

SECTION 9

ACADEMIC APPEALS

(A) Introduction

- 9.1 This section of the Academic Regulations describes Anglia Ruskin University's academic appeals policy for all students registered on an award conferred by Anglia Ruskin University, including all students registered at a UK or international Associate College and students registered on distance learning courses. All appeals, including those from students registered at UK and international Associate Colleges are administered by Anglia Ruskin University. Appeals from students registered at international Associate Colleges may require special arrangements in order to administer the appeal. Students registered on dual awards will submit their appeal to the institution responsible for administering the assessment against which the student is appealing. Regulation 0 provides a summary of the appeals process for publication to students in the form of a flowchart.
- 9.2 The Academic Regulations are applied fairly and consistently and in accordance with Anglia Ruskin University's equal opportunities policy. The *Research Degrees Regulations* (available at www.anglia.ac.uk/researchregs) provide an appeals process at each of the assessment points including for a review of an examination decision in certain circumstances and these procedures are published in the *Research Degrees Regulations*.
- 9.3 In dealing with an academic appeal, privacy and confidentiality are assured unless disclosure is necessary to progress the appeal.
- 9.4 The principal method of communication with an appellant throughout the academic appeals process is the appellant's Anglia Ruskin e-mail account and eVision (the latter is used for the official publication of outcomes and results related to the assessment process). Written letters are sent as e-mail attachments. Communication is not conducted via postal services expect for the final outcome.
- 9.5 If the behaviour of an appellant becomes threatening or abusive during the course of the internal resolution process or a Panel Hearing, then the Director of Studies or Panel Chair respectively is empowered to suspend the process and refer the matter to the Secretary & Clerk under the disciplinary procedures contained within the *Rules, Regulations and Procedures for Students*. The appeal process may resume at a later date, pending the outcome of the disciplinary process.

(B) Grounds for an Appeal

- 9.6 A student has the right to appeal against that decision of the Anglia Ruskin Awards Board on the following grounds:
- that there has been a material administrative error, or that the assessment(s) was not conducted in accordance with the Academic Regulations governing the course, or that some other material irregularity has occurred⁶³.
- 9.7 The student may **not** appeal on any ground which:
- disputes only the academic judgement of the Anglia Ruskin Awards Board concerning the student's performance in any academic work and/or work-based component of the course;

⁶³ This includes an appeal which cites the grounds that the Academic Regulations relating to the mitigation process (6.97 - 6.124 and 7.13 - 7.18) have been applied incorrectly, supported by appropriate evidence

- presents mitigating circumstances to explain that performance in an assessment was adversely affected by illness or other factors unless evidence is provided that a corresponding mitigation claim has been duly submitted to the Anglia Ruskin Mitigation Panel but has not been considered in accordance with the Regulations governing the mitigation process (Regulations 6.97 - 6.124 and 7.13 - 7.18 above).

(C) Submitting an Appeal

- 9.8 A student wishing to exercise a right of appeal must give notice in writing, using the appropriate proforma which is obtainable from www.anglia.ac.uk/appeals, to the Director of the Academic Office (or nominee) within 25 working days of the date of the meeting of the Anglia Ruskin Awards Board⁶⁴. This proforma must state the grounds and evidence on which the student wishes to appeal.
- 9.9 In very exceptional circumstances and with the explicit agreement of the Chair of the Senate, acting on the advice of the Director of the Academic Office (or nominee), an appeal outside the normal time limits may be considered in accordance with the Academic Regulations governing academic appeals.
- 9.10 A student wishing to appeal on the grounds that there has been a material administrative error or that the assessments were not conducted in accordance with the Academic Regulations is required to send to the Director of the Academic Office (or nominee) such documentary evidence as is appropriate to support the appeal. Such evidence must be sent to the Director of the Academic Office (or nominee) at the same time as the proforma is completed. The Director of the Academic Office (or nominee) also notifies the student's Director of Studies that an appeal has been submitted.
- 9.11 The Director of the Academic Office (or nominee) has the right to call for additional written evidence from the student and/or Anglia Ruskin University staff and to include any such additional evidence as he/she thinks is conducive to a better informed judgement.

