed by the Student Casework Office of the process to be followed and any implications for the consideration of their case.

3. **Fair Treatment**

- 3.1 No student submitting an Academic Appeal under this process, whether or not it is successful, will be treated less favorably by any member of staff. If evidence to the contrary is found, the member of staff may be subject to action under the University's Staff Disciplinary Policy and Procedure.
- 3.2 Where a student or staff member believes consideration of an Application is likely to affect their relationship, all parties will be expected to continue that relationship in a professional manner. Only in exceptional circumstances will the University's nominee consider agreeing to a request for alternative working arrangements whilst the Application is being investigated.
- 3.3 The University will make reasonable adjustments to these procedures where possible, when it is reasonable to do so, to prevent any student from suffering a substantial disadvantage as a result of a disability. Students requiring reasonable adjustments are expected to disclose any adjustments required to the process on their Application Form and any appropriate adjustments will be discussed with the student.

4. **Group Applications**

- 4.1 A group of students may use this process, which will be considered as one collective group Academic Appeal. Where the case is considered at the Formal Stage or Review Stage, the Group Academic Appeal or Review Application Form should be completed. This Form should include the names of all students, including their Teesside University

student numbers. The evidence submitted to support the Application must be agreed by the group and provided with the relevant Group Application Form. No additional evidence will be accepted after submission of the relevant Group Application Form unless there are exceptional grounds.

- 4.2 A lead student should be identified on the relevant Group Application Form. The University will normally only communicate with the lead student, but there may be occasions when the University may need to contact others within the group. Students who have not associated themselves with the Application, at the point of submission, will not normally be permitted, subsequently, to do so.
- 4.3 In circumstances where the University receives multiple Applications from students affected by the same issue(s) and where there are common characteristics or similarities in the subject matter, then the University may combine these Applications and deal with them as a group. In such circumstances, the Student Casework Office will first discuss this with the student(s).
- 4.4 The University will not accept an individual Application from a student about any linked matter where they are already a party to a group Application.
- 4.5 The University will ensure that, where appropriate, each member of a group Application will be issued with a 'Completion of Procedures' letter setting out the final decision of the University.

5. Third Party Applications

- 5.1 Academic Appeal Applications or Review Applications submitted by third parties (for example, legal representative, parent, guardian, or spouse) will not normally be accepted for consideration except where written consent is provided by the student. Where written consent is provided and accepted by the University, any response to an Application shall be provided to both the third party and the student.
- 5.2 The University will not accept an Application made by a third party on behalf of a student where the student has already made a complaint on the same subject matter.

6. Frivolous, Vexatious or Fraudulent Applications

- 6.1 A student who submits an Academic Appeal or Review Application, which is deemed to be frivolous, vexatious or fraudulent, will be forward to the University's nominee for consideration as to whether their Application is acceptable for consideration or should be rejected. The decision of the University's nominee is final and not subject to further review. In such cases, the student will be issued with a 'Completion of Procedures' letter.
- 6.2 Frivolous or vexatious applications may include matters:
 - That have previously considered and concluded by the University;

- That are about something which could reasonably be considered as trivial by an objective party;
 - That the student is pursuing in a way that is having a seriously negative effect on members of staff, work or other students;
 - Where the student is looking for a remedy that lacks any serious purpose or value.
- 6.3 If it is believed that a student has submitted a fraudulent Application, the Student Casework Office will liaise with the University's nominee to determine whether the Application should be stayed and the matter considered under the relevant Academic Misconduct Regulations. Where it is determined that the student's application is fraudulent, the University's nominee may dismiss the Application.
- 7. Confidentiality and Data Protection**
- 7.1 All parties are required to observe confidentiality in all matters relating to this process. Any breach of confidentiality may result in formal disciplinary action being taken.
- 7.2 Information provided by students will be handled in confidence and released only to those members of staff who require it for the purposes of considering the case. However, where there are concerns regarding the welfare or safety of an individual, it may be necessary to share information with internal or external services to ensure the protection of those individuals.
- 7.3 In the investigation of matters under this process, the University will gather all information considered relevant to the case. This may include gathering information held by staff and departments and in some cases third parties. Where this relates to special category data, as defined by the UK General Data Protection Regulation and the Data Protection Act 2018, explicit consent of the data subject will need to be obtained prior to the collecting of the information. Where consent of the data subject is not supplied, this may affect the University's ability to consider the case and the University will be required to make a determination without all the relevant facts. The University also reserves the right to contact any person named in the submission to seek clarification or further information.
- 7.4 If a student submits recordings which have been, or appear to have been, taken without the knowledge or permission of the person whose image or voice is in the recording, then the University's nominee will consider whether it should be considered as evidence, or excluded from proceedings. This is because covert recordings can breach the law or the rules of procedural fairness.
- 7.5 Where a student submits a complaint to the OIA, relevant information shall be disclosed to the OIA in order for the review to take place. This will include all personal data, including special category data, which has been considered by the University during its investigations. Such sharing is necessary to comply with the University's legal obligations under the Higher Education Act 2004 and in the performance of tasks carried out in the public interest, namely to allow the OIA to operate a scheme for the review of students.

