

Academic Appeals Policy and Procedure

**for students on Postgraduate Research
programmes of study**

With effect from September 2020

Contents

1. Principles.....	1
2. Scope	1
3. Timescales for consideration of an appeal.....	2
4. Grounds for Appeal	2
5. Grounds under which an appeal cannot be made.....	5
6. How to appeal	5
7. Informal Review.....	6
8. Formal Review by the Research Awards Appeal Board.....	7
9. Procedures of the Research Awards Appeal Board	8
10. Reporting, Monitoring and Review.....	9
11. Office of the Independent Adjudicator	9
12. Advice and Support.....	10

1. Principles

- 1.1 An academic appeal is a request for a review of the decisions specified in Section 4 'Grounds for Appeal'. These procedures set out the grounds for appeal permitted and the mechanisms by which that right can be exercised. These procedures also set out the grounds on which an academic appeal is not permissible.
- 1.2 Academic appeals come under the authority of Academic Council. Academic Council has delegated others to act on its behalf in such matters. These procedures explain how appeals should be submitted, and who will consider academic appeals on behalf of Academic Council.
- 1.3 Appeals will be treated with due diligence and confidentiality, but students should understand that those considering an appeal will normally require access to the documentation provided in support of it in order to come to an informed decision.
- 1.4 Appeals will be treated seriously and students will not suffer any disadvantage or recrimination as result of making an appeal in good faith.
- 1.5 The University will not accept or investigate appeals which it considers frivolous or vexatious and observes OIA guidance to identify such cases.
- 1.6 Appeals procedures are internal to a university and do not have the same degree of formality as a court of law. As such, legal representation in meetings is considered neither necessary nor appropriate, for a student or the University, during the appeals process.

2. Scope

- 2.1 This policy and procedure is intended for University of Greenwich students and staff formally registered on a postgraduate research programme.
- 2.2 There is no appeal against academic judgement. Academic judgement is a decision of an academic body about a matter, such as academic progress, research methodology or examination outcome. It is a judgement made about a matter where only the opinion of an academic expert will suffice.
- 2.3 These procedures do not apply to academic decisions which constitute a taught element of study and/or are the responsibility of a Progression and Award Board. Such appeals must be made using the [Academic Appeals Policy and Procedure \(Taught Awards\)](#).
- 2.4 The original decision being appealed against will remain in force while the appeal is being considered. The student must conform to the requirements of the original decision until such time as the academic appeal is deemed to be completed.

The student remains responsible for the consequences of not complying with the original decision should the subsequent outcome of the appeals process not be in the student's favour.

- 2.5 These procedures apply only to academic appeals which fall under the stipulated grounds. In the event of a set of circumstances legitimately giving rise to grounds for both appeal and complaint the Appeals Investigation Officer and the Complaints Investigation Officer will, in consultation with the student/complainant, jointly determine the manner in which the two matters will be addressed, and the appropriate timescales. All parties will ensure that the requirements of the respective procedures are fully adhered to.
- 2.6 Where a student has declared a disability to the University, the University will endeavour to ensure that information is available to them at all stages of the procedure in appropriate formats, and that any reasonable adjustments are made to the associated proceedings to accommodate the student's needs.
- 2.7 The student may withdraw the appeal at any stage.

3. Timescales for consideration of an appeal

The appeals procedure will usually be completed within 90 days of submission of the appeal form and documentation, in line with the timescales identified in individual sections of this document.

Where this is not achievable, for example when key staff are on leave, or otherwise indisposed, or where the complexities of the case warrant extended scrutiny, students will be informed at the earliest possible opportunity and an adjusted timeline will be provided along with the reasons for the delay.

4. Grounds for Appeal

4.1 Appealing the decision of the Faculty Research Degrees Committee to discontinue registration

An appeal may be made against the decision of the Faculty Research Degrees Committee to discontinue a student's registration with the university following unsatisfactory completion of an action plan on the following two grounds only:

- (a) That there exist circumstances materially affecting the student's ability to meet the requirements of the action plan which were not known to the Faculty Research Degrees Committee when its decision was taken, and which it was not reasonably practicable for the student to make known to the Committee beforehand.

Students wishing to appeal on such grounds **must** show a compelling reason why this information was not made available to the Faculty Research Degrees Committee before it reached its decision, and provide documentary evidence in support. Where the student could have made the information available prior to the decision being made, such evidence cannot normally be accepted as grounds for appeal.

- (b) That there is evidence of procedural irregularity on the university's part, of such a nature as to create a reasonable possibility that the decision might have been different had it not occurred.

Problems associated with supervision and training, and environment including resources, should have been raised on Form RDA4a at the appropriate time during a student's programme of study. If, however, there is a compelling reason why supervisory and environment issues were not previously reported at the appropriate time, the student will be required to provide demonstrable evidence of the reason(s).

