

## **REGULATION 21b STUDENT APPEALS – RESEARCH PROGRAMMES AT VALIDATED INSTITUTIONS<sup>1</sup>**

City, University of London validates programmes offered at other institutions as leading to awards of City. Assessment Boards for validated programmes are subcommittees of City's Senate and so appeals fall under Senate.

City defines a research degree appeal as a request from a student for a review of a decision concerning his/her registration status or the outcome of an examination. These internal regulations of City will be operated in accordance with its Equal Opportunities and Equality and Diversity Policies. The Equal Opportunities and Equality and Diversity Policies of the Validated Institution will also be followed.

The Regulations refer at various points to 'Officers' and 'members of staff'; Appendix A outlines who should fulfil these roles.

### **A. Stage 1: Validated Institution-level appeal**

#### 1. Grounds for appeal

- a) A student may appeal against any of the following:
  - (i) A decision concerning his/her registration status, including:
    - withdrawal or suspension of registration;
    - transfer between MPhil and PhD;
    - extension of registration beyond the maximum period of candidature;
    - transfer to writing-up status.
  - (ii) The outcome of an examination, including:
    - that s/he should not be awarded a research degree nor be permitted to resubmit for the award of either a Doctorate or a Masters degree;
    - that s/he be awarded a degree other than the degree for which s/he was registered.

Dissatisfaction with the decision or academic judgement of the Senior Tutor for Research or the examiners is not alone a valid ground for an appeal.

- b) An appeal may only be made on one or both of the following grounds:
  - (i) that there was a material error, including a material procedural irregularity, administrative error and/or prejudice, bias or inadequate assessment in:
    - the conduct of the monitoring and assessment of the student's progress; OR
    - the conduct of the examination.

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<sup>1</sup> Students on taught programmes at validated institutions should refer to Regulation 20b. City, University of London students should refer to Regulation 20 (taught programmes) or Regulation 21 (research programmes)

- (ii) that there were previously undisclosed circumstances affecting the student's academic progress during the period of candidature or during the examination which:
  - were not made known to the Validated Institution for a demonstrated, valid and overriding reason outside the student's control AND
  - had an adverse effect on the student's performance during the period of candidature or the examination.
- c) An appeal, with appropriate evidence, should be submitted to the City, University of London Officer nominated by Senate or his/her nominee within 28 calendar days of the student receiving written confirmation of the decision concerning registration status or the outcome of an examination.

## 2. Initial scrutiny

- a) The student will receive an acknowledgement of receipt.
- b) The appeal will be scrutinised by at least two members of City staff.
- c) The possible outcomes of initial scrutiny are:
  - upheld (in full or part) with a recommendation for immediate corrective action by the Chair of the Course Board ('material error' only);
  - referred for consideration by Validated Institution Appeal Panel either because the case for non-disclosure of circumstances has been accepted and/or because a hearing with the option for representation by the student is warranted;
  - returned with an opportunity for the student to resubmit the appeal within 14 calendar days;
  - rejected because the form was incomplete, incorrect, not accompanied by supporting evidence, or did not demonstrate grounds for appeal.
- d) The student will be informed of the outcome of the initial scrutiny, normally within 28 calendar days of receipt. The notification will include the reasons for the decision.
- e) A student whose appeal has been rejected may be entitled to request a review of that decision under section B of these Regulations.
- f) The process and outcomes of the initial scrutiny will be documented and a record retained for report to the Course Board and Senate.

## 3. Validated Institution Appeal Panel

- a) A Validated Institution Appeal Panel will normally be convened within 28 days of the outcome of the initial scrutiny. The panel will have three members and the Principal of the Institution or his/ her nominee will be the Chair.
- b) Senate will nominate a senior member of City administrative staff, who will not be part of the Validated Institution Appeal Panel, to attend the hearing to ensure that the conduct of the panel is in accordance with the City's requirements.
- c) The student will be invited to attend the Validated Institution Appeal Panel hearing and can choose to be accompanied by one other person. If the student chooses to be accompanied s/he must provide information about that person to the Secretary of the panel at least 7 calendar days in

advance. The information will include the person's relationship to the student and the reason for the person's attendance. A student should note that s/he may only be represented in his/her absence in exceptional circumstances. Any request for this requires the agreement of the Chair of the Panel. If a student chooses not to attend, or fails to attend without submitting, in writing, valid reasons for a postponement, the panel may meet in the student's absence.