- 7.6 Any documentation obtained, or produced, as part of this process will be retained in accordance with the University's Classification Scheme and Retention Schedule.
- 7.7 Third party data will normally only be accepted from a student with the written consent of the individual concerned. Where third party data is submitted without consent, it should be anonymised (i.e. names and personal identifiers should be redacted). Students should be aware that documents may not be accepted where third party data, submitted without consent, has not been anonymised, but that documents may be re-submitted once anonymisation has been carried out by the student, or consent provided. Where third party personal data has been accepted in error, the University reserves the right to redact such information from the document. Processing of personal data in this way will be under the lawful basis of legitimate interest and in the public interest.
- 7.8 Any outcome of a meeting/hearing is confidential until formal notification is sent to the parties involved.

8. Academic Progress during an Appeal

- 8.1 The published decision of an Assessment Board is valid until such a time that it may be amended by a reconvened Assessment Board or Chair's Action following a successful Academic Appeal. This also applies to students undertaking a Higher Degrees by Research course where their level of study has been downgraded by an Assessment Board.
- 8.2 If a student has been granted a reassessment or restudy, they should continue to work towards this, pending the outcome of their Academic Appeal unless otherwise advised by the Assessment Board.
- 8.3 A student is not typically required to be physically present at the relevant institution for an Academic Appeal or Review Application to be investigated, though participation in a meeting/hearing may be necessary via electronic communication, such as Skype/Microsoft Teams.

9. Attendance at an Award Ceremony

Students who are eligible to receive a University award may attend an Award Ceremony. In such cases, the award will be that previously determined by the Assessment Board. If the award is subsequently amended there will be no further opportunity to attend an Award Ceremony. If preferred, students may defer attendance at the Award Ceremony until the outcome of their Academic Appeal. Should the student receive a Certificate of Award whilst an Academic Appeal is ongoing and the Assessment Board amends its decision, the Award Certificate must be returned to the University and a replacement will be issued. Attendance at an Award Ceremony does not prevent a student from submitting an Academic Appeal.

10. Timescales

- 10.1 Where appropriate, timescales for the University's responses are set out in the Regulations. It is anticipated, however, that there may be occasions when it is not feasible for a full and thorough investigation to be carried out within those normal timescales and when a longer period of time is required. These may include, but are not restricted to:
- Periods when the University is closed (e.g. Bank Holidays and the University's Winter vacation period);
 - Availability of staff due to work commitments, scheduled or unscheduled leave, sickness or other good reason;
 - Particularly complex issues;
 - Issues which are related to other on-going procedures which may need to be completed before any matter can be fully addressed.
- 10.2 Where it is apparent that the stated deadlines cannot be met, the student will be informed at the earliest opportunity at which an indication of the revised deadline for response and the reasons for the delay can be given.

11. Meetings or Hearings

- 11.1 During the consideration of a case it may be necessary for a University representative to meet with the student and/or member(s) of staff. A note taker may be in attendance at such meetings/hearings.
- 11.2 Students and staff may attend the relevant University campus or participate in meetings/hearings electronically for example, via Skype or Microsoft Teams. Those who wish to do so must inform the University prior to the meeting/hearing and the identity of the student will need to be verified at the start of the meeting/hearing.
- 11.3 If the student or relevant member of staff does not attend a meeting/hearing the meeting/hearing may proceed in their absence. In this instance, the case will be considered on the evidence available at the time of the meeting/hearing. The decision on whether a meeting/hearing will be deferred will be made by the relevant Chair.
- 11.4 If the student and/or their friend has a disability or mental health difficulty which calls for additional facilities or adjustments, those requirements should be made known to the Student Casework Office prior to the meeting/hearing in order that, if possible, appropriate reasonable adjustments can be made.
- 11.5 So far as is possible, the principles of equality and diversity will be taken into account when determining the composition of a Panel. Students are encouraged to make the University aware of any specific needs or requests in this respect. The Chair will have the final decision on the composition of the Panel.

- 11.6 The membership of a Panel shall remain constant throughout a meeting/hearing of any particular case, and the Chair shall be present throughout. However, should the Panel find it necessary to adjourn its proceedings, no more than one of its members may be absent when it is reconvened; when such a member is absent, that member may not subsequently rejoin the proceedings.

