



UNIVERSITY OF
GIBRALTAR

Academic Appeals: Research Degrees

Principles and Procedure

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Date approved by Academic Board	September 2016
Date reviewed and approved by Academic Board	October 2018
Date of next review	October 2020

1. INTRODUCTION

- 1.1 The arrangements governing academic appeals at the University of Gibraltar are informed by the expectations of the UK QAA Quality Code for Higher Education, in particular chapters B9 *Academic Appeals and Student Complaints*¹ and B11 *Research Degrees*. This documentation has also been scoped with reference to a number of UK Higher Education Institutions².
- 1.2 This document describes the academic appeals process for all candidates registered on a research degree award conferred by the University of Gibraltar.
- 1.3 These procedures cover appeals against assessment decisions made at key points in the doctoral journey and include appeals in relation to examination results or other assessment outcomes such as academic continuation and progression
- 1.4 Appeals may be made by anyone who is, or was, enrolled as a student of the University and, in accordance with the QAA expectations, appeals may be made by individual students or, where appropriate, collectively by groups of students represented by a lead appellant.
- 1.5 Enrolled students includes those who are on an approved leave of absence.
- 1.6 All students, including those who have left/graduated from the University, have a right of appeal ***within 20 working days*** of results publication³.
- 1.7 Academic appeals are managed through the office of the Director of Academic Programmes and Research and overseen by the Assessment and Appeals Committee. The Assessment and Appeals Committee is a sub-committee of Academic Board has the power to investigate and adjudicate on appeals.

2. PRINCIPLES

- 2.1 The processes described here are underpinned by the principles of objectivity and respect and are intended to safeguard, as far as possible, the interests and well-being of students making an appeal and the staff who may be named or otherwise involved.
 - 2.1.1 Wherever possible all appeals will be resolved locally at the earliest opportunity.
 - 2.1.2 Appeals will only be considered where they are made directly by the student concerned, or the authorised student representative of a group of students. Appeals made by third parties on behalf of a student/students will not be considered.
 - 2.1.3 Appeals will be dealt with confidentially by all parties involved, except where it is necessary to disclose information to conduct a fair investigation and/or where a breach of confidentiality is deemed necessary to meet professional body expectations

¹ <http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b>

² University of Bath, University of Bath Spa, University of Brighton, University of Cambridge, University of Gloucestershire, University of Kingston, University of London/UCL, University of Warwick

³ Results publication is the date on which unratified results are formally made available by the University to the students

concerning safeguarding vulnerable individuals. Where it emerges that confidentiality has been breached unnecessarily disciplinary action and/or sanction may follow.

- 2.1.4 All parties involved in an appeal are required to act reasonably and fairly towards each other and to respect the University's procedures.
 - 2.1.5 All appeals will be dealt with promptly, and any time-critical factors set out in the Academic Appeal form will be taken into account.
 - 2.1.6 Time limits should usually be met by all parties and may only be extended by the relevant decision-maker where it is necessary to do so to ensure a fair outcome.
 - 2.1.7 No one investigating an appeal should have any conflict of interest in the matter. Where conflicts of interest are apparent or arise the Chair of the Assessment and Appeals subcommittee will appoint substitute reviewers.
 - 2.1.8 Anyone involved in an appeal may be accompanied by or represented at any stage of the procedure by a member of the University community (eg: another enrolled student or a member of staff⁴).
 - 2.1.9 Neither party in an appeal – the University or the appellant – shall have recourse to legal representation.
 - 2.1.10 Neither party will digitally record the proceedings of an Academic Appeals Review Panel.
 - 2.1.11 The University will not process appeals about matters which have already been, or are currently under consideration by a court or tribunal.
 - 2.1.12 The University will not process appeals that are deemed to be malicious, frivolous or vexatious in that they are obsessive, harassing or repetitive, abusive in tone or language, insistent on pursuing unrealistic or unreasonable outcomes, designed to cause disruption or annoyance, or demanding disproportionate redress. The University reserves the right to terminate the appeals process at any time where an appeal is judged malicious, frivolous or vexatious.
 - 2.1.13 Where an appeal is deemed to be malicious, frivolous or vexatious in that it is obsessive, harassing or repetitive, abusive in tone or language, insistent on pursuing unrealistic or unreasonable outcomes, designed to cause disruption or annoyance, or demanding disproportionate redress the appellant may be subject to disciplinary action and/or sanction.
 - 2.1.14 The process and outcome of the appeals procedure should not have a more general detrimental effect on the student's experience at the University, and students are entitled to continue to pursue their studies whilst the appeal is under investigation.
- 2.2 Once the appeals process is concluded the University will issue a Completion of Appeal Procedure letter⁵.

