For APRC
17th June 2013

APRC.13.06.**03**

Amendments to the Code of Practice on Primary Appeals Procedures

Topic and purpose of Paper

The Committee is invited ***to consider*** and, if thought appropriate***, to approve*** amendments to the Code of Practice on Primary Appeals Procedures, with effect from 1 August 2013.

These changes are requested largely for clarity and consistency, and as such do not represent substantive changes. Arguments to support specific changes are provided.

1. **Principles**

Proposal: That the following paragraphs are added to or deleted from to the Code of Practice on Primary Appeals (insertions underlined – deletions struck-through):

1.1 The Code of Practice applies to all Registered Students of the University, Students on a Leave of Absence, External Resit Students, Thesis Awaited Students and Graduands).

Renumbering will be required.

Background: This change is required to ensure all legislation regarding the defining of 'students' is consistent.

2. **Confirmation that conditions have been met**

Proposal : That the following paragraphs are added to or deleted from to the Code of Practice on Primary Appeals (insertions underlined – deletions struck-through):

1.4
Appeals that are supported by Schools or upheld by a *Prima Facie Panel* or Primary Appeals Committee~~s~~ may be subject to certain conditions such as the provision of medical evidence that the student is fit to resume study and shall specify the consequences of failure to comply with the condition (which for the avoidance of doubt may include rejection of the appeal). ~~If such conditions are not met within a specified timeframe the resolution to support or uphold the appeal may be rescinded and the original decision against which appeal is being made confirmed.~~

1.4.1 The Prima Facie Panel or Primary Appeals Committee shall ~~may~~ delegate to the Chair the decision on whether or not a condition has been met. The Chair shall consider relevant evidence and make one of the following decisions:

a) Decide that the condition has been met;

b) Decide that the condition has not been met providing reasons for the decision;
c) Seek further clarification; or
d) Refer the matter for consideration by the Primary Appeals Committee.

1.4.2 The student may apply for a Senate Review of the decision as to whether or not the condition has been met in accordance with the Code of Practice on Senate Review Procedure.

Background: This change is required as current Code of Practice was unclear regarding who could confirm that conditions are met and what route was open to students to appeal any rescinding of an appeal outcome.

3. Graduation and Appeals against Degree Classifications

Proposal : That the following paragraphs are added to or deleted from to the Code of Practice on Primary Appeals (insertions underlined – deletions struck-through):

1.7
~~Any student who lodges an appeal will automatically be withdrawn from the Degree Congregation until the appeal is resolved. The University will not hear appeals against degree classifications once a degree has been formally conferred by the University at a Degree Congregation or by Special Warrant. Due to the timescales involved once an appeal has been submitted, it will not be possible for the student to have their degree conferred until the next Congregation period, at the earliest, even if the appeal is subsequently withdrawn.~~

2.4
The grounds for such a decision shall be limited exclusively to those specified in paragraph 2.2 above. Appeals ~~cannot be heard~~ against degree classification cannot be submitted once the degree has been formally conferred at a degree congregation of the University or by Special Warrant or after the elapse of six weeks of the formal notification of any other final award.

4.4.4
In cases of appeals against degree classifications or other awards ~~Refer~~ the matter must be referred back to the Board of Examiners ~~(in cases of appeals against degree classifications or other awards)~~.

Background: This change will enhance the student experience. It will allow appellants to graduate with their cohort, an important factor in *alumni* relationships. The Congregations and Awards Officer has been consulted on this matter and confirms that any new transcript/certificate generated following a successful appeal would not be forwarded to the appellant until original documentation was returned.

4. Gender balance

Proposal: That the following paragraphs are deleted from the Code of Practice on Primary Appeals (deletions struck-through):

3.1.2 (b)

~~For any given appeal, the membership shall include at least one member of the same gender as the student submitting the appeal.~~

Background: This change is required as solely focusing on a need for a gender balance actually highlights that the current Code of Practice does not allow for a balance across other protected characteristics. It would not be reasonable to ensure that there is balance across all protected characteristics, nor is it a legal requirement.

5. Submission Deadlines

Proposal: That the following paragraphs are inserted into or deleted from the Code of Practice on Primary Appeals (insertions underlined – deletions struck-through):

3.2.7 (a) Submission Deadlines

The submission must normally be made by the prescribed date. ~~Late submissions will not be accepted unless proof of postage can be provided, or a receipt produced if hand delivered, in both cases indicating that the submission was posted or hand delivered before the submission deadline.~~ Deadlines will only be waived in very exceptional circumstances, accompanied by supporting evidence, at the discretion of ~~the Student Conduct and Appeals section~~ Academic Policy & Standards. A Completion of Procedures letter will be issued for appeals not accepted.

Background: This change is required to clarify how Academic Policy & Standards judge a late appeal to be ineligible in a more transparent fashion.

6. Adding Data Protection information

That the following paragraphs are inserted into the Code of Practice on Primary Appeals (insertions underlined):

3.2.9 Data Processing

(a) Submissions, along with any evidence and/or additional information, will be made available to relevant School(s) in order that a response to the appeal can be prepared. The named contact within the School(s) should gather information in order to prepare the response to the appeal, and in doing so, may disclose and discuss the submission with such individuals from whom information is required in order to prepare a complete an accurate response.

(b) Section Four of the Primary Appeal Submission Form 'Summaries for the Prima Facie Panel' will be provided to members of the Prima Facie Panel, who may also request copies of any evidence or additional information referred to in the submission or the School's response.

(c) If the case is referred to a hearing of a Primary Appeals Committee, the submission and any accompanying evidence and additional information will be

provided to the members of the Committee, the secretary to the Committee and the School's representative.

(d) In the case of appeals against the outcome of a research degree examination, the submission and any evidence and/or additional information may be provided to the internal and external examiners and the Chair of the oral examination panel (if one took place), and their comments forwarded to the School in order for the School response to be prepared.

(e) The outcome of a Primary Appeal will be communicated to the relevant School(s) and any other parties that require details around the outcome, which, in the case of appeals against the outcome of research degree examinations, may include the internal and external examiner and Chair of the oral examination panel.

Background: This change is required by Legal Services to ensure that the Code of Practice adheres to Data Protection legislation.

Consultation

These changes are requested by Academic Policy & Standards following consultation with colleagues within Registry and Legal Services.

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May 2013