

# PROCEDURE FOR APPEALS AGAINST DECISIONS OF EXAMINERS FOR RESEARCH DEGREES

## Introduction

1. Paragraph 89 of Regulation 1 of the University of London Awards regulations states:  
  
“A College shall prescribe and operate its own [research degree appeal] procedures for candidates registered by the College for specialist doctorates and research degrees and for whom it administers the degrees and the examinations...”
2. The College assumed responsibility for research degree examinations from the central University offices as of 1 August 2010; it is now therefore responsible for the administration of appeals against decisions of research degree examiners.
3. This procedure details how the College will assess any representation, made in accordance with the provisions specified here, against a decision of research degree examiners. Representations that are not made in accordance with these provisions will not be considered.
4. This procedure applies to Birkbeck, University of London students who have been examined for the degrees of MPhil and PhD, and for students who have been examined for the MPhilStud in respect of the thesis only
5. This procedure does not apply to students registered for taught degrees of the College or University, for whom separate appeals processes are in place.
6. Separate provisions and procedures exist for complaints concerning the quality of supervision, resources or other College facilities, and such complaints will not be permitted as the basis of requests for review of decisions of research degree examiners.
7. In accordance with the Data Protection Act, privacy and confidentiality will be assured for each case unless disclosure is necessary to progress the case, in which case the candidate will be notified in advance of the disclosure.

## Procedure

8. Any representation which a candidate may make in connection with her/his examination result must be put in writing and be referred to the Academic Registrar within six weeks of the date of notification of results to the candidate. The request must cite the grounds on which it is made, with reference to paragraph 9 of this Procedure, and *must* include any relevant, available evidence.
9. Such representations will be referred to an appellate committee in the following circumstances:
  - (a) if a *prima facie* case is established that the candidate's performance at the oral examination was affected by illness or other factors of which the examiners were unaware when the decision was taken, and that this had produced an unfair result;

(b) if a *prima facie* case is established that the examination was not conducted in accordance with the relevant regulations;

(c) if a *prima facie* case is established that there were procedural irregularities in the conduct of the examination (including any instance of administrative error) of such a nature as to cause reasonable doubt as to whether the result of the examination would have been the same if they had not occurred.

10. In each instance it will be a matter of judgement for the Academic Registrar as to whether a case has been sufficiently established. Where the judgement of the Academic Registrar is that no such case has been established then the request for review will be referred back to the originator; if no subsequent representation is received within 6 weeks of notification of the results or 10 working days of the matter being referred back (whichever is the later) then the request will be judged to have lapsed.
11. This procedure does not provide for requests for a review of the academic judgement of examiners to be considered.

#### **Action by the Academic Registrar**

12. The Academic Registrar will refer all cases that meet the criteria outlined in paragraph 9 of this Procedure to the examiners within 10 working days of receipt. Examiners will be asked to respond within 10 working days of referral. The Academic Registrar will keep any candidate informed of the progress of any case s/he has submitted.
13. The Academic Registrar will record all requests submitted to her/him by candidates and will keep a record of the action taken, progress and the outcome in each case. Reports on each case will be made available for consideration by the Research Student Sub-Committee, Research Committee and Academic Board, with a Report on Appeals Against Decisions of Boards of Examiners submitted on an annual basis to Academic Board or its designated Committee.

#### **Action by Sub-Boards of Examiners**

14. The Examiners may consult members of the College as and by whatever means s/he sees fit in order to deal with the case and in the interests of minimising delay in resolving the case.
15. A written response on behalf of the Examiners will be sent to the Academic Registrar, which will indicate the extent to which the Examiners were able to take into account the grounds on which the request was made and the evidence submitted. A Sub-Board in its response will give reasons for its decisions and may:
  - i) re-affirm its original recommendation on the grounds that the matters raised in the case presented were previously known to the Examiners and were taken into account and given due allowance;
  - ii) re-affirm its original decision on the grounds that the matters raised in the case and the evidence presented, although not previously known, were such as not to alter the outcome of the decision;

- iii) review its decision and report an amended recommendation; any such recommendation should be referred to the Chair of the Research Student Sub-Committee for ratification.
- iv) recommend, where it considers appropriate, that the candidate be permitted to enter another oral examination to defend the thesis. This will normally be with the same examiners, but the examiners may recommend that new examiners be appointed where appropriate. Any such recommendation should be referred to the Chair of the Research Student Sub-Committee for ratification.
- v) report its response to any allegation and evidence submitted of regulatory or procedural irregularity or irregularity in the procedure for the conduct of the oral examination, and if appropriate its recommendations for action to remedy the matter. Any such recommendation should be referred to the Chair of the Research Student Sub-Committee for ratification.

### **Notification of outcome**

- 16 Following receipt of a response on behalf of a Sub-Board in accordance with paragraph 15 (i) or (ii) the Academic Registrar will within ten working days write to the student to inform her/him of the outcome.
- 17 Following receipt of a response on behalf of a Board which is in accordance with paragraph 15 (iii), (iv) or (v) above the Academic Registrar will within ten working days take steps to seek by the most expedient means approval as may be necessary of recommendations made. The Academic Registrar will then within ten working days of confirmation of the outcome, inform the student in writing.
- 18 Any response not in accordance with paragraph 15 above will be referred back to the relevant Sub-Board of Examiners.

