

University of Birmingham

**Proposed Amendments to the Primary Appeals process**

**Topic and purpose of the paper**

1. For APRC to **consider** and **approve** the proposed amendments to the Code of Practice on Primary Appeals. In addition, a number of housekeeping amendments are proposed to the processes.
2. The amendments have been proposed by the Student Conduct and Appeals Section, the Student Records Team and Professor Adrian Randall, Pro-Vice Chancellor for Teaching, Learning and Quality.

**Proposal(s) / recommendation(s)**

3. APRC is requested to consider and approve, **for immediate effect**, the proposed changes to the Code of Practice on Primary Appeals (attached as Appendix A). This will enable the appeals rounds following the 2010 main and supplementary examination periods to be operated under the revised procedures.
4. That Regulation 1.6 is amended as follows (additions underlined, deletions struck through) to allow Schools to consider if a student may be permitted to continue in temporary attendance on the programme, pending the outcome of the appeal.
  - 1.6 Any student who submits an appeal ~~will~~ may normally be permitted to continue in temporary attendance on the programme for which they are registered, pending the outcome of the appeal, depending on the circumstances of the particular programme. It is at the Schools discretion whether to permit a student to continue in temporary attendance. Students seeking to continue in attendance must consult their School on their intended course of action.
5. That the following new clause be added to the Code of Practice on Primary Appeals to enable a 'University nominee' to make a response to points in an appeal that may require clarification if relating to other University Regulations, procedures or practices.
  - 3.3.7 In exceptional cases, a University nominee may provide written comments in response to the student's submission if a student raises any issues that require clarification with regards to other University regulations, procedures or practices.
6. That the School's Representative be accompanied by another person acting as an Advisor to answer detailed questions on specific issues relating to collaborative programmes or student placement requirements or issues relating to other University Regulations, procedures or practices. This will

allow the Committee to question the Advisor on issues requiring clarification that are outside of the School Representative's remit.

3.5.6 For appeals from students on collaborative programmes or student placements or those relating to other University Regulations, procedures or practices, the representative of the School may if they so wish be accompanied by another person, acting as an advisor. The role of the advisor shall be to provide the Committee with clarification on questions of detail. The School's Representative shall be responsible for inviting the advisor to attend, and notifying the time and place of the hearing.

7. To allow the School Representative to question the student through the Chair during the hearing. This allows the School's Representative an opportunity to question the student on issues requiring clarification. Both the student and the School's Representative are empowered with an opportunity to clarify any points if they wish to.

3.6.2 (f) The School's representative, through the Chair, may question the student.

8. To allow the Committee a wider range of options when deciding outcomes for research degree appeals without having to refer the case back to the College for reconsideration if it is not necessary to do so.

5.1.2 Uphold the appeal and permit student to be re-assessed in specific named module(s), specifying the form of assessment, for example, sit, resit, repeat, resubmission in the case of assignments. In all cases, clear deadlines for the re-assessment should be agreed by the Chair, in consultation with the School.

5.1.3 Refer the matter back to the college for reconsideration of the case in light of the new evidence presented at appeal. The University Research Progress and Awards Sub Panel will ratify the new decision of the college. Uphold the appeal and permit the student to continue on their programme of study (see subsection 5.4).

### **Background**

9. The Code of Practice on Primary Appeals allows students the opportunity to make representations against any adverse decisions made in relation to their academic progression on their intended programme of study. The Prima Facie Panel considers an appeal and decides the outcome. This may include the referral of an appeal to a Primary Appeals Committee hearing if the panel determines that the case warrants further investigation. The Primary Appeals Committee then makes the final decision in accordance with the outcomes available in the Code of Practice on Primary Appeals.

### **Argument to support proposal / recommendation(s)**

10. The suggested amendment to Regulation 1.6 will allow Schools to judge and advise a student if they should continue in 'temporary' attendance on the programme and in which year, whilst pending the outcome of the appeal. This will be helpful for those students that are uncertain about progressing into their subsequent year or continuing on their placement especially if the

outcome of their appeal would not permit them to do that. The student would be required to contact their School to seek advice on their intended course of action and the School shall make a decision based on its judgement of the current status of the student. The School should not refuse this request unreasonably.

- 11 Primary Appeal submissions can often include information which relates to other University regulations, processes and practices which a student may have been subject to during their course of study. Students often claim that their involvement in such a process or practice has adversely affected them and therefore constituted grounds for their appeal. University regulations, processes and practices may include those such as student misconduct investigations, claims of harassment and bullying, student complaints or academic misconduct such as plagiarism or cheating during an examination. To ensure that the Prima Facie Panel and the Primary Appeals Committee have a detailed account of any such case, it is important that the appropriate University nominee be required to respond in writing to any such issues addressed in an appeal. This is to ensure that the Prima Facie Panel and the Primary Appeals Committee make an informed and fair decision after considering full factual details about the case. This will allow any factual inaccuracies in an appeal to be addressed and for the nominee to have an equal opportunity to respond to the claims made by the student in their appeal.
- 12 The School's Representative, when presenting the School's response to the Primary Appeals Committee, may be required to answer detailed questions on specific issues relating to collaborative programmes or student placement requirements or issues relating to other University Regulations, procedures or practices. These may include those such as academic and general student misconduct and student complaints issues. If the School's Representative cannot clarify any questions of detail, then the Committee can seek clarification from the 'Advisor'. This will prevent any difficult hearings from being adjourned and assist the Committee with its decision making.
- 13 The procedure of the hearing at Regulation 3.6.2 (e) allows the student through the Chair to question the School's Representative. To ensure that the School's Representative is also provided with this opportunity, the new Regulation 3.6.2 (f) allows the School's Representative, through the Chair, to also question the student. This is to ensure that the School's Representative also has the opportunity to question the student.
- 14 Graduate research students may appeal for an opportunity to be re-assessed in their taught module(s) or assignment(s). The current outcomes available at Regulation 5.1 do not allow the Committee to sanction such requests by students that have appealed to be re-assessed in specific named taught modules or assignments. The Committee has therefore been provided with an additional outcome at Regulation 5.1.2 that can be sanctioned for students appealing to be re-assessed in taught modules or assignments.
- 15 Graduate research students whose thesis has not been examined may appeal against the decision to withdraw or transfer programme. The Primary Appeals Committee, after making its decision, may decide that a student's appeal be upheld and sanction Regulation 5.1.2. However, this decision does not need to be ratified by the University Research Progress and Awards Sub Panel after being reconsidered by the College. If the University Research

Progress and Awards Sub-Panel reject the decision, then this would result in another primary appeal submission. Therefore, the final decision of the Primary Appeals Committee should be to uphold the appeal and permit the student to continue on their programme of study without a referral back to the College for reconsideration or ratification by the University Research Progress and Awards Sub Panel. This would be in line with appeal outcomes for undergraduate and taught postgraduate students.

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