

## **Academic Appeals Policy and Procedures (postgraduate research degree students)**

### **1. Scope and Purpose**

- 1.1 This document sets out the policy under which students enrolled on a postgraduate research degree programme validated by Solent University at AECC University College may appeal against an academic decision-
  - to withdraw a student through lack of academic progress and/or failure to engage;
  - to suspend a student due to ill health;
  - or
  - the outcomes of an examination (including MPhil transfer) decisions.
- 1.2 The University College is committed to the fair and equal treatment of all individuals regardless of gender identity, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs.
- 1.3 Appeals considered under these procedures are conducted fairly (to all parties), transparently, and in a timely way. This includes explaining clearly the decisions made, and why, to students making an appeal.
- 1.4 All appeals will be considered sensitively and, on their merits, and in accordance with the Dignity Diversity and Equality Policy. Where a student or staff member working with this policy has specific protected characteristics under the Equality Act 2010, we will ensure that information is provided in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.
- 1.5 The Academic Appeals Policy (postgraduate research students) is an internal procedure and is not a legal process.
- 1.6 No student bringing an appeal under this procedure, regardless of the outcome, will be treated less favourably than if they had not brought the appeal. If evidence to the contrary is found, the member of staff may be subject to action under the University's College's Staff Disciplinary Procedure.
- 1.7 The University College is committed to providing a safe working environment for staff, and staff have the same rights as students to be heard and respected. Unacceptable behaviour by any student using this procedure will not be tolerated. When the actions or behaviour of a student making an appeal is unacceptable they will be told why this is the case and given the opportunity to modify their actions or behaviour. Should the unacceptable actions or behaviour continue, action may be taken against the student under the student disciplinary policy.

### **2. Key Responsibilities and delegated authority**

- 2.1 Responsibility for the management and implementation of this policy and its procedures lies with the Academic Registrar.
- 2.2 The Postgraduate Research Appeals Board operates with delegated authority from the Academic Board and is authorised to make decisions on behalf of Research Degrees Sub-committee and/or other University College decision-making body, and to make recommendations to the Chair/Deputy Chair of Solent Research Degrees Committee (RDC) as required.
- 2.3 Those involved in consideration of an appeal at any stage will not attempt to re-examine the student, or to appraise the professional judgement of the examiners; rather they will consider whether the initial decision was appropriate in the light of the evidence submitted with the appeal.
- 2.4 Under this policy and associated procedures any University College role or officeholder or officer of the Students' Union may act through their appointed nominee.
- 2.5 Where members of the Students' Union have a role as a panel member in any proceedings under this policy their role is to serve as a full member of the panel in determining the matter under consideration and not to act as an advocate for the student submitting the academic appeal.

- 2.6 Guidance notes are available for students considering pursuing an appeal through this policy. The Deputy Academic Registrar and the Student's Union and Engagement Manager are available to offer information, advice and guidance on this appeals policy.
- 2.7 Members of the Postgraduate Research Student Academic Appeals Board and other key staff should receive appropriate training.
- 2.8 Research Degrees sub-committee and Academic Standards and Quality Committee considers data relating to and learning arising from academic appeals from postgraduate research students.
- 2.9 Any matter relating to an appeal raised directly with the Vice-Chancellor or Deputy Vice-Chancellor, will be referred to this policy immediately.

### 3. Overview and context

- 3.1 The University College may reject an appeal at any time if, in the opinion of the Investigating Panel, the appeal is vexatious or motivated by malice - for example:
  - academic appeals which are obsessive, harassing or repetitive
  - insistence on pursuing non-meritorious academic appeals and/or unreasonable outcomes
  - insistence on pursuing meritorious appeals in an unreasonable manner
  - appeals which are designed to cause disruption or annoyance
  - demands for redress which lack any serious purpose or value.

If a student's appeal is considered vexatious or motivated by malice, action may also be taken against the student under the student disciplinary procedures.
- 3.2 Should an appeal also embody a complaint, where possible both will be dealt with concurrently. Where is not possible the complaint will be resolved in accordance with the Student Complaints Policy and Procedures before the appeals process is initiated. Where a student is also subject to another University College procedure (whilst pursuing an academic appeal) the Academic Registrar will determine which Procedure takes precedence. The student will be kept informed at all stages.
- 3.3 The time limits set out in this policy will normally be followed. However where, for good reason, this is not possible, all parties will be informed of the reasons for delay and kept informed of progress. Where there is good reason, arrangements may also be expedited.

