

Section 14 – Appeal Regulations

14. Appeal Regulations

14.1. Appeal Process Overview

- 14.1.1. The Vice-Chancellor shall normally delegate authority for the operation of the appeal regulations to the University Secretary. The Vice-Chancellor may authorise a nominee to act where any person referred to in these regulations is unable to do so.
- 14.1.2. These appeal regulations apply to all students studying at the University.
- 14.1.3. For apprentices it includes apprentices enrolled on Integrated Apprenticeships undertaking the End Point Assessment at the University and apprentices enrolled on Non-Integrated Degree Apprenticeships, for the Degree award element of the Apprenticeship.
- 14.1.4. If the appeal is in relation to the End Point Assessment delivered by another organisation, this will be covered by the Appeals policy of this organisation.
- 14.1.5. If the University were to act as the End Point Assessment Organisation for another organisation, separate regulations apply.
- 14.1.6. The appeal regulations provide a single process for students who wish to appeal against outcomes arising from the following procedures:
- a) Assessment Boards;
 - b) Research Degree Examination Panels;
 - c) Academic Offences Regulations;
 - d) Course Withdrawals;
 - e) Mitigation Regulations;
 - f) Fitness to Practise Panels;
 - g) Fitness to Study Panels
 - h) Student Disciplinary Regulation

14.2. Grounds for Appeal

- 14.2.1. A student may appeal on one or more of the following grounds:
- a) procedural error: where the process leading to the decision being appealed against was not conducted in accordance with the University's procedure. Procedural error shall include alleged administrative or clerical error, and bias in the operation of the procedure;
 - b) that exceptional circumstances, illness, or other relevant factors were not made known at the time for good reason*, or were not properly taken into account
 - c) that, where the appeal is against a Panel decision, the decision of the Panel was manifestly unreasonable.
- *Good reason - requires a student to demonstrate that circumstances beyond their control prevented the disclosure of the relevant facts at the appropriate time.
- 14.2.2. The following shall not be deemed legitimate grounds for appeal. Any appeal founded exclusively on one or more of these grounds shall be rejected automatically:

- a) appeals against academic judgement, for example the mark awarded by examiners;
- b) appeals against professional judgement in the case of decisions made by Fitness to Practise, Fitness to Study or Academic Offences Panels;
- c) appeals based upon the informal assessment of a student's work by academic staff;
- d) retrospective reporting of mitigating circumstances that might reasonably have been made known at the proper time;
- e) marginal failure to attain a higher classification of award;
- f) in the case of student disciplinary matters, the provision of an apology by a student for their actions;
- g) lack of awareness by a student of the relevant procedure or regulations;
- h) vexatious or frivolous appeals;
- i) where no fresh evidence is submitted or there has not been a material change of circumstances since the last decision on the matter.

14.2.3. In all cases, the original outcome of the appropriate Panel or Board, which is the subject of the appeal, is final and not varied until and unless a successful appeal results in an alternative decision. For example, where a student is withdrawn due to academic failure, and the appeal is upheld, the student shall not be reinstated until the appeal process is complete.

14.3. Submitting an Appeal

14.3.1. A student must submit an appeal to the University Secretary in writing by completing the Appeal Form available on the University's website: uwl.ac.uk/about-us/policies-and-regulations. The completed appeal form must detail the decision being appealed against, present the grounds on which the appeal is being made, and provide appropriate supporting evidence.

14.3.2. In exceptional circumstances, the University may consider an appeal submitted on behalf of an apprentice by their employer and/or training provider.

14.3.3. An appeal must be received **within 10 working days** of the formal notification of the decision being appealed against. This shall normally be the date given on the decision letter, or the official publication of results date. The University Secretary may exercise discretion to consider a late appeal where a student demonstrates good reason for the delay.

14.3.4. Appropriate supporting evidence which supports the points made in the appeal must be submitted with the appeal or **within five working days** of submission.

14.3.5. The costs of an appeal incurred by the student will not be reclaimable, except in exceptional circumstances.

14.4. Actions on Receipt of an Appeal

14.4.1. On receipt of an appeal, the University Secretary, or authorised nominee, shall first determine if the appeal was submitted in time.

