

# ACADEMIC APPEAL REGULATIONS

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Version Number: 3.0

Effective Date: 17 September 2018

Document Title: Academic Appeal Regulations			
Version No. Superseded version	3.0 2.0	Author Role Title	OSCAR Manager
Approval Date	11 July 2018	Approved by	Academic Board
Effective Date	17 September 2018	Review Date	By 25 September 2019

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## GENERAL PRINCIPLES

### 1. Purpose, Definition and Scope

- 1.1 An Academic Appeal is a request for a review of a decision made by an Assessment Board charged with making a decision about a student's assessment, progression and/or award. These Regulations are intended to provide a student with the opportunity to demonstrate their academic ability without any hindrance.
- 1.2 Throughout these Regulations, use of the term 'Assessment Board' normally means a Progression and/or Award Board, or for a student undertaking a Higher Degrees by Research course, the University's Postgraduate Research Assessment Board (PRAB).
- 1.3 An Academic Appeal Committee is not constituted as an Assessment Board, and does not have the authority to set aside the decision of an Assessment Board however, it can request that an Assessment Board reconsider its decision.
- 1.4 Concerns relating to the operation of these Regulations must be considered in accordance with the Review Stage outlined at paragraph 24. Concerns which fall under the remit of these Regulations cannot be investigated using the University's Student Complaints Policy and Procedure.

### 2. Eligibility

- 2.1 These Regulations apply to students who are registered or enrolled on a University approved course delivered at the University or its Collaborative Partners ('Colleges'), students who wish to appeal decisions relating to Higher Degrees by Research courses, and former students who have submitted their Academic Appeal within the timescales set out in paragraph 21.1.3.
- 2.2 The following **do not** constitute grounds for an Academic Appeal:
  - Questioning the academic judgement of a properly convened and constituted Assessment Board. (The University defines academic judgement as 'a judgement that is made about a matter where only the opinion of an academic expert is sufficient'.)
  - Questioning the assessment of the quality of one or more pieces of work by a student.
  - Questioning marks or grades awarded.
  - Questioning provisional (unratified) results.

- Questioning the overall decision on a student's progression or on the final level of award based on the marks or grades awarded.
- Complaints made against the University or its staff, or the level of supervision and teaching. These should be made using the University's Student Complaints Policy and Procedure within the stipulated timescales.
- Following a decision of a Mitigating Circumstances Board, Academic Misconduct, Research Misconduct or Fitness to Practise Hearing. A separate Review process is available for these decisions.

### **3. Legal Proceedings**

If a student chooses to start legal proceedings against the University, any Academic Appeal will be stayed until legal proceedings are completed. If a determination on the matters subject to the appeal is made during legal proceedings, the University may terminate consideration of the Academic Appeal and the student will be issued with a 'Completion of Procedures' letter.

### **4. Simultaneous Applications**

- 4.1 If, after any initial investigation, it appears to the Office of Student Complaints, Appeals and Regulations (OSCAR), or the School/College, that the Academic Appeal falls within the scope of any other University Regulation or Procedure, reclassification of the Academic Appeal will be discussed with the student, and the appropriate referral made.
- 4.2 If a student submits an Academic Appeal at the same time as a related complaint under the Student Complaints Policy and Procedure, the complaint will normally take precedence, and the Academic Appeal will be stayed until the conclusion of the complaint. In making this decision the University shall have due regard to the nature of the Academic Appeal and the other related issues.

### **5. Group Academic Appeal Applications**

A group of students may use these Regulations, which will be considered as one collective Academic Appeal. Where the case is considered at the Formal Stage, the Academic Appeal Group Application Form should be completed. This Form should include the names of all students who wish to bring the Academic Appeal. A lead student should be identified on the Academic Appeal Group Application Form who will act as spokesperson and correspondent. Students who have not associated themselves with a group Academic Appeal at the point of submission will not normally be permitted subsequently to do so.

### **6. Third Party Academic Appeal Applications**

Academic Appeals submitted by third parties (for example, legal representative, parent, guardian, or spouse) will not normally be accepted for

consideration except where written consent is provided by the student. Where written consent is provided and accepted by the University, all further communications will be via the nominated individual only.

## **7. Academic Progress during an Appeal**

- 7.1 If a student has been granted a reassessment, they should continue to work towards this, pending the outcome of their Academic Appeal unless otherwise advised by the Assessment Board.
- 7.2 If a student has failed or been withdrawn from their course, the University will not normally allow them to continue or progress whilst an Academic Appeal is pending. However, this may be granted on an exceptional basis by the appropriate Dean of School or Head of College in consultation with the Vice-Chancellor's nominee. In this instance, if an Academic Appeal is unsuccessful, the student will be discontinued from their course with immediate effect. The decision of the Dean of School or Head of College on whether or not to exceptionally allow a student to continue is final and not subject to further appeal.
- 7.3 A student is not typically required to be physically present at the relevant institution for an Academic Appeal to be investigated, though participation in a meeting/hearing may be necessary via electronic communication, such as Skype.