### **Appeals**

- 19. Where a candidate is notified in writing of the outcome of any review by the Examiners, s/he will be informed that any request for appeal against the outcome reported must be submitted in writing to the Academic Registrar within twenty one days of the date of the notification. Any request for appeal must be based on and include written evidence that:
  - (a) the handling or consideration of the case was not in accordance with the procedure outlined in this Procedure;
  - or*
  - (b) the decision of the Examiners in response to the representations made contravenes regulations;
  - or*
  - (c) given the evidence, the decision of the Examiners in response to the representations made could not reasonably be sustained.

20. Appeals received on the basis of the grounds outlined in paragraph 19 (a) or (b) will be considered by the Academic Registrar; where, in the judgement of the Academic Registrar, a *prima facie* case is established in accordance with paragraphs 19 (a) or (b) cases may be referred back to the Examiners for further consideration, or an Appeals Panel may be convened in accordance with paragraphs 23-29 of this Procedure.
21. Any request for appeal received by the Academic Registrar under the provisions of paragraph 19 (c) above will be reported to the Chairman of the Academic Board. If, in the judgement of the Chairman of Academic Board, a *prima facie* case is established in accordance with paragraph 19c, an Appeal Panel will be convened in accordance with paragraphs 23-29 of this Procedure. Where the judgement of the Chairman of Academic Board is that no such case has been established then the appeal will be rejected. In particular, any case made solely on the basis that the candidate disagrees with the decision of the Examiners will normally be rejected.
22. Any request for appeal that does not confirm to the requirements of paragraph 19 will normally be rejected.

### **Appeal Panel**

23. The Appeal Panel will comprise members of the Academic Board who are independent of the case, who are not members of the same Department as the candidate making the appeal and who are not personally acquainted with the candidate. The membership of the Appeal Panel will normally be
  - i) a Professor or Assistant Dean in the Chair;
  - ii) two other members of academic staff of the College, who have previously acted as an examiner for the award of a research degree.
24. An Appeals Panel, where appropriate, may seek academic advice to assist it in making its decision. Advice should be sought from an appropriate source external to the College and independent of the examination. All parties to an appeal will be entitled to view, and comment upon, any advice obtained by the Panel.
25. The Students' Union may nominate an observer for each Appeal Panel, who will be entitled to observe the Hearing, including any session not including the student and programme team, but who will not be entitled to cross examine the parties to the appeal, or to cast a vote when the Panel considers its decision. The observer may comment upon proceedings during the Panel discussion to consider its decision.
26. Where the Observer considers that any part of the Hearing has been conducted in contravention either of this procedure or established principles of natural justice then they may submit a report to the Chairman of Academic Board to request that the Panel's decision be quashed and a new panel be convened. A decision as to whether such a request should be granted will be a matter of judgement for the Chairman of Academic Board.

27. The Appeal Panel will convene as soon as practicable and normally within twenty one days of the receipt of the appeal.
28. The candidate will be invited to provide written evidence to the Appeal Panel, and will be invited to attend the meeting in person if s/he so wishes. The candidate may be accompanied at the meeting by any Member of the College staff, student body or officer of the Students' Union. The examiners will be invited to provide written evidence in response to the Appeal, and to attend the meeting if they so wish. The candidate's supervisor will be invited to attend the meeting if they so wish.
29. The Appeal Panel will confine its consideration of the appeal to the case made by the student as outlined in paragraph 19 of this procedure.
30. The Appeal Panel shall make its report in writing stating its decision whether the appeal is upheld or not and with reasons. The report, together with its recommendations will normally be produced within ten working days of the meeting.
31. The Panel's report will be communicated in writing by the Academic Registrar to the candidate, the Chairmen of the relevant Board and Sub-Board of Examiners, the Assistant Dean with responsibility for the relevant Department and the Chairman of the Academic Board. If the appeal is upheld the Panel's report will also recommend to the Chairman of the Academic Board the action to be taken to achieve a fair and reasonable outcome.
32. An Appeal Panel will not be permitted to overrule the judgement of the examiners in respect of the examination, but may, where appropriate, recommend that the judgement be quashed and a new oral examination be set up, with different examiners.
33. Final responsibility for endorsement of recommendations will be for the Chairman of Academic Board, whose decision will be final.
34. The decision of the Examiners will normally stand until such time as an appeal is upheld and recommendations approved by the Chairman of Academic Board.

### **Sources of advice**

35. Students may wish to consult with the following officers when considering their appeal:

College Dean – Dr Kate Mackenzie-Davey, email [k.mackenzie-davey@bbk.ac.uk](mailto:k.mackenzie-davey@bbk.ac.uk)

Students Union Advice Centre Co-ordinator Officer – Simon Upton, email [advice@bscu.bbk.ac.uk](mailto:advice@bscu.bbk.ac.uk)

Deputy Academic Registrar (Academic Services) – Trevor Pearce, email [t.pearce@bbk.ac.uk](mailto:t.pearce@bbk.ac.uk)