

SECTION A15

ACADEMIC APPEALS

[N.B. In this section of the Regulations all references to ‘the Academic Registrar’ should be taken to include ‘or nominee’, and all references to ‘Director of Research Students’ should be taken to include ‘or equivalent’.]

Introduction

- 15.1 This section of the Research Degrees Regulations describes Anglia Ruskin University’s academic appeals policy for all students registered on a postgraduate research (PGR) award conferred by Anglia Ruskin University, including all students registered at a UK or international Associate College. 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.
- 15.2 The Research Degrees Regulations are applied fairly and consistently and in accordance with Anglia Ruskin University’s equal opportunities policy. The *Academic Regulations* (available at www.anglia.ac.uk/academicregs) provide an appeals process for taught provision and are applied in certain cases for PGR activity, as specified below.
- 15.3 In dealing with an academic appeal, privacy and confidentiality are assured unless disclosure is necessary to progress the appeal.
- 15.4 The principal method of communication with an appellant throughout the academic appeals process is the appellant’s Anglia Ruskin e-mail account. Written letters are sent as e-mail attachments. Communication is not conducted via postal services except for the final outcome.
- 15.5 If the behaviour of an appellant becomes threatening or abusive during the course of the internal resolution process or a Panel Hearing, then the Academic Registrar 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.

Grounds for an Appeal

- 15.6 A candidate registered for a research degree has the right to appeal against a decision made at any of the three key assessment points:
 - a) assessment of the research proposal;
 - b) upgrade/confirmation of registration;
 - c) examination of the thesis.
- 15.7 In addition candidates may also appeal against decisions made relating to:
 - a) the decision that there is no *prima facie* case for the award of a PhD by Published Work;
 - b) discontinuation by the FRDSC due to lack of academic progress.
- 15.8 A candidate may appeal against the outcome of assessment for any taught module delivered as a constituent element of Part 1 of a Professional Doctorate programme by using the procedure in Section 9 of the *Academic Regulations* (www.anglia.ac.uk/academicregs).

15.9 Any appeal must be based on either or both of the following grounds:

- that performance was adversely affected by illness or other factors which the candidate was unable, or for valid reasons unwilling, to divulge before the decision was made. The candidate's request must be supported by medical certificates or other documentary evidence acceptable to the Appeals Panel, indicating clearly why such evidence was not previously presented;
- that there has been a material administrative error, or that the assessment(s) was not conducted in accordance with the Research Degrees Regulations, or that some procedural irregularity has occurred.

15.10 Candidates may not appeal on any ground which:

- has already been considered and rejected unless additional evidence in support of the appeal is provided and there is a valid reason (supported by evidence) why the additional evidence was not submitted originally;
- claims that academic performance was adversely affected by ill health, where there is no medical evidence certified by a recognised medical practitioner or hospital consultant or other evidence deemed appropriate to support the application;
- disputes only the academic judgement concerning the candidate's performance in any academic work.

Submitting an Appeal

15.11 Candidates 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 Registrar within 20 working days of the date of the written notification of a decision of the Senate's RDSC.

15.12 Only in very exceptional circumstances and with the explicit agreement of the Chair of the Senate, acting on the advice of the Academic Registrar, is an appeal outside the normal time limits considered.

15.13 A candidate wishing to appeal on grounds of illness is required to send to the Academic Registrar supporting documented medical evidence, explaining the reasons why the evidence was not originally presented.

15.14 A candidate 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 Research Degrees 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 will notify the candidate's Director of Research Students that an appeal has been submitted.

15.15 The Academic Registrar has the right to call for additional written evidence from the candidate and/or Anglia Ruskin University staff and to include any such additional evidence as s/he thinks is conducive to a better informed judgement.

Initial Scrutiny

- 15.16 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.
- 15.17 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.
- 15.18 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.
- 15.19 The Academic Registrar notifies an appellant of the outcome of an appeal dismissed under Regulation 15.16 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.
- 15.20 On receipt of a request for a review of the initial scrutiny outcome, the Academic Registrar appoints a Director of Research Students 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 made⁵.
- 15.21 If the outcome of the review supports the original decision made under Regulation 15.16 above, the Academic Registrar **dismisses the appeal** in writing within ten working days of the review being concluded.
- 15.22 If the outcome of the review does not support the original decision made under Regulation 15.16 above, the appeal is processed in accordance with Regulation 15.23 below.

Stage 1: Investigating an Appeal

- 15.23 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 Research Students for consideration.

⁵ At his/her discretion, the Director of Research Students may contact the student to discuss the appeal as part of the review

- 15.24 If the Director of Research Students 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. In such cases, and where appropriate, the Chair of the RDSC (or nominee) arranges for the case to be reviewed 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.
- 15.25 If the Director of Research Students does not immediately uphold the appeal, an internal resolution process within the Faculty is initiated. Under the internal resolution process the Director of Research Students 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 Research Students and the recommendation arising from that discussion is reported by the Director of Research Students to the Academic Registrar, whether or not the appeal is upheld.
- 15.26 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 Research Students is not required to re-arrange the meeting but proceeds to consider the appeal. The Director of Research Students is permitted to dismiss the appeal on the grounds that the appellant has not engaged with the internal resolution process.
- 15.27 If, following the conclusion of the internal resolution process, the appeal is no longer contested by the Director of Research Students, 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 RDSC 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.
- 15.28 If, following the conclusion of the internal resolution process, the appeal remains contested by the Director of Research Students, 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.
- 15.29 Following the dismissal of an appeal at Stage 1 (under Regulation 15.28 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).
- 15.30 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.

