

**ACADEMIC APPEALS**

**REGULATIONS AND**

**PROCEDURE 2019/2020**

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# PART A: REGULATIONS

# SECTION A1: INTRODUCTION

1.1 The University’s Academic Appeals Regulations should be read in conjunction with Part B: Academic Appeals Procedure for Taught Courses or, for students studying a research degree, Part B: Academic Appeals Procedure for Research Degrees.

1.2 The University’s Academic Appeals Regulations and Procedures apply to:

* Students studying at the University of South Wales, including at the Dubai Campus and University of South Wales courses through distance delivery.
* Students studying at the Royal Welsh College of Music and Drama (RWCMD).

*(NB Any reference made to ‘faculties’ or ‘faculty’ in the regulations should also be read as ‘the College’.)*

* Students studying university courses at the University’s partner institutions.
* Students studying on work placements or engaged in work-based learning.
* Students on an approved leave of absence.
* Apprentices.

*(NB Any reference to ‘student(s)’ should also be read as ‘apprentice(s)’. Information on the receipt and outcome of academic appeals for apprentices will be provided to the Dean of Faculty (or nominee), who will inform the apprentice’s employer.)*

1.3 The Regulations and Procedures allow students to appeal following a decision of an Award and Progression Assessment Board, the Research Degrees Committee or the Faculty Research Degrees Committee or its progression board.

# SECTION A2: GENERAL PRINCIPLES

**Appeals from third parties**

2.1 The University expects students to submit appeals themselves. Should a submission be required by a third party on behalf of a student valid reasons must be provided, along with evidence and written authorisation that the student has agreed for the third party to act on their behalf.

**Presumption of good faith and conduct**

2.2 The application of the Regulations by the University will be in good faith and any appeal submitted by a student will also be in good faith.

2.3 It is expected that students submitting appeals, and their representative(s), behave in an appropriate manner. If the University deems that their behaviour is unacceptable, action may be taken under the Student Conduct Regulations.

# Evidence

2.4 All appeals must be supported by written independent evidence, or they will not be accepted.

2.5 The University has the right to check or verify any evidence submitted. If a student submits any evidence that turns out to be false, an investigation under the Student Conduct Regulations will commence. The appeal will be put on hold until an outcome is reached under the alternative regulations.

**Group appeals**

2.6 Where an appeal is submitted by a group of students, one member of the group should be nominated as the main contact. Each member of the group must confirm in writing that they wish the nominated individual to act in this capacity and that the appeal reflects their concerns. The nominated contact will receive updates on the appeal on behalf of the group. All members of the group will receive notification of the outcome individually.

**Confidentiality**

2.7 Information supplied within an appeal will only be provided to appropriate members of staff.

2.8 The University will not disclose any information to third parties regarding investigations and outcomes from student appeal cases unless legal exceptions under data protection laws apply or the student has given the University written authority to do so.

2.9 If students have any concerns regarding the disclosure of information detailed within their appeal they should contact the Student Casework Unit.

**Attendance at graduation**

2.10 Students who are eligible to receive a University award and wish to appeal should seek advice from the Advice Zone if they wish to attend their upcoming graduation ceremony.

2.11 Where a student’s appeal is still in progress at the time of the graduation ceremony they may not be able to attend that particular graduation ceremony. A decision on attendance will be made by the Chair of the Award and Progression Assessment Board and will depend on the individual circumstances of the case.

2.12 Students will not be issued with their certificate until the outcome of the appeal is known.

2.13 Once an appeal investigation has been completed students will, if eligible, be able to attend the next available graduation ceremony.

**Status of students during appeals**

2.14 While an appeal is ongoing students should prepare to complete any resit assessments or other progression requirements.

2.15 Students will not normally be allowed to progress to the next stage of their study while their academic appeal outcome is pending.

# Appeals and complaints

2.16 Where it is considered that an appeal contains elements of complaint, a decision will be made on whether the appeal as a whole, or elements of it, should be reclassified and processed using the Student Complaints Regulations. Where an appeal and complaint cannot be separated the University will investigate the issues raised together. The investigation will then inform both the outcome of the appeal and complaint. The Student Casework Unit will discuss any decisions made on the status of the appeal with the faculty and the student concerned.

2.17 Appeals about the inadequacy of supervision or support during the period of study will not be accepted as grounds for appeal but must be raised as a complaint.

