

## Appeal Regulations

- 2.142. The *Appeal Regulations* provide 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 (academic appeals);
  - ii. [Regulations for Assessment Offences](#);
  - iii. decisions to terminate the registration of a student (including research students);
  - iv. *Professional Capability and Fitness to Practise Procedure*, as detailed in the [Fitness to Practise and Professional Capability Regulations](#);
  - v. *Student Disciplinary Procedure*, as detailed in the [Code of Student Discipline](#);
  - vi. disciplinary actions taken under the [Library Regulations](#);
  - vii. disciplinary actions taken under the Residences Regulations;
  - viii. decisions on student bursaries, scholarships and grants administered by Queen Mary.
- 2.143. Chairs and Deputy Chairs of Appeal Panels shall be appointed by the Senate, normally for a term of three years. Deputy Appeal Chairs shall have the authority to act on behalf of the Chair where appropriate.
- 2.144. The Senate shall appoint Chairs and Deputy Chairs to the following categories:
- i. Queen Mary Appeals Panel, including:
    - a. academic appeals;
    - b. decisions to terminate the registration of a student (including research students);
    - c. decisions on student bursaries, scholarships and grants administered by Queen Mary;
    - d. decisions arising from the application of regulations other than those detailed above.
  - ii. Assessment Offences;
  - iii. Professional Capability and Fitness to Practise, for students registered for primary qualifying medical and dental qualifications and Foundation Year One doctors;
  - iv. Student Disciplinary Committee.

## Definitions

- 2.145. In the *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 or research degree examination panel on assessment, progression or award;
  - iii. *Completion of Procedures letter* refers to the letter provided at the end of Queen Mary's internal procedures. The Completion of Procedures letter provides details of the appeal, a summary of the evidence submitted and considered, the decision of Queen Mary to uphold or reject the appeal, and the reason for the decision.
  - iv. Where the *Academic Registrar* is referred to, this includes the Academic Registrar or their nominee.

## **Authority and delegations**

- 2.146. The Senate shall be responsible for the approval of the *Appeal Regulations*.
- 2.147. The Principal shall assume overall responsibility and authority for the operation of Queen Mary's regulations. The Principal shall normally delegate authority for the operation of the *Appeal Regulations* to the Academic Registrar. The Principal may authorise substitutes to act where any person referred to in these regulations is unable to do so.
- 2.148. The Academic Registrar may delegate authority to a senior member of administrative staff.

## **Grounds for appeal**

- 2.149. 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 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 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.
- 2.150. 'Good reason' requires a student to demonstrate that circumstances beyond their control prevented the disclosure of the relevant facts at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances shall not count as 'good reason' for the purposes of these regulations.
- 2.151. In all cases, the original outcome is 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 appeals process is complete and the outcome of the appeal results in an amendment to the original decision. Similarly, a student issued with notice to quit their room in halls of residence must leave Queen Mary 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.

## **Submitting an appeal**

- 2.152. A student must submit an appeal to the Appeals, Complaints and Conduct Unit in writing by completing the appeal form. In the appeal form, the student must detail the decision being appealed against, present the grounds on which the appeal is made, outline the supporting evidence to be submitted and state whether an interview with the a caseworker from the Appeals, Complaints and Conduct Unit is requested.
- 2.153. An appeal must be received within 14 days of the formal notification of the decision being appealed against. This shall normally be the date given on the decision letter, or else the official publication of results date. The Assistant Academic Registrar (Student Casework) may exercise discretion to consider and allow a late request where a student demonstrates good reason for delay.
- 2.154. Supporting evidence must be submitted by the student together with the appeal request or within seven calendar days of submission of the appeal, and must provide evidence

of the points covered in the written request for appeal (for example, medical certification). The Assistant Academic Registrar (Student Casework) may exercise discretion to allow late submission of evidence where a student demonstrates good reason for delay.

### **Actions on receipt of a request for appeal**

- 2.155. On receipt of an appeal request, the Assistant Academic Registrar (Student Casework) shall allocate the request to a caseworker who will determine if the appeal was submitted in time, as specified above.
- 2.156. If an appeal is determined to be out of time then a Completion of Procedures letter shall be issued to reflect this decision. Where an appeal is deemed to be out of time, the substance of an appeal shall not be considered.
- 2.157. Where an appeal is deemed to be submitted in time the caseworker and the Chair shall consider all appeals on their merit; however, the following shall not be deemed legitimate grounds for appeal. Any appeal founded exclusively on one or more of these grounds shall be rejected automatically:
- i. appeals against the academic judgement of internal or external examiners;
  - ii. appeals based upon the informal assessment of a student's work by members of academic staff;
  - iii. marginal failure to attain a higher classification of award;
  - iv. 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;
  - v. lack of awareness by a student of the relevant procedure or regulations;
  - vi. vexatious or frivolous appeals.
- 2.158. Where an appeal is automatically rejected, an outcome letter shall be provided to the student explaining the reason(s) for the decision. Students whose appeals are automatically rejected may submit a request for final review. For cases where a student is appealing a mark and it is deemed to fall under i., above, the marking trail shall normally be provided to the student with the outcome letter as evidence that Queen Mary assessment procedures have been undertaken correctly.
- 2.159. Where an appeal is deemed to be submitted in time and is not automatically rejected the caseworker shall be responsible for investigating the substance of the appeal. These enquiries 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, who will be invited to comment upon the summary report and any additional evidence relating to the case.
- 2.160. The caseworker and the Chair of the relevant Appeal Panel shall consider the appeal to determine whether it should be upheld or rejected based on the grounds for appeal specified above.
- 2.161. Where the caseworker and appropriate Chair cannot agree upon a course of action, or the case is deemed to be more complex, cases shall be referred to the Appeal Panel for consideration.

