

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 9.43 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 except 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, 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 occurred⁷⁴.

9.7 A 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;
- 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 6.102 - 6.130 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 Academic Registrar⁷⁵ within 25 working days of the date of the meeting of the Anglia Ruskin Awards Board⁷⁶. This proforma must state the grounds and evidence on which the student wishes to appeal.

⁷⁴ This includes an appeal which cites the grounds that the Academic Regulations relating to the mitigation process (6.102 - 6.130 and 7.13 - 7.18) have been applied incorrectly, supported by appropriate evidence

⁷⁵ Throughout Section 9, responsibilities assigned to the Academic Registrar may be delegated by the Academic Registrar to a nominee (usually the Examinations & Academic Appeals Manager of the Academic Registry's Quality Assurance Service)

⁷⁶ 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

- 9.9 In very exceptional circumstances, and with the explicit agreement of the Chair of the Senate acting on the advice of the Academic Registrar, 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 Academic Registrar such documentary evidence as is appropriate to support the appeal. Such evidence must be sent to the Academic Registrar at the same time as the proforma is completed. The Academic Registrar also notifies the student's Director of Studies that an appeal has been submitted.
- 9.11 The Academic Registrar has the right to call for additional written evidence from the appellant and/or Anglia Ruskin University staff and to include any such additional evidence as he/she thinks is conducive to a better informed judgement.
- 9.12 Once an appeal has been lodged with the Academic Registrar, the appellant may continue and fully engage with his/her course⁷⁷, 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*.
- 9.13 Any credit attained as an appellant continues and fully engages with the course whilst an academic appeal is being progressed (as permitted in Regulation 9.12) 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.

⁷⁷ This regulation does NOT permit an appellant to proceed to the next level/stage/year of his/her course unless the requisite volume of credit has been attained in accordance with Regulations 8.1-8.21

(D) Initial Scrutiny

- 9.14 The Academic Registrar acknowledges receipt of the formal notice of appeal. Two staff, from a pool of the Academic Registrar, Assistant Academic Registrar (Academic Governance), Head of the Quality Assurance Service and the Examinations and Academic Appeals Manager undertake an initial scrutiny of the appeal upon receipt by the Academic Registry. The Academic Registrar **dismisses the appeal** without further action where:
- (a) the criteria for grounds for an academic appeal are not satisfied;
 - (b) there is either no evidence provided to support the appeal, or that such evidence is clearly not timely.
- 9.15 All other appeals which satisfy the grounds for an academic appeal and for which timely and appropriate evidence has been provided are progressed to Stage 1 for investigation at Faculty level.
- 9.16 In exceptional circumstances the Academic Registrar 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. 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 within 15 working days of the date of receipt of the notice of appeal.
- 9.17 The Academic Registrar notifies an appellant of the outcome of an appeal dismissed under Regulation 9.14 above in writing. This notification includes an explanation for why the appeal has been dismissed and confirms which staff undertook the initial scrutiny. The notification also informs the appellant that he/she can request a review of the decision to dismiss the appeal. Such requests are made by the appellant in writing to the Academic Registrar within ten working days of the date of the notification of the outcome.
- 9.18 On receipt of a request for a review of the initial scrutiny outcome, the Academic Registrar appoints a Director of Studies from a Faculty which is not associated with the course on which the student is registered to review the original decision within ten working days of the request being made⁷⁸.

⁷⁸ At his/her discretion, the Director of Studies may contact the student to discuss the appeal as part of the review

- 9.19 If the outcome of the review supports the original decision made under Regulation 9.14 above, the Academic Registrar **dismisses the appeal** in writing within ten working days of the review being concluded.
- 9.20 If the outcome of the review does not support the original decision made under Regulation 9.14 above, the appeal is processed in accordance with Regulation 9.21 below.

(E) Stage 1 - Investigating an Appeal

- 9.21 All academic appeals which, following initial scrutiny, satisfy the grounds for an academic appeal and for which timely and appropriate evidence has been provided, are forwarded to the Director of Studies in the relevant Faculty for his/her consideration. If the Director of Studies agrees that there is a ground for an appeal, the Academic Registrar **upholds the appeal** and notifies the appellant of the decision within ten working days.
- 9.22 If the Director of Studies is minded to contest the appeal, he/she initiates an internal resolution process within the Faculty⁷⁹. 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 outcome arising from that discussion is reported by the Director of Studies to the Academic Registrar clearly stating whether or not the appeal is upheld or dismissed. 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.
- 9.23 If, following the conclusion of the internal resolution process, the appeal is no longer contested by the Director of Studies, the Academic Registrar **upholds the appeal** and notifies the appellant of the decision within ten working days. In such cases, and where appropriate, the Chair of the Anglia Ruskin Awards Board (or nominee) arranges for the

⁷⁹ An internal resolution process meeting is conducted in the most appropriate medium for the appellant. A video-conference, Skype interaction (or other appropriate method) is considered if it is not possible for an appellant to attend Anglia Ruskin's main campuses in the UK (eg: an appellant studying at an international Associate College or on a module delivered by flexible or distributed learning etc.)