2.18 Where a student considers that they have been treated in a biased manner these issues should be raised through the Student Complaints Regulations for investigation. Students are required to provide evidence to support any claims of bias.

2.19 Issues that have been considered under the Academic Appeals Regulations and Procedures cannot subsequently be used as a ground for complaint.

**Unreasonable behaviour**

2.20 Appeals which, following initial consideration, the University considers to be vexatious or appeals that are being pursued by a student in an unreasonably persistent manner, will not be considered and could result in action being taken under the Student Conduct Regulations. In this context ‘unreasonably persistent’ means, for example, that the appeal is being made in a way that is obsessive, prolific or repetitious, or might be considered to be harassment. It may be one that is being pursued in a way that hinders the ability of the University to carry out its appeals process. A ‘vexatious appeal’ is one that the University considers is designed to cause disruption or annoyance, or makes demands for redress that lack serious purpose or value.

2.21 Where the Associate Registrar (Student Casework) (or nominee) considers that an appeal is being pursued in an unreasonably persistent or vexatious manner the student will be written to and informed that the University will not consider the appeal any further. Reasons for this decision will be given and a University Completion of Procedures Letter will be issued.

2.22 Further information can be found in the guidance for unacceptable behaviour.

**SECTION A3: STAGES IN THE HANDLING OF ACADEMIC APPEALS**

The University has three stages to its Academic Appeals Procedure:

**Stage 1 - Early resolution**

3.1 Students will be able to discuss any concerns regarding their results, with either an academic member of staff or with a member of staff from the Advice Zone.

**Stage 2 – Consideration by the faculty**

3.2A nominee of the Dean of Faculty where the course resides will consider a student’s appeal and provide their response to the Student Casework Unit, which will inform the student.

**Stage 3 – Review of the decision at stage 2**

3.3 The Academic Registrar (or nominee) will determine if there is a demonstrable case for review. If there is a basis for review, a Review Panel will be convened to consider the case.

Details of the process at each stage can be found in Part B: Procedure for Taught Courses

and Part C: Procedure for Research Degrees.

**PART B: PROCEDURE FOR TAUGHT COURSES**

# SECTION B1: STAGE 1 - EARLY RESOLUTION

1.1 You will be given the opportunity to discuss your end of year outcomes following publication of your results.

1.2 Prior to submitting an appeal for consideration you are advised to discuss any concerns you have regarding your results or the decision of the Award and Progression Assessment Board with the appropriate member of staff. This may be your Module Leader or Course Leader, or if you believe that there has been an administrative error you should contact the Advice Zone. If it has not been possible to resolve all of your concerns then you may submit an academic appeal.

**SECTION B2: STAGE 2 – CONSIDERATION OF YOUR APPEAL BY THE FACULTY**

**Timescales**

2.1 You must submit your appeal within 10 working days of publication of results using the ‘Stage 2 Appeal Form’ **and include appropriate supporting evidence**, This could include, for example, email correspondence from your tutors/supervisors to support your allegation or copies of assessments that include unclear guidance.

Appeal forms are available at: <https://registry.southwales.ac.uk/student-regulations/academic-appeals/>.

2.2 Late appeals will only be accepted if you can provide good reason, supported by written independent evidence, for submitting an appeal outside of the specified timescale. We cannot accept appeals more than two months after the publication of your results by the relevant assessment board.

2.3 Where it is identified that swift consideration of your appeal is required, for example when progress or delays will affect your health, the University will ensure this is highlighted to the staff considering the appeal.

**Ground for appeal**

2.4 Appeals can only be submitted on the following ground:

Material procedural defect or irregularity, which is relevant to the outcome of the academic decision.

Students must demonstrate one or more of the following categories:

1. there has been an administrative error;
2. proper process has not been followed in relation to assessments;
3. there were defects in the advice provided in relation to assessments;
4. an academic decision was not arrived at in accordance with the regulations of the course.

2.5 An appeal will not be accepted on the basis of a disagreement with the academic or professional judgement of the assessment board, ie, you believe you deserve a higher mark or different outcome. Academic and professional judgement includes assessing a specific piece of work, and/or reaching a decision on your progression, or on the final level of the award, based on the marks, grades and other information relating to your performance.

