UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON ACADEMIC APPEALS PROCEDURES

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Principles

1.1 The Code of Practice applies to all Registered Students, Students on Leave of Absence, External Resit Students, Thesis Awaited Students and Graduands ("collectively referred to in this Code of Practice as "students").

This Code of Practice applies to appeals against:

- progress decisions taken by the University Progress and Awards Board and Boards of Examiners;
- progress decisions taken by School Progress Panels and/or examiners of Research Degree theses:
- decisions taken by the University Progress and Awards Board under the Code of Practice on Student Attendance and Reasonable Diligence.

1.2 The appeals process is not a method of circumventing or setting aside the professional or academic judgement of examiners on the performance of students; it is a way of ensuring that progress decisions are made in accordance with relevant procedures and that as far as possible all relevant circumstances affecting a student's academic performance are taken into account.

1.3 The appeals process is evidence based. Circumstances cited in an appeal (including the impact of the circumstances on the student's studies) or in a School response must be corroborated by evidence. Appendix B provides guidance on evidence.

1.4 Schools are provided with an opportunity to respond to eligible student submissions. In appropriate cases, Schools may provide a single response to a group submission. The School response will be forwarded to the student at an appropriate time.

1.5 The University will correspond only with the student; even if the address provided by the student is that of a 'Friend', solicitor or other third party, no correspondence will be entered into with that (or any other) third party. Anonymous appeals or appeals from third parties will not be considered.

1.6 Each decision made by a committee/panel will be confirmed normally within five working days of the applicable meeting. The outcome letter will set out the reasons for the panel/committee's decision.

1.7 Schools will normally permit a student to continue in temporary attendance on their programme, depending on the circumstances of the particular programme. Students wishing to do this must consult with their School and understand that any such arrangement is at the discretion of the School.

1.8 Each School will appoint a designated Appeals Officer and a designated Complaints Officer who may be, but need not be, members of Academic Staff.

1.9 The University will observe its Data Protection Policy and the Data Protection Act 1988 in the handling of appeals.

1.10 Academic Policy and Standards will issue a Completion of Procedures letter at the appropriate time to allow the student to complain to the OIA as a student may be eligible to complain to the Office of the Independent Adjudicator (OIA) for Higher Education, the independent body which reviews student appeals and complaints.

1.11 In considering appeals, the University will observe the rules of natural justice and procedural fairness.

2. Stages of the Code of Practice

2.1 The appeal procedure is divided into two main stages which must be followed sequentially: the initial appeal stage and the Senate Review stage.

Stage 1 – Initial Appeal Stage

Following submission of an Academic Appeal Form, eligible appeals will be reviewed by the Academic Appeal Committee. This is a paper-based review at which the student is not in attendance. Exceptionally, when the Academic Appeals Committee considers it appropriate, a hearing will be required to which the student will be invited.

Stage 2 – Senate Review Stage

Following completion of the initial stage and the submission of a Senate Review Form, eligible cases will be reviewed by the Senate Review Panel. This is a paper-based review at which the student is not in attendance.

3. Academic Appeal Committee and Senate Review Panel Membership

3.1 .1 (a) Paper-based reviews: Each Academic Appeal Committee conducting paper-based reviews shall comprise no fewer than two and no more than three members of Academic Staff with provision for substitution where necessary. The quoracy of two must comprise a Chair and a member of Academic Staff.

(b) Hearings: Each Academic Appeal Committee convened for a hearing shall comprise no fewer than three and no more than four members of Academic Staff with provision for substitution where necessary. The quoracy of three must comprise a Chair and two members of Academic Staff.

(c) Each Senate Review Panel shall comprise no fewer than three and no more than four members of Academic Staff with provision for substitution where necessary. The quoracy of three must comprise a Chair and two members of Academic Staff/Corporate Services Staff. The Chair will be a senior member of the University, normally the Pro-Vice-Chancellor (Education) or their Deputy.

(d) A Registered Student may also serve on Academic Appeal Committees and Senate Review Panels, though meetings may at the discretion of the Chair proceed in the event of no Registered Student being in attendance.

(e) The Chair shall have a casting vote in the event of an equality of votes.

(f) The Chairs and Academic Staff members of the Academic Appeal Committees, Academic Appeal Committee Hearings and Senate Review Panels shall be appointed by the Senate or its delegated authority.

(g) Registered Student members of the Academic Appeal Committees, Academic Appeal Committee Hearings and Senate Review Panels shall be nominated by the Guild of Students, and approved by the Pro-Vice-Chancellor (Education) or nominee.

3.2 .2 In addition:

(a) No person shall serve in respect of a case in which they have a personal interest, or when they have personal knowledge of the student arising out of an academic or pastoral connection with the individual concerned.

(b) No person shall serve in respect of a case where they are a member of the same School as the student.

(c) Each panel/committee shall be supported by a Secretary who shall be the Director of Academic Services or their representative. The Secretary will not act as a member of the committee/panel but will provide guidance on procedure and precedents where appropriate.

