

ACADEMIC REGULATIONS 9:

Academic Appeals Research Degrees

2011/12

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Formal Application for a Review of the Decision of an Assessment Board	

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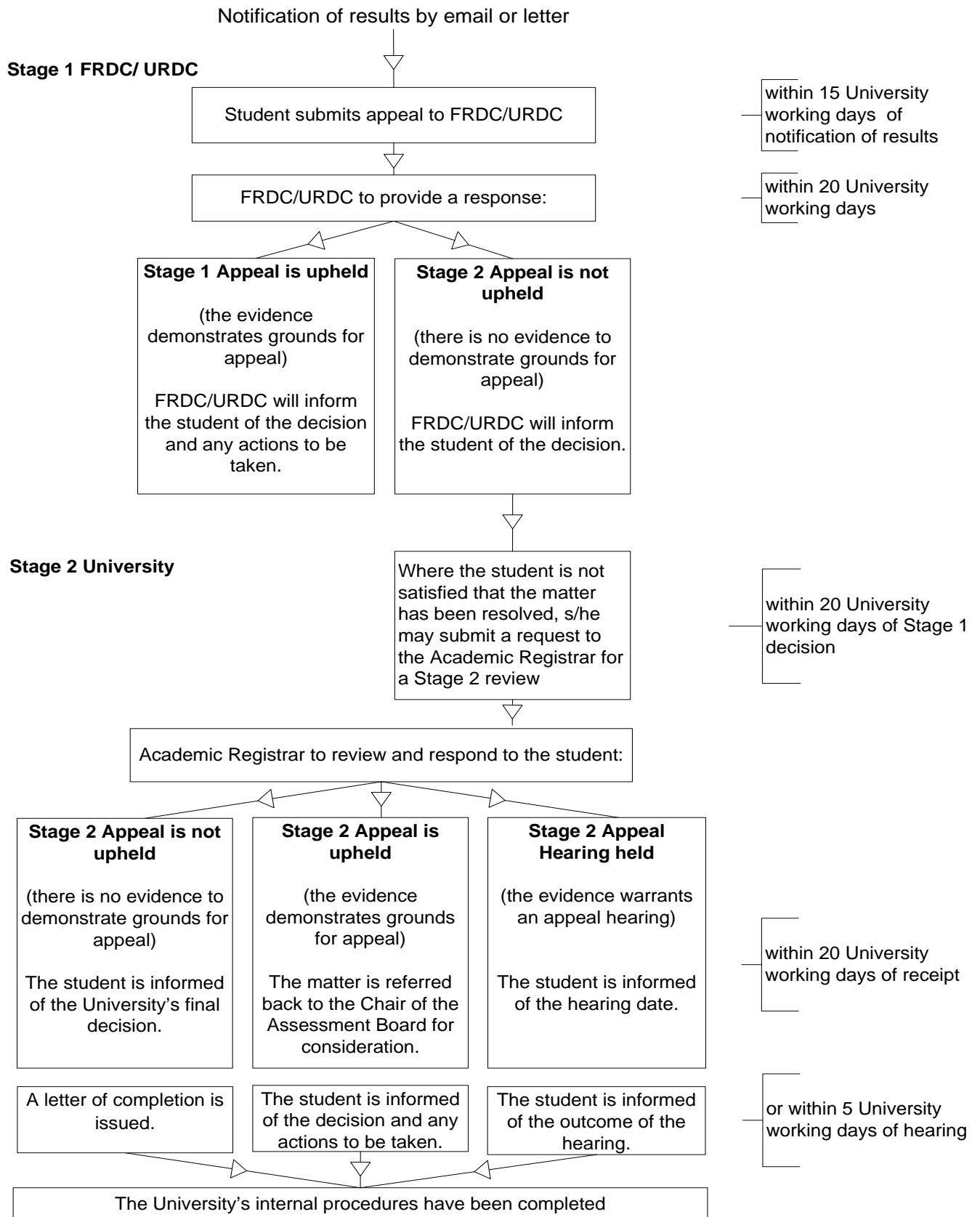
DEFINITIONS