## **8. Attendance at an Award Ceremony**

Students who are eligible to receive a University award may attend an Award Ceremony. In such cases the award will be that previously determined by the Assessment Board. If the award is subsequently amended there will be no further opportunity to attend an Award Ceremony. If preferred, students may defer attendance at the Award Ceremony until the outcome of their Academic Appeal. Should the student receive a Certificate of Award whilst an Academic Appeal is ongoing and the Assessment Board amends its decision, the Award Certificate must be returned to the University and a replacement will be issued. Attendance at an Award Ceremony does not prevent a student from submitting an Academic Appeal.

## **9. Fair Treatment**

- 9.1 No student submitting an Academic Appeal under the Early Resolution or Formal Stages, whether or not it is successful, will be treated less favourably by any member of staff. If evidence to the contrary is found, the member of staff may be subject to action under the University's Staff Disciplinary Procedure.
- 9.2 Where a student or staff member believes that consideration of an Academic Appeal is likely to affect their relationship, all parties will be expected to continue that relationship in a professional manner. Only in exceptional circumstances will the appropriate Dean of School or Head of College

consider agreeing to a request for alternative working arrangements whilst the Academic Appeal is being investigated.

## **10. Confidentiality, Consent and Documentation Retention**

- 10.1 Information provided by students will be handled in confidence, and released only to those members of staff who require it for the purposes of investigating and responding to the Academic Appeal. Any breach of confidentiality may result in formal disciplinary action being taken.
- 10.2 Any outcome of a meeting/hearing is confidential until formal notification is sent to the parties involved.
- 10.3 Where a student has submitted an Academic Appeal, and has previously declared a disability to the University, the student gives consent for any relevant information in relation to their declared disability and any engagement they have undertaken in relation to obtaining and receiving disability support, which is held by Student & Library Services and/or the School/College in which the student is enrolled, to be shared with those members of University staff who need it for purposes of investigating and considering their Academic Appeal.
- 10.4 Where a student submits a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) relevant information shall be disclosed to the OIA in order for the review to take place.
- 10.5 Any documentation obtained, or produced, as part of this process will be retained in accordance with the University's Classification Scheme and Retention Schedule.
- 10.6 For the use of this process, third party data will normally only be accepted from a student with the written consent of the individual concerned. Where third party data is submitted without the consent of the individual, it should be anonymised (i.e. names should be redacted). Students should be aware that documents may not be accepted where third party data submitted without consent has not been anonymised, but that they may be re-submitted once anonymisation has been carried out, or consent provided. Where non-anonymised third party personal data has been accepted in error, the University reserves the right to redact personal data. Processing of personal data in this way will be under the lawful basis of legitimate interest and in the public interest.

## **11. Timescales**

- 11.1 Procedures shall normally be completed within the timescales cited in these Regulations, however, there may be occasions where the timescales cannot be met. In this instance the University must keep the student and School/College updated on progress. The University also expects students and the School/College to meet the timescales unless there are exceptional circumstances beyond the reasonable control of the student or

School/College. In such circumstances, the student or School/College should contact OSCAR to discuss the feasibility of an extension to the relevant timescale.

- 11.2 Reference to timescales in these Regulations relate to calendar days, excluding the University Christmas closure period and statutory bank holidays.

## **12. Attendance and Representation at Meetings or Hearings**

- 12.1 During the course of investigating an Academic Appeal it may be necessary for the representative from the School/College considering the case (Chair) to meet with the student and/or relevant member(s) of staff. A note taker may be in attendance at such meetings/hearings.
- 12.2 If the student or relevant member of staff does not attend a meeting/hearing without providing a good reason for their non-attendance in advance, the meeting/hearing may proceed in their absence. In this instance, the Academic Appeal will be considered on the evidence available at the time.
- 12.3 If, the student or relevant member of staff is unable to attend a meeting/hearing, then they may request that it is postponed until a later date. The decision on whether a meeting/hearing will be deferred will be made by the relevant Chair.
- 12.4 If the student and/or their friend has a disability and requires additional facilities or adjustments, those requirements should be made known to OSCAR prior to the meeting/hearing in order that, if possible, appropriate arrangements can be made.
- 12.5 The student or member of staff also has the right to be accompanied to a meeting/hearing by one friend who may not act as a representative or attend in any legal capacity unless permitted by the person conducting the proceedings.
- 12.6 If the student, or member of staff presenting the case is accompanied at any meeting/hearing by a friend, it is their responsibility to provide all relevant communications, and documents to their friend.
- 12.7 The student, or member of staff, must provide the name of the friend to the relevant Chair **5 days** prior to any meeting/hearing.