(D) Investigating an Appeal

- 9.12 The Director of the Academic Office (or nominee) acknowledges receipt of the formal notice of appeal. Two staff, from a pool of the Director of the Academic Office, Deputy Director of the Academic Office, Head of the Quality Assurance Unit and the Examinations and Academic Appeals Manager review all academic appeals upon receipt by the Academic Office. The following appeals are dismissed without referral to the Director of Studies and the Preliminary Review Panel (PRP) and neither is an internal resolution meeting with the appellant convened:
- (a) where the criteria for grounds for an academic appeal are not satisfied;
 - (b) where there is either no evidence provided to support the appeal, or that such evidence is not timely.
- 9.13 All other academic appeals, including those which satisfy the grounds for an academic appeal and which provide timely and appropriate evidence, are forwarded to the Director of Studies for his/her consideration. If the Director of Studies agrees that there is a ground for an appeal, the appeal is upheld and the Director of the Academic Office (or nominee) notifies the appellant accordingly.

⁶⁴ International students for whom a discontinuation decision has been made by the Awards Board and who are studying under a Tier 4 Visa are required to submit their academic appeal within ten working days in order to avoid the withdrawal of the sponsorship of their Tier 4 Visa (in line with UKVI requirements). If the appeal is not submitted within these ten working days, such students should make arrangements to leave the UK but are entitled to submit their academic appeal within the standard 25 working days deadline.

- 9.14 If the Director of Studies does not uphold the appeal, he/she initiates an internal resolution process within the Faculty which is conducted before the appeal is referred to a PRP⁶⁵. Under the internal resolution process the Director of Studies meets the appellant to discuss the appeal and to seek to resolve it at a local level. The appellant may be accompanied at the meeting by a friend. A written record of the discussion is kept by the Director of Studies and the recommendation arising from that discussion is reported by the Director of Studies to the Director of the Academic Office (or nominee), whether or not the appeal is upheld. The internal resolution meeting takes place within 20 working days of the date of receipt of the notice of appeal. If the appellant does not attend the meeting, the Director of Studies is not required to re-arrange the meeting but proceeds to consider the appeal. The Director of Studies is permitted to dismiss the appeal on the grounds that the appellant has not engaged with the internal resolution process.
- 9.15 Once an appeal has been lodged with the Director of the Academic Office (or nominee) the appellant may continue and fully engage with the course, undertaking placements and/or elements of assessment or re-assessment without prejudice to the outcome of the appeal, provided that in doing so the appellant does not put him/herself or others at risk. The final decision regarding attendance at Anglia Ruskin University or in a placement remains with the Director of Studies who may take action in accordance with the Fitness to Practise Regulations within the *Rules, Regulations and Procedures for Students*.
- 9.16 Any credit attained as an appellant continues and fully engages with the course whilst an academic appeal is being progressed (as permitted in Regulation 9.15) is declared null and void if the appeal is eventually dismissed and where the original decision of the Awards Board was to discontinue the appellant (ie: the Awards Board's original decision is upheld). Therefore, any such credit attained cannot contribute to the conferment of an intended or intermediate award.
- 9.17 The Director of the Academic Office (or nominee) subsequently refers the matter to a PRP to determine whether or not there is a ground for an appeal. The referral includes the recommendation arising from the internal resolution process. The PRP meets, normally within 40 working days of the date of receipt of the notice of appeal, to determine whether there are grounds for an appeal and notifies the appellant of the outcome as set out in Regulations 9.22 - 9.27. The PRP is an advisory body to all parties in an appeal process. An appellant has the right to have the appeal heard by an Appeals Panel (in accordance with Regulation 9.27).
- 9.18 In exceptional circumstances the Director of the Academic Office (or nominee) may appoint an Investigating Officer from the Senate's Academic Regulations Subcommittee who has neither taught the appellant nor been closely associated with the appellant in any other way.
- 9.19 The Investigating Officer has the right to call for additional written evidence from the appellant or Anglia Ruskin University staff and to include any such additional evidence as he/she thinks is in the interests of a just outcome. The Investigating Officer reviews the written evidence and reports to a PRP within 15 working days of the date of receipt of the notice of appeal.

⁶⁵ An internal resolution process meeting is conducted in the most appropriate medium for the student. A video-conference, Skype interaction (or other appropriate method) is considered if it is not possible for a student to attend Anglia Ruskin's main campuses in the UK (eg: a student studying at an international Associate College or on a module delivered by flexible or distributed learning etc.)

(E) Preliminary Review Panel (PRP): Membership

- 9.20 The PRP comprises the Director of the Academic Office (or nominee), the Examinations and Academic Appeals Manager, the Investigating Officer (if appointed) and a student nominated by the President of the Students' Union. The Students' Union President may not be a member of the PRP.
- 9.21 The PRP reviews the following written evidence:
- the appellant's written appeal and supporting evidence;
 - the evidence provided by the Head of Department and other staff in the Faculty;
 - the Investigating Officer's report, if appropriate.