⁴ For example, preferably the student welfare officer

⁵ This is in accordance with best practice as promoted by the UK Office of the Independent Adjudicator <http://www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx>

3. GROUNDS for APPEAL

- 3.1 A candidate registered for a research degree has the right to appeal against a decision at any of the three key assessment points:
- Assessment of the formal research proposal;
 - Confirmation of Candidature;
 - Examination of the thesis.
- 3.2 In addition candidates may also appeal against decisions made relating to withdrawal of registration by the RRDC⁶ Subcommittee due to lack of academic progress.
- 3.3 Any appeal must be based on either or both of the following grounds.
- Academic performance in the assessment was adversely affected by illness or other factors which the candidate was unable, or for valid reasons unwilling, to divulge, before the decision was made. The candidate's submission for appeal must be supported by medical certificates or other documentary evidence (e.g., police report of a crime against the individual) acceptable to the Academic Appeals Review Panel, indicating clearly why such evidence was not previously presented;
 - There has been a material procedural error, or that the assessment(s) was not conducted in accordance with the Research Degrees Regulations.
- 3.4 Candidates may not appeal on any ground which:
- has already been considered and rejected by an Academic Appeals Review Panel unless additional evidence in support of the appeal is provided and there is a valid reason (supported by evidence) why additional evidence was not submitted originally;
 - claims that academic performance was adversely affected by ill health, where there is no medical evidence certified by a recognised medical practitioner, GP or hospital consultant or other evidence deemed appropriate to support the application;
 - disputes the academic judgement concerning the candidate's performance in any academic work.
- 3.5 Where an appeal is deemed to be inadmissible, in that it does not meet the criteria detailed above, the student will be sent a formal letter advising the same.
- 3.6 It is recognised that students may raise multiple issues which do not fall neatly into the category of academic appeal and that may be better investigated as a complaint⁷. Where this is the case the Registrar and the Chair of the Assessment and Appeals Committee (or nominee) will determine whether an academic appeal or student complaint should be reclassified (at whatever stage of the process has been reached). The appellant/complainant will be consulted and advised as the appropriate procedure is progressed.

⁶ University Research and Research Degrees Committee

⁷ The UK Office of the Independent Adjudicator defines a complaint as "an expression of dissatisfaction by one or more students about a university's action or lack of action, or about the standard of service provided by or on behalf of the university." OIA *The Good Practice Framework for Handling Complaints and Academic Appeals* <http://oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>). Please see the accompanying Complaints Procedures

4. SUBMITTING an APPEAL

- 4.1 Before making a formal appeal students are asked to explore their concerns with either the Programme Coordinator and/or the Director of Academic Programmes and Research.
- 4.2 Where the matter raised by the student cannot be informally resolved at a local level the student can submit an Academic Appeal Form (Appendix 1). This should be submitted to the Registrar⁸ **within 20 working days** of the date of notification of the decision which the candidate wishes to appeal. The appeal must state the grounds and evidence on which the candidate wishes to appeal.
- 4.3 Only in very exceptional circumstances will the Chair of the Assessment and Appeals Committee (or nominee) agree to an extension of the time limit in which to make an appeal⁹.
- 4.4 A candidate wishing to appeal on grounds of illness is required to submit supporting documented medical evidence (i.e., medical certificates) explaining the reasons why the evidence was not originally presented at the time of assessment.
- 4.5 A candidate wishing to appeal on the grounds that there has been a material procedural error is required to submit such documentary evidence as is appropriate to support the appeal. Such evidence must be sent at the same time as the appeal is submitted. The Registrar also notifies the candidate's supervisor(s) that an appeal has been submitted.
- 4.6 The Chair of the Assessment and Appeals Committee (or nominee) has the right to call for additional written evidence from the candidate and/or University of Gibraltar staff and to include any such additional evidence thought conducive to a better informed judgement.
- 4.7 Where the appeal relates to the final examination of the submitted thesis, a review of the appeal will include consultation with the internal and external examiners and the independent chair.