4. Initial Appeal Stage

4.1 Right to Appeal

A student may appeal against a decision taken by a Progress and Awards Board of Senate and Boards of Examiners (including those which lead to a degree classification), and, for Research Degree students, decisions taken by thesis examiners and/or School Progress Panels. For students on postgraduate research programmes, the Research Progress and Awards Sub-Panel will take the place of the Progress and Awards Board of Senate.

4.2 Students are encouraged to liaise directly with their School if they intend to submit an appeal in order to allow the School the opportunity to assess whether an appropriate course of action is available outside of the appeals process and within University Regulations. Students undertaking this opportunity will still need to meet appeal deadlines if the School is not forthcoming in providing a response.

4.3 Grounds for Appeal

.1 Appeals against progress decisions (including those which lead to a degree classification) may be submitted on one or more of the following grounds:

(a) that there were circumstances unknown to the Board of Examiners which contributed to a student's academic performance and consequently to the progress decision against which the appeal is being made, and the student can

present good reason for these circumstances not having been made known prior to the meeting of the Board of Examiners;

(b) that there was an administrative or procedural irregularity or failure in the relevant assessment(s);

(c) in the case of postgraduate research students only, that there has been bias in the assessment of their thesis on the part of one or more of the examiners.

4.4 Students will normally have brought to the attention of their School Extenuating Circumstances which they consider might affect their future academic performance and will have made appropriate submissions to their School in accordance with the Code of Practice on Extenuating Circumstances. Such submissions should have been made prior to meetings of the relevant Board of Examiners to enable the Board of Examiners to take those circumstances into account when formulating results and progress and award decisions (and, where appropriate, making recommendations to the University Progress and Awards Board). Information which students could have brought to the attention of their School as Extenuating Circumstances will therefore not normally be considered as 'circumstances unknown to the examiners'.

4.5 Appeals against decisions made by the University Progress and Awards Board under the Code of Practice on Student Attendance and Reasonable Diligence may be submitted on one or more of the following grounds:

(a) that there was a material irregularity or failure in procedure which rendered the process leading to the initial decision unfair; or

(b) that new evidence is now available that the student could not reasonably have been expected to produce at the time of the initial decision and which casts substantial doubt upon the appropriateness of that decision.

4.6 Student Submissions

(a) Appeals must be submitted within **10 working days** of the date of the notification of the decision of the Board of Examiners or the outcome of the examination of the student's thesis. Appeals received after 10 working days will only be considered by Academic Policy and Standards in the most exceptional circumstances.

(b) Appeals must be submitted on the Appeal Form which must be completed in full. Appeals which are not submitted on the Appeal Form will not normally be processed.

(c) The appeal will be acknowledged on receipt. Academic Policy and Standards will assess the eligibility of the appeal, normally within 10 working days. Eligible appeals will be forwarded to the applicable School. A Completion of Procedures letter will be issued to those students whose appeals are declared ineligible.

4.7 School responses

(a) School responses must normally be submitted within **10 working days** of the date of notification of the appeal.

(b) Responses must be submitted on the School Response Form which must be completed in full. The School should provide evidence to support the circumstances laid out in their response.

4.8 Academic Appeal Committee

.1 The Academic Appeal Committee shall consider all appeal submissions which have been deemed eligible by the Head of Academic Policy and Standards (or nominee).

.2 The Academic Appeal Committee shall base its deliberations on the information and evidence submitted.

.3 After consideration of the submission and School response, the Academic Appeal Committee shall reach one of the following decisions:

(i) Reject the appeal and confirm the original decision against which the appeal is being made;

(ii) Uphold the appeal in part or in full and permit the student to re-sit, repeat a module or repeat the year in whole or in part or for postgraduate research students to continue on the programme of study;

(iii) In exceptional circumstances, convene a full hearing before an Academic Appeal Committee which will be conducted in accordance with Appendix A;

(iv) Refer the matter back to the Board of Examiners (in cases of appeals against degree classifications or other awards);

(v) In cases where a thesis has been examined, set the examination aside and direct new examiners are appointed. The Code of Practice for the Assessment of Research Degrees shall be adhered to.

.4 The Committee may attach conditions to any of these decisions, such as the provision of medical evidence that the student is fit to resume study. Where conditions are attached the Panel shall specify the consequences of failure to comply with the condition (which for the avoidance of doubt may include rejection of the appeal).

.5 The Committee cannot change marks or degree classifications.

5. Senate Review Stage

5.1 Right to Senate Review

A student may request a review of the decision taken at the Initial Appeal Stage.

5.2 Grounds for Review

Requests for reviews of decisions made at the Initial Appeal Stage may be submitted on the following grounds:

(a) that there is evidence of a material procedural irregularity that has occurred in the handling of the appeal at the initial stage;

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

5.3 Student Submissions

(a) The request for review must be submitted within 15 working days of the date of the notification of the decision taken at the initial appeal stage.

(b) The request for review must be submitted on the Review Form which must be completed in full, with accompanying evidence attached. Appeals which are not submitted on the Review Form will not normally be processed.