14.4.2. Where an appeal is determined to be out of time, the substance of an appeal shall not be considered; it will not be heard and a letter shall be issued to the student reflecting this decision.

- 14.4.3. Where an appeal is deemed to be submitted in time, the University Secretary, or authorised nominee, will be responsible for investigating the appeal. This will normally consist of reviewing the decision made under the previous procedure, reviewing all relevant documentation and, where appropriate, discussions with those responsible for the original decision. The outcome of this investigation will be referred to the Chair of the Appeal Panel.
- 14.4.4. The Chair of the Appeal Panel shall consider the outcome of the investigation and determine:
- a) to defer the decision where further investigation or documentation is required;
 - b) to reject the appeal and uphold the original decision;
 - c) to uphold the appeal and refer to the University Registrar and University Secretary to apply an appropriate remedy;
 - d) to refer the original decision back to the relevant body for reconsideration;
 - e) to refer the appeal to the Appeal Panel for consideration where the case is deemed to be more complex.
- 14.4.5. Where the Chair deems the case to be more complex it shall be referred to the Appeal Panel for consideration.
- 14.4.6. Where an Appeal Panel is required, the University Secretary, or authorised nominee, shall notify the student in writing **at least five working days** before the Appeal Panel meeting is due to take place and provide the student with:
- a) details of the date, time and place of the Panel meeting and those who will be present;
 - b) a statement of the grounds upon which their appeal is to be considered;
 - c) a statement to the effect that new witnesses may be called in support of the grounds of appeal and the University has the right to call new witnesses on its behalf;
 - d) copies of any documents to be considered relating to the appeal;
 - e) a statement that the student may be accompanied to the appeal meeting by a friend or Students' Union representative. Under no circumstances may the student have legal representation or be represented by an external organisation.

14.5. Appeal Panel Membership

- 14.5.1. The membership of the Appeal Panel is:
- a) a Chair, appointed by the Vice-Chancellor for the relevant category of appeal. If for any reason the Chair is unable to act, the Vice-Chancellor shall appoint an alternative Chair;
 - b) a member of academic staff, normally from the same School/College;
 - c) a member of academic staff, drawn from the membership of the Academic Board;
 - d) where the Appeal Panel is reviewing the outcomes from Fitness to Practise procedures, membership will include a registered practitioner from the relevant professional body instead of the second member of academic staff;
 - e) where the Appeal Panel is reviewing the outcomes from Fitness to Study procedures, membership will include a member of staff from Student Services who has not previously been involved in the case;
 - f) where the Appeal Panel is reviewing the outcomes from Doctorate procedures, the members of the panel will be at Doctorate level or will have supervised at Doctorate level;

- g) Secretary to the Panel, appointed by the University Secretary, who shall be present throughout the meeting of the Panel to record its deliberations and provide advice to the Panel with regard to the University Regulations. The Secretary shall not be involved in the decision making process.

14.5.2. Chairs of Appeal Panels shall be appointed by the Vice-Chancellor, or authorised nominee, normally for a term of three years.

14.5.3. Members of the Appeal Panel shall not have been involved in making the original decision being appealed against.

14.5.4. The Appeal Panel membership shall be individually constituted for each case or group of cases.

14.6. Appeal Panel Procedure

14.6.1. All papers and proceedings shall be confidential.

14.6.2. If the student does not attend the appeal meeting, or contact the Secretary of the Appeals Panel to make alternate arrangements **within five working days** of notification of the Panel Meeting, the Appeal Panel shall make a decision in the absence of the student based on the documentation available.

14.6.3. Should a student notify the Secretary of Appeal Panel in advance of the hearing that they are unable to attend the hearing on the scheduled date, and has provided a satisfactory reason for their non-attendance; the University Secretary or nominee will consider whether in all circumstances the hearing should be rescheduled. Under such circumstances, only one further attempt to reschedule the hearing will be made.

14.6.4. The Appeal Panel meeting shall normally adopt the following format:

- a) the members of the Panel shall be introduced to those present;
- b) the members of the Panel shall explain the student process of the appeal hearing;
- c) the student shall be asked to address the Appeal Panel regarding the appeal. The student's friend or representative may make this response if the student requests it;
- d) the Appeal Panel members shall ask the student questions relevant to the case;
- e) the University representative shall put forward the University's case;
- f) the Appeal Panel shall ask the University representative questions relevant to the case;
- g) witnesses may be called to the Appeal Panel where permitted by the Chair;
- h) the student, and their friend, and the University representative may remain present throughout except for the Panel's deliberations;
- i) the Appeal Panel shall consider its decision.