**Processing your appeal**

2.6 Upon receipt of your stage 2 appeal, the Student Casework Unit will check that the form has been correctly completed, includes all appropriate evidence and was submitted within 10 working days of the publication of the assessment results or is permissible under section B2 2.2. If this is the case the appeal will be referred to the faculty for consideration.

2.7 If your appeal does not meet the requirements set out in section B2 2.1 it will be returned to you along with a University Completion of Procedures Letter (see section B5).

2.8 If your appeal is eligible for consideration, it will be referred to a nominee within the faculty at Academic Manager level or above (the Nominee). The Nominee will not have been involved in the consideration of your results.

2.9 Stage 2 appeals will be dealt with on the basis of the documentation that you have provided. Exceptionally, you may be invited to a meeting to clarify details of the appeal. If the Nominee requires additional information to assist them in reaching a decision on the outcome of an appeal you will be given five working days in which to confirm that you intend to provide the additional information and the timeframe in which the information will be submitted. If the information is not submitted within the timeframe and a rationale for the delay is not provided a decision will be made on the appeal without the additional information.

2.10 The Nominee has 15 working days from the date that you provide the final relevant piece of documentation to review the appeal and provide a response, with a rationale as to the decision, to the Student Casework Unit. The Student Casework Unit will write to you with the outcome of the appeal within five working days of receipt of the faculty response.

2.11 Where it is not possible for the University to adhere to the specified timescales, for example due to the complexity of the case, the University will write to you providing a rationale for the delay and a revised date for the outcome of your appeal.

**Outcome**

2.12 Marks for assessments, modules or degree classifications cannot be raised or amended unless there has been an administrative error, for example a mark has been incorrectly calculated.

**SECTON B3: STAGE 3 – REVIEW**

**Grounds for review**

3.1 You are entitled to submit a stage 3 request for review of the stage 2 decision on the following grounds:

1. You have evidence that the procedures at stage 2 were not conducted in line with the regulations and this has materially disadvantaged you.
2. You have new and relevant evidence that **for good reason** was not available at the time your stage 2 appeal was submitted. *(NB Sensitive personal, family or cultural reasons will not be accepted as good reason as they should have been drawn to the University’s attention at stage 2)*.

This information should not have been accessible or known to you when the stage 2 appeal was submitted. Information that was available and not provided with the stage 2 appeal will not be considered valid grounds for a request for review.

1. You have evidence thatthe outcome at stage 2 was not reasonable in the circumstances.

3.2 You are only entitled to access stage 3 once stage 2 has been completed.

3.3 You are not able to introduce any new issues at stage 3.

**Timescales**

3.4 You must submit your stage 3 request for review within 10 working days of notification of the outcome of stage 2 using the ‘Stage 3 – Request for Review Form’ and include appropriate evidence. Request for review forms are available at <https://registry.southwales.ac.uk/student-regulations/academic-appeals/>.

3.5 Late requests for review will only be accepted if you can provide good reason, supported by written independent evidence, for submitting your request outside of the timescales specified in B3 3.4.

3.6 Where it is identified that swift consideration of your request for review is required, for example, when progress or delays will affect your health, the University will ensure this is highlighted to the relevant staff.

3.7 Where it is not possible for the University to adhere to the specified timescales, for example due to the complexity of the case, the University will write to you providing a rationale for the delay and a revised date for the outcome of your review.

**Initial consideration of case**

3.8 The Academic Registrar (or nominee) will consider your request for review within 10 working daysof submission of the request.

3.9 If the Academic Registrar (or nominee), after considering the stage 3 request for review, concludes that:

1. it does not meet the grounds above set out in B3 3.1;
2. it was submitted outside the 10 working day deadline;
3. it does not include the appropriate evidence;

the request for review will be disallowed and the original decision will stand. You will be issued with a University Completion of Procedures Letter within five working days.

3.10 If the Academic Registrar (or nominee) decides that the request for review meets one or more of the grounds, the following action may be taken:

1. If the case is straightforward, it will be referred back to the relevant Award and Progression Assessment Board for reconsideration.
2. If the case is complex, it will be referred to a Review Panel, which will be comprised of members from the Review Board

**Review Board**

3.11 The Review Board will consist of:

* four members appointed by Academic Board;
* four academic representatives of each faculty (as a minimum).