## **13. Behaviour at Meetings/Hearings**

All participants at meetings/hearings are expected to behave in an orderly and non-confrontational manner. If the appropriate Chair of a meeting/hearing believes it necessary, they may adjourn or halt proceedings if, in their opinion, progress of the meeting/hearing is being hampered by a participant's behaviour.

#### **14. Recording of Proceedings**

The audio recording of meetings/hearings is prohibited subject to such reasonable adjustments as may be agreed by the University under the Equality Act 2010.

#### **15. Monitoring and Evaluation**

On an annual basis, OSCAR shall provide a written report to relevant University Committees/Boards. The report shall provide anonymous statistical data, identify any trends or wider issues, and make any observations and/or recommendations which may assist the University to further good practice in the management of this process.

#### **16. Expenses**

16.1 In the event that a case is upheld during the Formal Stage of the process, the University will consider meeting reasonable and proportionate incidental expenses such as travel (within the UK), subsistence and accommodation costs where it is satisfied that it was necessary for the student to incur such expenses. Expenses will not be met without the production of original copies of receipts to OSCAR, and any monies will not be paid until completion of this process. Students are required to submit claims, in writing, to OSCAR. Students who are in doubt as to the acceptability of any expenses should check in advance with OSCAR. The decision on whether to meet such expenses will be made by the Vice-Chancellor's nominee and their decision will be final.

16.2 The student or member of staff will initially be responsible for the costs related to their friend's attendance at any meeting/hearing, and third party costs will only be reimbursed subject to approval by the Vice Chancellor's nominee.

#### **17. Advice and Guidance**

17.1 Students and staff can obtain advice on these Regulations from a number of sources. In particular, an Adviser in the Students' Union can provide students with advice, independent of the University. This can include, assistance in submitting an Academic Appeal and attending meetings/hearings in a supporting role. Staff and students can also seek advice and support on understanding the Regulations from OSCAR. Additionally, Student & Library Services also provide a range of services including welfare advice, counselling and disability services. Any member of staff can obtain advice from their Union representative.

17.2 Students based at Collaborative Partners should contact their own Students' Union or equivalent.



17.3 Staff in OSCAR can only provide advice on the operation of these Regulations, and are unable to provide advice to students on their individual circumstances.

## 18. Publication of Results

The date of formal publication of results is normally the date specified by the School/College. It is the responsibility of the student to ensure that they know their results.

## 19. Grounds for Appeal

19.1 An Assessment Board may be asked to reconsider a decision at the request of a student in the following circumstances only:

19.1.1 The student's academic achievement or progression was adversely affected by illness or other factors which the student was unable, for valid reasons, to bring to the attention of the relevant Mitigating Circumstances Board (**Incapacity**).

And/or

19.1.2 The student's performance in an assessment was adversely affected by a material administrative error attributable to the University, or to an agent acting on behalf of the University, or that an assessment was not conducted in accordance with the current University Regulations (**Procedural Error**).

19.2 For students enrolled on Higher Degrees by Research courses, or who are undertaking the Advanced Independent Work module of a Professional Doctorate course, in addition to the grounds cited at paragraph 19.1, students may also apply under the following ground:

19.2.1 On evidence produced by a student or any other person, that there is **prima facie evidence of unfair or improper assessment** on the part of one or more of the Examiners or other assessors.

19.3 The Academic Appeal Panel or Committee may ask the Assessment Board to reconsider a decision, at the request of a student undertaking a Higher Degrees by Research, at the following stages in their study:

- a) Registration for Doctorate direct;
- b) Annual Monitoring;
- c) Transfer from Masters to Doctorate;
- d) Progression;
- e) Extension of Registration;
- f) Final Examination;
- g) Re-Examination.