14.6.5. The Appeal Panel may determine:

- a) to reject the appeal and uphold the original decision;
- b) to refer the original decision back to the relevant body for reconsideration;
- c) to uphold the appeal and refer to the University Registrar and University Secretary to apply an appropriate remedy.

14.7. Notification of Outcome of an Appeal

- 14.7.1. The Chair of the Appeal Panel shall inform the student in writing of their decision and the reasons for it **within 5 working days** of the meeting

As per 14.3.2 above, in exceptional circumstances the University may consider an appeal submitted on behalf of an apprentice by their employer. If such an appeal is accepted, the employer will also be informed of the outcome.

- 14.7.2. The University will expedite the appeals procedures where circumstances warrant swift action. These may include, but are not limited to:
- a) cases where the impact of the issues raised has detrimental consequences for the student's mental health or where the student displays significant stress;
 - b) cases where external time limits apply e.g. in meeting regulatory requirements for the completion of professional courses, including cases where students have been withdrawn from their course of study.

- 14.7.3. A student shall normally be notified of the outcome of their appeal **within 25 working days** from the full appeal documentation being received by the University Secretary. In more complex cases and where the Appeal Panel is required, the student will be notified of the outcome **within 50 working days** from the full appeal documentation being received by the University. In instances where it has not been possible to resolve the appeal within required timelines for a legitimate reason, the student will be informed of the reasons for the delay and the expected date of the appeal outcome.

14.8. Actions where an Appeal is Upheld

- 14.8.1. Where an appeal is upheld, the University Secretary will refer to the University Registrar for appropriate remedial action to be taken, relevant to the decision of the Appeal Panel or the Chair.
- 14.8.2. Where an appeal is upheld, the student will be informed that they may request a Completion of Procedures (COP) letter confirming their right of referral to the Office of the Independent Adjudicator (OIA), see section 14.10 below.

14.9. Actions where an Appeal is Not Upheld

- 14.9.1. Where an appeal is not upheld by the Chair or by the Appeal Panel, the student has the right to request an Appeal Review by the University Secretary, or authorised nominee, provided the Appeal Review request was made **within 15 days** of the original Appeal Panel or Chair decision. An Appeal Review constitutes a review and not a re-investigation of the appeal claim.
- 14.9.2. The University Secretary, or authorised nominee, shall review the original appeal and all the documentation relating to the case within 20 days of receipt of the review request and supporting evidence. In instances where it has not been possible to respond within required timelines for a legitimate reason, the student will be informed of the reasons for the delay and the expected date of the appeal review outcome, however, the whole appeal process should be completed within 90 calendar days of the start of the formal appeal stage.
- 14.9.3. The University Secretary shall either uphold or dismiss the Appeal Panel's or Chair's decision.

- 14.9.4. Where the University Secretary dismisses the Appeal Panel's or Chair's original decision, the University Secretary may:
- a) refer the original decision back to the relevant Panel or Board for reconsideration;
 - b) refer to the Regulatory Casework Panel to apply an appropriate remedy.
- 14.9.5. Where the University Secretary, upholds the Appeal Panel's or Chair's original decision, the student will be provided with a Completion of Procedures letter and informed of their right to submit an application to the Office of the Independent Adjudicator (OIA), see section 14.10 below.
- 14.10. Review by the Office of the Independent Adjudicator (OIA) for Higher Education**
- 14.10.1. A student not satisfied with the outcome provided by the University following receipt of their COP letter may submit a complaint to the OIA.
- 14.10.2. Information on submitting a complaint to the OIA shall be contained within the COP letter. Information on how to submit a complaint to the OIA can also be found on their website: www.oiahe.org.uk.
- 14.10.3. The OIA will consider whether the University followed its policy correctly, and whether the outcome is reasonable in the light of the facts of the case. The OIA will not normally consider a submission until a student has completed the University's internal procedures.