3.12 The Review Panel will consist of:

* + one of the members of the Review Board appointed by Academic Board (Chair);
  + one of the academic representatives on the Review Board, drawn from faculties unconnected with the appeal under consideration;
  + President of the Students’ Union (or nominee).

A member of the Student Casework Unit will provide administrative support.

3.13 The Review Panel will be convened within 20 working days.

3.14 In order to permit full consideration of the request for review the Student Casework Unit may request relevant information from the faculty/campus. The purpose of the Review Panel is to review the procedures at stage 2 or consider whether it was reasonable that evidence was not provided at stage 2 and not to rehear the case.

3.15 The Review Panel will make one of the following decisions:

1. That the appeal is rejected and no further action will be taken.

In this case, the decision of the Review Panel will be communicated to you within five working days of the meeting. The decision will be final and the matter will be

regarded as closed.

1. That the matter is referred back to the Chair of the Award and Progression Assessment Board for reconsideration.

In this case, the decision of the Review Panel will be communicated to you within five working days of the meeting. The decision of the Chair of the Award and Progression Board will be provided to the Academic Registrar (or nominee) within 10 working days and the decision will be communicated to you within a further five working days.

3.16 In exceptional cases, the Review Panel may require that the full Award and Progression Assessment Board be reconvened. Where this is the case, the Review Panel may require an officer of the Student Casework Unit to attend the meeting of the Award and Progression Assessment Board as an observer. You will be kept informed of any resultant necessary amendments to timescales.

3.17 Any meeting of the Review Panel will normally be held in private; however, you will be given the opportunity to request attendance at the meeting. Exceptionally, you may be invited to meet with the Review Panel to clarify details of your request for review.  The Chair of the Review Panel will confirm whether your request will be upheld.

3.18 There is no appeal against the decision of the Review Panel.

3.19 The Review Panel may make recommendations for consideration by the Regulations Sub-Group or Academic Board as appropriate on any matters arising from the consideration of appeals.

# SECTION B4: MONITORING

4.1 The Student Casework Unit will monitor the actions taken in relation to the management of academic appeals. A report will be submitted to the annual meeting of the Student Casework Group.

4.2 The Student Casework Group may make recommendations for consideration by the Learning, Teaching and Enhancement Committee, Quality Assurance Committee, Academic Board and Research Degrees Committee, as appropriate, on any matters arising from the consideration of appeals that require amendments to regulations.

**SECTION B5: OFFICE OF THE INDEPENDENT ADJUDICATOR**

5.1 If you are unhappy with the outcome of your stage 2 appeal or if your request for review is unsuccessful you may, following issue of a University Completion of Procedures Letter, lodge a complaint with the Office of the Independent Adjudicator (OIA).

5.2 Details of the OIA and the relevant information in relation to the Scheme can be accessed at [www.oiahe.org.uk](http://www.oiahe.org.uk). Further information and advice can be obtained from the Student Casework Unit.

# PART C: PROCEDURE FOR RESEARCH DEGREES

# SECTION C1: STAGE 1 - EARLY RESOLUTION

1.1 Prior to submitting an appeal for consideration you are advised to discuss any concerns you have regarding your results or the decision of the Research Degrees Committee/Faculty Research Degrees Committee or its progression board.

with a member of your supervisory team/Graduate School. If it has not been possible to resolve all of your concerns then you may submit an academic appeal.

**SECTION C2: STAGE 2 – CONSIDERATION OF YOUR APPEAL BY THE**

**FACULTY/GRADUATE SCHOOL**

**Acceptable issues for appeal**

2.1 You are able to appeal about:

* the decision of the Faculty Research Degrees Committee or its progression board regarding progression or transfer;
* the examination decision of the Research Degrees Committee.

**Ground for appeal against the decision of the Faculty Research Degrees Committee or its progression board**

2.2 Appeals can only be submitted on the following ground:

Material procedural defect or irregularity, which is relevant to the outcome of the academic decision.

Students must demonstrate one or more of the following categories:

1. there has been an administrative error;
2. proper process has not been followed in relation to assessment of your progress;
3. an academic decision was not arrived at in accordance with the regulations of the course.

**Ground for appeal against an examination decision of the Research Degrees Committee**

2.3 You can only submit an appeal on the following ground:

Material procedural defect or irregularity, which is relevant to the outcome of the academic decision.