## PROCEDURE

### 20. THE EARLY RESOLUTION STAGE

- 20.1 If a student considers that they may have grounds to request reconsideration of a decision by an Assessment Board, they are normally expected to attempt to resolve the issue informally. The Early Resolution Stage must be commenced within **25 days** of the date of publication of results.
- 20.2 Students, in the first instance, should contact the appropriate Dean of School's nominee or Head of College nominee. At this time, the student should also provide the relevant nominee with any evidence to support their case. If the matter has previously been brought to the School/College's attention and no resolution has been reached, it may not always be helpful to try and resolve the matter informally. Where this is the case, the nominee must decide whether they wish to engage with a student using the Early Resolution process. If necessary, the nominee will inform the student why the Early Resolution process is not suitable, and inform the student that they can make a formal Academic Appeal, clearly setting out the timescales in which to do so.
- 20.3 Commencement of the Early Resolution Stage does not prevent the student from submitting a formal Academic Appeal. Any formal Academic Appeal must be submitted in accordance with the timescales outlined in these Regulations. If a student submits an Academic Appeal late because of a delay in resolving their issues informally, then the Academic Appeal will be considered under the provision of paragraph 21, subject to confirmation from the School/College that the delay was due to undertaking the Early Resolution process. If the relevant School/College is unable to confirm that an Early Resolution process had taken place, then the Academic Appeal will be considered in accordance with paragraph 21.1.4.
- 20.4 A student is strongly encouraged to contact a Students' Union Adviser before commencing the Early Resolution Stage.
- 20.5 The Early Resolution Stage should normally be resolved within **25 days** of approaching the Dean of School's nominee or Head of College nominee. At the conclusion of the Early Resolution Stage, the student will be informed, in writing, of the outcome. A copy of the outcome will be kept in the student's file, and may be circulated, in confidence, to relevant members of staff.
- 20.6 In the event that the student is dissatisfied with the outcome at the Early Resolution Stage, the student may submit an Academic Appeal Application Form under the Formal Stage of the process within **15 days** of the date of the written outcome of the Early Resolution Stage, or within **25 days** of the publication of results date (whichever is the latter).

## 21. FORMAL STAGE

### 21.1 Submitting an Academic Appeal

- 21.1.1 Students must submit their formal request on an Academic Appeal Application Form. An Application Pack is available from the University's website, or by emailing OSCAR@tees.ac.uk.
- 21.1.2 All sections of the Application Form must be completed as fully as possible, following the guidance in the Academic Appeal Application Pack. Students may only submit one Academic Appeal against an Assessment Board decision. Therefore, if a student believes they have more than one ground for appeal they should include all relevant grounds in their Academic Appeal, as identified in paragraph 19.
- 21.1.3 The Academic Appeal must be received by OSCAR within **25 days** of the date of formal publication of results unless paragraph 20.6 applies. Only in exceptional circumstances will an Academic Appeal be accepted after the cut-off date.
- 21.1.4 If a student submits an Academic Appeal Application outside of these timescales they must enclose with their Application a separate written explanation for the late submission supported by evidence (if applicable), which will be considered by the Vice-Chancellor's nominee. The Vice-Chancellor's nominee's decision will be final and is not subject to further review. If the decision is not to accept a late Academic Appeal, the student's Academic Appeal will be closed, and the student may request a 'Completion of Procedures' letter from OSCAR within **28 days** from the issue date of the Vice-Chancellor's nominee's decision letter.
- 21.1.5 An Academic Appeal must clearly identify the relevant ground(s). A student must normally submit their Academic Appeal with clear and legible documentary evidence. The evidence should normally be the original, for example a Doctor's note, and not a photocopy.
- 21.1.6 Where the submission of supporting documentary evidence is not possible at the time of the submission of the Academic Appeal, due to circumstances outside the student's control, the Academic Appeal should be submitted prior to the deadline date together with a clear statement that evidence will follow, normally within **10 days**. If no subsequent supporting evidence is received, OSCAR will process the Academic Appeal based on the available documentation.
- 21.1.7 OSCAR, on receipt of the Academic Appeal, reserves the right to request further clarification and/or information from the

student prior to referring the Academic Appeal to the relevant Chair.

21.1.8 If a student submits an Academic Appeal which in the opinion of OSCAR is deemed to be frivolous or vexatious, OSCAR will forward the Academic Appeal to the Vice-Chancellor's nominee for consideration as to whether their Academic Appeal is acceptable for consideration or should be rejected. The decision of the Vice-Chancellor's nominee is final and not subject to further review. Frivolous or vexatious applications may include:

- Academic Appeals which are obsessive, harassing or repetitive.
- Insistence on pursuing unrealistic Academic Appeals and/or unreasonable outcomes.
- Insistence on pursuing Academic Appeals in an unreasonable manner.
- Academic Appeals designed to cause disruption or annoyance.

21.1.9 Students are advised to retain a copy of their Academic Appeal. Documents submitted as part of the application process will not be returned. Where photocopies of documents are submitted, the student may be required to provide OSCAR with sight of the original documents in order to verify their authenticity. If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated.

