UNIVERSITY OF BIRMINGHAM

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**Code of Practice on Senate Review**

**1. Preamble**

.1 A Senate Review may apply to any registered student who:

.1 has had an appeal rejected by the *Prima Facie* Panel or a Primary Appeal Committee; and

.2 can make a submission on one or both of the following grounds:

(a) that there is *prima facie* evidence that procedural irregularity has occurred in the handling of the appeal at that level;

(b) that relevant new material evidence has come to light that was not available for a good reason at the time of the Primary Appeal submission.

.2 Failure to attend the hearing of the Primary Appeal Committee and/or unwillingness to accept the decision of the *Prima Facie* Panel or the Primary Appeal Committee do not constitute an irregularity and are therefore not acceptable grounds for a Senate Review.

.3 In order to be eligible for consideration, an application for a review of the Primary Appeal decision must be submitted, with all supporting evidence, within 15 working days of the date on which the University sent written notification to the appellant of the outcome of the Primary Appeal submission.

**2. Principles**

.1 The Senate Review procedure is a method to ensure that *bona fide* appeals submitted by members of the University are heard in a fair and impartial way. It is not a method of circumventing or setting aside the professional academic judgement of examiners on the performance of registered students.

.2 The Senate Review Panel will observe the rules of natural justice and procedural fairness, namely that: whoever takes decisions should be impartial; there should be no personal interest in the outcome of the case; and there should be no likelihood of bias on the part of the members of the Senate Review Panel.

**3. Composition of the Senate Review Panel**

.1 The Senate Review Panel pool shall comprise eighteen members of staff: three nominated by the Senate or delegated authority and three from each College nominated by the Head of College. The Chair of the Senate Review Panel shall be the Pro-Vice-Chancellor for Academic Quality and Students or his deputy. The Chair shall appoint two members of the Senate Review Panel pool to serve on the Senate Review Panel. The Senate Review Panel will not include a member from the appellant's own College.

.2 The secretary to the Senate Review Panel, acting on behalf of the Director of Academic Services, shall notify the appellant in writing of the names of the members of the Senate Review Panel as soon as reasonably practicable.

.3 If the appellant wishes to object to one of the Senate Review Panel members they must do so in writing to the secretary to the Senate Review Panel within five working days from the date of the notification. The only ground for objection is that of possible bias arising from either:

.1 involvement in a related appeal hearing, disciplinary hearing or a related complaint; or

.2 prior knowledge of the appeal or appellant.

**4. Application for Review**

.1 Any registered student applying for a Senate Review must do so in writing, using the prescribed

application form. The application form must include all the evidence which the appellant wishes to submit including, where possible, written statements from others, any other appropriate documentation, and full factual details (names, dates, etc) ('the supporting documentation'). It is especially important that written submissions are complete and unambiguous. If medical evidence is to be adduced, signed medical certificates or supporting statements must be submitted either by the appellant or by the medical practitioner at the appellant's request. Supplementary information or evidence will not be accepted after the deadline specified in 1.3 above, save in exceptional circumstances at the discretion of the Chair of the Senate Review Panel. It is the responsibility of the appellant to ensure that the supporting documentation is submitted with the application form to the secretary to the Senate Review Panel.

.2 All communications will be posted to the appellant at the address given with their application form, in the expectation that the appellant will be in residence to receive them. It is the responsibility of the appellant to notify the secretary to the Senate Review Panel of any change of permanent or correspondence address. The University cannot accept responsibility for any consequences of the appellant's failure to notify them of a change of address or absence from that address.

.3 No separate correspondence will be entered into with any third party. The letter confirming the outcome of the Review will be sent only to the appellant.

**5. Response to the Application for Review**

.1 The University will submit a written response to the appellant's application. This will include the following:

.1 a report from the Chair of the *Prima Facie* Panel where the decision of the *Prima Facie* Panel is being reviewed, including copies of any relevant documents, or

.2 a report from the Chair of the Primary Appeal Committee where the decision of the Primary Appeal Committee is being reviewed, including copies of any relevant documents; or

.3 a report from the Student Conduct and Appeals section where procedural irregularities are alleged in the handling of the appeal not directly related to the Prima Facie Panel or Primary Appeal Committee. This may include a report from the principal academic unit.

**6. Conduct of the Senate Review Panel**

.1 Copies of the Review application, the supporting documentation and the University's response will normally be sent to each of the members of the Senate Review Panel within 15 working days of receipt of the Review Application. The Senate Review Panel will then carry out a private review of the case, which it will aim to complete within 4 weeks of the date on which the documentation is sent to the Panel.

.2 Having reviewed the documentation, the Panel will either reach a decision or decide that it needs to receive further evidence including clarification or further explanation of the matter. Additional evidence may be sought in writing from the appellant, or from the University, via the secretary to the Senate Review Panel. Any information obtained in this way will be made available to all parties involved in the case, and additional submissions in writing by either party may be made.

.3 Following the Review, the Senate Review Panel may decide:

.1 that the case be dismissed; or

.2 that the case should be referred to a newly-constituted Primary Appeal Committee for consideration and determination; or

.3 that the decision of the Primary Appeal Committee or *Prima Facie* Panel be set aside and that any of the decisions available to the Primary Appeal Committee may be made as per

the Code of Practice on Primary Appeals.

.4 A written record of all proceedings shall be kept by the secretary to the Senate Review Panel.

.5 The appellant shall be informed in writing of the Senate Review Panel's decision.

.6 Recommendations by the Panel about University or College procedures and practices need not be published but will be conveyed to the Senate or delegated authority or the Head of College and any other relevant persons.

.7 In the event that the case is dismissed, the appellant shall be informed of the right to submit a complaint to the Office of the Independent Adjudicator and will be issued with a Completion of Procedures letter.