



Senate

Paper title	Appeal Policy
Outcome requested	The Senate is asked to endorse the amendments and approve the revised Policy.
Points to note and further information	<p>The Appeal Policy was approved in 2019 and replaced the Appeal Regulations (though with relatively few changes).</p> <p>During the first year of operation, small adjustments that would improve the Policy have been identified, as follows:</p> <ol style="list-style-type: none"> 1. Inclusion of a new paragraph (¶6) encouraging students to try to resolve queries and issues informally in the first instance. This is not a change to Queen Mary’s processes and aligns with the use of results surgeries and other means of informal resolution. It is not linked to EQSB’s discussions in February 2020, which concerned an additional formal stage in the appeals process in which students would be ‘required’ to discuss the issues with the school/institute (EQSB supported that proposal but has placed it on hold until the electronic case management system is in place). 2. Expansion of one of the grounds for automatic dismissal of an appeal (¶15.vi): “vexatious or frivolous appeals, <u>and appeals with no evidence or grounds for the claims made.</u>” The underlined section is new, and is intended largely to define ‘vexatious and frivolous’, which can otherwise be seen as somewhat loaded terms. 3. Amendment to state that where an appeal is automatically rejected as a challenge to academic judgement, ARCS will normally ask that the marking trail be provided to the student, rather than providing it directly (¶16). This is not part of the appeal process itself, and seeking and providing the trail where it is not pertinent to the decision means that cases are held open for longer than ought otherwise to be the case. 4. Amendment to state that Queen Mary will not provide a completion of procedures (CoP) letter unless a student has been through all three stages of the appeals process, including final review. It previously stated that a student could request a CoP letter after stage two if they opted not to go to final review. Guidance from the Office of the Independent Adjudicator (OIA) has clarified that we should not issue CoP letters at that point, and the Policy has been amended to reflect this (¶26, ¶36). <p>The full Policy is appended, with the amendments shown in track changes and explained with comments.</p>
Questions to consider	Is the Senate satisfied that the first three changes are appropriate?

Regulatory/statutory reference points	OfS conditions of registration , notably sections B, E, and F. QIA Good Practice Framework: Handling complaints and academic appeals QAA: UK Quality Code for Higher Education > Advice and Guidance > Concerns, complaints and appeals
Strategy and risk	
Reporting/consideration route for the paper	Considered and endorsed by the EQSB (13 May 2020). Senate to approve.
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Appeal Policy

Scope

1. The Appeal Policy provides a single process for students who wish to appeal against outcomes arising from the following procedures:
 - i. decisions of examination boards or research degree examination panels on assessment, progression, or award.
 - ii. the [Code of Practice on Academic Misconduct](#).
 - iii. decisions to terminate the registration of a student (including research students).
 - iv. the [Fitness to Practise and Professional Capability Regulations](#).
 - v. the [Code of Student Discipline](#).
 - vi. disciplinary action taken under the [Library Regulations](#).
 - vii. disciplinary action taken under the [Halls of Residence Regulations](#).
 - viii. decisions on student bursaries, scholarships, and grants where these are administered by Queen Mary.
2. The Appeal Policy applies to all students, irrespective of cohort.
3. Queen Mary aims to complete all stages of its appeal procedures (including final review, where appropriate) within 90 calendar days of receipt of the appeal request. If it becomes necessary to exceed 90 days the student will be informed of the reasons for the delay and a revised timeframe.
4. In all appeal cases, the original outcome is final and not varied until and unless a successful appeal results in an alternative decision. For example, a student deregistered as a result of academic failure will not be reinstated until and unless the appeals process is complete and results in an amendment to the original decision. Similarly, a student issued with notice to quit their room in halls of residence must vacate the room on the prescribed date; extensions to the notice period will not be granted and the student will be re-housed only in the event that the notice to quit is revoked as a result of the appeal process.

Terminology

5. In the Appeal Policy:
 - i. 'outcome of a procedure' refers to a decision, result, or other outcome from one of the relevant procedures.
 - ii. 'academic appeal' refers to a request for the review of a decision of an examination board or research degree examination panel relating to assessment, progression, or award.
 - iii. 'completion of procedures letter' refers to a letter issued at the end of Queen Mary's internal procedures. It provides details of the appeal, a summary of the evidence that was submitted and considered, the decision of Queen Mary to uphold or reject the appeal, and the reason for that decision.
 - iv. 'Chair' refers both to Chairs and to Deputy Chairs of [Appeal Panels](#).