5. INVESTIGATING an APPEAL

- 5.1 Chair of the Assessment and Appeals Committee (or nominee) acknowledges receipt of the formal notice of appeal and reviews all academic appeals upon receipt.
- 5.2 Appeals are dismissed without referral to an Academic Appeals Review Panel where:
 - the criteria for grounds for an academic appeal are not satisfied;
 - there is no evidence provided to support the appeal, or that such evidence is not timely;
 - there is no reason provided nor evidence submitted as to why the reasons were not raised originally.

⁸ The Registrar will administer all of the paperwork on behalf of the Chair of the Assessment and Appeals Committee

⁹ Exceptional circumstances may arise where the appellant has – for example - an ongoing illness/debilitating condition/personal domestic circumstances (victim of abusive violent crime, deathbed responsibilities) that precludes them making an appeal in a timely manner

- 5.3 Where it is deemed there is a *prima facie* case for appeal the Chair of the Assessment and Appeals Committee (or nominee) informs the appellant accordingly and convenes an Academic Appeals Review Panel.
- 5.4 The Academic Appeals Review Panel meets **normally within 30 working days** of the date of receipt of the notice of appeal.
- 5.5 The membership of the Academic Appeals Review Panel usually comprises:
- a member of the Assessment and Appeals Committee, who acts as Chair of the Appeals Committee;
 - another member of the Assessment and Appeals Committee;
 - a member of the RRDC;
 - an academic member of the University (including from Associate Campuses) who is independent of the appellant.
- 5.6 The University of Gibraltar reserves the right to involve such other individuals as it thinks appropriate to the presentation of the case.
- 5.7 Neither the University of Gibraltar nor the student whose case is being heard are legally represented during the conduct of a hearing of the Academic Appeals Review Panel.
- 5.8 The Registrar will act as Review Panel Secretary, advise participants of the time and place of the meeting, and formally record and disseminate the findings of the Review Panel.
- 5.9 The time between completion of the review and formal notification to the appellant of the Review Panel's recommendation is **normally 10 working days**.
- 5.10 The review is normally conducted in the following sequence:
- the submission of the appellant or a friend in support of the case; the submission may be in writing and/or presented orally;
 - the submission of the Director of Academic Programmes and Research with a view to demonstrating that the appeal should not be upheld; the submission may be in writing and/or presented orally;
 - questions posed to both parties by members of the Review Panel;
 - a final statement by the appellant or a friend in support of the case;
 - a final statement by the Director of Academic Programmes and Research.
- 5.11 All parties have the right to be present during the presentation of the case, and all have the right to ask questions during the course of the review, except that none has the right to question the final statements.
- 5.12 If the appellant does not appear at the hearing, the Review Panel may proceed to deal with the appeal, provided it is satisfied that the Review Secretary has properly notified the appellant of the hearing. The Review Secretary will inform the appellant of the decision **normally within 10 working days**.
- 5.13 Where an appeal is upheld, the Chair of the RRDC is formally advised of the same.

6. REVIEW OUTCOMES

- 6.1 The Review Panel sits in private and decides:
- whether the appeal can be upheld;
 - if so, the recommendation to make to the Chair of the RRDC;
 - if not, to dismiss the appeal.
- 6.2 Where an appeal concerning the examination of a final thesis is upheld the RRDC is asked to either:
- invite the examiners to reconsider their decision; or
 - appoint new examiners.
- 6.3 The Review Panel, having heard the appeal, may, if satisfied, take the following actions.
- *In the case of material procedural error or irregularity*
Advise the Chair of the RRDC to reconsider its decision pertaining to the student in the light of the findings of the Review Panel.
 - *In the case of illness or other factors*
Advise the Chair of the RRDC to reconsider its decision pertaining to the student in the light of the findings of the Review Panel.
 - *In the case of no grounds or grounds of insufficient weight*
Dismiss the appeal, if it is satisfied that the appellant has failed to establish the grounds of the appeal.
- 6.4 If the Chair of the RRDC (in consultation with colleagues) is not prepared to reconsider the original decision, a formal written statement with reasons for not doing so, must be submitted to the Chair of the Academic Appeals Review Panel for further consideration.
- 6.5 In the first instance, where there is a difference of opinion between the findings of the Review Panel and the Chair of the RRDC, the respective Chairs have the authority to consult together and, based on the available evidence, negotiate a reasonable resolution to the difference between their respective findings.
- 6.6 Where the Chairs of the RRDC and the Academic Appeals Review Panel cannot agree a course of action the Chair of the Assessment and Appeals Committee is called upon to consult and mediate a decision.
- 6.7 When an appeal is upheld and the course of action determined, the Chair of Review Panel, after the consultations above, advises the Registrar who informs the appellant. If appropriate, the appellant is informed by means of a Completion of Appeal Procedure letter.