21.1.10 If it is believed that a student has submitted a fraudulent Academic Appeal, the Academic Appeal may be stayed until an investigation under the relevant Academic Misconduct Regulations has been concluded.

21.1.11 For students studying at Collaborative Partners, original documentation may be submitted to a designated member of staff who will take photocopies and verify that the original documentation has been seen.

21.1.12 The University reserves the right to contact any person named in the submission to seek clarification or further information.

## **21.2 Processing of an Academic Appeal**

21.2.1 The formal process is started by the submission of an Academic Appeal in accordance with paragraph 21.1.

21.2.2 Receipt of the Academic Appeal will normally be acknowledged by OSCAR within **3 days**.

- 21.2.3 OSCAR will normally circulate the Academic Appeal to the Chair of the relevant Assessment Board (or nominee) ('Chair of the Assessment Board') for consideration.
- 21.2.4 If the Chair of the relevant Assessment Board believes that there is a case for the decision of the Assessment Board to be reviewed, they may, if necessary, request further clarification directly from the student and reconvene, if appropriate, the Assessment Board to consider the case. In cases where there may be a delay in convening an Assessment Board, it may be necessary for Chair's Action to be taken. In this event, the decision must be formally recorded for ratification at the next appropriate Assessment Board.
- 21.2.5 The Chair of the relevant Assessment Board must inform the student, in writing, of the decision of the Assessment Board, and/or the decision taken by Chair's Action. A copy of the decision must be sent to OSCAR. The Chair must advise the student of their right to continue to pursue the case through the formal Academic Appeal process, and to contact OSCAR if they remain dissatisfied with the decision of the Chair. If no such request is received from the student within **5 days**, the case will be closed.
- 21.2.6 Where it appears to the Chair of the relevant Assessment Board that there is no reason for the decision of the Assessment Board to be reviewed, the Chair must provide a written report (the 'Chair's Report') to OSCAR within **12 days** of receipt of the Academic Appeal by the Chair.
- 21.2.7 The Chair's Report must normally contain:
- A clear statement relating to the Academic Appeal to the Mitigating Circumstances Board and/or Assessment Board at the time of the decision. The Chair's Report must be confined to factual comments on the case and must not include comments on the merits of the Academic Appeal.
  - A copy of the relevant part and appropriately redacted Assessment Board minutes which have been endorsed by the Chair of the Assessment Board.
  - A copy of the relevant External Examiner Confirmation of Endorsement of Assessment Process Form.
  - The outcome of any Early Resolution discussions.
- 21.2.8 The Dean of School/Head of College is responsible for ensuring that an appropriate member of staff is available to provide the

Chair's Report within the timescales cited at paragraph 21.2.6. Where complex matters are identified, an extension to this timescale may be granted by OSCAR on request. Where an extension is granted, OSCAR will inform the student of the delay in processing their Academic Appeal.

## 22 **ACADEMIC APPEAL PANEL**

- 22.1 Normally, within **5 days** of receipt of the Chair's Report OSCAR will convene an Academic Appeal Panel. It will be Chaired by a Vice-Chancellor's nominee, (the Chair), and will also include a representative from the Students' Union (normally an Officer) who has had no prior involvement with the student, or previous participation in the case under consideration. A Secretary shall also be in attendance. If the case relates to a student undertaking a Higher Degrees by Research course, the Chair must have experience of supervising and examining Research Degrees.

The purpose of the Academic Appeal Panel is to facilitate the consideration of the case based on the information discussed at paragraph 22.2. The student or relevant School/College will not be invited to attend this meeting.

- 22.2 The Academic Appeal Panel will consider:

- The student's Academic Appeal;
- Chair's Report;
- Any other additional relevant information.

- 22.3 After consideration of the available evidence, the Panel may:

22.3.1 Request further information from the School/College or student, or any other relevant person. This information should normally be provided to the Secretary of the Panel within **3 days** of the request.

22.3.2 Dismiss the Academic Appeal.

22.3.4 Where it is felt that further investigation is required, refer the case to an Academic Appeal Committee to consider an Academic Appeal with reference to the procedure set out in paragraph 23.

- 22.4 The Chair of the Academic Appeal Panel will write to the student with the decision of the Panel normally within **5 days** of the meeting. A copy of the Chair's Report, and any additional documentation, will be provided to the student along with the Panel's decision letter. If the Academic Appeal is unsuccessful the student will be told they have the right, in certain circumstances, to request a review of the decision under the Review Stage process (see paragraph 24).