Informal resolution

~~6.~~ In many cases, the issues at the centre of an appeal can be resolved informally. For example, if a student does not understand why they received a particular mark or other outcome, they should query this with their academic school or institute in the first instance, and engage with examination results surgeries; the school/institute may be able to explain why that result was given or, if there was a genuine error, resolve the matter. This can provide a faster and more satisfactory outcome.

Appeal Panel Chairs

~~7.6.~~ The Senate will appoint an Appeal Panel Chair and Deputy Chairs to consider appeals, normally for terms of three years. Deputy Appeal Chairs have authority to act on behalf of the Chair, where appropriate. The Principal will appoint an Acting Appeal Chair if the Chair and/or Deputy Chair is unable to act.

Grounds for appeal

~~8.7.~~ A student may appeal on one or both of these grounds:

- i. 'Procedural error'. The process leading to the decision being appealed against was not conducted in accordance with Queen Mary's procedure, such that there is reasonable doubt as to whether the outcome might have been different had the error not occurred. Procedural error includes administrative error, and bias in the operation of the procedure.
- ii. 'Exceptional circumstances'. Exceptional circumstances, illness, or other relevant factors were not made known for [good reason](#), or were not properly taken into account.

~~9.8.~~ 'Good reason' requires a student to demonstrate that circumstances beyond their control prevented disclosure of the relevant facts at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances does not count as 'good reason' for the purposes of this policy.

Submitting an appeal

~~10.9.~~ A student must submit any appeal to the Appeals, Complaints and Conduct Office in writing, using the appeal form. The student must specify the decision appealed against, present the grounds for the appeal, and outline the supporting evidence (including evidence still to be submitted). The student may contact the Appeals, Complaints and Conduct Office to discuss the procedure.

~~11.10.~~ An appeal must be received within 14 calendar days of formal notification of the decision appealed against. This will normally be the date on the decision letter, or else the official publication of results date. The head of the Appeals, Complaints and Conduct Office may exercise discretion to consider a late request if a student demonstrates [good reason](#) for the delay.

~~12.11.~~ Supporting evidence must be submitted either with the appeal request or else within seven calendar days of receipt of the appeal request. It must provide evidence of the points detailed in the written appeal request (eg medical certification). The head of the Appeals, Complaints and Conduct Office may exercise discretion to allow late submission of evidence if a student demonstrates [good reason](#) for the delay.

Commented [SH1]: A new paragraph, encouraging students to speak with their school/institute in the first instance, particularly on what are generally matters of academic judgement.

EQSB discussed adding an additional formal stage to the Appeal Policy in which students would be required to discuss the issues with their schools/institutes in the first instance. The Board supported that approach but agreed it could not be implemented without the electronic case management system in place. This current amendment is not a formal stage in the process, or a change – it is intended to encourage students to engage with results surgeries and other sources of feedback from staff to resolve issues informally.

Actions on receipt of an appeal

~~13-12~~ On receipt of an appeal the Appeals, Complaints and Conduct Office will allocate it to a caseworker, who will determine whether or not the appeal was submitted [in time](#).

~~14-13~~ If an appeal is determined to be out of time then a [completion of procedures letter](#) will be issued to reflect that decision. The substance of the appeal will not be considered.

~~15-14~~ If an appeal is determined to be in time, it will be considered by the caseworker and Appeal Panel Chair on its individual merits. However, the following do not constitute legitimate grounds for appeal and any appeal founded exclusively on one or more of these grounds will be automatically dismissed:

- i. appeals against the academic judgement of internal or external examiners.
- ii. appeals based on the informal assessment of a student's work by academic staff.
- iii. marginal failure to attain a higher classification of award.
- iv. for disciplinary matters, the provision of an apology by a student for their actions is not deemed reason for an appeal to be heard.
- v. lack of awareness by a student of the relevant procedure or regulations.
- vi. vexatious or frivolous appeals, ~~and appeals with no evidence or grounds for the claims made.~~

~~16-15~~ Where an appeal is automatically dismissed, an outcome letter will be sent to the student explaining the reasons for that decision. The student may submit a request for [final review](#). If a student appeals a mark and this is deemed a challenge to academic judgement, ~~the student's school/institute will normally be asked to provide the marking trail as part of the outcome, the marking trail will normally be provided with the outcome letter~~ as evidence that Queen Mary's assessment procedures were undertaken correctly; ~~this does not form part of the appeal process itself.~~

~~17-16~~ Where an appeal is determined to be in time and is not automatically rejected, the caseworker will investigate the substance of the appeal. This may involve consulting documentation from the process leading to the original decision, discussions with those responsible for the original decision, interviewing the student, and other relevant enquiries. The details of the investigation will be shared with the student in a case summary. The student will be invited to comment on the case summary and on additional evidence collected by the caseworker.

