

# University of Wales Appeals Procedures

**Academic Year 2018/19**

## Appeals Procedure for undergraduate or taught postgraduate University of Wales programmes.<sup>1</sup>

### STAGE 1

At the beginning of each academic session, the Collaborative Centre shall inform candidates of the University of Wales' Appeals Procedures that are in place in place. At the same time, the Collaborative Centre shall inform candidates of the requirement to report special circumstances as soon as possible and before the finalisation of results by Examining Boards.

Candidates who wish to appeal against a decision of an Examining Board, or Part Two of a Master's dissertation result, must submit an appeal to the designated officer (using the University of Wales form, Student Appeal Form (Stage 1), which is available from the University of Wales' website, <http://www.wales.ac.uk/en/Registry/Current-Students/StudentAppeals.aspx>). The designated officer should be a senior officer within the Collaborative Centre, who has been nominated by the Centre to handle appeals cases. The appeal must be submitted within 15 working days following the candidate's receipt of the official notification of the results from the Collaborative Centre or the University of Wales. The grounds for appeal must be clearly stated on the form and all relevant documentary evidence must be submitted.

Candidates may only appeal on one of the following grounds:

- i. that there has been an arithmetical or other factual error in the published marks;
- ii. that there were special circumstances which had an adverse effect on the candidate's performance which were not known to the relevant Examining Board. In such a case, the candidate must show good reason why such circumstances could not have been reported by the candidate prior to the Examining Board meeting;
- iii. that there were defects or irregularities in the conduct of the examinations and assessments, or in the written instructions, or in advice relating thereto, where such defects, irregularities or advice might, in the candidate's opinion, have had an adverse effect on their performance.

Appeals which question the academic judgement of examiners, or are made on grounds other than those stipulated in i – iii above, or which are based on medical evidence dated after the release of results will not be admissible and the designated administrative officer shall inform the appellant accordingly in writing.

On receipt of a valid appeal, i.e. which meets one of conditions i - iii above, the designated administrative officer will seek comments from the Programme Leader, or his/her nominee, on the circumstances relating to the appeal and ask for recommendations on the circumstances raised in the appeal. Such comments and recommendations shall be sent to the designated administrative officer within 14 working days of receipt of the appeal. The designated officer shall then consider the appeal and recommend one of the following outcomes:

- that the appeal be upheld in whole (and is therefore referred to the relevant examining board for consideration) ;

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<sup>1</sup> A separate procedure applies to postgraduate research degree students, please refer to p6 of this document

- that the appeal be upheld in part (and is therefore referred to the relevant examining board for consideration);
- that the appeal be not upheld (and is therefore rejected).

The above outcomes are subject to confirmation at an Examining Board. The Examining Board will review the recommended outcome of the Stage 1 investigation including any relevant documentation. The Examining Board shall determine whether the outcome can be approved. Please note, so not to cause unnecessary delays, the Examining Board can take place via correspondence. The Collaborative Centre shall inform the student and the University of the outcome of the appeal, noting that it is subject to confirmation at an Examining Board.

Unless there are exceptional circumstances, the Collaborative Centre should complete Stage 1 of the Appeals Procedure within 30 working days. A record of the outcome must be kept on file by the Collaborative Centre. The University reserves the right, as the degree awarding body to, request that a Collaborative Centre revisits the appeal at any stage of the process, if it determines that there is, or has been, an irregularity in the handling of the appeal.

If the candidate is not satisfied with the outcome of the appeal, they are entitled to appeal to the University of Wales, as the awarding body by following Stage 2 of this procedure.

Please note that an appeal which has not been submitted to the Collaborative Centre for initial review will not be eligible for consideration by the University.

## **STAGE 2**

If a candidate is not satisfied with the outcome of the Stage 1 investigation of the appeal, he/she may submit an appeal to the University within 30 working days of notification of the outcome of the appeal. The University will only consider an appeal against the outcome of a Stage 1 appeal on the following grounds:

- the candidate is of the view that there were irregularities in the conduct of the Stage 1 appeal, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached if they had not occurred;
- the candidate is of the view that the outcome of the Stage 1 appeal, as determined by the collaborative centre, was unreasonable.

The candidate must submit the appeal using the Student Appeal Form (Stage 2), which is available from the University of Wales' website, <http://www.wales.ac.uk/en/Registry/Current-Students/StudentAppeals.aspx>). The form should be submitted electronically to [appeals@wales.ac.uk](mailto:appeals@wales.ac.uk) or in hard copy to the University of Wales Registry, King Edward VII Avenue, Cathays Park, Cardiff, CF10 3NS (ref: Appeals), with any additional information they feel is necessary, and should indicate why they are appealing on one or more of the above grounds.