Stage 2 - Appeals Panel

15.31 The membership of the Appeals Panel comprises:

- two academic members of the RDSC, one of whom acts as Chair. None may be members of the Faculty in which the appellant is registered nor have been associated with the appellant in any way;
- the Director or Deputy Director of the Doctoral School⁶;
- a postgraduate research student, nominated by the President of the Students' Union, who may not come from the same Faculty as the appellant.

15.32 The Examinations and Academic Appeals Manager in the Academic Registry acts as Executive Secretary to the Appeals Panel, but is not a Panel member. In addition, a Report Secretary shall be appointed by the Academic Registry.

15.33 The following have the right to be present and to speak at sittings of the Appeals Panel:

- the Director of Research Students from the appellant's Faculty
- the President of the Students' Union (or an elected representative of the Students' Union);
- the appellant and his/her friend or a representative of the Students' Union.

15.34 Neither Anglia Ruskin University nor the student whose case is being heard is legally represented during the conduct of a hearing of the Appeals Panel.

15.35 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 three members provided that:

- one of the three members is a member of the RDSC and;
- the appellant has no objections to proceeding with a three member Panel.

Procedure

15.36 On receiving the request from the Academic Registrar to convene an Appeals Panel, the Report Secretary to the Panel will, within 30 working days convene a meeting of the Appeals Panel. Prior to the panel meeting they will:

- ascertain from the appellant whether s/he objects to the attendance of the President of the Students' Union at the Appeals Panel;
- give notice to the appropriate Director of Research Students and the President of the Students' Union of the date, time and place of the meeting;
- give notice in writing to the appellant by way of personal delivery or if this is not possible by recorded postal delivery to the appellant's last known address, such notice stating:
 - (a) the nature of the appeal;
 - (b) the date, time and place of the hearing of the Appeals' Panel and its membership;
 - (c) that the appellant has a right to be heard at the hearing accompanied, if the appellant so wishes by a friend;
 - (d) that in the appellant's unavoidable absence, the appellant may be represented by a proxy (who may be a member of the Students' Union) nominated ahead of the hearing by the appellant;

⁶ If the Director and/or Deputy Director of the Doctoral School are subjects of the academic appeal in any way then, to avoid comprising the integrity of the process, a third member of the RDSC is selected as a Panel member to replace the Director and/or Deputy Director of the Doctoral School.

- (e) 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;
 - (f) 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;
 - (g) that the appellant is responsible for informing the Report Secretary of the Appeals Panel as soon as possible of the names of witnesses being called and whether the appellant wishes to be accompanied by a friend (and if so the name of the friend).
- provide members of the Appeals Panel, the appellant, the Director of Research Students and the President of the Students' Union (or elected representative) with copies of all relevant documentation.

Conduct of a Formal Hearing

15.37 Anglia Ruskin University reserves the right to involve such other individuals as it thinks appropriate to the presentation of the case.

15.38 Minutes are taken of all hearings. The minutes are kept by the Academic Registry.

15.39 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 Research Students 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 Research Students;
- final statement by the appellant or friend or representative of the Students' Union;
- final statement by the Director of Research Students.

15.40 The Director of Research Students and witnesses, the appellant and his/her 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 other's final statements.

15.41 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.

15.42 The Secretary will inform the appellant of the decision within 10 working days.

Hearing Outcomes

15.43 The Appeals Panel sits in private and having heard the appeal decides:

- whether the appeal can be upheld;
- if so, the recommendation to make;
- if not, to dismiss the appeal.

Decisions Available to the Panel

15.44 The Appeals Panel, having heard the appeal, may, if satisfied:

For cases involving material administrative error or irregularity

- refer the matter to the relevant university committee with an instruction to reconsider its decision in the light of the findings of the Appeals Panel. The normal expectation is that the committee acts accordingly. If the committee is not prepared to reconsider its original decision, a formal written statement with its reasons for not doing so, must be submitted to the Academic Registrar by the chair of the committee;

For cases involving Illness or Other Factors

- if it is satisfied that the appellant's performance in the assessment was adversely affected by illness or other factors which s/he was unable, or unwilling for valid reason to divulge before the assessment, the Appeals Panel will refer the matter to the relevant university committee with an instruction to reconsider its decision. The normal expectation is that the committee will act accordingly. If the committee 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 by the chair of the committee;

For cases involving an examination decision

If the Appeals Panel decides that a candidate has valid grounds for an appeal then the following is recommended to the next meeting of the RDSC:

- that the candidate be given the opportunity to be examined as a first attempt. This may be with or without a viva voce examination;
- that the candidate be given the opportunity to resubmit. This may be with or without a viva voce examination.

Where there are 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.

15.45 The Secretary notifies the appellant of the Panel's decision within 10 working days. The Secretary forwards the Panel's recommendation to the RDSC for consideration. The appellant is, at the earliest possible opportunity, notified of the Subcommittee's decision.

15.46 A report of the hearing is submitted to the RDSC for information.

Office of the Independent Adjudicator

15.47 If an appellant is not satisfied with the decision of the Appeals Panel, 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 Regulation 15.45 also serves as the 'Completion of Procedures Letter' required under OIA procedures.