### 4. Grounds for making an appeal

- 4.1 Students may only submit an appeal on **one** of the following grounds (selecting the most appropriate category) if they have evidence that:
  - a. their level of achievement was adversely affected by illness or other factors which, for valid reasons, they were unable to divulge to the supervisory team or the examiners at the appropriate time;
  - b. there has been a material irregularity in the conduct of progress reviews of the student undertaken by a Doctoral Review Panel;
  - c. there has been a significant procedural error in the arrangements and/or conduct of the examination, such as to cause doubt on the validity of the examiners' decision; or
  - d. Staff have not acted fairly towards them by showing bias in the way they have made the relevant academic decision.
- 4.2 The following do not constitute grounds for appeal:
  - Disagreement with the academic judgement of supervisors, examiners, doctoral review panel, AECC University College Research Degrees sub-committee or Solent University RDC.
  - Lack of awareness by a student of relevant University College or Solent University regulations or policies or the requirements of instructions for a milestone or process
  - Disagreement of examiners with a student's viewpoint, argument or interpretation— this is a matter of academic judgement and not bias or prejudice.
  - Given the existence of procedures for complaints available to students during their study, together with the monitoring arrangements for postgraduate research students, alleged inadequacy of supervisory or other arrangements during the period of study will not constitute grounds for appeal.
- 4.3 If a student is dissatisfied about other aspects of their experience, including withdrawal for non- payment of fees, they should use the complaint procedure.
- 4.4 **Third party appeals:** A student must submit an appeal on their own behalf, unless at the time the appeal is lodged the student has evidence that they are suffering from such physical or mental incapacity so as

to prevent them acting for themselves. A judgement in this matter will be taken by the Academic Registrar based on the available evidence.

- 4.5 **Reimbursement of Expenses:** If an appeal is upheld, the University College will normally meet any reasonable 'out of pocket' expenses incurred by the student in connection with the Appeals Panel, on production of receipts; this may include UK travel and subsistence costs in connection with the student's attendance at the Appeals Panel.
- 4.6 **Privacy and confidentiality:** Privacy and confidentiality will be maintained as far as this is compatible with the effective investigation of an appeal. However, the University College will disclose information to relevant staff in order to progress the investigation of an appeal and give staff an opportunity to respond. Any person named in connection with an appeal will be informed of the substance of the appeal and will be offered the right to reply. Any information so disclosed will be treated sensitively and confidentially. If a student has specific concerns regarding confidentiality, this should be raised in the appeal form. It may be necessary for information to be shared with Solent University as the degree-awarding body.
- 4.7 **Access to Information:** students pursuing an appeal through this policy will be entitled to apply for access to personal data in accordance with the policies and procedures of the University College under the provisions of the Data Protection Act 2018 and other legislation. Applications should be made in writing to the Academic Registrar.
- 4.8 All information collected under the requirements of this policy/procedure will be processed in accordance with the Data Protection Act 2018. For further information please refer to the student privacy notice. Data used for internal monitoring and reporting to relevant committees will be anonymised.

## 5. Stage 1: informal discussions

- 5.1 Before submitting a formal academic appeal, students are expected to discuss their concerns or queries with their supervisory team, to clarify questions about their performance. The purpose of this discussion is to help them gain a clearer understanding as to why a certain decision was reached and/or whether they have a valid basis on which to make an appeal. It is best practice for the staff member to retain a record of this meeting. If their concern cannot be clarified by an informal discussion in this way, and their concern falls within the grounds for appeal set out in para 4.1 and they have supporting evidence, they may submit an appeal in line with section 6 of this policy.

## 6. Stage 2: Formal Appeal

- 6.1 Students wishing to make an academic appeal must do so within **10 working days** from the date of the communication indicating termination/ re-registration or notification of an examination decision.
- 6.2 Appeals submitted after the deadline will not normally be considered. Special consideration will only be given very exceptionally, if a student provides a valid reason for any delay, supported by evidence. If no such evidence exists and an appeal is late, the Academic Registrar will request a completion of procedures letter from Solent University, explaining why the appeal is out of time and referring to the relevant regulations.
- 6.3 Students must complete the Academic Appeals form and e-mail this to [registry@aecc.ac.uk](mailto:registry@aecc.ac.uk) by the deadline specified above. All sections of the form must be completed in full. The appeal form should be supported by all available written evidence to substantiate the claims made. Claims which cannot be substantiated with independent evidence are likely to be dismissed. It is the student's responsibility to ensure that all the relevant evidence is presented with their appeals case.
- 6.4 All evidence must be provided in English. If translation from another language is required, the translation must be prepared by a registered translator, and include a statement of confirmation from the translator/translation company that it is an accurate translation of the original document, together with the translator/translation company's contact details. It is the student's responsibility to meet any costs associated with the provision of evidence.