University officers shall normally acknowledge receipt of the appeal within 3 working days of submission and gather any necessary evidence from the candidate and/or Collaborative Centre. Where information is requested from the candidate or Collaborative Centre, it must be submitted to the University within 10 working days.

Candidate appeals shall be considered initially by the University of Wales Adjudication Panel, made up of two external members. In the event that the Panel members deem there not to be

enough information for them to consider the appeal, they may defer from making a decision until such information has been received.

The outcomes available to the panel are as follows:

- that the appeal be referred back to the Collaborative Centre for further consideration;
- that the appeal be upheld in whole or in part;
- that the appeal be not upheld (and is therefore rejected)
- that the appeal be referred to a full Appeals Board.

Appeals that are rejected or upheld in whole or part are subject to final approval from the Examining Board.

The University will normally aim to complete the whole process i.e. from time candidate submits an appeal to the University to the time the panel make a decision, within 30 working days.

### **APPEAL BOARD**

In instances where an Appeals Board is required, the University shall make the necessary arrangements for the Board. The Appeals Board will be chaired by the Deputy Vice Chancellor or his/her nominee with two external members (who shall not have been assigned to the centre at which the candidate studied). At least one officer of the University will attend the Board, one of which will act as Secretary to the Board.

A representative of the Collaborative Centre will also be invited to attend the Board. The Board may be held via telephone or vide link if necessary. The candidate may be accompanied, but not represented, by a member of the academic or welfare or advisory staff of the Collaborative Centre concerned or by a candidate or officer of the Students' Union or equivalent at the Collaborative Centre concerned, but not by any other individual.

Any person accompanying the candidate shall be asked by the member of the Board considering the case to identify themselves at the beginning of the meeting and may be invited during the hearing to speak in relation to the case. The candidate may not send another person to a hearing in his/her stead. Every effort to attend the Board should be made at the arranged date. Only in exceptional circumstances can a Board be re-scheduled.

A meeting of the Appeals Board will be convened at the earliest opportunity, and normally within 30 working days of receipt of the outcome of the Adjudication Panel. In the event that it takes longer to verify the facts to which the submission refers, this period may be extended.

The outcomes available to the Appeal Board are as follows, and are subject to the decision of the Examining Board, for final approval:

- that the appeal be upheld in whole or in part;
- that the appeal be not upheld (and is therefore rejected).

The outcome, and a report containing details of any action to be taken in light of the appeal, will be sent by the University to the candidate, Collaborative Centre and to the Examining Board within 10 working days of the meeting of the Appeals Board. In the event of an appeal being upheld in whole or in part, recommendations should be made in respect of remedial action

required by the Collaborative Centre. A response may be required from the Collaborative Centre concerned, within a set timeframe specified by the University.

The decision made by the Appeals Board is final, and may not be disputed. The outcome, however, is subject to approval from the examining board.

A Completion of Procedures letter will be issued to the candidate to confirm that the case has been concluded, and that the University's internal procedures have been exhausted.

## **INDEPENDENT REVIEW**

If the candidate is dissatisfied with the outcome of the Stage 2 appeal, they can apply to the Office of the Independent Adjudicator for Higher Education (OIA) for review, providing that the complaint taken to the OIA is eligible under its rules.

Only once all relevant University of Wales procedures have been exhausted may a candidate apply to the OIA for a review of the complaint.

Should the candidate decide to make a complaint to the OIA, the Complaint Form must be received by the OIA within twelve months of the date of receipt of the Completion of Procedures letter from the University.

The OIA's leaflet, An Introduction to the OIA for students, can be downloaded from [http://www.oiahe.org.uk/media/42715/oia\\_intro\\_leaflet\\_16pp.pdf](http://www.oiahe.org.uk/media/42715/oia_intro_leaflet_16pp.pdf).

An OIA Complaint form can be obtained from [www.oiahe.org.uk](http://www.oiahe.org.uk), or by phoning or writing to the OIA:

OIA, Second Floor, Abbey Gate, 57 – 75 Kings Road, Reading, RG1 3AB

0118 959 9813

A copy of the Completion of Procedures letter should be sent to the OIA with the OIA Complaint Form.

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/>. A candidate may also wish to seek advice from the appropriate candidate's Students' Union about taking a complaint to the OIA. Please note that the OIA will normally only review issues that have been dealt with through the University's internal procedures.

## **MONITORING AND EVALUATION**

The nature, incidence and outcomes of all appeals and complaints will be regularly monitored and an annual report made to Academic Board in this respect.

## Appeals Procedure for research programmes<sup>2</sup>

This procedure is applicable to all candidates studying for a research award, e.g. PhD, MPhil, DMin or Part Two of a Professional Doctorate.