4.2 **Appealing the outcome of an upheld allegation of research misconduct**

A student may appeal against the outcome of the Faculty Research Degrees Committee or the University Research Student Misconduct Panel to uphold a research misconduct allegation where the outcome is as follows:

- (i) The Stage 4 Faculty Research Degrees Committee outcome recommends a Level 1 (Minor Research Misconduct) or a Level 2 (Moderate Research Misconduct) penalty or;
- (ii) The Stage 4 University Research Student Misconduct Panel outcome recommends a Level 3 (Major Research Misconduct) penalty.

A student may appeal one of the above research misconduct outcomes on the following grounds only:

- (a) That there is evidence of procedural irregularity on the university's part, including administrative error, which are of such a nature as to create a reasonable possibility that the outcome of the decision-making party might have been different had it not occurred.
- (b) New evidence has been made available which could not have been made available to the decision-making party/parties when the student's case was considered and which can be shown to be material to the case.

The student must demonstrate valid reasons why such evidence could not have been made available prior to the decision being made. Where the student could have made the new evidence available prior to the decision being made, such evidence cannot subsequently be cited as grounds for appeal.

4.3 **Appealing the outcome of a transfer viva (upgrade from MPhil to PhD)**

A student may appeal the outcome of a transfer viva voce only where the recommendation of the assessors is that the student should apply for an MPhil examination. A student may appeal the outcome of the assessors on the following three grounds only:

- a) That there are circumstances affecting the student's performance that the assessors were not aware of at the oral examination.

Students wishing to appeal on such grounds **must** show a compelling reason why this information was not made available to the assessors before their decision was reached, and provide documentary evidence in support. Where the student could have made the information available prior to the decision being made, such evidence cannot normally be accepted as grounds for appeal.

- b) That there has been demonstrable material procedural irregularity in the conduct of the oral assessment and/or assessment procedures of such a nature as to create a reasonable possibility that the outcome might have been different had it not occurred.
- c) That there is evidence of unfair or improper assessment on the part of one or more of the assessors.

4.4 **Appealing the outcome of a transfer assessment from the taught to the research phase of the Professional Doctorate**

A student may appeal the outcome of a transfer assessment from the taught to the research phase of the Professional Doctorate¹ where the recommendation of the Programme Leader is that the student may not progress to the research phase. A student may appeal the outcome on the following three grounds only:

- a) That there are circumstances affecting the student's performance that the assessors were not aware of at the time of the assessment.

Students wishing to appeal on such grounds **must** show a compelling reason why this information was not made available to the assessors before their decision was reached, and provide documentary evidence in support. Where the student could have made the information available prior to the decision being made, such evidence cannot normally be accepted as grounds for appeal.

- b) That there has been demonstrable material procedural irregularity in the conduct of the assessment and/or assessment procedure of such a nature as to create a reasonable possibility that the outcome might have been different had it not occurred.
- c) That there is evidence of unfair or improper assessment.

4.5 **Appealing the outcome of a formal oral examination (viva voce) for a final award**

A student may appeal the outcome of a formal oral examination (viva voce) for a final award only where the recommendation of the examiners is as follows:

PhD/PhD by Published Work;

- (i) the degree of MPhil is awarded subject to presentation of the thesis amended to the satisfaction of the examiners
- (ii) the degree is not awarded and no opportunity for re-examination is permitted

¹ Appeals against the outcome of the taught element of the Professional Doctorate, i.e. a decision made by a Progression and Award Board, must be made using the *Academic Appeals Policy and Procedure (Taught Awards)*

Professional Doctorate;

- (i) the student is awarded a Masters degree (MEdRes)
- (ii) the student has failed to meet the standard required to make a recommendation for such an award

MPhil;

- (i) the degree is not awarded and no opportunity for re-examination is permitted

A student may appeal one of the above examination outcomes on the following grounds only:

- a) That there are circumstances affecting the student's performance that the examiners were not aware of at the oral examination.

Students wishing to appeal on such grounds **must** show a compelling reason why this information was not made available to the examiners before their decision was reached, and provide documentary evidence in support. Where the student could have made the information available prior to the decision being made, such evidence cannot normally be accepted as grounds for appeal.

- b) That there has been demonstrable material procedural irregularity in the conduct of the oral examination and/or examination procedures of such a nature as to create a reasonable possibility that the outcome might have been different had it not occurred.
- c) That there is evidence of unfair or improper assessment on the part of one or more of the examiners.