(F) Preliminary Review Panel (PRP): Decisions

- 9.22 If the PRP is satisfied that the notice of appeal and accompanying evidence discloses a ground of appeal, the Director of the Academic Office (or nominee) advises the Director of Studies accordingly, following which there are two possible outcomes (as set out in Regulations 9.23 - 9.24).
- 9.23 If the appeal is **not** contested by the Director of Studies, the PRP requests the Director of the Academic Office (or nominee) to uphold the appeal and to notify the appellant of the PRP's decision normally within ten working days. In such cases the Chair of the Anglia Ruskin Awards Board (or nominee) arranges for the Anglia Ruskin Awards Board (or a small subcommittee)⁶⁶ to review its decision in the light of the additional information provided through the appeals process normally within 21 days of the date of the Secretary's letter upholding the appeal.
- 9.24 If the appeal is contested by the Director of Studies, the PRP requests the Director of the Academic Office (or nominee) to convene a meeting of an Appeals Panel of the Senate's Academic Regulations Subcommittee.
- 9.25 If the PRP is satisfied that the notice of appeal and accompanying evidence does **not** disclose a ground of appeal, the appellant is informed in writing.
- 9.26 The Secretary keeps a record of the decisions of PRPs.
- 9.27 If an appeal is rejected by the PRP the appellant has the right to have the appeal heard by an Appeals Panel if:
- additional evidence, which was not presented to the PRP, is subsequently submitted by the appellant. The additional evidence must be related to the grounds and reasons cited in the original submission of the appeal. The submission of additional evidence at this stage of the process cannot be used by the appellant as an opportunity to change the grounds of the appeal (eg: citing alternative material administrative error)
- and;**
- the student has engaged with the internal resolution process.

⁶⁶ The Subcommittee comprises three members (including the Chair or nominee) plus two other members of the department in which the appellant is based, who have not had previous involvement in the appeal.

9.28 No arrangements are made to conduct a hearing until the additional evidence is submitted. An appellant wishing to exercise this right is required to notify the Director of the Academic Office (or nominee) of this wish in writing, and supply the required additional evidence, within 15 days of the date of the communication confirming the decision of the PRP. If no further evidence has been received by this deadline, the request for a hearing, and therefore the academic appeal, is dismissed.

(G) Appeals Panel: Role and Membership

9.29 If the decision of the PRP is contested by the Director of Studies or the appellant exercises the right to have the appeal formally heard (see Regulations 9.24 and 9.27), an Appeals Panel is convened to consider the appeal. This process is known as a hearing. If either the Director of Studies or the appellant wishes to exercise this right, they should write to the Director of the Academic Office (or nominee) within 15 days of the date of the letter confirming the decision of the PRP requesting the setting up of a hearing.

9.30 The membership of the Appeals Panel comprises:

- a member of the Senate's Academic Regulations Subcommittee⁶⁷ (other than the Investigating Officer for the case) who acts as Chair of the Panel;
- an academic member of staff of Anglia Ruskin University who is not a member of the Faculty in which the appellant is registered nor has taught the appellant or in any other way been closely associated with the appellant;
- a student nominated by the President of the Students' Union in consultation with the Secretary of the Panel.

The Examinations & Academic Appeals Manager acts as Secretary to the Appeals Panel but is not a Panel Member.

9.31 The following, *inter alia*, have the right to be present and to speak at sittings of the Appeals Panel:

- the Director of Studies in which the appellant who has initiated the academic appeal is registered;
- the President of the Students' Union (or an elected representative of the Students' Union), unless the appellant objects;
- the appellant and the friend or a representative of the Students' Union.

(H) Appeals Panel: Procedures

9.32 The PRP refers the notice of appeal and accompanying evidence to the Secretary of the Committee who, on receiving the request to convene an Appeal Panel, normally, and in not less than ten or no more than 30 working days:

- calls a meeting of the Appeals Panel as far as possible to the convenience of all parties;
- ascertains from the appellant whether there is any objection to the attendance of the President of the Students' Union at the meeting of the Appeals Panel;
- gives notice to the appropriate Director of Studies and the President of the Students' Union (or an elected representative of the Students' Union) of the date, time and place of the meeting;

⁶⁷ Or other senior and experienced member of academic staff as agreed by the Chair of the Academic Regulations Subcommittee