Candidates have the right to appeal against decisions concerning the approval of proposals, transfer, termination of study or, in certain established circumstances, against the outcome of the examination process, in accordance with the procedures established for the purpose.

### STAGE 1

At the beginning of each academic session the Collaborative Centre<sup>3</sup> shall inform candidates of the Appeals Procedures in place (both the internal procedure to be undertaken at the Collaborative Centre and the University of Wales procedure). At the same time, the Collaborative Centre shall inform candidates of the requirement to report special circumstances as soon as possible and before the release of the outcome by the Collaborative Centre.

Candidates who wish to appeal against a decision must submit an appeal to the designated administrative officer within the Collaborative Centre (using the University of Wales form, [Student Appeal Form \(Research Awards Stage 1\)](#), which is available from the University of Wales' website, <http://www.wales.ac.uk/en/Registry/Current-Students/StudentAppeals.aspx>) within 15 working days of the release of the outcome by the Collaborative Centre. The designated administrative officer should be a *senior* officer within the Collaborative Centre, who has been nominated by the Centre to handle appeals cases. The grounds for appeal must be clearly stated on the form and all relevant documentary evidence must be submitted.

Candidates may only appeal on one of the following grounds:

- (i) that there were special circumstances which had an adverse effect on the candidate's performance which were not known to the relevant body making the recommendation or outcome. In such a case, the candidate must show good reason why such circumstances could not have been reported by the candidate prior to the meeting of the relevant decision making body;
- (ii) that there were defects or irregularities in the conduct of the examinations and assessments or in the written instructions or in advice relating thereto, where such defects, irregularities or advice might, in the candidate's opinion, have had an adverse effect on their performance;
- (iii) evidence of prejudice or of bias or of inadequate assessment on the part of one or more of the examiners;
- (iv) where the supervision provided was inadequate and that there were exceptional reasons why this had not been reported by the candidate prior to the decision of the Examining Board.

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<sup>2</sup> A separate procedure applies to undergraduate or taught postgraduate University of Wales programmes, please refer to p2 of this document.

<sup>3</sup> For the avoidance of doubt, within this procedure the term 'Collaborative Centre' shall include all institutions at which students are registered for a University of Wales award.

Appeals which question the academic judgement of examiners, or are made on grounds other than those stipulated in i. to iv. above, or which are based on medical evidence dated after the release of result will not be admissible and the designated officer(s) shall inform the appellant accordingly in writing.

On receipt of a valid appeal, i.e. which meets one of conditions i. to iv. above, the designated administrative officer will seek comments and recommendations from the Programme Leader, or his/her nominee, on the circumstances relating to the appeal and ask for recommendations on the circumstances raised in the appeal. Such comments and recommendations shall be sent to the designated administrative officer within 14 working days of receipt of the appeal. The designated administrative officer shall then consider the appeal and recommend one of the following outcomes:

- that the candidate had valid grounds for appeal, and the case should be referred to an Appeals Board at the Collaborative Centre for consideration;
- that the candidate does not have valid grounds for appeal, and therefore the appeal be not upheld (and therefore rejected).

The outcome shall be referred to the next meeting of the Research Degrees Committee (RDC) for noting, and the RDC will also decide the appropriate action to be taken.

Once the appeals procedure within the Collaborative Centre has been concluded, the outcome of the appeal shall then be communicated to the University of Wales by the Collaborative Centre within 5 working days of the decision being made. The Collaborative Centre shall inform the candidate of the provisional outcome, as considered by the RDC and notify the candidate that the outcome is subject to review by the University.

The Collaborative Centre will provide the University with all documentation relating to the Stage 1 appeal and this will be reviewed by a senior member of staff, nominated by the Chair of the University's Degrees and Academic Awards Board (DAAB) to ensure that the process and outcomes are consistent with the University's general expectations in respect of academic appeals. The senior member of staff reviewing the case may request additional information from the University or the Candidate. If the University concurs with the outcome of the Stage 1 appeal and any recommendations made by the RDC, the Collaborative Centre will be informed and it shall in turn inform the candidate. If the University determines that the process and outcomes are not consistent with its expectations, it shall inform the Collaborative Centre accordingly, and may, if appropriate, instigate Stage 2 of the appeals procedure. The University will inform the candidate of this outcome.

If a candidate is not satisfied with the outcome of the Stage 1 appeal, they are entitled to appeal to the University of Wales, as the awarding body, by following Stage 2 of this procedure.

Please note that an appeal which has not been submitted to the Collaborative Centre for initial review will not be eligible for consideration by the University.