### Investigating Panel

- 6.5 The Investigating Panel shall normally consist of the Academic Registrar, the Assistant Registrar (Quality Assurance) and a nominated Students' Union Officer or a postgraduate research student as appropriate.
- 6.6 The Investigating Panel will consider the application to determine whether there are grounds for appeal, and whether the request submitted under the correct procedures, is submitted within the deadline, is in the required format, and includes the necessary evidence.

- 6.7 The Investigating Panel shall where necessary, take statements from relevant staff members and/or collect other available evidence to inform the investigation.
- 6.8 The investigation may result in:
- the academic appeal proceeding to formal consideration at the Postgraduate Research Students Appeals Board, as it is made on permitted grounds and include the necessary evidence
  - the academic appeal being referred back to the student as not eligible because it is not made under permissible grounds and/or there is insufficient evidence contained within the appeal.
  - the student being referred to a different procedure – for example if there are no grounds for appeal but it would be appropriate for a student to consider submitting a complaint.
- 6.9 Where the appeal is deemed valid, the Academic Registrar will appoint a Postgraduate Research Student Appeals Board. The Board will be scheduled to take place within 15 working days of notifying the student, unless a delay is requested by the student.
- 6.10 Where the appeal is found to be invalid, the Academic Registrar will inform the student in writing of the reason(s) for this decision. The written communication of the decision will also explain that the student may opt to proceed to the review stage, with Solent University (see section 7).

### **The Postgraduate Research Student Appeals Board**

- 6.11 Normally a Postgraduate Research Student Academic Appeals Board will be convened **within 15 working days of the notification of results/decision**, and all parties will be given a minimum of 48 hours' notice of the date of the meeting. Where every opportunity has been made to allow the student to attend the Board, but they are still not able/decline to attend, the Board may take place in their absence.
- 6.12 The Academic Registrar will invite staff members responsible for the decision being appealed to submit relevant documentation and to attend the Board to respond to the student's appeal.
- 6.13 The Academic Registrar will ensure that the relevant parties and the Postgraduate Research Student Appeal Panel are provided with all appropriate information at least **5 working days** before the hearing. Late evidence may be circulated only with the consent of both parties.
- 6.14 All information provided to the Board should be given to the student before the Postgraduate Research Student Appeals Board meets.

### **Right of Representation**

- 6.15 At the meeting of the Postgraduate Research Student Appeals Board the student has the right to make written and/or oral representations and to be accompanied by a friend or representative; this is normally another enrolled student of the University College or Students' Union representative. Students are encouraged to make use of this provision.
- 6.16 AECC University College does not normally use legal professionals in the handling of cases, and therefore it is not expected that students would need to do so either. As such the engagement of legal professionals by students in relation to academic appeals is normally not permitted, and would be allowed only in exceptional circumstances, in discussion with the Academic Registrar and the Postgraduate Research Student Appeals Panel Chair.

### **Postgraduate Research Student Appeals Board membership**

- 6.17 The Postgraduate Research Student Appeals Board will consist of:
- one staff member of Research Degree Sub-Committee RDC, independent of the School the postgraduate research student is based in, who will be the Chair; and
  - two research active members of staff; and
  - either the SU President or Vice President Education (or a postgraduate research student as appropriate).

### **Conduct of the Postgraduate Research Student Appeals Board**

- 6.18 All participants at meetings/hearings are expected to behave in an orderly and non-confrontational manner. If the Chair 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.
- 6.19 The Postgraduate Research Student Appeals Board may if it wishes, hold a private meeting before the start of the Postgraduate Research Student Appeals Board meeting.

- 6.20 The Postgraduate Research Student Appeals Board meeting will normally take the following format:
- Introduction of those present.
  - Student and/or representative presentation (normally no more than 10 minutes).
  - Opportunity for the Postgraduate Research Student Appeals Board to question the student.
  - Statement about the case from an appropriate staff member.
  - Opportunity for the Postgraduate Research Student Appeals Board to question the staff member.
  - Student response/summing up. New evidence is not admissible at this stage.
  - The student (and their representative if present) shall withdraw while the Postgraduate Research Student Appeals Board considers the evidence in private. The Board will reach its decision by consensus.
- 6.21 *Right to Call Witnesses:* Should witnesses be called, they will attend only to present their evidence and to answer any questions that the Academic Appeals Board may put to them. Once their evidence has been heard and there are no more questions, witnesses will be required to withdraw.
- 6.22 *Consideration of Evidence:* While the Postgraduate Research Student Appeals Board is considering the evidence, the student and staff members must be available and may be required to provide further information or clarification to the Board. If the Board needs further information or clarification, the student and staff members shall be recalled to the meeting.

