

# **17 CONDUCT OF STUDENT ACADEMIC APPEALS AND REVIEWS**

## **INTRODUCTION**

### **Scope**

- 17.1** This Regulation applies to all programmes/courses of study leading to an award of the University. It provides the means whereby individual students may appeal against decisions made by a Board of Studies relating to their academic progress, the marks/grades, degrees, certificates or diplomas, and the classifications/grades awarded to them. The procedure for submitting complaints about other matters is set out in the Student Complaints Policy (<https://www.bath.ac.uk/guides/student-complaints-policy-and-procedure/>).
- 17.2** Academic Appeals may only be made against final academic decisions taken by a Board of Studies. Students who have concerns about assessment outcomes that have not yet been approved by a Board of Studies should seek advice in the first instance from their Director of Studies. This may include matters such as suspecting errors in the totalling or transcription of marks/grades or wishing to seek clarification about the marking process.

### **Principles**

- 17.3** By means of this regulation, the University ensures that students can, in good faith, submit an Academic Appeal and not be penalised for so doing. Students' requests will be addressed fairly, promptly and, so far as is compatible with proper consideration of the case, confidentially. Any complaint which might arise in this regard may be addressed by means of the Student Complaints Policy (<https://www.bath.ac.uk/guides/student-complaints-policy-and-procedure/>).
- 17.4** It is the responsibility of students making an Academic Appeal to behave responsibly and not to make unwarranted or unsubstantiated allegations concerning the personal or professional reputations or conduct of members of University staff.
- 17.5** The University reserves the right to refuse repeat Academic Appeals made on issues already considered and Academic Appeals which it deems to have been pursued without serious purpose or value. Where this is the case, students will be provided with a Completion of Procedures letter.
- 17.6** Both students and staff may seek guidance in relation to student Academic Appeals and Reviews as appropriate. For example, a student may seek guidance on drafting the appeal or request for review from an appropriate source such as the SU Bath. Academic appeals and review guidance will be published on the University website.

- 17.7** Dissatisfaction with a mark or set of marks, or any other aspect of the properly exercised academic judgement of the examiners, will not of itself be acceptable as a valid ground for an Academic Appeal.
- 17.8** An Academic Appeal cannot result in a new academic decision which is not permitted by the Assessment Regulations which govern the relevant course.
- 17.9** Responsibilities of Chairs of Boards of Studies, the Director of Academic Registry and/or the Secretary to Senate may be delegated to an appropriate senior colleague. Where there is a conflict of interest, relevant responsibilities should normally be delegated to a nominee. The relevant office holder will be responsible for decisions made under this regulation.

## **Disclosure**

- 17.10** In accordance with the provisions of Statute 28, no papers, minutes, or other records which relate to reserved areas of business shall at any time be made available to a student, except insofar as the papers, minutes or other records constitute the student's own personal data. Reserved areas of business include those concerning decisions on the academic assessment of individual students; in any case of doubt, the Chair of the Board of Studies shall decide whether a matter is a reserved area of business or not, and the Chair's decision shall be final.
- 17.11** Guidance on the disclosure of papers relating to an Academic Appeal is available on the University's Data Protection Policy webpage (<https://www.bath.ac.uk/legal-information/data-protection-policy/>). Further advice is also available from the University's Legal Adviser.

## **STAGE 1: ACADEMIC APPEALS**

### **Making an academic appeal**

- 17.12** An Academic Appeal must meet all of the following four requirements:
- a) It must relate to a final decision taken by a Board of Studies in respect of one or more of the following:
    - i. the student's suitability to progress from one stage of the programme/course of study to the next;
    - ii. the student's suitability to remain on the programme/course of study;
    - iii. the marks/grades, degrees, certificates or diplomas, and the classifications/grades awarded to the student.
  - b) It must be submitted, in writing, no more than fourteen calendar days after notification of the final decision of the Board of Studies.
  - c) It must be based on one or more of the following grounds:

