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# University Governance

## University Regulations

### Regulation XIV

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#### Student Appeals against Programme Board or Review Board Decisions

*(Version effective from 1 August 2017 until 31 July 2018)*

#### Grounds for Appeal

1. The grounds for appeal by a student against the decision of a Programme Board or Review Board shall be confined to one or more of the following circumstances:

- (i) that there were serious circumstances affecting the student of which the Programme Board or Review Board was not made aware when it took its decision;
- (ii) that there were procedural irregularities in the conduct of the assessment or of the Programme Board or Review Board;
- (iii) that there is evidence of prejudice or bias against the student on the part of one or more of the Examiners which was not available at the Programme Board or Review Board.

Challenges to the academic judgement of the examiners will not be considered as grounds for appeal.

Appeals will only be considered where the student had good cause for not informing the Academic Registrar in writing of the circumstances by the deadline set for the submission of mitigating circumstances claims (see [Regulation XVII](#) and relevant guidance) or if the grounds for appeal arise out of the operation of the Programme or Review Board itself. The student will normally be expected to provide evidence of an independent, professional and contemporaneous nature in order to establish that they had good cause in this context.

#### Submission of Appeals

2. A student wishing to appeal against the decision of a Programme Board or Review Board must do so in writing to the Academic Registrar normally within 10 working days of the publication of the decision of the Programme Board or Review Board.

3. The letter of appeal should set out the grounds for, and nature of, the appeal. Evidence should be provided to support the appeal. The Academic Registrar may request further information or evidence from the student before initial consideration is given to the appeal.

4. For the purposes of this Regulation, the term "the Academic Registrar" should be interpreted as meaning "the Academic Registrar, or a nominee appointed by the Academic Registrar", and the term "the Pro-Vice-Chancellor (Teaching)" should be interpreted as meaning "the Pro-Vice Chancellor (Teaching), or a nominee appointed by the Pro-Vice-Chancellor (Teaching)".

#### Consideration of Appeals

5. In considering the appeal, the Academic Registrar will refer to the student's marks, any mitigating circumstances form and the report from the relevant Programme or Review Board (if available).

6. The Academic Registrar shall take one of the following decisions:

- **(i)** To dismiss the appeal, where in his/her opinion the case is not in accordance with the permitted grounds for appeals set out in paragraphs 1 (i) to (iii) above
- **(ii)** To dismiss the appeal, where in his/her opinion, although the appeal may relate to one or more of the grounds for appeals set out in paragraphs 1 (i) to (iii) above, the student has not demonstrated good cause for the delay in drawing the matters concerned to the University's attention and/or it is unlikely that further investigation will bring information to light which will demonstrate such good cause.
- **(iii)** To dismiss the appeal, where in his/her opinion, although the appeal may relate to one or more of the grounds for appeals set out in paragraphs 1 (i) to (iii) above, the student has not provided sufficient evidence in support of the appeal and it is unlikely that further investigation will bring such evidence to light.
- **(iv)** To refer the appeal for further consideration where, in the opinion of the Academic Registrar, the student has demonstrated good cause for the delay in drawing the matters concerned to the University's attention or it is possible that information relating to the student's case for good cause, or evidence in support of the appeal, may emerge through further investigation of the appeal.

The student shall be informed in writing of the decision of the Academic Registrar with reasons within five working days of receipt of the complete appeal documentation from the student.

**7.** Appeals that are not dismissed under paragraph 6 above shall be considered further in accordance with the following procedure.

- i) The Academic Registrar shall send the appeal documentation to the Chair of the Programme or Review Board or his/her nominee for written comment. The Academic Registrar may also seek written comments on the appeal documentation from other sources; for example from the Counselling and Disability Service where the appeal relates to a disability issue or from an independent occupational health physician where the appeal relates to the student's fitness to teach.
- ii) Where the report on the appeal from the Chair of the Programme Board indicates support for the outcome sought by the student, and where a decision to uphold the appeal would, in the judgement of the Academic Registrar, be consistent with the precedents established in other cases, the Academic Registrar may decide to uphold the appeal without recourse to the remaining provisions of this paragraph.
- iii) Appeals that are not upheld by the Academic Registrar in accordance with paragraph 7 (ii) above shall be considered by the Pro-Vice-Chancellor (Teaching).
- iv) The report on the appeal from the Chair of the Board and any other reports obtained by the Academic Registrar shall be made available to the student for written comment if the student so wishes. The Academic Registrar may initiate further submissions from the Chair of the Board or from other sources, and from the student prior to sending the appeal documentation to the Pro-Vice-Chancellor (Teaching).
- v) The Pro-Vice-Chancellor (Teaching) shall decide in consultation with the Academic Registrar, on the basis of the evidence submitted by the student, the additional information referred to under paragraph 5 above, the report from the Chair of Board, any other reports obtained by the Academic Registrar, and the comments of the student, on the action to be taken. The Pro-Vice-Chancellor may ask the Academic Registrar to seek further information from the Chair of the Board and/or from other sources and/or from the student. Any further submissions from the Chair of the Board or from other sources shall be made available to the student for written comment if the student so wishes.
- vi) The Pro-Vice-Chancellor (Teaching) may take one of the following decisions, taking into account both the strength of the case for appeal and whether good cause has been established for the delay in drawing the matters concerned to the University's attention:
  - (a)** To dismiss the appeal in which case the student shall be given the reasons for the decision in writing. There shall be no further right of appeal against this decision;
  - (b)** To uphold the appeal where the report from the Chair of the Board supports the student's case, or the Chair of the Board is willing to accept the Pro-Vice-Chancellor (Teaching)'s recommendation;
  - (c)** To refer the case for further investigation by an Academic Appeals Committee.

vii) The Pro-Vice-Chancellor (Teaching) shall normally convey his/her decision in writing to the student within a maximum of 40 working days of receipt of the complete appeal documentation from the student by the Academic Registrar.

