

College Appeal Regulations (CAR) 2011-12

- 2.125. The *College Appeal Regulations* (CAR) provide a single process for students who wish to appeal against outcomes arising from the following procedures:
- i. *Student Disciplinary Procedure*, as detailed in the *Code of Student Discipline*;
 - ii. *Professional Capability and Fitness to Practise Procedure*, as detailed in the *Code of Student Discipline*;
 - iii. *Regulations for Assessment Offences*;
 - iv. *Student Complaints Policy*;
 - v. disciplinary actions taken under the *Library Regulations*;
 - vi. disciplinary actions taken under the *Residences Regulations*;
 - vii. decisions to terminate the registration of a student (including research students);
 - viii. regulations and procedures for upgrade from MPhil to PhD and other decisions relating to the progression of research students;
 - ix. decisions of examination boards or research examination panels (academic appeals);
 - x. decisions on student bursaries, scholarships and grants administered by QMUL.
- 2.126. In all cases, the original outcome shall be final and not varied until and unless a successful appeal results in an alternative decision. For example, where a student is excluded due to academic failure, the student shall not be reinstated until the appeal process is complete and the outcome of the appeal results in an amendment of the original decision. Similarly, a student issued with notice to quit their room in halls of residence must leave QMUL accommodation on the prescribed date; extensions to the notice period shall not be granted, and the student shall be re-housed only in the event that the notice to quit is revoked as a result of the appeal process.

Definitions

- 2.127. In the *College Appeal Regulations*:
- i. *Outcome of a procedure* refers to a decision, result or other outcome from the relevant procedures and regulations;
 - ii. *Academic appeal* refers to a request for the review of an examination board decision;
 - iii. *Principal's nominee* refers to a designated Vice-Principal or other appropriate person, to whom the Principal delegates authority for the final review of appeals.

Authority and delegations

- 2.128. Senate shall be responsible for the approval of the *College Appeal Regulations*.
- 2.129. The Principal shall assume overall responsibility and authority for the operation of QMUL's regulations. The Principal shall normally delegate authority for the operation of the *College Appeal Regulations* (CAR) to a Vice-Principal. The Principal may authorise substitutes to act where any person referred to in these regulations is unable to do so.
- 2.130. The Academic Secretary may delegate authority to a senior member of administrative staff.

2.131. Senate may appoint Deputy Appeal Board Chairs, who shall have the authority to act in situations where the Chair is absent, has a conflict of interest, or requests that the Deputy Chair acts.

Grounds for appeal

2.132. A student may appeal on one or more of the following grounds:

- i. procedural error: Where the process leading to the decision being appealed against was not conducted in accordance with QMUL's procedure, such that there is reasonable doubt as to whether the outcome might have been different had the error not occurred. Procedural error shall include alleged administrative or clerical error, and bias in the operation of the procedure.
- ii. that exceptional circumstances, illness, or other relevant factors were not made known at the time for good reason, or were not properly taken into account.

2.133. 'Good reason' requires a student to demonstrate that circumstances beyond their control prevented the disclosure of the relevant factors at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances shall not count as 'good reason' for the purposes of these regulations.

2.134. All appeals shall be considered on their merit; however, the following shall not be deemed legitimate grounds for appeal. Any appeals founded exclusively on one or more of these grounds shall be rejected automatically:

- i. appeals against the academic judgment of internal or external examiners;
- ii. appeals based upon the informal assessment of a student's work by members of academic staff;
- iii. retrospective reporting of extenuating circumstances that might reasonably have been made known at the proper time;
- iv. marginal failure to attain a higher classification of award;
- v. in the case of disciplinary matters, the provision of an apology by a student for their actions shall not be deemed reason for an appeal to be heard;
- vi. lack of awareness by a student of the relevant procedure or regulations;
- vii. vexatious appeals.

Making a request for appeal

2.135. A student must submit a request for appeal to the Academic Secretary (or nominee), in writing. An appeal request must normally be made within 14 days of the formal notification of the decision being appealed against. This shall normally be the date given on the decision letter. The Academic Secretary (or nominee) may use discretion to consider and allow a late request where a student demonstrates good reason for delay.

