



**Senate**

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| <b>Paper title</b>                                 | Appeal Policy   |
| <b>Outcome requested</b>                           | The Senate is asked to <b>approve</b> the revised Appeal Policy, following endorsement by EQSB at its May 2021 meeting.   |
| <b>Points to note and further information</b>      | <p>The Queen Mary Appeal Policy has been revised for the upcoming academic year.</p> <p>The main revisions to the Policy are as follows:</p> <ul style="list-style-type: none"> <li>• The role of Deputy Chair has been removed – all decision makers will be known as Chairs of the Appeal Panel.</li> <li>• The automatic rejection of appeals based solely on the qualifying grounds will be decided by the head of the Appeals, Complaints and Conduct Office without the need for Chair confirmation – students will still have the right to submit a request for final review.</li> <li>• Paragraph 15.ii. has been clarified to explicitly state that only marks which have been officially confirmed by the relevant examination board/s can be appealed.</li> <li>• A new process for the consideration of appeals against fee status decisions submitted by enrolled students has been inserted.</li> </ul> |
| <b>Questions to consider</b>                       | Is Senate satisfied that the proposed amendments are appropriate?<br>Are there amendments that Senate would wish to include?  |
| <b>Regulatory/statutory reference points</b>       | <ol style="list-style-type: none"> <li>1. <a href="#">QAA UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals</a></li> <li>2. <a href="#">Office of the Independent Adjudicator, The good practice framework: handling student complaints and academic appeals</a></li> </ol>  |
| <b>Strategy and risk</b>                           | <p>Aligns with the OfS conditions of continuing registration, notably C2</p> <p>Aligns with the Queen Mary Strategy 2030</p> <p>Excellence in Education Excellence in Student Engagement</p> <p>Excellence in Student Employability</p> <p>Excellence in Learning Environment</p>   |
| <b>Reporting/consideration route for the paper</b> | <p>Endorsed by EQSB at its meeting of 19 May 2021</p> <p>For consideration by Senate at its meeting on 10 June 2021</p>   |
| <b>Author</b>                                      | Dr Luke Bancroft, Appeals, Complaints and Conduct Manager   |

# 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 Policy~~.
  - 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. Any challenge to a fee status decision should be raised before a student enrolls and in accordance with the relevant Admissions procedure. If a student has enrolled and they wish to appeal against their fee status, the appeal must be submitted within 14 days of enrolment or by no later than 31 October for students joining courses that start in September. Appeals must be submitted according to these deadlines in the year the student first enrolled; appeals in subsequent years cannot be considered. Fee status appeals will only be considered on the grounds that there has been a procedural error in reaching the original decision or where new, material information is presented that could not reasonably have been made available during the original fee status assessment carried out by the Admissions Office. All appeals against a fee status decision will proceed directly to final review. The final review will be decided by an appropriate person from within Admissions who has had no previous involvement with the case. A student is not eligible to appeal a fee status decision if the decision has already been reviewed under the Admissions process.
3. The Appeal Policy applies to all students, irrespective of cohort.
4. 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.
5. 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

6. 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~~ any Chair of the Appeal Panels.

## Informal resolution

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. The Senate will appoint ~~an~~ Appeal Panel Chairs ~~and Deputy Chairs~~ to consider appeals, normally for initial 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~~ no Chair ~~and/or Deputy Chair~~ is ~~unable~~ to act.

## Grounds for appeal

8. 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. '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. 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. 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. 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.

## Actions on receipt of an appeal

13. 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. 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. 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 [by the caseworker, subject to the approval of the head of the Appeals, Complaints and Conduct Office:](#)
  - 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, [which includes work that has not yet been confirmed by the relevant examination board/s](#).
  - 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. 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, as evidence that Queen Mary's assessment procedures were undertaken correctly; this does not form part of the appeal process itself.
17. 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. 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. 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. 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.

## Where an appeal is upheld

~~20.21.~~ 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.

~~21.22.~~ 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.

~~22.23.~~ 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

~~23.24.~~ 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

~~24.25.~~ 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.

~~25.26.~~ 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](#).

## Final review

~~26.27.~~ 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.

~~27.28.~~ A final review request must be submitted on the proper form and must include explicit reasons for requesting the review.

~~28.29.~~ 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.

~~29.30.~~ 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.

~~30.31.~~ 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/or*
- ii. the appeal outcome was reasonable in light of the available evidence.

~~31.32.~~ If it is determined that the case was not handled in accordance with the appeal procedures *and/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.

~~32.33.~~ 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.

~~33.34.~~ 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

~~34.35.~~ 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.

~~35.36.~~ 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.

~~36.37.~~ 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.

~~37.38.~~ 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

~~38.39.~~ 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

~~39.40.~~ 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~~ [school/institute](#) 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~~ [school/institute](#), 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).

~~40.41.~~ 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.

~~41.42.~~ Members of the Appeal Panel will not have been involved in the making of the decision being appealed against.

~~42.43.~~ 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.

~~43.44.~~ Appeal Panels will be individually constituted for each case or group of cases.

### Appeal Panel terms of reference

~~44.45.~~ 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.

## 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.