- 1 For the purposes of these procedures:
 - an **academic appeal** is defined as a request for a review of a decision of an assessment board charged with decisions on student progress, assessment and awards
 - a **student** is anyone on a programme of study who is registered for a University award. Separate Academic Appeals procedures exist for students on taught programmes.
 - an **assessment board** is the official body established by the Academic Board whose members are drawn from the internal and external examiners for a programme. The assessment board for research degrees is the University Research Degrees Committee (URDC)
 - The **University Research Degrees Committee (URDC)** is the assessment board for Research Degrees with delegated authority of the Academic Board to ratify examination recommendations and decisions made by Faculty Research Degrees Committees (FRDCs).
 - **Faculty Research Degrees Committees (FRDCs)** are subsidiaries of the URDC with delegated authority to agree decisions regarding progression which are then ratified by the URDC.
 - **Academic Board** is the body in the University with the authority to deal with academic matters including the expulsion of students on academic grounds including failure or inadequate progress and the conferment of awards
 - **mitigating circumstances** are defined for the purposes of assessment as circumstances of a serious nature, usually sudden or unforeseen, that occurred during or immediately before a specific item or period of assessment. These may be considered by a separate Mitigating Circumstances Panel.
 - **Stage 1** is the initial stage of the appeal process. At Stage 1 academic appeals submitted within 15 University working days of the date of notification of results, are considered by the assessment board.
 - **Stage 2** is the stage at which a student who is not satisfied with the Stage 1 decision, may submit a formal, written request for review by the Academic Registrar. Requests for a Stage 2 review must be submitted within 20 University working days of the date of Stage 1 decision.
- 2 An assessment board derives its authority from the Academic Board and is the only body that can:
 - agree results for students including any requirements for reassessment
 - agree the expulsion of a student for academic failure
 - recommend the conferment of an award
 - consider the appropriate action to be taken if acceptable evidence of mitigating circumstances has been presented.
- 3 The decisions of an assessment board can only be set aside in exceptional circumstances. These are stated in paragraph 12.
- 4 Students must be informed of the dates by which any claims for mitigating circumstances must be submitted.
- 5 Appeals must be made in writing within *15 University working days of the date of notification of results (see Academic Appeals process flowchart)*. Those received after this deadline will only be considered if there is evidence to show that it was impossible for the student to comply e.g. they were too incapacitated by illness to action the appeal.

SCOPE AND PURPOSE

- 6 The University's policies on the assessment of students, the role of external examiners and other related matters are published separately.
- 7 The University wishes to ensure that the assessment process is carried out in accordance with these agreed procedures and that Assessment Boards have full and accurate information on which to base their judgements. The appeals process is designed to identify and rectify any failure of this process while ensuring fairness for all parties. All parties are required to act with impartiality and identify any actual or potential conflict of interest.
- 8 However, the University reserves the right to terminate the appeals process at any time if it judges that the appeal is vexatious or frivolous. This decision will be made by the Deputy Vice-Chancellor on the advice of the Academic Registrar.
- 9 The University will make reasonable adjustments to the proceedings where necessary, including contact by email.
- 10 The appeals process excludes the following, for which separate procedures exist:
 - complaints against services provided by the University
 - complaints about the delivery of a programme, supervision, or administration
 - complaints about misconduct by a member of staff or other students.
- 11 The University will endeavour to ensure holistic consideration is given to multi-issue complaints and that a coordinated response is given wherever possible.

The Academic Appeals process flowchart



GROUNDS FOR AN APPEAL

- 12 A student has the right to appeal against the decision of the University Research Degrees Committee (URDC) in its capacity as Assessment Board, if there is evidence of one or more of the following:
- i) the published results are wrong
 - ii) there has been a significant irregularity in the assessment process
 - iii) the assessment regulations have not been adhered to
 - iv) the URDC was not aware of a significant factor relating to the assessment of one or more students. This includes mitigating circumstances that could not be presented to the URDC when it made its original decision.
- 13 The following are not considered to be legitimate grounds for an appeal:
- complaints about the academic judgement of the assessment board,
 - complaints about the way in which mitigating circumstances were considered,
 - information such as evidence of mitigating circumstances when there is no evidence to show why it could not have been presented at the correct time.
- 14 If an appeal is submitted that does not contain permissible grounds as detailed in paragraph 12, URDC at Stage 1, or the Academic Registrar at Stage 2, will write to inform the student that the appeal cannot be accepted for lack of relevant grounds.

STAGE 1: Assessment Board level: FRDC/URDC

- 15 Students who believe that they have evidence on which to base an academic appeal should seek advice from the appropriate member of staff (this may be their Director of Studies, Head of School, Faculty Research Administrator, or the Head of the Graduate Research School) and from Kingston University Students' Union (KUSU) Student Support Centre.
- 16 All academic appeals must be made within **15 University working days** of the date of notification of results (see Academic Appeals Process flowchart above).
- 17 If a student believes there are grounds for appeal as set out in paragraph 12, the matter should be raised with their Director of Studies and/or Head of School. For appeals relating to progression decisions, the Head of School will investigate the matter and, if an error has occurred, it will be referred to the Chair of the FRDC and, in the case appeals relating to a final award decision, the Chair of the URDC for review. For students in the Faculty of Health and Social Care Sciences the investigation will be referred to the Dean of the Faculty or the Associate Dean for Research.
- 18 If it is found that that an error has occurred, or there is evidence of an irregularity, either procedural or regulatory, and the Chair of the FRDC/URDC considers that the board might have reached a different decision, the matter will be referred back to the FRDC/URDC to enable it to reconsider its decision. The Chair of the FRDC/URDC, will take the required action to rectify the error as soon as possible. In cases where the appeal relates to the final examination of the submitted thesis, this will be done in consultation with the internal and external examiners and independent chair.
- 19 The student will be informed in writing where the investigation shows that no mistake or irregularity occurred.