### **Notification of outcome of an appeal**

2.162. A student shall normally be notified of the outcome of their appeal within two calendar months of the date of submission of their appeal. Where a case is likely to take longer than two months, students shall be notified to this effect. The outcome of an appeal shall be contained in the appeal outcome letter.

### **Actions where an appeal is upheld**

2.163. Where an appeal is upheld, and the grounds of appeal are of either an administrative or regulatory nature, the Assistant Academic Registrar (Student Casework) and appropriate Chair may take action to remedy the situation without referral to the original decision making body.

2.164. Where an appeal is upheld and 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 caseworker and appropriate Chair shall refer the case back to the body that made the original decision for reconsideration.

2.165. For appeals where the decision is referred back to the examination board, the Chair of the examination board shall consult with the relevant internal examiner and the Assistant Academic Registrar (Student Casework). Chair's action may be employed for this purpose.

### **Actions where an appeal is not upheld**

2.166. If the Chair and caseworker are in agreement that there are no grounds for appeal then the appeal shall not be upheld and an outcome letter shall be issued. If the student believes that there are grounds to suggest that the appeal was not handled in an appropriate or fair manner, the student may request a final review of the case. If the student does not have grounds for a final review then the student can request a Completion of Procedures letter. A student whose appeal is not upheld may submit an application to the OIA (see below).

### **Appeal Panel composition**

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

- i. a Chair, appointed by the Senate for the relevant category of appeal. If for any reason the Chair or Deputy Chair is unable to act, the Principal shall appoint an Acting Chair;
- ii. a member of academic staff of a cognate department to that of the student (normally in the same faculty), drawn from the membership of the Senate;
- iii. a member of the academic staff, drawn from the membership of the Senate;
- iv. one student member, normally the President of the Students' Union.

2.168. There shall be a Secretary to the Panel, who shall be present throughout the hearing including the deliberations of the Panel. The Secretary may provide advice to the Panel with regard to the *Academic Regulations*, but the Secretary shall not be involved in the decision making process.

2.169. 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.

- 2.170. Members of the Appeal Panel shall not have been involved in making the decision being appealed against.
- 2.171. 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 Registrar, drawing upon the categories of membership identified above.

### **Appeal Panel terms of reference**

- 2.172. The terms of reference of Appeal Panels are:
- i. to hear the student's submission;
  - ii. to hear Queen Mary's submission;
  - iii. to consider and determine whether or not the appeal is upheld or not upheld, based on the permitted grounds of appeal specified above;
  - 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 impose more severe penalties than those that were originally imposed.

### **Appeal Panel procedure**

- 2.173. The student shall receive at least ten calendar days' notice, in writing, of the date, time and location of the Appeal Panel hearing.
- 2.174. 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 Queen Mary.
- 2.175. The student shall receive the same set of documentation as the Appeal Panel.
- 2.176. All papers and proceedings shall be confidential.
- 2.177. The student may be accompanied, or represented, by any one person of their choosing.
- 2.178. A Queen Mary representative shall put Queen Mary's case to the Panel, and shall be present throughout the hearing but not during the Panel's deliberations.
- 2.179. Witnesses may be called to the Appeal Panel where permitted by the Chair.
- 2.180. The Appeal Panel meeting shall normally follow the following format:
- i. the members of the panel shall be introduced to those present;
  - ii. the student (or representative) shall be asked to address the Appeal Panel as to the substance of their appeal. The student and the Queen Mary representative may remain present throughout. The Appeal Panel members shall ask the student questions relevant to the case;
  - iii. the Queen Mary representative shall put forward Queen Mary's case. The Appeal Panel shall ask the Queen Mary representative questions relevant to the case;
  - iv. the Appeal Panel shall meet alone with the Secretary to consider its decision.

2.181. 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, in an appeal outcome letter.

### **Final review**

2.182. A student dissatisfied with the outcome of an appeal may request a final review by the Principal's nominee within fourteen days of the appeal outcome letter if they believe that their case has not been handled properly or fairly. This request must be submitted on the relevant form to include explicit reasons for requesting the review. The Principal's nominee has discretion to allow and consider late requests where a student is able to demonstrate good reason for the delay.

2.183. The final review process will involve a review of the existing case file to determine whether appeal procedures were followed appropriately and whether the outcome was reasonable in the light of the available evidence. New issues or evidence will not be considered at the review stage unless the student is able to demonstrate why this evidence was not made available with the formal request for an appeal.

2.184. If the Principal's nominee determines that the case was not handled in accordance with proper procedures, the Principal's nominee has authority to take corrective action where appropriate, or may refer the case back to the Appeals, Complaints and Conduct Unit for reconsideration under the appeal regulations.

2.185. The review by the Principal's nominee is the final stage in Queen Mary's procedures. The outcome of the final review will be communicated to the student in a Completion of Procedures letter. The final review stage will normally conclude twenty one days after the request has been submitted. Queen Mary aims to complete all stages of its appeal procedures within ninety days. In cases where it is necessary to exceed ninety days, students will be informed of the reasons for the delay, together with a revised timeframe for the conclusion of the case.

### **Review by the Office of the Independent Adjudicator for Higher Education**

2.186. A student not satisfied with the outcome provided by Queen Mary following receipt of their Completion of Procedures letter may submit a complaint to the Office of the Independent Adjudicator (OIA).

2.187. Information on submitting a complaint to the OIA shall be contained in the Completion of Procedures letter. Information on how to submit a complaint to the OIA can also be found on their website: [www.oiahe.org.uk](http://www.oiahe.org.uk).

2.188. The OIA will consider whether Queen Mary followed its policy correctly, and whether the outcome is reasonable in the light of the facts of the case. Please note that the OIA will not normally consider a submission until a student has completed Queen Mary's internal procedures.

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