- gives notice to the appellant stating:
 - (i) the nature of the appeal;
 - (ii) the date, time and place of the hearing of the Appeals Panel and its membership;
 - (iii) that the appellant has a right to be heard at the hearing accompanied, if the appellant so wishes, by a friend;
 - (iv) that in the appellant's unavoidable absence, the appellant may appoint, in writing, a proxy (who may be a member of the Students' Union) to represent the appellant at the hearing;
 - (v) that the appellant has a right to submit a written statement or written evidence for consideration by the Appeals Panel and that evidence may be presented by the Secretary of the Appeals Panel and the Director of Studies;
 - (vi) that the appellant is responsible for informing witnesses in support of the case of the details of the hearing of the Appeals Panel and for securing their attendance at the hearing;
 - (vii) that the appellant is responsible for informing the Secretary of the Appeals Panel as soon as possible of the names of witnesses the appellant proposes to call and whether the appellant wishes to be accompanied by a friend, and if so the name of the friend;
- provides members of the Appeals Panel, the Director of Studies, the President of the Students' Union (or an elected representative) with copies of all relevant documentation.

9.33 If two or more students are the subject of an appeal, the Appeals Panel decides whether the interests of each appellant individually would be prejudiced by hearing the appeal against them jointly. If the Panel is of the opinion that the appeal might be prejudiced or that the proceedings could not easily or fairly be conducted in regard to two or more students together, it continues to conduct the hearing against them individually.

(J) Conduct of a Formal Hearing

- 9.34 The hearing is formal and takes place as soon as is practicable after despatch of written notification of the decision of the PRP.
- 9.35 Anglia Ruskin University reserves the right to involve such other individuals as it thinks appropriate to the presentation of the case, including, where appropriate, representation from any PSRB which has formally accredited the course for which the appellant is registered.
- 9.36 Neither Anglia Ruskin University nor the appellant whose appeal is being heard is legally represented during the conduct of a hearing.
- 9.37 All hearings held by the Appeals Panel are minuted and a record of the minutes is kept by the Director of the Academic Office (or nominee).
- 9.38 The time between completion of the hearing with the Appeals Panel and formal communication to the appellant of the Panel's recommendation to the Anglia Ruskin Awards Board is normally no more than ten working days. If present, the appellant is normally informed of the Panel's recommendation at the conclusion of the hearing.

- 9.39 The Director of the Academic Office (or nominee) is responsible for informing the appellant and the Chair of the Anglia Ruskin Awards Board of the Panel's recommendation. If an appeal is upheld, the Chair of the Anglia Ruskin Awards Board (or nominee) normally arranges for the Anglia Ruskin Awards Board (or a small subcommittee⁶⁸) to review its decision in the light of the additional information provided through the appeals process within 21 days of the date of the Secretary's letter to the appellant upholding the appeal.
- 9.40 The hearing is conducted in the following sequence:
- the appellant or friend in support of the case. The evidence may be in writing and/or witnesses may be called;
 - witnesses in support of the appellant;
 - the Director of Studies with a view to demonstrating that the appeal should not be upheld. The evidence may be in writing and/or witnesses may be called;
 - witnesses in support of the Director of Studies;
 - final statement by the appellant or friend or representative of the Students' Union;
 - final statement by the Director of Studies.
- 9.41 The members of the Panel have the right to put questions to any person attending the hearing.
- 9.42 The Director of Studies and witnesses, the appellant and friend have the right to be present during the taking of evidence. All have the right to put questions to the witnesses and to each other, except that none has the right to put questions on the others' final statements.
- 9.43 If the appellant does not appear at the hearing, the Appeal Panel may proceed to deal with the appeal in the appellant's absence provided the Panel is satisfied that the Secretary has properly notified the appellant of the hearing. The Secretary will inform the appellant of the decision normally within ten working days, stating that the appellant has the right of appeal against the Panel's recommendations.

(K) Hearing: Outcomes

- 9.44 The Appeals Panel sits in private and having heard the appeal decides:
- whether the appeal can be upheld;
 - if so, the recommendation to make to the Anglia Ruskin Awards Board;
 - if not, to dismiss the appeal.

Powers of the Appeals Panel

- 9.45 The Appeals Panel, having heard the appeal, may:

Material Administrative Error or Irregularity

- refer the matter to the Anglia Ruskin Awards Board with an instruction to reconsider its decision in the light of the findings of the Appeals Panel, if it is satisfied that in relation to the individual appellant there has been a material administrative error, or that the assessments were not conducted in accordance with the Academic Regulations or that some other material irregularity occurred;

⁶⁸ The Subcommittee comprises three members (including the Chair or nominee) plus two other members of the department in which the appellant is based, who have not had any previous involvement in the appeal.