22.5 In cases where the decision of the Academic Appeal Panel is to dismiss the Academic Appeal in accordance with paragraph 22.3.2 and the student fails to submit a request for a review of the Academic Appeal Panel's decision in accordance with paragraph 24, the Chair's letter concludes the University's deliberations on the appeal. Provision for independent external review is made through the existence of the Office of the Independent Adjudicator for Higher Education (OIA). Should a student wish to take their case to the OIA, they will need a 'Completion of Procedures' letter. A student must request a 'Completion of Procedures' letter from OSCAR within **28 days** from the issue date of the letter from the Chair of the Academic Appeal Panel.

## **23 ACADEMIC APPEAL COMMITTEE**

### **23.1 Membership of the Academic Appeal Committee**

23.1.1 The Committee shall consist of three members who have had no prior involvement with the student, or previous participation in the case under consideration. A Committee will have the following membership:

- The nominee of the Chair of the Academic Board, who shall Chair the Committee;
- One elected officer from the Students' Union;
- One senior representative of a School/College not related to the case.

23.2.2 For a student undertaking a Higher Degrees by Research course, all the members of the Committee shall have experience of supervising and examining Research Degrees with the exception of the representative from the Students' Union. No person registered as a student for a Research Degree, either at this or another University, shall be a member of the Committee.

23.2.3 The Committee will have a Clerk, who will attend in an advisory capacity, and a Secretary.

### **23.2 Procedure for the Hearing of the Academic Appeal Committee**

23.2.1 Meetings of the Committee will normally be held within **20 days** of a request for a Committee to be convened. The student and the relevant School/College representative will be advised of the date and time of the hearing.

23.2.2 The Committee will normally be held at the University's Middlesbrough or Darlington campuses. Students and staff based in other locations may either attend the relevant Campus or participate in the Committee Hearing electronically for

example, Skype. Those who wish to do so must inform OSCAR prior to the Hearing.

- 23.2.3 It will not normally be possible for the date of the Hearing to be changed. This will only be done in exceptional circumstances. Any requests to change the date of the Hearing must be submitted in writing to OSCAR, and the decision will be at the discretion of the Chair. Where a decision to re-arrange a Hearing has been refused, the student and School/College will be informed, in writing, of the refusal and the case will be considered in the absence of the student or Chair of the relevant Assessment Board.
- 23.2.4 Only the student, accompanied by one friend, and the Chair of the relevant Assessment Board, accompanied by one other School/College representative, may be present throughout the whole of the Committee except when the decision is being debated. If either party wishes to request the attendance of additional friends, this will be at the discretion of the Chair and all relevant parties will be informed of this prior to the Hearing.
- 23.2.5 At least **5 days** prior to the Hearing, the student and the Chair of the relevant Assessment Board should confirm, to OSCAR, the names of those who will be attending.
- 23.2.6 In considering the Academic Appeal, the Chair may call any appropriate members of staff to give evidence with at least **5 days** notice of the Hearing. The member of staff may be accompanied to the hearing by one 'friend', and OSCAR will provide this person with a copy of the appropriate documentation. If it appears to the Chair that the evidence presented raises allegations of misconduct this may lead to Staff Disciplinary Regulations being invoked.
- 23.2.7 The documentation to be considered by the Committee will be circulated to all parties prior to the Hearing. Following which, the presentation of any new documentation, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. In this event, a suspension of proceedings may be necessary in order to provide all parties with the opportunity to consider the new documentation.
- 23.2.8 The student, their friend and the relevant member(s) of staff from the School/College will normally be allowed to be present throughout the whole of the Hearing except when the decision is being debated. If the Committee, in its absolute discretion, determines that the presence of any party is not appropriate throughout the whole hearing or during any specific part of it, the Chair shall use reasonable endeavours to ensure that such person is given an adequate opportunity to present their case.



23.2.9 During the Hearing:

- The Chair will outline the procedure of the hearing to all parties;
- The Chair will ask the student and/or friend to present their case in support of their Academic Appeal;
- Members of the Committee may ask questions of the student and/or friend;
- The School/College may ask for clarification on any representations made by the student by addressing questions via the Chair;
- The Chair will ask the School/College representative(s) to present their case;
- Members of the Committee may ask questions of the School/College representative(s);
- The student may ask for clarification on any representations made by the School/College addressing questions via the Chair;
- The Chair will give each party the opportunity to sum up their case;
- The Chair will ask the student, their friend and the School/College representative(s) to leave the hearing;
- The Committee will consider the evidence in private and reach a decision in accordance with paragraph 23.3.

23.2.10 The Committee has the authority to adjourn the Hearing at any time, or any reason, for such a period as it, in its absolute discretion, thinks fit.