## **STAGE 2**

If a candidate is not satisfied with the outcome of the Stage 1 investigation of the appeal, he/she may submit an appeal to the University within 30 days following notification of the outcome of the Stage 1 appeal. The University will only consider an appeal against the outcome of a Collaborative Centre level appeal on the following grounds:

- (i) the candidate is of the view that there were irregularities in the conduct of the Collaborative Centre level procedure which are of such a nature as to cause reasonable doubt whether the same decision would have been reached if they had not occurred
- (ii) the candidate is of the view that the outcome of the Stage 1 appeal as determined by the Collaborative Centre was unreasonable

The candidate must submit the University of Wales Appeals Form (using the University of Wales form, Student Appeal Form (Research Awards Stage 2), which is available from the University of Wales' website, <http://www.wales.ac.uk/en/Registry/Current-Students/StudentAppeals.aspx>) electronically to [appeals@wales.ac.uk](mailto:appeals@wales.ac.uk) or in hard copy to the University of Wales Registry, King Edward VII Avenue, Cathays Park, Cardiff, CF10 3NS (ref: Appeals), with any additional information they feel is necessary and should indicate why they are appealing on one or more of the above grounds.

University officers shall normally acknowledge receipt of the appeal within 3 working days of submission and gather any necessary evidence from the candidate and/or Collaborative Centre. Where information is requested from the candidate or Collaborative Centre, it must be submitted to the University within 10 working days.

Where the University has instigated Stage 2, the candidate will not be required to submit the Student Appeal Form (Research Awards Stage 2) and the University will instead provide an overview of its findings to the Adjudication Panel, in addition to the documentation submitted for Stage 1 of the Appeal.

Appeals from candidates (or designated by the University) shall be considered initially by the University of Wales Adjudication Panel, made up of two external members. In the event that the Panel deem there not to be sufficient information for them to consider the appeal, they may defer from making a decision until such information has been received.

The outcomes available to the panel are as follows:

- that the appeal be referred back to the Collaborative Centre for further consideration;
- that the appeal be upheld in whole or in part;
- that the appeal be rejected;
- that the appeal be referred to an full Appeals Board.

Both the candidate and the centre/institution will be informed of the outcome. The outcome shall be referred by the centre/institution to the next meeting of the Research Degrees Committee (RDC) for noting, and the RDC will also decide the appropriate action to be taken.

### **APPEAL BOARD**

In instances where an Appeals Board is required, the University shall make the necessary arrangements for the Board. The Appeals Board will be chaired by the Deputy Vice Chancellor or his/her nominee with two External Members (who shall not have been assigned to the centre at which the candidate studied). At least one officer of the University will attend the Board, one of which will act as Secretary to the Board.



A representative of the Collaborative Centre will also be invited to attend the Board. The Board may be held via telephone or video link if necessary. The candidate may be accompanied, but not represented, by a member of the academic or welfare or advisory staff of the Collaborative Centre concerned or by a candidate or officer of the Students' Union or equivalent at the Collaborative Centre concerned, but not by any other individual.

Any person accompanying the candidate shall be asked by the member of the Board considering the case to identify themselves at the beginning of the meeting and may be invited during the hearing to speak in relation to the case. The candidate may not send another person to a hearing in his/her stead. Every effort should be made to attend the Board at the arranged date. Only in exceptional circumstances can a Board be re-scheduled.

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The outcomes available to the Appeals Board are as follows:

- that the appeal be upheld in whole or in part;
- that the appeal be not upheld (and is therefore rejected)

The outcome, and a report containing details of any action to be taken in light of the appeal, will be sent by the University to the candidate within 10 working days of the meeting of the Appeals Board in the form of a completion of procedures letter. The outcome shall also be confirmed with the Collaborative Centre. In the event of an appeal being upheld in whole or in part, recommendations should be made in respect of remedial action required by the Collaborative Centre. A response may be required from the collaborative centre concerned, within a set timeframe specified by the University.

The outcome shall be referred by the centre/institution to the next meeting of the Research Degrees Committee (RDC) for noting, and the RDC will also decide the appropriate action to be taken.

The decision of the Appeals Board is final and shall not be disputed. The appellant will be advised, *via* the Completion of Procedures letter, that he/she can take his/her appeal to the Office of the Independent Adjudicator (OIA) for Higher Education if they should so wish.

### **INDEPENDENT REVIEW**

If the candidate is dissatisfied with the outcome of the Stage 2 appeal, they can apply to the Office of the Independent Adjudicator for Higher Education (OIA) for review, providing that the complaint taken to the OIA is eligible under its rules.

Only once all relevant University of Wales procedures have been exhausted may a candidate apply to the OIA for a review of the complaint.

Should the candidate decide to make a complaint to the OIA, the Complaint Form must be received by the OIA within twelve months of the date of receipt of the Completion of Procedures letter from the University.

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