5. Grounds under which an appeal cannot be made

5.1 An academic appeal cannot be made under the following grounds:

- (a) Academic judgement, namely that although the decision being appealed was properly made, the decision making body is alleged to have erred in its judgement of the academic standard achieved by the student.
- (b) Dissatisfaction with provision in relation to environment, resources, supervision and training, as grievances in relation to these areas should have been raised on Form RDA4a at the appropriate time and resolved through the university's Student Complaints Procedure, except in the case of 4.1(b).

6. How to appeal

6.1 An appeal must be submitted in writing by the student concerned by completing the Postgraduate Research Academic Appeal Form. Procedures for submitting the Postgraduate Research Academic Appeal Form are outlined in the accompanying Guidance for Students.

6.2 The Postgraduate Research Academic Appeal Form **must** be submitted no later than **15 working days** after the notification to the student of the decision being appealed*. The Postgraduate Research Academic Appeal Form must be submitted to the Academic Registry in accordance with the instructions on the form.

* *In respect of Faculty Research Degree decisions or formal notification of the examination outcome, notification to the student is normally defined as the date a student receives their formal email notification of the Faculty Research Degrees Committee examination outcome.*

6.3 An acknowledgement letter will be issued by the Academic Registry upon receipt of the appeal. Any appeals received after the 15 working day deadline will be deemed out of time for consideration and will not normally be considered. The student will be issued with a Completion of Procedures letter including details of the OIA scheme (see Section 11).

6.4 There may be exceptional circumstances in which evidence cannot be provided at the time of the appeal submission. If this is the case, it **must** be identified on the form that further evidence is to be provided in support of the appeal. The acknowledgment letter will confirm the timeframe for evidence to be submitted, which will not normally exceed 10 working days. Original evidence must be provided in support of the appeal and listed on the appeal form. Medical evidence and other supporting documentation should be provided in English.

6.5 An appeal will not be considered until relevant evidence is provided. If relevant evidence is not received within the stipulated deadline the appeal will be deemed to have been withdrawn, and the original decision/outcome being appealed against will remain and be processed by the Research & Enterprise Training Institute.

6.6 The Appeals Investigation Officer will identify and appropriately act upon those appeals which may require a particularly swift response.

7. Informal Review

7.1 All academic appeal submissions received within the deadlines identified in Section 6 will undergo an initial filtering stage. The Appeals Investigation Officer may reject the appeal at this stage if any of the following conditions apply:

- (i) The student is in disagreement solely with the academic or professional judgement of the original decision-making body and/or examination panel.
- (ii) Appeals that do not on the face of the submitted documentation provide sufficient evidence to support a finding in favour of the student in relation to the grounds on which they have appealed.
- (iii) The appeal is not within the scope of any of the grounds specified in Section 4.

7.2 The Appeals Investigation Officer may request relevant information from the Faculty and/or the Faculty Research Degrees Committee prior to rejecting an appeal at the filtering stage.

- 7.3 The Appeals Investigation Officer will consider the appeal, supporting documentation and any information provided by the Faculty and/or the Faculty Research Degrees Committee to determine whether or not there is sufficient evidence to warrant the case being considered by the Research Awards Appeal Board. The Appeals Investigation Officer considers cases in good faith and will accept statements and documents accordingly.
- 7.4 If the Appeals Investigation Officer determines there is sufficient evidence, the case will be referred to the next available meeting of the Research Awards Appeal Board for formal review (see section 9).
- 7.5 If it is determined that no substantive case has been established, the appeal procedure within the University will be at an end. The student will be issued with a Completion of Procedures letter including details of the OIA Scheme (see section 11).

8. Formal Review by the Research Awards Appeal Board

- 8.1 The Research Awards Appeal Board will normally comprise:
- Deputy Vice Chancellor (Research) or appropriate nominee who must not be from the Faculty concerned (e.g. Director of GRE, Head of RETI or Pro-Vice Chancellor from a different Faculty)
 - Pro-Vice Chancellor of the Faculty concerned or appropriate nominee (e.g. Faculty Director of Research)
 - one member of the Research and Enterprise Committee or a senior academic who must not be from the Faculty concerned and has experience of supervising and examining research degrees
 - Students' Union Sabbatical Officer (or nominee)

The quorum for any meeting of the Research Awards Appeal Board is three and must include a Students' Union Sabbatical Officer.

- 8.2 No member will have had any previous involvement with the student in matters directly relating to the appeal, in which case, a neutral person of equivalent or near seniority will deputise.
- 8.3 Wherever possible, no member of the Board should work in the Department or School within which the student's programme of study resides. Any member from the student's Faculty will be asked to declare any perceived interest which could give rise to conflict at the beginning of the meeting, which will be recorded in the minutes. If deemed appropriate by the Chair, the member will absent themselves from any relevant areas of discussion.
- 8.4 The Academic Registry will appoint a Secretary to the Research Awards Appeals Board. The Secretary is not a member but will be present throughout to advise on regulatory matters and take an accurate record of the meeting.
- 8.5 A Research Awards Appeal Board is not constituted as an examination board and has no authority to set aside the decision of examiners and thereby to recommend the award of the degree.

