Appeals policy and procedure (research)

Introduction

1. Birkbeck, University of London is committed to giving to you the best student experience possible. However, there may be occasions when you feel that you have grounds to appeal against an academic decision (for example, where a performance in your oral examination was adversely affected by undisclosed mitigating circumstances).

2. As part of our commitment to a first-class student experience, the University seeks to resolve academic difficulties between students and the University as fairly and effectively as possible. In order to understand the reason for the result or decision, we expect that efforts will be made by students to informally seek resolution with their faculty/school before engaging with formal appeal procedures. It is only when informal channels have been exhausted, or the case is reasoned to be too problematic to informally resolve, that procedures can be initiated to escalate appeals to a formal stage.

3. The University expects that students appreciate that appeals will not always result in their preferred conclusion. Regardless of the decision, you will be informed of the outcome of a formal appeal and the reasons for it.

4. The University hopes that students acknowledge that this policy and procedure provide for a swift and fair assessment of their appeal; however, any feedback you may have on the process will be considered as part of our continual improvement efforts.

Definition of an appeal and scope of these procedures

5. An academic appeal is a request for a formal review of an academic decision relating to your final examination or termination of registration submitted on specific grounds (which are detailed under Grounds for Appeal, below). Although similar in procedure, an appeal is distinct from a complaint: complaints seek to raise concerns about the quality or delivery of service you have received from any part of the University.

6. Complaints, including those academic in nature (such as those relating to the quality of supervision), are considered under a separate Complaints policy and procedure.

This Appeals Policy also excludes complaints against the Students' Union, for which separate procedures exist. Students registered on taught programmes are also dealt with under a separate policy and should consult the Appeals policy and procedure (taught).

7. Where an incident does not clearly fall under any one policy, for example a case relating to both an appeal and a complaint which will need to be dealt with via two or more separate procedures, the University will inform the student which issue is being dealt with under which procedure and in which order they will be addressed or if they will be pursued concurrently.

Related policies, procedures

8. The following policies and procedures are related to the Appeals policy and procedure (research):
   - Student complaints policy and procedure
   - Appeals policy and procedure (taught)
   - Student discipline policy
   - Termination of a student's registration policy and procedure
   - Fitness to Study policy

9. If an appeal is considered to be vexatious or frivolous, then the appeal will be referred to the Academic Registrar or nominee for review and for a response to the student or students concerned. A Completion of Procedures letter will be sent to the student appealing within 10 working days of the Academic Registrar or nominee making a decision. In addition, if the language used in the complaint is in breach of the Student Discipline Policy, disciplinary proceedings may be brought against the student.

Advice and guidance for students

10. Students may wish to consult with the following sources of advice when considering their appeal:

Contacts:

- your supervisor or PGR director
- the Students' Union advice centre manager or a Students' Union elected officer
- Wellbeing Service includes disability support, counselling and mental health advice and support (initial queries can be directed to the well-being administrators, who will help put students in touch with the relevant service:

- Telephone +44 (0)20 3907 0700 or +44 (0)20 7631 6316, email the disability team, email the counselling team, or email the mental health team.

- Dean of University - who can provide confidential and impartial advice for students relating to their welfare in the University
- Academic Standards and Quality - the ASQ team can provide information and guidance on the appeals procedure.

Who can appeal

11. This Policy applies to University students who have been examined for the degrees of MPhil and PhD, for students who have been examined for the MPhil Stud in respect of the thesis only; for students who have been examined for the upgrade from MPhil to PhD; and for students whose registration as a student has been terminated due to a failure to meet academic requirements.

12. You must submit your appeal within four weeks from notification of the results in question. Acceptance of any appeal submitted outside of this time limit will be at the sole discretion of the Academic Registrar or nominee.

13. Cases for appeal will only be accepted in writing, made using the academic appeal proforma, presented clearly and comprehensibly, which have valid grounds of appeal as outlined in this policy and procedure.

14. The submission of an appeal will not have a negative effect on your academic position.

Disability

15. If you consider yourself to have a disability or learning difficulty, support is available to assist you with submitting an academic appeal. Students are advised to contact the University's Disability Service, which is a useful source of advice and support and can supply the relevant documentation in an alternative format. The Disability Service can also advise the University if specific adjustments are required for the consideration of your appeal. Support is also available from Academic Standards and Quality.

16. If you anticipate that it may be difficult to meet the deadlines expressed in this Policy because of a registered disability or learning difficulty, you should inform the University, ideally before the relevant deadline elapses. Additional time may be granted

for submissions that meet these grounds at the discretion of the Academic Registrar or nominee.