You must demonstrate one or more of the following categories:

1. there were circumstances affecting your performance which the examiners were not aware of at the oral examination;
2. there is evidence of procedural irregularity in the conduct of the examination (including administrative error) of such a nature as to cause doubt as to whether the result might have been different had there not been such irregularity;
3. there is evidence of unfair or improper assessment on the part of one or more of the examiners; a student may not otherwise challenge the academic judgement of the examiners.

2.4 An appeal will not be accepted on the basis of a disagreement with the academic or professional judgement of the examiners and/or Research Degrees Committee and/or Faculty Research Degrees Committee or its progression board, ie, you believe you deserve a higher mark or different outcome. Academic and professional judgement includes assessing a specific piece of work, and/or reaching a decision on your progression, or on the final level of the award, based on the marks, grades and other information relating to your performance.

**Timescales**

2.5 You must submit your appeal within 10 working days of publication of results using the ‘Stage 2 Research Degree Appeal Form’ and include appropriate supporting evidence. This could include, for example, email correspondence from your supervisors to support your allegation.

2.6 Late appeals will only be accepted if you can provide good reason, supported by written independent evidence, for submitting an appeal outside of the timescales. We cannot accept appeals more than two months after the publication of your results.

2.7 Where it is identified that swift consideration of an appeal is required, for example when progress or delays will affect your health, the University will ensure this is highlighted to the staff considering your appeal.

**Processing your appeal**

2.8 Upon receipt of your stage 2 appeal, the Student Casework Unit will check that the appeal meets all of the requirements set out in C2 2.5, or is permissible under section C2 2.6. If this is the case, your appeal will be referred to the Graduate School.

2.9 If your appeal does not meet the requirements set out in C2 2.5 it will be returned to you along with a University Completion of Procedures Letter (see section C5).

2.10 If your appeal is eligible for consideration, it will be referred by the Graduate School to a nominee within the faculty at Academic Manager level or above (the Nominee), who will not have been involved in the consideration of your results.

2.11 Stage 2 appeals will be dealt with primarily on the basis of the documentation that you have provided. However, if the Nominee considers it is necessary, they may seek written or oral testimony from the examiners, from other persons present at the oral examination, from supervisors or other members of the academic staff, or further evidence or statements from you (either in writing or via a meeting with the Nominee).

2.12 If the Nominee requires additional information to assist them in reaching a decision on the outcome of an appeal you will be given five working days in which to confirm that you intend to provide the additional information and the timeframe in which the information should be submitted. If the information is not submitted within the timeframe and a rationale for the delay is not provided a decision will be made on the appeal without the additional information.

2.13 The Nominee has 20 working days from the date that you provide the final relevant piece of documentation to review the appeal and provide a response, with a rationale as to the decision, to a Head of Research that has had no prior involvement with your case.

2.14 The Nominee is able to:

a) invite the examiners to reconsider their decision; or

b) appoint new examiners; or

c) confirm the original decision of the examiners.

2.15 The Student Casework Unit will write to you with the outcome of the appeal within five working days of receipt of the final outcome by the relevant Head of Research.

2.16 Where it is not possible for the University to adhere to the specified timescales, for example due to the complexity of the case, the University will write to you providing a rationale for the delay and a revised date for the outcome of your appeal.

**SECTION C3: STAGE 3 – REVIEW**

**Grounds for review**

3.1 You are entitled to submit a stage 3 request for review of the stage 2 decision on the following grounds.

a) You have evidence that the procedures at stage 2 were not conducted in line with the regulations and this has materially disadvantaged you.

b) You have new and relevant evidence which **for good reason** was not available at the time your stage 2 appeal was submitted. *(NB Sensitive personal, family or cultural reasons will not be accepted as good reason as they should have been drawn to the University’s attention at stage 1)*.

This information should not have been accessible or known to you when the stage 1 appeal was submitted. Information that was available and not provided with the stage 1 appeal will not be considered valid grounds for a request for review.

c) You have evidence thatthe outcome at stage 2 was not reasonable in the circumstances.

3.2 You are only entitled to access stage 3 once stage 2 has been completed.

3.3 You are not able to introduce any new issues at stage 3.

**Timescales**

3.4 You must submit your stage 3 request for review within 10 working days of notification of the outcome of stage 2 using the ‘Stage 3 – Request for Review Form’ and include appropriate evidence. Request for review forms are available at <https://registry.southwales.ac.uk/student-regulations/academic-appeals/>.