### **23.3 Decision of the Academic Appeal Committee**

23.3.1 The decision of the Committee will be by majority decision.

23.3.2 After consideration of the available evidence relating to the Academic Appeal, the Committee may reach any of the following decisions:

(a) The Academic Appeal is rejected;

**or**

(b) The Academic Appeal is upheld and the Assessment Board will be asked to reconvene to reconsider its decision along with any additional recommendation(s)/direction(s) made by the Committee.

## 23.4 Procedure following decision of Academic Appeal Committee

- 23.4.1 The student and the School/College shall be informed, in writing, normally within **7 days** of the decision of the Academic Appeal Committee.
- 23.4.2 This decision will be circulated to the student, the School/College and when appropriate, to any Academic Board Standing Committee with overall responsibility for assessment matters, so that any issues of principle or general interest may be identified and acted upon. The Committee will also keep a record of its proceedings.
- 23.4.3 Where an Academic Appeal is rejected, the decision of the Committee shall be immediate.
- 23.4.4 When it is determined that an Assessment Board shall be reconvened at the earliest opportunity normally, within **15 days**. In cases where there may be a delay in reconvening a Board, it may be necessary for Chair's Action to be taken. In the event of a Chair's Action, the decision must be formally recorded for ratification at the next appropriate Assessment Board.
- 23.4.5 No member of staff directly involved in the School/College's submission to the Academic Appeal shall act as Chair, or as a panel member, for the reconvened Assessment Board.
- 23.4.6 OSCAR will advise the student if there is likely to be a delay before a final decision is reached.
- 23.4.7 The student will be given the opportunity to provide the reconvened Assessment Board, in writing, with any new information presented orally to the Academic Appeal Committee.
- 23.4.8 The Chair of the relevant Assessment Board will forward the documentation considered by the Committee to the Chair of the reconvened Assessment Board (together with the reasoned decision of the Committee) unless, in exceptional circumstances, the Chair of the Committee directs that it would be appropriate to withhold some of the documentation or agrees with a request by the student to withhold sensitive personal information.
- 23.4.9 It is not necessary for the reconvened Assessment Board to comply with the standard quorum requirements of attendance, however, it is the responsibility of the Chair to ensure an appropriate balance in the circumstances.
- 23.4.10 The appropriate external examiner(s) must normally be invited to attend the meeting, but their absence will not invalidate the decision of the reconvened Assessment Board which is properly

constituted in all other respects, and the views of external examiner(s) must have been ascertained before the decision of the Board is published. The comments of external examiner(s) who are unable to attend must be recorded and attached to the minutes.

- 23.4.11 The Chair of the Academic Appeal Committee may nominate an Observer to attend the reconvened Assessment Board. The name of the Observer will be communicated to the reconvened Assessment Board by OSCAR. The Observer shall, if requested, provide clarification to the reconvened Assessment Board on the recommendation of the Committee.
- 23.4.12 The reconvened Assessment Board should normally implement the recommendation(s)/direction(s) made by the Academic Appeal Committee unless it determines that these recommendations/directions are unreasonable or contrary to the University's Regulations.
- 23.4.13 The Chair of the reconvened Assessment Board is responsible for communicating the outcome to the student and to OSCAR in writing, within **7 days**. If the reconvened Assessment Board amended its previous decision then the communication should give reasons for the decision and when the remedy will be implemented. The student should be informed of the right to appeal the decision of the reconvened Assessment Board in accordance with paragraph 21.

## **24. REVIEW STAGE**

### **24.1 Review of Decision of Academic Appeal Panel/Committee (at instigation of Student)**

- 24.1.1 In exceptional circumstances, within **7 days** of notification of the decision of the Academic Appeal Panel or Academic Appeal Committee, a student may make a written request for a Review, on an Academic Appeal Review Application Form, asking for reconsideration of their Academic Appeal. The request should be made to OSCAR in the first instance. The Review Stage will only consider the Review based on the grounds set out in paragraph 24.1.6.
- 24.1.2 Only in exceptional circumstances will a request for a Review be accepted after the cut-off date, and then only to an absolute deadline of **35 days** after the formal publication of the Academic Appeal Panel or Academic Appeal Committee's decision. The decision on whether, exceptionally, to accept a late Review will be at the discretion of the Vice Chancellor's nominee. The Chair's decision is final and not subject to further review. If the

Review is declined, the student will be issued with a 'Completion of Procedures' letter.