*For both taught and research degrees*

- i. that there exist circumstances affecting the performance of the candidate of which the Board of Examiners have not been made aware and which the candidate could not reasonably have been expected to have disclosed to the Director of Studies in accordance with Regulation 15.6 (a) [or for Doctoral students - to have disclosed at the time of assessment];
- ii. that there were procedural irregularities in the conduct of the examinations or formal programme/course assessments (including administrative error) of such a nature as to cause reasonable doubt whether the Board of Examiners would have reached its decision had the irregularities not occurred;
- iii. that there is positive evidence of prejudice, bias or inadequate assessment on the part of one or more of the examiners;

*For research degrees only*

- iv. that there were genuine academic differences in philosophical approach or paradigms which had not been apparent when examiners were appointed on the recommendation of the Board of Studies.

d) It must include:

- i. a completed University Academic Appeal form, indicating the outcome(s) against which the student is appealing, the ground(s) on which the Appeal is based, and the student's desired action following consideration of the Appeal;
- ii. all documentary evidence available to the student in support of the case;
- iii. where relevant, a detailed explanation and documentary evidence if available as to why the student was previously unable to provide any new information now disclosed about the circumstances affecting her/his performance in accordance with the requirements of Regulation 15.6 (a) [or for Doctoral students - to have disclosed at the time of assessment].

**17.13** Where it is expected that consideration of a Stage 1 Academic Appeal will be completed after the start of the next stage of the programme/course, the Chair of the Board of Studies, in consultation with the Director of Academic Registry, will determine whether the student should be permitted to attend classes.

**17.14** Students may choose to submit a group appeal. It is for the Chair of the Board of Studies to determine whether this is appropriate or whether students should submit appeals individually.

## **Consideration of an Academic Appeal**

**17.15** Receipt of an Academic Appeal will be acknowledged in writing. The Appeal will initially be considered by the Chair of the appropriate Board of Studies, who may consult with relevant members of staff to confirm factual aspects of the student's academic circumstances and the detail of the case presented by the student. Where an Academic Appeal is made on grounds 17.12ci, the Chair of the Board of Studies may also consult with the relevant Individual Mitigating Circumstances Panel to advise as to whether:

- a) the student could have reasonably been expected to have disclosed to the Director of Studies in accordance with Regulation 15.6 (a) [or for Doctoral students - to have disclosed at the time of assessment];
- b) the circumstances which the student has disclosed would normally be accepted as an Individual Mitigating Circumstances claim.

**17.16** The Chair has discretion to decide:

- a) that the Academic Appeal is successful and Executive Action will be taken;
- b) that an Appeal Hearing will be held to further investigate and consider the Academic Appeal; or
- c) that the Academic Appeal is unsuccessful and no action will be taken.

To establish whether a case might be resolved through Executive Action, the Chair may consult with the Director of Studies and relevant internal examiners to assess the appropriateness of the student's desired action, or other possible actions, in the light of the circumstances, relevant regulations, and the student's academic profile.

**17.17** The Chair of the Board of Studies should reach a decision within thirty-five calendar days of receiving the Appeal. Where the conclusion of the Chair is that an Appeal Hearing will be held, the Chair will normally seek to communicate this decision to the student no more than twenty-eight calendar days after receipt of the Academic Appeal.

**17.18** Where the decision is that the appeal has been unsuccessful the student will be informed in writing in accordance with the timescales set out in Regulation 17.17 of the decision and of the student's right to submit a request to the Director of Academic Registry for a Review of the Academic Appeal outcome.

**17.19** Where the decision is that the appeal has been successful and that Executive Action will be taken, the Chair of the Board of Studies will, following consultation where necessary with the Director of Studies and relevant internal examiners, inform the student in writing in accordance with the timescales set out in Regulation 17.17 of the proposed action to be taken. Where the relevant assessment regulations only permit action(s) other than the desired action indicated by the student, or where other permitted actions might be deemed to be in the student's best interests, the student may be

invited to meet or correspond with the Chair about the available options. The student may be accompanied by a friend or adviser if invited to meet with the Chair. Where the decision relates to the conferment of an award, the Chair will consult by correspondence or meeting with appropriate members of the Board of Studies, and at least three members of the panel established in accordance with Regulation 17.21 not more than one of whom shall be from the student's academic Department or School. All Executive Action decisions will be reported to the Board of Studies and Senate (via the minutes of the Board of Studies).