- d) If the appeal is against a decision concerning registration status the possible outcomes are:
- (i) upheld (in full or part) with a recommendation to the Chair of the Course Board that its decision be amended to:
    - re-registration; OR
    - transfer between MPhil and PhD; OR
    - extension of candidature; OR
    - suspension of registration; OR
    - transfer to writing-up status;
  - (ii) upheld (in full or part) with a recommendation to the Chair of the Course Board that the student be asked to provide additional work within a maximum specified period of time from the date of the meeting of the Panel, for further assessment of academic progress or work to date;
  - (iii) rejected as the grounds for appeal have not been demonstrated.
- e) If the appeal is against the outcome of an examination the possible outcomes are:
- (i) upheld (in full or part) with a recommendation to the Chair of the Course Board that the original examiners reconsider their recommendations for reasons stated by the Panel;<sup>2</sup>
  - (ii) upheld (in full or part) with a recommendation to the Chair of the Course Board that the student be permitted to revise his/her thesis and resubmit it for re-examination to the original examiners or to new examiners as the Panel sees fit within a specified time;<sup>3</sup>
  - (iii) upheld (in full or part) with a recommendation to the Chair of the Course Board that new examiners be appointed. The recommendation of the new examiners shall supersede the recommendation of the original submission<sup>4</sup>;
  - (iv) rejected as the grounds for appeal have not been demonstrated.

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<sup>2</sup> The Panel will not question the academic judgement of the original examiners

<sup>3</sup> The Panel should state whether or not a further period of supervised study is required and ask the Validated Institution to ensure that satisfactory supervisory arrangements are in place during the period until re-submission

<sup>4</sup> The Panel should ensure that those examiners shall be no fewer in number than the original examiners and shall comprise not fewer than two examiners, one of whom at least should be external. The reports and recommendation of the original examiners shall not be communicated to the new examiners. The new examiners will be made aware that they are conducting a re-examination on appeal and that they are required to hold a viva

- f) The outcome of the Validated Institution Appeal Panel hearing will be provided to the student in writing, normally within 14 calendar days of the hearing. The notification will include the reasons for the decision.
- g) A record of the outcome of the Validated Institution Appeal Panel hearing will be retained for report to the Course Board and Senate.

## **B. Stage 2 -level review**

### **1. Grounds for review**

- a) A student may request a review of a Validated Institution decision on one or both of the following grounds:
  - that there was a material error in the proceedings associated with the Validated Institution decision which affected that decision; AND/OR
  - that new information had become available which was material to the original appeal and which could not have been made known to the Validated Institution for a demonstrated, valid and over-riding reason.

This is not a reopening of the original appeal. Dissatisfaction with the decision of the Validated Institution is not alone a valid ground for requesting a review.
- b) A review request, with appropriate evidence, should be submitted to the City, University of London Officer or his/her nominee within 21 calendar days of confirmation of the Validated Institution decision.

### **2. Initial scrutiny**

- a) The student will be sent a receipt of their review request.
- b) Two members of City staff will scrutinise the review submission.
- c) The possible outcomes of initial scrutiny are:
  - upheld (in full or part) with a recommendation for immediate corrective action by the Officer responsible for the Validated Institution decision or his/ her nominee ('material error' cases only);
  - upheld (in full or part) and referred back to the appropriate body responsible for the Validated Institution decision for consideration. Following this consideration, a student may then only request a review of the decision on the ground of a material error;
  - returned with an opportunity for the student to resubmit the request for review within 14 calendar days;
  - rejected because the form was incomplete, incorrect, not accompanied by supporting evidence, or did not demonstrate grounds for appeal;
  - referred for consideration by Stage 2-level Review Panel because a hearing with the option for representation by the student is warranted.
- d) The student will be informed of the outcome of the initial scrutiny, normally within 28 calendar days of receipt. The notification will include the reasons for the decision.
- e) The process and outcomes of the initial scrutiny will be documented and a record retained for report to Senate.

