

# **REGULATION XIV - Student Appeals Against Programme Board or Review Board Decisions**

*(Version effective from 1 January 2007 until 31 July 2011)*

## **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 candidate 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 there is good cause for the student not to inform the Academic Registrar in writing of the circumstances by the deadline set for the submission of impaired performance claims (see Regulation XVII) or if the grounds for appeal arise out of the operation of the Programme or Review Board itself.

## **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 Dean" should be interpreted as meaning "the Dean, or a nominee appointed by the Dean".

## **Consideration of Appeals**

5. In considering the appeal, the Academic Registrar will refer to the student's marks, any impaired performance 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 by the Dean of a Faculty other than the student's own. 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 report on the appeal from the Chair of the Board shall be made available to the student for written comment if the student so wishes. The Dean 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 Department's report and the comments of the student, on the action to be taken. The Dean 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:

- (i) 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.
- (ii) 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 Dean's recommendation.
- (iii) To refer the case for further investigation by an Academic Appeals Committee.

The Dean shall normally convey his/her decision in writing to the student within a maximum of 25 working days of receipt of the complete appeal documentation from the student by the Academic Registrar.

- 8. Where the Dean has upheld the appeal under paragraph 7 (ii) 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 Dean has referred the case for further investigation by an Academic Appeal Committee under paragraph 7 (iii) 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 department 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 Dean 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 Deans of Faculty, and the Academic Appeal Committee under this Regulation will normally be final. Such decisions may be 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 November 2006)