(c) The request for review will be acknowledged on receipt.

5.4 School responses

(a) School responses must be submitted within 15 working days of the date of notification of the review.

(b) Responses must be submitted on the School Response Form which must be completed in full. The School should provide evidence to support the circumstances laid out in their response.

5.5 Senate Review Panel

.1 The Senate Review Panel shall consider all eligible review submissions.

.2 The Senate Review Panel will carry out a paper-based review and shall base its deliberations on the information submitted by the student and the School, if applicable.

.3 After consideration of the submission and School response, the Senate Review Panel shall reach one of the following decisions:

(i) Reject the appeal, with reasons, and confirm the original decision against which the appeal is being made.

(ii) Uphold the appeal in part or in full and permit the student to re-sit, repeat a

module or repeat the year in whole or in part or for postgraduate research students to continue on the programme of study.

(iii) Refer the matter back to the Board of Examiners (in cases of appeals against degree classifications or other awards).

(iv) In cases where a thesis has been examined, set the examination aside and direct new examiners are appointed. The Code of Practice for the Assessment of Research Degrees shall be adhered to.

.4 The Senate Review Panel may attach conditions to any of these decisions, such as the provision of medical evidence that the student is fit to resume study. Where conditions are attached the Panel shall specify the consequences of failure to comply with the condition (which for the avoidance of doubt may include rejection of the appeal).

.5 The Senate Review Panel cannot change marks or degree classifications.

Appendix A

A.1 Academic Appeal Committee Hearing Attendance

.1 Appeals will only be referred by an Academic Appeal Committee to a hearing where the Committee feel that a way forward can only be found by meeting with the student and a School representative.

.2 There is no entitlement to legal representation at the hearing. All correspondence will be sent to the student.

.3 The student will be invited to attend the hearing to present his or her case, and may be accompanied by a 'Friend', namely a Registered Student of the University, a member of Academic Staff, or a Sabbatical Officer from the Guild of Students. If a student does not attend a hearing, having declared an intention to do so, the Committee has the right to consider the case and to reach a decision in the absence of the student without further notice. In this event, the student shall have no grounds for appeal, or for seeking a further hearing, solely on the basis of their non-attendance at the hearing.

.4 In all cases, a representative from the relevant School will be invited to attend the hearing to present the reason for the Board of Examiners' decision, to provide any necessary information which might not have been included in the School response and respond to any new material which is exceptionally permitted to be introduced. If the School representative is unable to attend, the Committee may proceed in their absence.

.5 For appeals from students on collaborative programmes or student placements, the School's representative may arrange for a relevant person, who may be either a member of staff from the collaborative institution or placement provider or a member of staff of the University, to attend the hearing also. This is for the purposes of advising the hearing on matters which are outside the knowledge of the School which relate to the collaborative programme or placement or to related University legislation, Codes of Practice or guidance. The School's representative shall be responsible for inviting that person to attend and for notifying the time and place of the hearing.

.6 A student may object to any member of the hearing on one of the grounds specified in paragraph 3.2.2 (a) and (b) above. Any such objections must be submitted within two working days of the notification of hearing membership being sent. That person may, at the discretion of Academic Policy and Standards, be required to withdraw and may be replaced.

A.2 Academic Appeals Committee Hearings

.1 At the start of the hearing, the Chair shall summarise the procedure to be adopted and ask the student whether they wish to raise any procedural points.

.2 The Chair will lead the discussion to ensure, if appropriate, that there is opportunity for:

(a) The student and School representative to make statements in relation to the documentation and to comment on each other's statements;

(b) The Committee to question the student;

(c) The Committee to question the School's representative;

(d) The student, through the Chair, to question the School's representative;

(e) The School's representative, through the Chair, to question the student.

.3 When present, the School's representative and the student will each be present when the other is speaking.

.4 The Chair shall ask the student and the student's 'Friend' and the School representative whether they have anything further to add.

.5 The members of the hearing will then proceed, in the absence of all other persons except the Secretary to the hearing, to consider the matter and to take a decision on the course of action which is appropriate, within the Regulations and requirements which apply to the programme for which the student is registered.

.6 The Committee cannot change marks or degree classifications.

Appendix B

B.1 Evidence

.1 Circumstances cited in an appeal must be corroborated by evidence and demonstrate the impact of the circumstances on the student's studies.

.2 Appeals based on medical grounds must be accompanied by signed medical certificates or by supporting statements submitted by a medical practitioner at the student's request. It is the student's responsibility to provide all supporting evidence.

.3 It is the student's responsibility to obtain the necessary consent for the disclosure of relevant information relating to third parties.

.4 Evidence presented must be presented in English, with certified translations being provided where necessary (all costs to be borne by the student or School where applicable).

.5 Evidence will not normally be permitted to be introduced at a later stage unless it was not known or available to the student/School at the time of submission of the appeal/School response. Neither the student nor School will normally be permitted to introduce further new material at the Senate Review stage unless it was not known to the student or School when the original appeal was submitted and the Chair deems it admissible.