Anglia Ruskin Awards Board (or a small subcommittee)⁸⁰ to review its decision in the light of the additional information provided through the appeals process within 15 working days of the date of the letter upholding the appeal.

9.24 If, following the conclusion of the internal resolution process, the appeal remains contested by the Director of Studies, the Academic Registrar **dismisses the appeal** and notifies the appellant of the decision (including an explanation for why the appeal has been dismissed) within ten working days.

9.25 Following the dismissal of an appeal at Stage 1 (under Regulation 9.24 above), an appellant who wishes to continue to pursue the appeal has the right to request that the appeal is referred to a Stage 2 Appeals Panel Hearing if:

- the appellant has engaged with the internal resolution process

and;

- additional evidence, which was not presented previously, 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).

9.26 An appellant wishing to exercise the right to request a Stage 2 Appeals Panel Hearing is required to notify the Academic Registrar, in writing, and supply the required additional evidence, within 15 working days of the date of the communication confirming the Stage 1 outcome. No arrangements are made to conduct a hearing until the additional evidence is submitted. If no further evidence has been received by this deadline, the request for a hearing, and therefore the academic appeal, is dismissed.

⁸⁰ The Subcommittee comprises three members (including the Chair or nominee) plus two other members of the school in which the appellant is based, who have not had previous involvement in the appeal

(F) Stage 2 - Appeals Panel

9.27 The membership of an Appeals Panel comprises:

- a member of the Senate's Academic Regulations Subcommittee⁸¹ (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 Academic Registry's Examinations & Academic Appeals Manager acts as Secretary to the Appeals Panel but is not a Panel Member.

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

- the Director of Studies for the Faculty 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.

9.29 The Academic Registrar convenes a meeting of a Stage 2 Appeals Panel in no fewer than ten, or no more than 30, working days and:

- 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;

⁸¹ 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;
 - (i) that the appellant has a right to be heard at the hearing accompanied, if the appellant so wishes, by a friend;
 - (ii) 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;
 - (iii) 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;
 - (iv) 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;
 - (v) 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 appellant, the Director of Studies and the President of the Students' Union (or an elected representative) with copies of all relevant documentation.

9.30 If two or more appellants are the subject of a particular case, the Appeals Panel decides whether the interests of each appellant individually would be prejudiced by hearing the appeal 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 appellants together, it continues to conduct the cases individually.

9.31 The hearing is formal in nature but neither Anglia Ruskin University nor the appellant whose appeal is being heard is legally represented during the conduct of a hearing.

9.32 Exceptionally, in the event of the unavoidable absence of a Panel member (eg: due to illness), in order to reduce the inconvenience to the appellant, the Panel Hearing may proceed with two members provided that:

- one of the two members is a member of the Academic Regulations Subcommittee or a member of staff approved to act as the chair of a hearing and;

- the appellant has no objections to proceeding with a two member Panel.

9.33 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.

9.34 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.

9.35 All Panel members have the right to put questions to any person attending the hearing.

9.36 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.

9.37 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.

Powers of the Appeals Panel

9.38 The Appeals Panel, having heard the appeal, may conclude one of the following outcomes:

- (a) **uphold the appeal** and refer the matter to the Anglia Ruskin Awards Board with an instruction to reconsider its decision in the light of the findings of the hearing, 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;

[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 Academic Registrar]

- (b) **uphold the appeal** and declare void the appropriate MAP/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 Academic Registrar in determining the most appropriate method(s) for addressing the issues raised]

- (c) **dismiss the appeal** if it is satisfied that the appellant has failed to establish the ground of the appeal;
- (d) **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 of insufficient 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.

9.39 The Secretary notifies the appellant of the Panel's decision in writing within ten working days.

9.40 If an appeal is upheld, the Secretary forwards the Panel's conclusions to the Anglia Ruskin Awards Board for consideration. The Chair of the Anglia Ruskin Awards Board (or nominee) arranges for the Anglia Ruskin Awards Board (or a small subcommittee⁸²) to review its decision (where appropriate) in the light of the additional information provided through the appeals process within 15 working days of the date of the Secretary's letter to the appellant upholding the appeal. The appellant is, at the earliest possible opportunity, notified of the Anglia Ruskin Awards Board's decision.

9.41 A report of the hearing is produced by the Academic Registry and is submitted to the Senate's Academic Regulations Subcommittee for information.

⁸² The Subcommittee comprises three members (including the Chair or nominee) plus two other members of the school in which the appellant is based, who have not had any previous involvement in the appeal

(G) Office of the Independent Adjudicator

9.42 If an appellant is not satisfied with the outcome of the appeals process, the appellant may make representation to the Office of the Independent Adjudicator for Higher Education (OIA). For these purposes, the final communication to the appellant under Regulations 9.19 and 9.39 also serves as the 'Completion of Procedures Letter' required under OIA procedures.

9.43 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 Academic Regulations.