8. Where the Academic Registrar has upheld the appeal under paragraph 7 (ii) above, or the Pro-Vice-Chancellor (Teaching) has upheld the appeal under paragraph 7 (vi) above, the case shall be referred back to the Programme or Review Board for reconsideration in accordance with paragraph 16 (ii) or (iii) below.

9. Where the Pro-Vice-Chancellor (Teaching) has referred the case for further investigation by an Academic Appeal Committee under paragraph 7 (vi) (c) above, any written comments previously submitted by the student in response to the Chair of the Programme or Review Board's report shall be made available to the Chair, who may submit a final written statement if s/he wishes to do so. Any such statement shall be made available to the student who may in turn submit final written comments, before these, and the previous papers relating to the case are forwarded to the Academic Appeal Committee.

### **Academic Appeal Committee**

10. The composition of an Academic Appeal Committee shall be:

- A member of Senate nominated by Senate or by the Vice-Chancellor acting on behalf of Senate (Chair)
- A member of academic staff nominated by Senate or by the Vice-Chancellor acting on behalf of Senate drawn from a panel of up to 8 individuals nominated by the Senate on an annual basis.
- A University member of the Loughborough Students' Union Executive nominated by the Executive.

11. The Academic Registrar shall, on each occasion when an Academic Appeal Committee is required, appoint a member of academic-related staff as Secretary to the Committee.

12. Members of an Academic Appeal Committee shall not be members of the student's School and shall have had no prior involvement with the student whose case is due to be considered by the Committee.

13. An appellant shall have the right to appear in person before the Committee and may be accompanied by a person of his/her own choosing.

14. The Chair of the Programme Board or Review Board whose decision is the subject of the appeal (or his/her nominee) shall normally have the right to present the Board's case in person to the Committee. Where the substance of the appeal relates to a member of University staff, the latter shall normally participate in the proceedings of the Committee, and may be accompanied by another member of staff of their choosing.

15. The proceedings of the Committee meeting shall normally take the following form:

- The student and/or the person accompanying the student shall present the case for appeal.
- The Chair of the Programme/Review Board, or his/her nominee shall report on the Board's meeting, and on his/her view of the appeal.
- The Committee shall ask questions of those present.
- The student and/or accompanying person, and the Chair of Programme/Review Board or his/her nominee may ask questions via the Chair, who shall decide whether questions are acceptable.
- The student and/or accompanying person shall be given the opportunity to make his/her final statement.
- The Committee (accompanied by its Secretary) shall reach its decision in private.

Within this framework, the Committee has discretion over the conduct of the proceedings.

16. The Academic Appeal Committee may make one of the following decisions:

- (i) to dismiss the appeal, in which case the appellant shall be notified in writing of the Committee's reasons for its decision
- (ii) to uphold the appeal and recommend to the Programme or Review Board that, for the reasons stated in the Committee's report, the Board should reconsider its decision. The Committee may advise the Board as it

sees fit, except it shall not make any recommendation that would worsen the student's position. The Committee shall consider the possible effects on other students (who may or may not have appealed) and be empowered to instruct the reconvened Programme Board or Review Board to review its decisions in respect of other students to ensure that equity of treatment is preserved.

- (iii) to uphold the appeal and recommend that the Senate appoint a new Programme or Review Board where the grounds for appeal are set out in paragraph 1(iii) above.

**17.** The decision of the Academic Appeal Committee to dismiss or uphold the appeal shall be final.

**18.** An Academic Appeal Committee shall normally reach a decision within a maximum of 25 working days of the Pro-Vice-Chancellor (Teaching) referring the appeal to the Committee. The student, the Chair of the Programme or Review Board whose decision was the subject of the appeal, and any other member of staff involved in the proceedings of the Committee, shall be informed in writing of the decision within three working days.

**19.** A Programme or Review Board reconvened or appointed under paragraph 16 above should normally consider the case within a maximum of 20 working days, but further time may be required during vacation periods or if the attendance of an external examiner is required. The student shall normally be informed in writing of the decision of the Board within three working days.

**20.** After considering the recommendation and advice of the Academic Appeal Committee, the decision of the programme or Review Board shall normally be final and the Board's decision reported to the Academic Appeal Committee. However, where the Board has not followed the recommendations of the Appeal Committee, the Board should provide the reasons for its decision in its report to the Appeal Committee and the Appeal Committee shall either accept the Board's decision or recommend to Senate that a new Programme or Review Board be appointed.

## **21. Review under Ordinance XXXVIII**

Decisions made by the Academic Registrar, the Pro-Vice-Chancellor (Teaching), and the Academic Appeal Committee under this Regulation will normally be final. Such decisions may only be reviewed under Ordinance XXXVIII (Student Complaints Procedures) where a grievance is submitted on the grounds that there were procedural irregularities in the conduct of an appeal made under this Regulation.

## **22. Monitoring and Review**

A report of the operation of this appeals procedure shall be presented to Senate on an annual basis. The report may include recommendations in relation to any point of general principle which arises during the consideration of a particular case.

(Remade August 2017)

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