- 17.20** Where the decision is that an Appeal Hearing will be held, the Board of Studies will normally delegate responsibility for the conduct and determination of Appeal Hearings to an Appeal Sub-Committee.

## **APPEAL HEARINGS**

### **Preparatory appointment of Board of Studies Appeal Hearing panel members**

- 17.21** At the start of the academic year, each Faculty will appoint two members of academic staff from each Department within the Faculty who are not members of the Board of Studies and have experience of student matters (for example, as a Director of Studies) to serve as Board of Studies Appeal Hearing panel members. The membership of any Board of Studies Appeal Sub-Committee will include members drawn from this panel, and the Chair of the Board of Studies will seek advice from appropriate members of the panel when specified types of Executive Action may be proposed. The School of Management and the Doctoral College will co-opt at least three members from the Faculty panels to serve as their Board of Studies Appeal Hearing panel members.

### **Membership of the Board of Studies Appeal Sub-Committee**

- 17.22** Membership of a Faculty Board of Studies Appeal Sub-Committee will normally include:

- a) The Chair of the Board of Studies;
- b) Two nominated members of the Board of Studies from a Department other than that of the student;
- c) Two members of the Appeal Hearing panel described in Regulation 17.21 from a Department other than that of the student.

- 17.23** Membership of the School of Management Board of Studies Appeal Sub-Committee and the Board of Studies (Doctoral) Appeal Sub-Committee will normally include:

- a) The Chair of the Board of Studies;
- b) One nominated member of the Board of Studies;

c) Three members of the Appeal Hearing panel described in Regulation 17.21.

**17.24** No member, other than the Chair, should have had a previous involvement with the case.

### **Convening an Appeal Hearing**

**17.25** The student (and any friend or advisor specified in the original appeal application) should normally receive at least seven calendar days' written notice of the Appeal Hearing but, where it would be of benefit to the student, and the student is in agreement, the notification of an Appeal Hearing may be given at less than seven calendar days' notice subject to any reasonable constraining factors including the availability of members of the Board of Studies Appeal Sub-Committee.

**17.26** The notification will inform the student of the time and place of the Hearing and of the student's right:

a) to be present throughout the Appeal Hearing, other than for the Sub-Committee's discussion of the case;

b) to be accompanied at the Hearing by one friend or adviser;

c) to be represented at the Hearing in the student's absence by one friend or adviser;

d) to make additional written statements, provided that these are submitted to the Chair of the Sub-Committee no later than three calendar days before the Hearing. Any written evidence submitted after this time will not be considered by the Sub-Committee.

**17.27** The notification will include any written evidence already received by the Chair from witnesses. It is the student's responsibility to provide copies of the notification and any such evidence to any friend or adviser not specified in the original appeal application.

### **Conduct of an Appeal Hearing**

**17.28** The Chair of the Board of Studies Appeal Sub-Committee will make an introductory statement in the presence of the student and any friend or adviser, or the student's representative, concerning procedural matters.

**17.29** The Board of Studies Appeal Sub-Committee will consider the written and oral evidence presented by the student and any friend or adviser, or by the student's representative, and may invite witnesses to give evidence. These witnesses will not have voting rights, and the Chair, in consultation with members of the Sub-Committee, will have discretion to decide at what point during the Hearing any witnesses will be invited to speak to the Hearing and at what point they will be asked to withdraw.

- 17.30** The student and any friend or adviser, or the student's representative, and/or any witnesses will be given an opportunity to ask questions of, and to respond to questions from, the Board of Studies Appeal Sub-Committee. The student and any friend or adviser, or the student's representative, may then make a closing statement. The student and any friend or adviser, or the student's representative, and the witnesses will withdraw while the Sub-Committee discusses the case.
- 17.31** All members of the Board of Studies Appeal Sub-Committee will have equal voting rights.
- 17.32** If the student or representative fails to attend the Hearing, having had notice of the time and place, the Board of Studies Appeal Sub-Committee may base its review on the student's written submission and the other records of the University concerning the student during attendance at the University.
- 17.33** Referral will be made to appropriate External Examiners where necessary.