Time limits

17. It is expected that appeals will be completed and a decision provided to you within 65 working days from the date of submission.

18. The University will make every reasonable effort to meet the time limits as stated in this Policy. Where they are not met, we will provide a justifiable explanation to you. It should be recognised, however, that to ensure a thorough review of a submission, it may, by exception, be necessary to take a case beyond the standard time limit. In such circumstances, you will be notified of this in writing.

19. You should also be aware that time limits relating to the processing of appeal submissions may be reasonably extended during University holiday periods, when students themselves and/or appropriate staff may not be available.

20. All students should be aware that failure to meet the appropriate time limits without a reasonable explanation may result in a case being concluded without further consideration.

21. Students are expected to familiarise themselves with the key deadlines outlined in this Policy. Ignorance of these regulations does not excuse students from adherence to them.

Confidentiality

22. Your privacy and confidentiality will be respected at all stages of the appeal process.

23. All information submitted in relation to an appeal will be dealt with confidentially and will only be disclosed to other parties for the purposes of conducting an effective investigation and achieving a judgement of an appeal, or as required by law. Where something is disclosed that could have a safeguarding implication, we reserve the right to liaise with appropriate professionals.

24. You have the right to expect that all those who respond to, investigate, or adjudicate on an appeal shall do so impartially. No individual will be permitted to be involved in a case in which they have a material interest or in which any actual or potential conflict of interest may arise.

Deadline

25. You should submit an appeal as soon as possible and any delay in submitting an appeal will need to be fully explained and may be grounds for rejection. Normally, you should make a formal appeal within four weeks of being notified of the relevant results.

Overview of the appeals process

26. The University's internal student appeals procedure consists of up to three stages:

1. Stage One - Early Resolution
   - The University aims to resolve most appeals at this stage, via face-to-face discussions with the student.
   - Initially the student will raise the issue directly with relevant staff (e.g. PGR director) in their school to seek resolution
   - If this initial discussion is not sufficient to resolve the issue, the student may submit a formal appeal.

2. Stage Two - Formal Appeal
   - Enacted only if the student remains dissatisfied with the outcome of Stage One or resolution was not possible due to the character, complexity or seriousness of case.
   - Dealt with by a case handler in ASQ (Registry).
   - The case will be considered by an independent member of RSSC.
   - Student will be provided with a written outcome at the conclusion of this stage.

3. Stage Three - Review Stage
   - Enacted only if the student remains dissatisfied and makes an appeal to a higher body within the University for a review of the process of Stage Two.
   - The review stage is not an automatic reconsideration of the issues raised but of the processing of the appeal at Stages One and Two.
   - An Appeal review panel may be convened.
   - The student will be provided with a written outcome at the conclusion of this stage.
   - A Completion of Procedures letter will be issued at this stage.

Office of the Independent Adjudicator for Higher Education (OIAHE)

- Students who have exhausted the University's internal procedures for complaints or appeals may bring their complaint to the OIAHE within one calendar year of receiving a Completion of Procedures letter.
- The OIA is a review body; this means it considers how the University handled your complaint/appeal and its final decision; it will not undertake a review of the content of the appeal itself.

Time limits

27. We seek to deal with all appeals as swiftly as possible. Normally Stage Two appeals will be resolved within 20 working days; if an appeal is particularly complex and goes through Stages Two and Three, we would seek to resolve it within a maximum time period of 65 working days.

28. Our time limits for the completion of an appeal from submission to completion are provided as follows:
    - Early Resolution stage (N/A)
    - Submission of formal appeal (start of appeal)
    - Formal Stage (up to 20 working days)
    - Submission of request for review of original appeal (within ten working days)
    - Review Stage (normally within 20 working days but up to 30 working days)

29. Although the University aims to operate within the time limits as set out above, we accept a degree of flexibility may be required in some cases, such as when the University closes for Christmas and Easter holidays. Any extension or alteration to the time limits requested by a student must be fully justified and the Academic Registrar or nominee's decision whether to allow any changes will be final.

Stage One - Early Resolution

30. Students are encouraged to seek an informal resolution first, by discussing the case with the PGR director in their school.

31. It is anticipated that by seeking to understand the decision, the reasons behind it and the implications for your progression and/or award informally, at an early stage and at a local level, unnecessary anxiety may be avoided. No results can be changed following this discussion but it may help in clarifying to you whether an appeal is an appropriate step to take.