- 20 Students are required to submit claims of mitigating circumstances by the published deadline. However, there may be circumstances that prevent this. For example, a student may be incapacitated by illness or other significant personal factors and cannot provide the evidence by the required date. In these exceptional circumstances, a late submission, with supporting evidence for the delay, may be made to the Chair of the assessment board.
- 21 If the Chair considers that there is good reason for the late submission and the claim is acceptable and pertinent to the decision reached about the student's performance, the matter may be referred back to the assessment board for reconsideration.
- 22 Written confirmation of the Stage 1 decision should be provided to the student within **20 University working days** of receipt of the appeal.
- 23 Where the Chair is uncertain if the evidence presented is clear enough to warrant immediate referral to the board, the student should be advised to follow Stage 2 of the process if they wish to pursue the matter. This must be done within **20 University working days** of the Stage 1 decision. Stage 2 of the process is outlined in paragraphs 24-32.

STAGE 2: University level

- 24 Where the student is not satisfied that the matter has been resolved through Stage 1 of the process, s/he may submit a formal, written request to the Academic Registrar stating the grounds for the appeal and providing any appropriate evidence. Stage 2 appeals will not be considered if the student has not completed Stage 1 of the process and has submitted no exceptional reasons for not doing so unless there is evidence that either:
- the student was prevented from submitting the appeal for exceptional reasons such as sudden, critical illness; or
 - the initial stage investigation was delayed through no fault of the student.
- 25 Students should seek advice from KUSU Student Support Centre, before submitting an appeal.
- 26 An appeal request will be acknowledged within one week of its receipt in the Academic Registry. The Academic Registrar's office will reject the request for a review of the assessment board decision if the submission does not include relevant grounds or evidence (see paragraph 12).
- 27 The Stage 2 process can take up to 20 University working days to complete. During this time, the original decision of the assessment board must be assumed to be the final decision.
- 28 The University undertakes to treat all appeals with confidentiality. Disclosure of evidence will be restricted to those parties involved in the review process.
- 29 The University is committed to comply fully with the Data Protection Act 1998 in its handling of personal data.
- 30 The evidence submitted by the student together with any background information such as results, assessment board minutes and the reports from the Stage 1 investigation will be presented to the Deputy Vice-Chancellor (or nominee) who will decide to:

- reject the appeal on the grounds of a lack of relevant evidence
- refer back to the student for clarification
- hear the appeal
- refer back to the Chair of the assessment board for consideration.

- 31 Independent opinion on whether the evidence provided warrants an appeal hearing may be sought from up to three independent Academic Board members.
- 32 The student will normally be informed of the outcome of Stage 2 consideration within 20 University working days of the Stage 2 appeal request. If the appeal request is rejected, there will be no further opportunity for an appeal unless the student provides evidence to show that due process was not followed.

STAGE 2 Academic Appeals should be sent to:

The Academic Registrar
Kingston University
River House
53-57 High Street
KINGSTON
KT1 1LQ

THE APPEAL HEARING

- 33 The Appeal Hearing will be conducted by a panel of the Academic Board and its composition will be as follows:

Chair	Deputy Vice-Chancellor (or nominee)
Members	two staff members of the Academic Board a KUSU nominee
Clerk	the Academic Registrar (or nominee)

The panel is quorate when 3 members including the Chair, and the Clerk are present.

- 34 The criteria for the selection of the staff members of the panel should ensure that they:
- have experience of serving on an assessment board
 - are unconnected with the original decision against which the review is being sought
 - where possible, are unconnected with the teaching or assessment of the applicant's programme of study.

Equal opportunities issues will be considered in the establishment of the panel.

- 35 If advice has been sought from Academic Board members at an earlier stage (see paragraph 31), these members are not normally asked to serve on the panel.
- 36 The panel will meet as soon as reasonably practicable after the written request is received from the student, normally within a month. Where possible the date set will be at the student's convenience. The student's expenses for attending an appeal hearing will not normally be reimbursed by the University.