~~18-17~~ The caseworker and the Chair of the appropriate Appeal Panel will consider the appeal and determine whether it is upheld or rejected, based on the [grounds for appeal](#).

~~19-18~~ If the caseworker and the Chair cannot agree on a course of action, or if a case is determined to be more complex, the case will be referred to an [Appeal Panel](#) for consideration.

Appeal outcome

~~20-19~~ The Appeals, Complaints and Conduct Office will inform a student of the outcome of an appeal request in the appeal outcome letter. This will normally be within two months of the date of receipt of the appeal request. The student will be notified if a case is likely to take longer than two months to conclude.

Commented [SH2]: This is effectively a definition of 'frivolous' and is intended to help identify and act upon appeals that fall into this category, which otherwise must be investigated in full to no purpose.

Commented [SH3]: Amended for clarity. The previous wording could be interpreted as requiring the full marking trail as part of every appeal dismissed on the grounds of academic judgement. This can be a prolonged process, and is equivalent to investigating the appeal in full in many cases. The amendment makes clear that provision of the marking trail is not part of the appeal process; the appeal process can be closed and the separate issue of providing feedback and the marking trail managed separately by the school/institute. In some cases it will be necessary to obtain the marking trail in order to determine that the appeal is a challenge to academic judgement; all appeals are considered individually and on their own merits.

Where an appeal is upheld

~~21-20.~~ If an appeal is upheld and the grounds for appeal are of an administrative or regulatory nature the Appeals, Complaints and Conduct Office and appropriate Chair may take action to remedy the situation without referral to the original decision-making body.

~~22-21.~~ If an appeal is upheld and there is substantive evidence that extenuating circumstances were either not considered appropriately or were – for [good reason](#) – not made known at the time of the original decision the caseworker and appropriate Chair will refer the case to the body that made the original decision, for reconsideration.

~~23-22.~~ Where a case is referred back to an examination board for reconsideration, the Chair of the examination may take Chair's action to confirm the outcome of this reconsideration.

Where an appeal is not upheld

~~24-23.~~ If the Chair and caseworker agree that there are no grounds for appeal then the appeal request will not be upheld and an outcome letter will be issued.

Where a student believes that an appeal was not handled appropriately or fairly

~~25-24.~~ A student may request a final review of the case if they believe there are grounds to suggest that an appeal was not handled in an appropriate or fair manner.

~~25.~~ If a student does not have grounds for a final review then this marks the end of the process. Because all stages of Queen Mary's internal processes (including final review) have not been completed they cannot request a completion of procedures letter.

~~26.~~ If a student does not have grounds for a final review then the appeal is closed they can request a completion of procedures letter.

Commented [SH4]: This is a significant change, made in line with OIA guidance – institutions should only issue CoP letters after the review stage ('Final review' at Queen Mary', and the OIA will not normally consider a case without that.

Final review

~~27-26.~~ A student may request a final review of an appeal case if they believe that it has not been handled properly or fairly. The review will be conducted by a nominee of the Principal.

~~28-27.~~ A final review request must be submitted on the proper form and must include explicit reasons for requesting the review.

~~29-28.~~ A final review request must be received by the Appeals, Complaints and Conduct Office within fourteen calendar days of the date of the appeal outcome letter. The Principal's nominee has discretion to allow and consider later requests where a student demonstrates good reason for the delay.

~~30-29.~~ New evidence or issues will not be considered in a final review unless the student can demonstrate good reason why the evidence was not made available with the formal appeal request.

~~31-30.~~ The final review process will involve a review of the existing case file by the Principal's nominee to determine whether:

- i. the appeal procedures were followed appropriately, *and*,
- ii. the appeal outcome was reasonable in light of the available evidence.

32-31. If it is determined that the case was not handled in accordance with the appeal procedures or that the outcome was not reasonable in light of the available evidence, the Principal's nominee may take corrective action where appropriate, refer the case back to the original decision-making body for reconsideration, or refer the case back to the Appeals, Complaints and Conduct Office for reconsideration under the Appeal Policy.

33-32. The student will be informed of the outcome of a final review in a completion of procedures letter. Final review is the final stage in Queen Mary's appeal procedures.