3.5 Late requests for review will only be accepted if you can provide good reason, supported by written independent evidence, for submitting your request outside of the timescales.

3.6 Where it is identified that swift consideration of your request for review is required, for example when progress or delays will affect your health, the University will ensure this is highlighted to the relevant staff.

3.7 Where it is not possible for the University to adhere to the specified timescales, for example due to the complexity of the case, the University will write to you providing a rationale for the delay and a revised date for the outcome of your review.

**Initial consideration of case**

3.8 The Academic Registrar (or nominee) will consider your request for review within 10 working daysof submission of the request.

3.9 If the Academic Registrar (or nominee), after considering your request for review, concludes that:

a) it does not meet the grounds above set out in C3 3.1;

b) it was submitted outside the 10 working day deadline;

c) it does not include the appropriate evidence;

the request for review will be disallowed and the original decision will stand. You will be issued with a University Completion of Procedures Letter within five working days.

3.10 If the Academic Registrar (or nominee) decides that your request for review meets one or more of the grounds, your case will be referred to a Review Panel.

**Review Panel**

3.11 The Review Panel will consist of:

* + Chair of Research Degrees Committee or nominee from Executive with experience of research (Chair);
  + Two senior members of academic staff who are members of either the Research Degrees Committee or a Faculty Research Degrees Committee[[1]](#footnote-1) and who have experience of examining and/or chairing research degrees.

The Review Panel will be supported by a Secretary, who will be the Director of Research and Business Engagement (or nominee)

3.12 Members of the Review Panel will be independent and will have had no prior involvement in your case.

3.13 The Review Panel will be convened within 20 working days.

3.14 In order to permit full consideration of your request for review the Secretary may request relevant information from the faculty. The Review Panel will not rehear the case but will consider your request based on the grounds stated in section C3 3.1.

3.15 Any meeting of the Review Panel will normally be held in private; however, you will be given the opportunity to request attendance at the meeting. The Chair of the Review Panel will confirm whether your request will be upheld.

3.16 Exceptionally, you may be invited to meet with the Review Panel to clarify details of your request for review. The Review Panel may also wish to meet with the Chair of the Research Degree Committee or other involved party to answer specific queries.

3.17 A Review Panel will not have the authority to set aside the decision of the Research Degree Committee and thereby to recommend the award of the degree.

3.18 The Review Panel will make one of the following decisions:

1. Reject the appeal and confirm the original decision of the examiners.

In this case, the decision of the Review Panel will be communicated to you within five working days of the meeting. The decision will be final and the matter will be

regarded as closed.

b) Invite the examiners to reconsider their decision.

c) Appoint new examiners.

In this case, the decision of the Review Panel, together with the timescales for any further required action, will be communicated to you by the Student Casework Unit within five working days of the meeting.

3.19 There is no appeal against the decision of the Review Panel.

3.20 The Review Panel may make recommendations for consideration by the Regulations Sub Group or Academic Board, as appropriate, on any matters arising from the consideration of appeals.

# SECTION C4: MONITORING

4.1 The Student Casework Unit/Graduate Research Office will monitor the actions taken in relation to the management of academic appeals. A report will be submitted to the annual meeting of the Student Casework Group.

4.2 The Student Casework Group may make recommendations for consideration by the Learning, Teaching and Enhancement Committee, Quality Assurance Committee, Academic Board and Research Degrees Committee, as appropriate, on any matters arising from the consideration of appeals that require amendments to regulations.

**SECTION C5: OFFICE OF THE INDEPENDENT ADJUDICATOR**

5.1 If you are unhappy with the outcome of your stage 2 appeal or if your request for review is unsuccessful you may, following issue of a University Completion of Procedures Letter, lodge a complaint with the Office of the Independent Adjudicator (OIA).

5.2 Details of the OIA and the relevant information in relation to the Scheme can be accessed at [www.oiahe.org.uk](http://www.oiahe.org.uk). Further information and advice can be obtained from the Student Casework Unit.

1. The appointed panel member will not be a member of the Faculty Research Degrees Committee in the faculty where the student is registered [↑](#footnote-ref-1)