3. Stage 2-level review panel

- a) A Stage 2-level review panel will normally be convened within 28 days of the outcome of the initial scrutiny. The panel will have three members and the Chair will be the Stage 2-level Officer or his/ her nominee. The Stage 2-level Appeals Administrator or his/her nominee will attend the hearing to ensure the conduct of the panel is in accordance with City's requirements (the Administrator will not be part of the Appeal Panel).
- b) The student will be invited to attend the Stage 2-level review panel hearing and may choose to be accompanied by one other person. If the student chooses to be accompanied s/he must provide information about that person to the secretary of the panel at least 7 calendar days in advance. The information will include the person's relationship to the student and the reason for the person's attendance. A student should note that s/he may only be represented in his/her absence in exceptional circumstances. Any request for this requires the agreement of the Chair of the Panel. If a student chooses not to attend, or fails to attend without submitting in writing valid reasons for a postponement, the panel may meet in the student's absence.
- c) A representative from the Validated Institution with the authority to comment on the Validated Institution decision at the first stage will be invited to attend the panel. The representative does not form part of the panel and will not be present during the panel's deliberations.
- d) The Stage 2-level review panel will consider the case and make a decision on behalf of Senate.
- e) If the appeal is against a decision concerning registration status the possible outcomes are:
  - (i) upheld (in full or part) with a recommendation to the Chair of the Course Board that its decision be amended to:
    - re-registration; OR
    - transfer between MPhil and PhD; OR
    - extension of candidature; OR
    - suspension of registration; OR
    - transfer to writing-up status;
  - (ii) upheld (in full or part) with a recommendation to the Chair of the Course Board that the student be asked to provide additional work within a maximum specified period of time from the date of the meeting of the Panel, for further assessment of academic progress or work to date;
  - (iii) rejected as the grounds for appeal have not been demonstrated.
- f) If the appeal is against the outcome of an examination the possible outcomes are:
  - (i) upheld (in full or part) with a recommendation to the Chair of the Course Board that the original examiners reconsider their recommendations for reasons stated by the Panel;<sup>5</sup>

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<sup>5</sup> The Panel will not question the academic judgement of the original examiners

- (ii) upheld (in full or part) with a recommendation to the Chair of the Course Board that the student be permitted to revise his/her thesis and resubmit it for re-examination to the original examiners or to new examiners as the Panel sees fit within a specified time;<sup>6</sup>
  - (iii) upheld (in full or part) with a recommendation to the Chair of the Course Board that new examiners be appointed. The recommendation of the new examiners shall supersede the recommendation of the original submission;<sup>7</sup>
  - (iv) rejected as the grounds for appeal have not been demonstrated.
- g) The Stage 2-level review panel may not recommend any alteration to the recommendation of the original examiners.
  - h) The outcome of the Stage 2-level review panel hearing will be provided to the student in writing, normally within 14 days of the hearing. The notification will include the reasons for the decision.
  - i) The outcome of the Stage 2-level review panel hearing will be reported to the Board of Studies and Senate and a record will be retained.

### **C. Office of the Independent Adjudicator**

When City's internal procedures have been concluded, a student will be issued with a Completion of Procedures (CoP) letter. Following this, a student who is dissatisfied with the final decision on his/her case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at: [www.oiahe.org.uk](http://www.oiahe.org.uk).

The revised Regulations below were approved by Senate 01.10.14 and will come into effect for all new and continuing students from the 2014-15 academic year.

The previous Regulations can be accessed here:

[http://www.city.ac.uk/\\_data/assets/word\\_doc/0009/69228/s21b.doc](http://www.city.ac.uk/_data/assets/word_doc/0009/69228/s21b.doc)

The Student Appeals Regulations should be read in conjunction with the Student Appeals Policy.

Contact Student and Academic Services for information and advice on these regulations.

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<sup>6</sup> The Panel should state whether or not a further period of supervised study is required and ask the Validated Institution to ensure that satisfactory supervisory arrangements are in place during the period until re-submission

<sup>7</sup> The Panel should ensure that those examiners shall be no fewer in number than the original examiners and shall comprise not fewer than two examiners, one of whom at least should be external. The reports and recommendation of the original examiners shall not be communicated to the new examiners. The new examiners will be made aware that they are conducting a re-examination on appeal and that they are required to hold a viva

## APPENDIX A: Responsibilities within the Validated Provision Research Programmes Appeal Regulations

Validated Providers should provide students with information on the specific people who will fulfil these roles, for example in Programme Handbooks or website.

Role	Appointed by	Role holder*
Stage 2-level Officer	Senate	Deputy President or his/her nominee
City staff undertaking initial scrutiny	Stage 2-level Officer	Staff within the City with knowledge of the Appeal Regulations and other relevant Regulation, Policy and procedure
Stage 2-level Appeals Administrator	Student & Academic Services	Senior administrative officer responsible for recording and reporting Validated appeal cases
Chair of the Validated Institution Appeal Panel	Validated Provider	Principal of the Institution or his/her nominee
Panel advisor	Student & Academic Services	Senior member of Academic Services with knowledge of the Appeal Regulations and other relevant Regulation, Policy and procedure
Validated Institution Appeal Panel Member	Chair of Validated Institution Panel	Staff from Validated Provider (including at least one academic on every panel).
Validated Institution Appeal Panel Secretary	Validated Institution	Senior administrative officer responsible for servicing Validated Institution appeal panels
Stage 2-level Appeal Panel Member	Senate	Stage 2-level staff (including at least one academic one academic on every panel)

\*Potential conflicts of interest must be identified and remedied – the Appeals Policy provides more information on addressing potential conflicts of interest

Approved by Chair's Action (Senate) 24.08.16