[NB: the normal expectation is that the Anglia Ruskin Awards Board upholds the Appeal Panel's decision and acts accordingly. If the Anglia Ruskin Awards Board is not prepared to reconsider its original decision, a formal written statement of its reasons for not doing so, must be submitted to the Director of the Academic Office (or nominee) and the Clerk to the Board of Governors]

OR

- declare void the appropriate DAP/Awards Board decision(s) and determine the most appropriate method(s) to address the issues raised within the context of the specific academic appeal, if it is satisfied that an administrative error or material irregularity has occurred which has affected one (or more) candidate.

[NB: the Panel may choose to seek the advice of the Director of the Academic Office in determining the most appropriate method(s) for addressing the issues raised]

No Grounds or Grounds of Insufficient Weight

- dismiss the appeal, if it is satisfied that the appellant has failed to establish the ground of the appeal;

OR

- dismiss the appeal, if it is satisfied that the appellant has established the ground of the appeal but it nevertheless is of the opinion that the ground, as established, either is not of sufficient weight to have influenced the Anglia Ruskin Awards Board or is not of such a kind as ought to have influenced the Anglia Ruskin Awards Board.

9.46 The Secretary notifies the appellant of the Panel's decision normally within 10 working days, stating that under Regulation 9.49 the appellant has the right of a further appeal to the Board of Governors against the Panel's recommendation. The Secretary forwards the Panel's recommendation to the Anglia Ruskin Awards Board for consideration. The appellant is, at the earliest possible opportunity, notified of the Anglia Ruskin Awards Board's decision.

9.47 The appellant may respond in writing to the Director of the Academic Office (or nominee)'s formal notification of the outcome of the hearing, indicating if the appellant wishes under Regulation 9.52 to submit to the Board of Governors a further appeal against the Panel's recommendation and, if so, the grounds for that appeal. This must be done within ten working days of the date of the decision of the Panel. If the appellant indicates a wish to submit a further appeal, the Director of the Academic Office (or nominee) informs the Clerk to the Board of Governors.

9.48 A report of the hearing is submitted to the Senate's Academic Regulations Subcommittee for information.

(L) Appeals Arising from a Hearing

9.49 The only ground for appeal against a decision of an Appeals Panel not to uphold an appeal is that the appeals procedures set out in these Academic Regulations were not followed.

9.50 There are no grounds for appeal on the basis of the following:

- new evidence (unless pertaining to procedures) not disclosed at the hearing for whatever reason;
- disputing the academic judgement of the Panel;
- disputing the competence of Panel Members.

- 9.51 However, if an Appeals Panel has referred an appeal to the Anglia Ruskin Awards Board for its reconsideration and the Anglia Ruskin Awards Board does not modify its decision, the appellant may submit a further appeal to the Board of Governors, as set out in Regulations 9.52 - 9.55.

Procedures for Further Appeal to the Board of Governors

- 9.52 An appellant may submit a further appeal to the Board of Governors either:
- (a) if an appeal has not been upheld by an Appeals Panel and there is evidence that the procedures for considering the appeal were not followed (Regulation 9.49);

OR

- (b) if an appeal has been upheld by an Appeals Panel, has been referred to the Anglia Ruskin Awards Board for reconsideration and the Anglia Ruskin Awards Board has not modified its original decision (Regulation 9.51).
- 9.53 Any further appeal under Regulation 9.52 (a) must be submitted by the appellant to the Clerk to the Board of Governors for receipt within ten working days of notification of the Panel's decision. The further appeal must specify in writing precisely what aspect(s) of the procedure was not followed.
- 9.54 Any further appeal under Regulation 9.52 (b) must also be submitted by the appellant to the Clerk to the Board of Governors for receipt within ten working days of notification of the Anglia Ruskin Awards Board's decision. The Clerk to the Board of Governors requests the Chair of the Awards Board to specify in writing precisely why the Awards Board is not prepared to reconsider its original decision.
- 9.55 The Clerk to the Board of Governors convenes an Appeals Committee of the Board of Governors to consider the further appeal in accordance with the procedures described in *Rules, Regulations and Procedures for Students*.

(M) Office of the Independent Adjudicator

- 9.56 If an appellant is not satisfied with the decision of the Appeals Committee of the Board of Governors, the appellant may make representation to the Office of the Independent Adjudicator for Higher Education.

9.57 A Summary of the Appeals Procedures for Publication to Students

If you believe you have grounds to appeal against a decision of the Anglia Ruskin Awards Board, you should initially consult Student Services and/or the Students' Union. If, after those consultations, you still wish to submit a formal appeal, you should obtain the appropriate proforma from your Faculty Office or from www.anglia.ac.uk/appeals. The only grounds on which you may appeal against a decision are if a material administrative error which directly impacts on your assessment has occurred or the assessment was not conducted according to the Regulations.