- 24.1.3 A Review of the decision of the Academic Appeal Panel or the Academic Appeal Committee, submitted on time, will be considered by the relevant Vice-Chancellor's nominee.
- 24.1.4 Receipt of the Review will normally be acknowledged by OSCAR within **3 days**.
- 24.1.5 The Review **must** identify the grounds and reasons for the Review. If the relevant information is not provided OSCAR, will return the Review to the student asking that they provide the necessary information. The student will have **3 days** to provide this information to OSCAR. If the required information is not received the Review will automatically be rejected and the student will be issued with a 'Completion of Procedures' letter.
- 24.1.6 A Review can only be made on the grounds:
- (a) That the decision of the Academic Appeal Panel or Academic Appeal Committee was inconsistent and unsupported by evidence;
- and/or
- (b) That there was a material procedural irregularity by the Academic Appeal Panel or Academic Appeal Committee which has prejudiced the student's case;
- and/or
- (c) That additional evidence has come to light since the decision of the Academic Appeal Panel or Academic Appeal Committee, which could not reasonably have been expected to have been produced at the time of the consideration of the Academic Appeal.
- 24.1.7 OSCAR may, if appropriate, request further information from the relevant School/College. OSCAR will then forward the case, to the Vice-Chancellor's nominee for their consideration.
- 24.1.8 The student will normally be informed of the decision of the Vice-Chancellor's nominee within **15 days** of their receipt of the Review.
- 24.1.9 The decision as to whether or not to convene/reconvene an Academic Appeal Committee is not subject to further consideration and concludes the Academic Appeal process within Teesside University.

## **25. THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION**

At the conclusion of the University's internal processes connected with these Regulations, the student shall be issued with a 'Completion of Procedures' letter of internal proceedings in the manner prescribed by the Office of the Independent Adjudicator for Higher Education (OIA). A student who is of the opinion that their case is unresolved may apply to the OIA for reconsideration of the case under the rules of its scheme within 12 months of the issue of the 'Completion of Procedures' letter. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>.

## **26. UNIVERSITY REVIEW OF DECISION**

### **26.1 Review of Decision of Assessment Board (at instigation of a Member)**

- 26.1.1 A participant in a meeting of an Assessment Board has the right to request a review by the Academic Board of the Assessment Board's conduct, or of a particular decision relating to the outcome of an Academic Appeal if they believe that the decision of the Assessment Board had been inconsistent and/or unsupported by evidence or that there had been a material procedural irregularity.
- 26.1.2 A request for review by the Academic Board shall be made in writing to the Chair of Academic Board (who shall inform the Chair of the Academic Appeal Committee).
- 26.1.3 The Chair of the Academic Appeal Committee will consult with the relevant Dean of School or Head of College (or other appropriate authority) as to whether the matter can be resolved prior to consideration by Academic Board, in conformity with the Course and Assessment Regulations and, where appropriate, the approval of the internal and external examiners. Following such consultation, the Chair of the Academic Appeal Committee will report back to Academic Board. The participant will be informed of the outcome by the University Secretary.
- 26.1.4 Where such resolution is unacceptable to the person seeking review, or it is not practicable for the Chair of an Academic Appeal Committee, working with the Chair of Assessment Board, to arrange a sufficiently rapid resolution to serve a student's interests, a request may be made to Academic Board by way of the University Secretary. Such a request for review by Academic Board will be directed to the Academic Appeal Committee in the first instance (and normally, thereafter, unless the circumstances described in paragraph 26.2 applies) unless the Academic Appeal Committee has already considered the relevant circumstances.

## **26.2 Review by the Academic Board**

If an Assessment Board does not, or becomes unable to, act as directed by the Academic Appeal Committee, the Committee has the right and duty to inform the Academic Board. If, after enquiry, the Academic Board finds that an Assessment Board will not, or cannot, conduct itself appropriately in light of the relevant constitution, terms of reference and current Regulations, the Academic Board shall consider and institute any necessary reforms of an Assessment Board and/or any emergency arrangements and procedures necessary to ensure equity for affected students. In circumstances where the Assessment Board does not heed the advice of Academic Board, it may annul decisions of that Assessment Board.

## **26.3 Review by the Board of Governors**

Where a student claims that Academic Board has acted beyond its authority as delegated by the Board of Governors, by operating outside the terms of these Regulations or by committing a material administrative irregularity in its consideration of matters under paragraph 24.1.5, an application for Final Review may be made to the Board of Governors, via the head of the Vice-Chancellor's Office. The application will be considered by a Procedure Review Tribunal (consisting of the Chair of the Board, Deputy Chair of the Board, and an independent external assessor of appropriate academic standing). Decisions of this Tribunal are not subject to further appeal.