2.136. A student must detail the grounds on which the appeal is based in their appeal request, outlining the supporting evidence to be submitted and stating whether the student desires an interview with the Academic Secretary (or nominee). Supporting evidence shall be submitted by the student together with the appeal request or within seven days of submission of the appeal request, and shall provide proof of the points covered in the written request for appeal (for example, medical certification). The Academic Secretary (or nominee) may use discretion to allow late submission of evidence where a student demonstrates good reason for delay.

2.137. In all requests for appeal, each student must provide their full name, programme and year of study, student number, details of the decision being appealed against, and the grounds for appeal.

Actions on receipt of a request for appeal

2.138. On receipt of an appeal request, the Academic Secretary (or nominee) shall make enquiries into the request for appeal as required. These enquiries may involve interviewing the student, consulting documentation from the process leading to the original decision, and discussions with those responsible for the original decision.

2.139. The Academic Secretary (or nominee) and the Chair of the relevant College Appeal Panel shall consider the case to determine whether the grounds for appeal have been met.

2.140. Appeal requests may be rejected on the basis that there is clearly no case to be heard:

- i. where an appeal is determined to be vexatious or frivolous; or,
- ii. where evidence submitted by a student discloses no grounds for appeal; or,
- iii. where no information is provided to explain why extenuating circumstances were not disclosed at the proper time, or where the appeal relies upon grounds that were considered in making the original decision.

2.141. A student shall normally be notified of the outcome of their appeal application within 28 working days from the receipt of the submission of supporting evidence. Where a case is likely to take longer than 28 days, students shall be notified to this effect.

Actions where there is evidence that the grounds for appeal are met, or that the appeal should be heard

2.142. Where it is determined that there is clear evidence that the grounds for appeal have been met, and the grounds are of either an administrative or regulatory nature, the Academic Secretary (or nominee) and appropriate Chair may take action to remedy the situation, without referral to an Appeal Panel or referral back to the original decision making body.

2.143. Where there is substantive evidence that extenuating circumstances were either not considered appropriately, or - for good reason - could not have been made known at the time of the original decision, the Academic Secretary (or nominee) and appropriate Chair may refer to the case back to the body that made the original decision for reconsideration.

2.144. Where the Academic Secretary (or nominee) and appropriate Chair cannot agree upon a course of action, cases shall be referred to the Appeal Panel for consideration.

Appeal Panel composition

2.145. The membership of the Appeal Panel shall be as follows:

- i. a Chair, appointed by Senate for the relevant category of appeal;
- ii. one member of academic staff, drawn from a panel appointed for the purpose by Senate;
- iii. one student member, normally the President of the Students' Union (or nominee);

- iv. one external member. This may be either a lay member of Council, drawn from a pool nominated by Council for the purpose, or else another external person drawn from a pool approved by Senate for the purpose.
- 2.146. For appeals against a decision of the Professional Capability and Fitness to Practise Committee, for students undertaking primary medical or dental qualifications including Foundation Year 1, an additional member shall be appointed. This member shall either be drawn from the Postgraduate Deanery, or else be a senior member of staff from another medical or dental school. The additional member shall be a registered practitioner of the profession in question.
- 2.147. Members of the Appeal Panel shall not have been involved in making the decision being appealed against.
- 2.148. Chairs and Deputy Chairs of Appeal Panels shall be appointed by Senate, normally for terms of three years. Senate shall appoint Chairs and Deputy Chairs to the following categories:
- i. Academic Appeals (requests for the review of examination board or research examination panel decisions);
 - ii. Professional Capability and Fitness to Practise, for students registered for primary qualifying medical and dental qualifications and Foundation Year One doctors;
 - iii. Student Disciplinary Committee;
 - iv. Student Complaints Procedure;
 - v. Assessment Offences;
 - vi. Research Degrees: decisions to exclude students, decisions resulting from the MPhil to PhD upgrade process, and other decisions relating to the progression of research students;
 - vii. Decisions arising from the application of regulations other than those detailed above.
- 2.149. Excepting appeals against decisions of the Professional Capability and Fitness to Practice Committee, and excepting all Chairs, Appeal Panels shall be individually constituted for each case or group of cases by Chairs, on the advice of the Academic Secretary (or nominee), drawing upon the categories of membership identified above.