Procedures for conducting an appeal hearing

- 37 The members of the appeals panel, the student and the person accompanying the student will receive the same documentation including:
- a the student's submission and supporting evidence;
 - b the minuted discussion relating to the candidate at the assessment board;
 - c the evidence on which the original decision was based such as the assessment results;
 - d the relevant assessment regulations; and
 - e other documents which may be considered relevant.
- 38 Submission of additional evidence will not be permitted except orally during the hearing. Tabled evidence will not be permitted.
- 39 The panel will interview:
- the student (who may be accompanied by a friend or adviser)
 - the Chair of FRDC/URDC
 - the Director of Studies and any other appropriate members of the programme team,, in the presence of the Dean of the relevant faculty (or nominee). The student will be invited to hear the evidence of the programme team.
- 40 It is a requirement that academic staff from the Faculty attend the meeting. An appeals panel has the power to call upon independent external expert(s) or adviser(s) as it deems fit.
- 41 The student is expected to attend the hearing in person. In the event of a student's non-attendance the appeal hearing will proceed. A representative will not be allowed to attend on the student's behalf. Exceptionally, this condition may be waived by the Chair of the appeals panel where there is evidence to show that a student is unable to comply, eg. where a student is too incapacitated by illness to attend. Legal representation is not allowed
- 42 Students have the right to be accompanied by a friend, family member or KUSU staff member. The accompanying person can address the hearing, confer with the individual and ask but not answer questions on behalf of the individual unless agreed by the chair of the meeting.
- 42 The appeals panel will consider the evidence and agree on the balance of probabilities either that:
- the assessment board should be asked to reconsider its original decision; or
 - the assessment board decision should stand.
- 43 In the event that the panel does not reach a consensus, the Chair will have the casting vote. No vote will be counted for absent panel members.
- 44 The appeals panel may also recommend to the Academic Board changes to assessment procedures or highlight examples of good practice as a result of the appeals process.
- 45 The student will normally be informed, in writing, of the outcome of the appeal hearing within 5 University working days and provided with a copy of the report.
- 46 The decision of the appeals panel is final and cannot be the subject of any further appeal unless there is evidence of significant procedural irregularity. In this case, a complaint would have to be made through the University's complaint process.

- 47 At the completion of the University's internal processes relating to appeals, the Academic Registrar will issue a letter informing a student that the University's procedures are complete. If a student remains dissatisfied with the outcome it may be possible to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Information and eligibility rules are available at www.oiahe.org.uk.

RECONSIDERATION BY THE URDC

- 48 If the assessment board is required to reconsider its decision, this must be done at the earliest opportunity and normally within 20 University working days. The student must be informed of the outcome and the minutes of the meeting sent to the Academic Registrar who will inform the members of the appeals panel.

ANNULMENT OF THE DECISION OF THE URDC

- 49 The Deputy Vice-Chancellor may recommend to the Academic Board that the decision of an assessment board is annulled if:
- the assessment board has declined to reconsider its decision despite recommendations from the appeals panel where there is evidence of procedural irregularities or of assessments not being conducted in accordance with the regulations
 - the review recommended by the appeals panel cannot be carried out because the assessment board cannot be reconvened
 - there has been some significant material irregularity in the assessment process
- 50 If it is felt that the irregularity may have affected other students, the Academic Board may annul part or all of the assessment process.

APPEAL TO THE VICE-CHANCELLOR

- 51 Where evidence is presented to show that the review procedure was not followed correctly, there will be an opportunity for further appeal by the student to the Vice-Chancellor.

FORMAL APPLICATION FOR A REVIEW OF THE DECISION OF THE ASSESSMENT BOARD: UNIVERSITY RESEARCH DEGREES COMMITTEE (URDC)

Please refer to the University's Academic Regulations 9: Academic Appeals (Research Degrees) available on StudentSpace.

Name			
KU Student Number			
Course			
Faculty			
Address for Correspondence			
Date of results notification	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> / / </div>	<i>(insert date)</i>	

Please indicate whether this is a request for a **Stage 1** or **Stage 2** of the appeal process by ticking **one of the following**:

- Stage 1** Request for consideration by the URDC.
- Stage 2** Request for consideration by the Deputy Vice Chancellor. I have received the Stage 1 decision from URDC. A copy of the Stage 1 decision is attached.

Please indicate by ticking one or more of the following, the grounds on which you wish to request a review.

i)	the published marks or grades are wrong;	
ii)	there has been a significant irregularity in the assessment process;	
iii)	the assessment regulations have not been adhered to;	
iv)	the assessment board was not aware of a significant factor relating to the assessment of one or more students. This includes mitigating circumstances that could not be presented to the assessment board when it made its original decision.	

I attach my statement and the following evidence* to support my request:

I hereby authorise the University to seek verification of supporting evidence under the Data Protection Act.

Signed:		Date:	
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***All evidence must be provided at the time an appeal is submitted.**

The University reserves the right to audit claims and to treat any fraudulent or misleading submissions under the Academic Misconduct Procedures.