### Outcome of the Postgraduate Research Student Appeals Board

- 6.23 The Academic Appeals Board, having considered the appeal, may:
- i. uphold the student's appeal and make recommendations on the appropriate action to take; or
  - ii. dismiss the student's appeal, and give its reasons.

In addition, the Postgraduate Research Student Appeals Board may make recommendations for a change in University College procedures.

- 6.24 *Delivery of Decision:* Wherever possible the Postgraduate Research Student Appeals Board shall seek to reach a decision on the same day of its private meeting to consider the evidence. The Academic Registrar will confirm the decision in writing, normally within **ten working days**.
- 6.25 The student will be advised that they may opt to proceed to the review stage with Solent University, and the grounds on which a review may be submitted, and that if they do not consider that they have grounds to proceed to the further stage, then they may ask the Academic Registrar for a Completion of Procedures Letter if they wish to refer the matter to the OIA; the Academic Registrar will request the Letter from Solent University.
- 6.26 The Academic Registrar will inform all relevant staff of the decision of the Academic Appeals Board.

## 7. Stage 3: Review Stage submission to Solent University

- 7.1 Students may request a review of the decision of the AECC University College Academic Appeals Board where they are dissatisfied with the outcome and one of the following applies:
- the procedures followed at the University College did not follow appropriate arrangements and that this influenced or may have influenced the decision in some way;
  - the outcome was unreasonable, in the circumstances;
  - new material evidence has become available which the postgraduate research student was unable, for valid reasons, to provide earlier in the process. Students wishing to present additional evidence, must also demonstrate that it was not previously available, and explain why.
- 7.2 Students wishing to request a review may submit a second stage appeal to Solent University's Complaints and Appeals Manager within 10 working days asking for the decision and/or process to be reviewed by the Chair of Solent University Research Degree Committee (RDC) (or their nominee) and a member of RDC not previously involved with the student.
- 7.3 The Chair of RDC and RDC member will review the evidence and may interview the student and/or member of staff and examiners, and will determine if the process followed was fair, transparent and robust and the outcome and recommendations appropriate. The student, Director of Studies and the AECC University College Academic Registrar will be informed of the Chair and RDC member's decision within 20 days of Solent University Policy, Governance & Information Manager receiving the appeal.
- 7.4 Where the Chair and RDC member uphold the original outcome and recommendations Solent University will issue a completion of procedures letter, which includes the details of how to appeal to the Office of the Independent Adjudicator.

- 7.5 Where the Chair and RDC member do not uphold the original outcome and recommendations, they will determine the appropriate action(s), taking into account the student's desired outcomes, and in discussions with relevant colleagues at AECC University College. If the student does not accept the proposed actions Solent University will issue a completion of procedures letter.

## 8. Monitoring and review of appeals

- 8.1 The Academic Registrar will prepare an annual review of student appeals which will be considered by Research Degree Sub-committee and Academic Standards and Quality Committee, with a view to identifying any trends and whether there is a need to revise any policy or practices in discussion with Solent University. This report will not refer to individuals by name.

## 9. Retention of records

- 9.1 All data pertaining to academic appeals by postgraduate research students is retained, in confidence, by AECC University College Registry, for a period of 6 years from the date of the last action on the case.
- 9.2 Records may be shared with Solent University, as the validating body for postgraduate research awards.

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Approved by:	Academic Board
Originator/Author	Assistant Registrar (Quality Assurance)
Policy Owner	Academic Registrar
Reference/ source	The Expectation and Indicators of sound practice set out in the Quality Assurance Agency (QAA)'s <a href="#">UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals</a> <a href="#">OIA: The good practice framework for handling complaints and academic appeals</a> December 2016 <a href="#">OIA Guidance Note regarding Completion of Procedures Letters</a> (January 2019) Solent University
Date approved	June 2022
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Target	All members of supervisory teams and Doctoral Review Panels; all postgraduate research students
Policy location	SIP/VLE, Public website
Equality analysis	No direct impact. All appeals will be considered on their merits and in accordance with the Dignity Diversity and Equality Policy. Reasonable adjustments to this procedure can be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases
Amendment	