7. FURTHER RIGHT of APPEAL

- 7.1 The only ground for appeal against a decision of an Assessment and Appeals Committee is that the appeals procedures set out in these procedures were not followed.
- 7.2 There are no grounds for appeal on the basis of:
- new evidence not disclosed at the hearing;
 - disputing the academic judgement of the Review Panel;
 - disputing the competence of panel members.
- 7.3 An appellant may submit a further appeal to the Vice-Chancellor if either:
- an appeal has not been upheld by an Academic Appeals Review Panel and there is evidence that the procedures for considering the appeal were not followed;
- OR
- an appeal has been upheld by an Academic Appeals Review Panel and referred to the Chair of the RRDC for reconsideration but the original decision has not been modified.
- 7.4 Any further appeal must be submitted by the appellant to the Vice-Chancellor for receipt **within 10 working days** of notification of the Committee's decision.
- 7.5 The further appeal must specify in writing **precisely** what aspect(s) of the procedure was not followed.
- 7.6 The Vice-Chancellor may convene an *ad hoc* panel (including, where appropriate, a member of Board of Governors) none of whom will have previously been involved with the particular case.
- 7.7 The *ad hoc* panel will constrain themselves purely to establishing whether the appellant's claims regarding a procedural error can be upheld or not. Where there is no ground for a procedural claim the Vice-Chancellor's decision, as advised by the panel, will be final.
- 7.8 If the appellant's claim is dismissed, the Vice Chancellor informs the Registrar who issues and sends to the appellant a Completion of Appeals Procedure letter.
- 7.9 If the appellant's claim is upheld, the Assessment and Appeals Committee will be required to reconvene an Academic Appeals Review Panel, constituted with a new membership and drawing on external members if necessary. This Panel then proceeds per Section 5.

Appendix 1



Academic Appeal Form – Research Degrees

Before completing this form, please read carefully the appeals procedures published by the University and seek the advice and guidance of your supervisory team and/or the Director of Academic Programmes and Research.

If you are sure of your right to make an appeal, please complete this form, include relevant evidence, sign and return to the Academic Frameworks Lead.

Please include a copy of your results to which this appeal relates.

Name	
Student Number	
University Email	
Address	
Telephone Contact Number(s)	
Programme of Study	
Year of Study (1 st , 2 nd , 3 rd)	
Institute/Faculty	
Please indicate the assessment point against which the appeal is made:	
➤ Assessment of the formal research proposal	<input type="checkbox"/>
➤ Confirmation of Candidature	<input type="checkbox"/>
➤ Examination of the thesis	<input type="checkbox"/>
➤ Withdrawal of registration by the RRDC Subcommittee	<input type="checkbox"/>
due to lack of academic progress.	

Please indicate the grounds on which this appeal is submitted:

- academic performance in the assessment was adversely affected by illness or other factors which I was unable, and for valid reasons unwilling, to divulge, before the decision was made;
- there has been a material and significant procedural error

Supporting Statement:

Please give details below of the circumstances of your appeal (ie: why you believe you have grounds for appeal, why you disagree with the assessment decision that has been made) and attach relevant supporting documents. You may continue on a separate sheet if necessary

Proposed Resolution:

Please indicate the remedy you are seeking as a resolution to your appeal

I confirm that this submission is truthful and relevant to my appeal

Name:

Signature:

Date:

Process and Procedure Time-Line(s)

Student raises their concern at a local level, **within 20 working days** of the publication of results against which they wish to appeal

Concern resolved :
No further action

Concern unresolved : Formal appeal made **within 20 working days** of the publication results against which the student wishes to appeal

Chair of the Assessment & Appeals Committee acknowledges notice of the appeal **within 5 working days** of receipt

Appeal Inadmissible :
Explanatory letter sent to student

Academic Appeals Review Panel convened normally **within 30 working days** of receipt of the formal appeal
Attended by all parties, all relevant documentation reviewed

Chair of the Research and Research Degrees Committee advised of the Panel recommendation

Where the Chair of the Review Panel and the Research and Research Degrees Committee cannot agree a course of action, the Chair of the Assessment and Appeals Committee will mediate a decision

Student advised of outcome of appeal normally **within 10 working days** of the Panel meeting

Any further appeal must be submitted **within 10 working days** of notification of the Panel's decision