32. There is no prescribed method as to how responses to informal resolution queries are conveyed to you but it may take the form of explanatory meetings or email correspondence.

33. You should be mindful that any formal appeal must be initiated within four weeks of notification of the results in question. Therefore, you should ensure that attempts at an informal resolution are sought and completed within these four weeks, to safeguard the option to begin a formal appeal, should you choose to do so.

34. If you are dissatisfied with the outcome of the informal approach, you should submit a formal appeal, using the relevant academic appeal proforma.

Stage Two - Formal Stage

35. The formal stage is started when:
    - you decline to engage with early resolution and initiate the formal process in line with this policy
    - early resolution was attempted but you remain dissatisfied and initiate the formal process in line with this policy
    - the issues raised are complex and will require detailed investigation.

How to submit a formal appeal

36. Appeals must be made within four weeks of the date of notification of results and submitted using the academic appeal proforma (available online) and include all evidence you wish to be considered. You should retain copies of the proforma and any evidence supplied for your records.

37. Appeals should be submitted either by email, or by post to: Academic Standards and Quality (Registry Services), Birkbeck, University of London, Malet Street, London, WC1E 7HX.

Grounds for appeal

38. An appeal will only be considered if it meets one of the following grounds (the appeal proforma must state on what grounds the appeal is lodged and include any relevant evidence):

    a. if an apparent case is sufficiently established that your performance at an oral examination was affected by illness or other mitigating circumstances which you were unable, or for valid reasons, unwilling to inform the examiners about before

a decision was reached; or, in case of termination, that your performance during the academic year was affected by illness or other mitigating circumstances which you were unable, or for valid reasons, unwilling to inform your school about before a decision was reached

b. if an apparent case is sufficiently established that the examination was not conducted in accordance with the relevant regulations; or, in case of termination, that the termination was not conducted in accordance with the relevant regulations

c. if an apparent case is sufficiently 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; or, in the case of termination, that there were procedural or administrative irregularities in the termination decision being reached of such a nature, as to cause reasonable doubt as to whether the termination decision would have been the same if they had not occurred.

39. It is not possible for students to appeal against the academic judgement of examiners, supervisors or PGR committees. Academic judgement is defined as the considered view of an appropriately qualified and experienced subject specialist on your academic performance. This could relate to learning outcomes, the award of marks for an assessment, fitness to practise and or research methodology.[1]

Consideration of appeal

40. Upon receiving an appeal, a Registry Officer will be appointed as case handler and will consider whether the appeal is within the time limit and has sufficient grounds.

41. If the appeal is outside of the timeframe, you will be notified and the appeal will not be accepted. If the appeal does not meet the criteria for grounds of appeal, then it will be rejected and the case will be closed.

42. If an appeal has been sufficiently established, the case handler will, within ten working days of receipt, write to the student confirming the next steps and outlining when a response can be expected.

[1] This position corresponds in principle to that adopted by the Office of the Independent Adjudicator for Higher Education (OIA) with regard to its reviews of student complaints (OIA Rule 3.2). In the view of the OIA, 'academic judgment is not any judgment made by an academic; it is a judgment made about a matter where only the opinion of an academic will suffice'.

Investigation process

43. The case handler will investigate the details of the appeal and provide a response to the student within 15 working days of the start of the investigation stage.

44. The case handler will investigate the facts of the appeal, including any evidence supplied by the student, relevant regulations and policies, and will consult with staff of the University as appropriate, including PGR Director or nominee and other colleagues in relation to an appeal where necessary, in the interests of minimising delay and resolving the case.

Outcome

45. The case handler will complete a report of the investigation and present the facts with a recommended outcome to the Chair of the Research Student Sub-Committee, who will consider the report and will confirm one of the following outcomes:

    a. re-affirm the original decision on the grounds that the matters raised in the case presented were previously known to the Examiners or PGR Committee and were taken into account and given due allowance or where matters raised were not previously known, were such as not to alter the outcome of the decision
    b. request the examiners or PGR Committee review its decision and report an amended recommendation
    c. recommend, where appropriate in appeals against the outcome of an oral examination, that the candidate be permitted to enter another oral examination to defend the thesis. This will normally be with the same examiners but with a chair.

Stage 3. Review Stage

46. Upon notification by the case handler of the decision of an appeal, you will be informed of the conditions under which you can request a review of that decision.