12. The right to be accompanied

- 12.1 The student or member of staff has the right to be accompanied to any meeting/hearing by one friend who may not act as a representative or attend in any legal capacity unless permitted by the person conducting the proceedings. The role of the friend is to provide moral support during a meeting/hearing. The friend is able, at the discretion of the person convening the meeting or the Chair of any Academic Appeal Committee, to make representations on behalf of the student and ask questions via the Chair. If an individual wishes to request the attendance of any additional friend(s), this will be at the discretion of the person conducting the proceedings, and all relevant parties will be informed of this prior to any meeting/hearing.
- 12.2 If the student, or member of staff is accompanied at any meeting/hearing by a friend, it is their responsibility to provide all relevant communications, and documents to their friend.
- 12.3 The student, or member of staff, must provide the name of the friend to the relevant Chair **5 days** prior to any meeting/hearing to the meeting organiser.

13. Standards of Behaviour

- 13.1 The University expects all its students to comply with the standards behaviour outlined in its Student Code of Conduct. During the process, the University expects all parties to act reasonably and fairly towards each other and to treat the process with respect. Where students (or friends) demonstrate behaviour deemed to be inappropriate during this process the University reserves the right to restrict contact with the student or their friend and if appropriate, invoke its Disciplinary Regulations
- 13.2 If the appropriate Chair of the meeting/hearing believes it necessary, they may adjourn or halt proceedings if, in their opinion, the progress of the meeting/hearing is being hampered by a participant's behaviour.

Examples of unacceptable behaviour might include:

- Aggressive or abusive behaviour.
- Unreasonable demands.
- Unreasonable persistence.

14. Recording of Proceedings

The audio recording of meetings/hearings is prohibited subject to such reasonable adjustments as may be agreed by the University under the Equality Act 2010.

15. Monitoring and Evaluation

On an annual basis, the Student Casework Office shall provide a written report to relevant University Committees/Boards. The report shall provide anonymous statistical data, identify any trends or wider issues, and make any observations and/or recommendations that may assist the University to further good practice in the management of this process.

16. Advice and Guidance

- 16.1 Advisers in the Students' Union can provide students with advice, independent of the University. Staff and students can also seek advice and support on understanding the Regulations from the Student Casework Office. Additionally, Student & Library Services also provide a range of services including financial, welfare advice, counselling and disability services. Any member of staff can obtain advice on the Regulations from their Union representative.
- 16.2 Students based at a University's Partner Institution should contact their own Students' Union or equivalent.

17. Documentation

- 17.1 All sections of an Application Form must be completed as fully as possible. It is the responsibility of a student, at the point of submission, to provide all relevant information / documentation they wish to be considered. For example, independent medical evidence, reports by a professional, financial information or witness statements. It is not the responsibility of the University to gather information on behalf of a student. If there is evidence which the student cannot reasonably obtain, but which they feel is important to their case, they should seek advice from the Student Casework Office before submitting their Application.
- 17.2 Any evidence submitted should normally be the original and not a photocopy. Where photocopies of documents are submitted, the student may be required to provide the Student Casework Office with sight of the original documents in order to verify their authenticity. Students are advised to retain a photocopy of any documentation submitted to the University. Documents will not normally be returned and may be securely destroyed unless the return of documentation is requested at the point of submission. If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated.
- 17.3 For the use of this process, third party data will normally only be accepted from a student with the written consent of the individual concerned. Where third party data is submitted without the consent of the individual, it should be anonymised (i.e. names should be redacted). Students should be aware that documents may not be

accepted where third party data is submitted without the consent of the individual, it should be anonymised (i.e names should be redacted). Students should be aware that documents may not be accepted where third party data is submitted without consent and/or has not been anonymised. However, they may be re-submitted once anonymisation has been carried out and/or consent provided. Where non-anonymised third party personal data has been accepted in error, the University reserves the right to redact personal data. Processing of personal data in this way will be under the lawful basis of legitimate interest and in the public interest.

- 17.4 The University reserves the right to seek to confirm the authenticity of any evidence submitted including, but not restricted to, contacting any third party named.

18. Publication of Results

The date of formal publication of results is normally the date specified by the School. It is the responsibility of the student to ensure that they know their results.

19. Burden of Proof and Balance of Probabilities

When submitting an Academic Appeal Application or Review Application, it is the student's responsibility to show how the circumstances for which they have applied has affected their studies.

The standard of proof applied in the consideration of an Application under this process is that of the balance of probability; that it is more likely than not something was or was not the case.