9. Procedures of the Research Awards Appeal Board

9.1 The student will be given a minimum notice period of 10 working days of the date, time and manner² of the meeting. The notice of the meeting will be accompanied by copies of all documentation to be used in consideration of the appeal.

9.2 The student will have the right to be heard in person by the Appeal Board.

The student may be accompanied by a friend or supporter of their choice or a representative of the Students' Union. A student who intends to be accompanied will inform the Secretary of the name of the person accompanying them in writing in advance of the meeting. The accompanying person may not be a practicing solicitor or barrister.

The student may also invite witnesses not connected with the decision being appealed to give evidence on their behalf providing that they have informed the Secretary at least 3 working days in advance of the meeting.

9.3 The Appeals Board may deal with the case in the absence of the student if the student fails to appear without reasonable excuse, or notifies the Secretary that they do not wish to appear. The Chair will determine what constitutes a reasonable excuse.

9.4 A representative of the Faculty in which the student is studying will be invited to be present at the meeting to give evidence in response to the appeal.

9.5 During the hearing:

- The Chair will outline the procedure of the meeting
- The Chair will ask the student to present their case in support of the appeal and to introduce any witnesses in support of the case
- Members of the Appeal Board may ask questions of the student or witnesses
- The Chair will ask the Faculty representative to respond to the appeal
- Members of the Appeal Board may ask questions of the representative of the Faculty
- All parties will be asked to leave the meeting and the Appeal Board will consider the case in private

9.6 The Appeal Board may request supplementary information from either the Faculty or the student within a given deadline before reaching a decision. The student and Faculty will be advised of this decision in writing. On consideration of such supplementary information, the Appeal Board will determine its final decision within 15 working days of the receipt of the supplementary information.

9.7 After considering the evidence the Appeal Board may decide as follows:

² The meeting will take place by the most appropriate method, either on campus or via video conference.

- a) That the appeal is rejected and the original decision stands, in which case the student will be given reasons for the decision.

The student will be notified in writing by the Secretary within 5 working days. The decision of the Appeal Board will be deemed final and the student will be issued with a Completion of Procedures letter including details of the OIA Scheme (see section 11).

- b) That the appeal is referred back to the relevant decision making body or examiners to reconsider the original decision taking into account such information or findings as the Appeal Board may have presented.

In the case of outcomes relating to appeals submitted against grounds 4.3, 4.4 and 4.5, the Appeals Board must recommend that Academic Council either invite the original assessors/examiners to reconsider their decision or that new assessors/examiners be appointed. The reconvened decision making body will have the power to confirm or amend the original decision.

The student will be notified of the Appeal Board's decision in writing by the Secretary within 5 working days. The outcome of the referred decision will be provided to the Secretary within 20 working days and will include the reasons for the decision made. The student will then be notified in writing of the final appeal outcome by the Secretary within 5 working days receipt of the referred decision. The referred decision will be deemed final and the student will be issued with a Completion of Procedures letter including details of the OIA Scheme (see section 11).

10. Reporting, Monitoring and Review

- 10.1 The Academic Registry will maintain a database of academic appeals for each academic session and provide an annual report to the Research & Enterprise Committee. It will be the responsibility of the Research & Enterprise Committee to monitor the data and make recommendations to Faculty Boards as appropriate.
- 10.2 It will be the responsibility of the Faculty Research Degrees Committee to review the Postgraduate Research Academic Appeals Procedure and its effectiveness and to make recommendations for changes, where appropriate, to be considered by Academic Council.

11. Office of the Independent Adjudicator

Students who have been issued with a Completion of Procedures letter may be able to complain to the OIA if they remain dissatisfied with a final decision of the University providing that their complaint is eligible under its Rules, which are available on the OIA website at <http://www.oiahe.org.uk/>.

Students will need to send to the OIA a Scheme Application Form within **twelve months** of the date of the Completion of Procedures letter. A Scheme Application Form can be downloaded from the OIA website.

12. Advice and Support

Free independent advice and advocacy is available from the University of Greenwich Students' Union and GK Unions Advice Service.

Greenwich Students' Union:

Advice line: 020 8331 8267

Email: suadvice@gre.ac.uk

Web: www.greenwichsu.co.uk

Medway-based students can contact the GK Unions Advice Service:

Advice line: 01634 88 88 82

Email: advice@gkunions.co.uk

Web: www.gkunions.co.uk/advice