47. Any request for a review of the decision must be submitted to the case handler within ten working days of the date of the notification. Review requests must be submitted using the Review proforma, state on what grounds the review is requested and should be accompanied with supporting evidence.

Grounds for review

48. Review requests must be based on one or more of the grounds for review outlined here (requests submitted outside of these grounds will likely be returned to the student):
    a. the handling or consideration of the case was not in accordance with the procedures outlined in this procedure
    b. given the evidence, the decision of the Investigators in response to the representations made could not reasonably be sustained.

Review

49. Review requests received on the basis of the grounds above will be considered by the Academic Registrar or nominee within ten working days. The Academic Registrar or nominee will consider whether the Research Student Sub-Committee followed the Appeals Policy and Procedure correctly in coming to their decision and whether the decision is consistent with the evidence provided by the student.

50. The Academic Registrar or nominee will then make one of the following recommendations:
    a. The examiners' or PGR Committee's decision was valid and therefore the review request of their decision is rejected
    b. The examiners' or PGR Committee review their decision, in conjunction with newly submitted evidence or instruction from the Academic Registrar and submit an updated decision to the case handler within ten working days. Please note this does not necessarily mean that any prior decision will change but will be reconsidered in light of any new evidence
    c. That the case has sufficiently established that the decision of the examiners or PGR Committee may not have been properly considered and the appeal should therefore be heard by an Appeal Panel.

51. You will be notified of the Academic Registrar's decision and of next steps. The outcome of the action recommended by the Academic Registrar of the review stage will conclude the internal procedures.

52. The result of the review will be communicated to the student through ASQ, within ten working days.

Appeal Panel

53. The Appeal Panel will comprise members of the Academic Board who are independent of the case, who are not members of the same school as the student making the appeal and who are not personally acquainted with the student. The membership of the Appeal Panel will normally be:
    a. a professor, Head of School or Head of Education and Student Experience as the chair
    b. two members of academic staff of the University, who have previously acted as an examiner for the award of a research degree.

54. The Students' Union may nominate an observer for each Appeal Panel, who will be entitled to observe the hearing, including any session not involving 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, at the discretion of the chair of the panel.

55. 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 Chair 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 Chair of Academic Board.

56. The Appeal Panel will convene as soon as practicable and normally within 21 days of the receipt of the request for review.

57. You will be invited to provide a written statement and any additional evidence to the Appeal Panel and will be invited to attend the meeting in person if you wish.

58. You are entitled to be accompanied to the panel by a companion. The role of the companion is to support the student in putting their appeal to the University and during any hearing. The companion should be a member of the University or a Students' Union representative. Companions shall not normally be professional legal representatives; the panel will not normally be held if the student appealing is legally represented. Companions should take care to ensure as far as is reasonable, that their advice and conduct is at all times in the best interests of the student in the progression of their appeal.

59. 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.

60. 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 10 working days of the meeting and forwarded to the case handler.

61. The panel's report will be communicated in writing by the case handler to the student, the Chair of the Research Student Sub-Committee, the Head of Education and Student Experience or Head of School with responsibility for the relevant school and the Chair of the Academic Board. If the appeal is upheld, the panel's report will also recommend to the Chair of the Academic Board the action to be taken to achieve a fair and reasonable outcome.

62. 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.

63. Final responsibility for endorsement of recommendations will be for the Chair of Academic Board, whose decision will be final.

64. The decision of the Examiners will normally stand until such time as an appeal is upheld and recommendations approved by the Chair of Academic Board.

Completion of procedures

65. At the conclusion of our procedures, a student will be offered a Completion of Procedures letter, signifying the end of the University internal appeals procedure.

66. A Completion of Procedures letter is required should the student wish to advance a complaint with the Office of the Independent Adjudicator regarding their appeal. The University will usually only issue a Completion of Procedures letter once our appeals procedure has concluded and a final decision has been provided to the student.

Office of the Independent Adjudicator (OIA)

67. Students who have exhausted the University's internal procedures for complaints or appeals may bring their complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE) within one calendar year of receiving a Completion of Procedures letter. The OIAHE's website contains full information, and the OIAHE can also be contacted at: OIA, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB, tel: 0118 959 9813, or via email. Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, downloadable copies of which are available from the website.

Policy Review

Created:	June 2011
Latest update:	June 2020
Date of next review:	2025-26 academic year
Owner:	Student Complaints, Conduct and Appeals Manager
SLT owner:	DVC Education and Student Experience
Committee oversight:	Education and Student Experience Committee for Academic Board