### **Outcome of an Appeal Hearing**

- 17.34** The outcome of the Board of Studies Appeal Sub-Committee's deliberations will normally be communicated to the student immediately after the Appeal Hearing and will be confirmed in writing within five working days.
- 17.35** Where the outcome is that action should be taken, this will be implemented at the earliest opportunity in favour of the student. The decision of the Board of Studies Appeal Sub-Committee will be reported to the Board of Studies and noted in the minutes of the Board of Studies for report to Senate.

### **Record of an Appeal Hearing**

- 17.36** The formal record of an Appeal Hearing should include a summary of the arguments put forward by all parties, a summary of the Board of Studies Appeal Sub-Committee's discussion including any counter arguments, and a record of the Sub-Committee's findings and decisions.

## **STAGE 2: REVIEW OF A STAGE 1 ACADEMIC APPEAL OUTCOME**

### **Requesting a Review**

- 17.37** A request for a Review of an Academic Appeal outcome must meet the following four requirements:
- a) It must be submitted, in writing, to the Director of Academic Registry no more than fourteen calendar days after notification of the decision of the Chair of the Board of Studies or Board of Studies Appeal Sub-Committee. A request lodged after the fourteen-day period shall be invalid unless the Director of Academic Registry has agreed an extension of time.
  - b) It must not seek to challenge any final academic decisions taken by the Board of Studies other than those cited in the Academic Appeal.

- c) It must be made on one or more of the following grounds:
- i) there were material procedural irregularities at Stage 1;
  - ii) there is material new evidence which the students could not reasonably have been expected to provide at Stage 1;
  - iii) the outcome at Stage 1 was unreasonable in light of the evidence presented.
- d) It must include:
- i. a copy of all the material submitted to the Chair of the Board of Studies in the Academic Appeal, together with any further material or documentary evidence which the student could not reasonably have been expected to present as part of the original submission;
  - ii. a clear statement, supported by evidence, of the grounds of the student's request for review.

### **Review by the Director of Academic Registry**

**17.38** The review should be completed within twenty-eight calendar days of receipt by the Director of Academic Registry of the request.

**17.39** The Director of Academic Registry has discretion to decide:

- a) that no action be taken and that a University Completion of Procedures Letter be issued;
- b) that the Academic Appeal be reconsidered at Stage 1 (with the further decision taken at Stage 1 being final, with no further right to request Stage 2 Review, and a University Completion of Procedures Letter issued); or
- c) that the case be referred to the Secretary to Senate to convene a Student Academic Appeals Committee.

**17.40** In the case of an outcome to refer to the Secretary of Senate, the Director of Academic Registry will first consult with the Secretary, who may take legal advice if appropriate.

### **HEARING BY A STUDENT ACADEMIC APPEALS COMMITTEE**

**17.41** The procedures and timescales governing the Hearing by a Student Academic Appeals Committee are set out in its terms of reference (see Student Academic Appeals Committee Terms of Reference (<https://www.bath.ac.uk/corporate-information/student-academic-appeals-committee-terms-of-reference/>)). Where a Student Academic Appeals Committee has been convened, its decision will be deemed to be final, except where it adjudicates that a student's degree classification should be altered, in which case this would form a recommendation to Senate for approval. In all cases, the decision of the Student Academic Appeals Committee will be



reported to Senate. A University Completion of Procedures Letter will be issued when the decision has been taken by the Student Academic Appeals Committee/Senate. A student who is of the opinion that the case is unresolved may apply to the Office of the Independent Adjudicator.

### **COMPLAINT TO THE OFFICE OF THE INDEPENDENT ADJUDICATOR**

**17.42** Where the University's internal procedures have been completed (a University Completion of Procedures letter has been issued) but the student remains dissatisfied, the student may submit the case to the Office of the Independent Adjudicator.

### **MONITORING ACADEMIC APPEALS AND REVIEWS**

An annual report of the number of Academic Appeals for each Faculty/School will be made to the relevant Board of Studies. An annual report of the number of Academic Appeals and Reviews will be made to Senate.

(Further guidance regarding the University's Student Academic Appeals and Reviews Procedure is available at <https://www.bath.ac.uk/guides/appealing-against-an-academic-decision/>)

*Amendments to these Regulations are approved by Senate.*

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