Appeal Panel terms of reference

- 2.150. The terms of reference of Appeal Panels are:
- i. to hear the student's submission;
 - ii. to hear QMUL's submission;
 - iii. to consider and determine whether or not the grounds for appeal have been met;
 - iv. to agree:
 - a. To uphold the original decision; *or*,
 - b. To refer the original decision back to the relevant body for reconsideration; *or*,
 - c. To uphold the appeal and agree an appropriate course of action for the case. Where a range of penalties were available to the original decision making body, Appeal Panels may not impose more severe penalties than those that were originally imposed.

Appeal Panel procedure

- 2.151. The student shall receive at least 10 days' notice, in writing, of the date, time and location of the Appeal Panel meeting.

- 2.152. The Appeal Panel shall receive the original documentation considered by the decision making committee, and any relevant additional documentation relating to the appeal; this shall include the written appeal request and any response to the request from QMUL.
- 2.153. The student shall receive the same set of documentation as the Appeal Panel.
- 2.154. All papers and proceedings shall be confidential.
- 2.155. The student may be accompanied, or represented, by any one person of their choosing. A QMUL representative shall put QMUL's case to the Panel.
- 2.156. The Appeal Panel meeting shall normally follow the following format:
- i. the student (or representative) shall address the Appeal Panel. The student and the QMUL representative may remain present throughout. The Appeal Panel members shall ask the student questions relevant to the case;
 - ii. the QMUL representative shall put forward QMUL's case. The Appeal Panel shall ask the QMUL representative questions relevant to the case;
 - iii. additional witnesses may present to the Appeal Panel, where permitted by the Chair;
 - iv. the Appeal Panel shall meet alone to consider its decision.
- 2.157. The Appeal Panel shall inform the student of its decision and the reasons for it within three working days of the meeting. The decision shall be confirmed in writing within seven days of the meeting. This letter shall be known as QMUL's Completion of Procedures Letter.
- 2.158. For academic appeals where the decision is referred back to the original examination board, the Chair of the Examination Board shall consult with the relevant internal examiner and the Academic Secretary (or nominee). Chair's Action may be employed where decisions are beneficial to students (that is, less severe than the original decisions). Otherwise, the examination board shall be reconvened to consider the case.

Final appeal to the Principal's nominee

- 2.159. A student dissatisfied with the outcome of a request for appeal may appeal to the Principal's nominee within four weeks of receipt of the Completion of Procedures letter. Such appeals shall be permitted only on the grounds that the procedure set out in the *College Appeal Regulations* was not followed.
- 2.160. The Principal's nominee has the discretion to consider and allow late requests where students are able to demonstrate good reason for the delay.
- 2.161. On receipt of a final appeal, the Principal's nominee shall consider the case and decide either:
- i. that the appeal was conducted according to the regulations; or,
 - ii. that the appeal was not conducted according to the regulations.
- 2.162. Where the Principal's nominee decides that an appeal was not conducted according to the regulations, it shall be referred back to the Academic Secretary (or nominee) for reconsideration through the appeal process.
- 2.163. Review by the Principal's nominee shall be the final stage of QMUL's procedures. Once completed, the Academic Secretary (or nominee) shall issue the student with a further Completion of Procedures letter to indicate that a final review has occurred.

Review by the Office of the Independent Adjudicator for Higher Education

2.164. The student may request that their case be reviewed by the OIA once the Completion of Procedures letter has been issued, to confirm that QMUL's procedures were completed. Information on the OIA scheme and its processes may be found at www.oiahe.org.uk.