34-33. A final review will normally be concluded within 21 calendar days of receipt of the final review request. The student will be notified if a case is likely to take longer than two months to conclude.

Office of the Independent Adjudicator for Higher Education

35-34. The Office of the Independent Adjudicator for Higher Education (the OIA) is an independent body set up to review student complaints about higher education in England and Wales.

36-35. A student not satisfied with the outcome of the Queen Mary appeal process may submit a complaint to the OIA. The OIA will not normally consider a submission until a student has completed all of Queen Mary's internal procedures, including final review, and received a completion of procedures letter.

Commented [SH5]: Addition of 'including final review' in line with the previous comment against ¶26.

37-36. The OIA will consider whether Queen Mary followed its policy correctly and whether the outcome was reasonable in light of the facts of the case.

38-37. Information on submitting a complaint to the OIA will be included in the Queen Mary completion of procedures letter. Information is also available on the [OIA website](#).

Appeal Panels

39-38. In circumstances where the caseworker and the Chair cannot agree on a course of action for an appeal, or if a case is determined to be unusually complex, an Appeal Panel will be convened.

Appeal Panel composition

40-39. The membership of an Appeal Panel is as follows:

- i. the Appeal Chair (or Deputy Appeal Chair), who will chair the Panel.
- ii. a member of academic staff from a department cognate to that of the student (normally from the same Faculty), drawn from the membership of the Senate or from the Appeal Chairs/Deputy Chairs.
- iii. a further member of academic staff, not necessarily from a cognate department, drawn from the membership of the Senate or from the Appeal Chairs/Deputy Chairs.
- iv. a student member, normally the President of the Queen Mary Students' Union (or nominee).

41-40. An Appeal Panel convened to consider a decision taken under the Professional Capability and Fitness to Practise Procedure will have an additional, fifth, member. This member will be a senior member of staff and a registered practitioner of the profession in question, drawn either from Queen Mary's School of Medicine or Dentistry or from another medical or dental school.

42-41. Members of the Appeal Panel will not have been involved in the making of the decision being appealed against.

~~43-42.~~ There will be a Secretary to the Panel. The Secretary will be present throughout the hearing, including the deliberations of the Panel, and may provide advice to the Panel on policies and regulations. The Secretary will not be involved in the decision-making process.

~~44-43.~~ Appeal Panels will be individually constituted for each case or group of cases.

Appeal Panel terms of reference

~~45-44.~~ The terms of reference for an Appeal Panel are to:

- i. hear the student's submission.
- ii. hear Queen Mary's submission.
- iii. consider and determine whether the appeal is upheld or not upheld, based on the permitted [grounds for appeal](#).
- iv. agree to:
 - a. uphold the original decision; *or*,
 - b. refer the original decision back to the relevant body for reconsideration; *or*,
 - c. uphold the appeal and agree an appropriate course of action. Where a range of penalties were available to the original decision-making body, an Appeal Panel may impose a more severe penalty than that originally imposed.

Approved by the Senate of Queen Mary, June 2019

Commented [SH6]: To be updated following Senate's consideration.

Appendix: Appeal Panel Procedure

1. A student will be given at least ten calendar days' notice, in writing, of the date, time, and location of the Appeal Panel meeting.
2. The Appeal Panel will receive the original documentation considered by the decision-making body, and any relevant additional documentation related to the appeal. This will include the written appeal request and any response to that request from Queen Mary.
3. The student will receive the same set of documentation as the Appeal Panel.
4. All papers and proceedings will be confidential.
5. The student may be accompanied or represented by any one person of their choosing.
6. A Queen Mary representative will put Queen Mary's case to the Appeal Panel.
7. The student, any student representative, and the Queen Mary representative may be present throughout the hearing, but not during the Panel's deliberations.
8. Witnesses may be called to the Appeal Panel, where permitted by the Chair.
9. An Appeal Panel meeting will normally follow this format:
 - i. the members of the Panel will be introduced to those present.
 - ii. the student (or their representative) will address the Panel to make their case. The Panel may ask questions relevant to the case.
 - iii. the Queen Mary representative will address the Panel to make Queen Mary's case. The Panel may ask questions relevant to the case.
 - iv. The Panel will meet alone with the Secretary to consider its decision.
10. The student will be informed of the Appeal Panel's decision, and reasoning for that decision, within three working days of the meeting. This will be confirmed in writing within seven calendar days of the meeting, in an appeal outcome letter.