



APPEALS PROCEDURES

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Please note: *It is important to read these procedures in conjunction with the Framework for Student Procedures. The Framework contains the overarching principles regarding the University's approach to dealing with Appeals.* 3

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Please note: *It is important to read these procedures in conjunction with the Framework for Student Procedures. The Framework contains the overarching principles regarding the University's approach to dealing with Appeals.*

1. What is an Appeal?

- 1.1 An Appeal is defined as a request for a review of the decision-making of an academic body (for example, decision-making by a Board of Examiners¹ or relating to Extenuating Circumstances or Plagiarism) charged with making academic decisions on progression, assessment, extenuating circumstances, academic conduct or awards. These Procedures apply to Appeals received after 1 October 2019. The next scheduled review is June 2021.
- 1.2 A Fitness to Practise or Professional Suitability Appeal is defined as a request for a review of the decision-making of a panel, specifically established by the Academic Board to make decisions relating to the student's conduct, competence and capabilities in relation to professional practice, taking into account the requirements of any relevant regulatory or statutory body. The Procedures apply to Fitness to Practise and Professional Suitability Appeals received after 1 October 2019.

2. Who is able to use the Student Appeals Procedure?

- 2.1 Anyone who is, or was recently, a registered student may use the Appeals Procedure. Students may initiate the Appeal Procedures for twenty working days after their studies have finished or been terminated. The term 'student' includes those registered or enrolled on a programme. It includes those on an interruption of study, temporary withdrawal or temporary exclusion or suspension.
- 2.2 A student at a partner institution uses this Appeals Procedure.

3. What are the potential reasons for making an Appeal?

- 3.1 A student may Appeal against a decision of an academic body (other than a fitness to practise panel or professional suitability panel) where a student can produce specific, satisfactory evidence that:
- (i) a Board of Examiners could have recommended that the student, following failure, be permitted to take further assessments but did not so recommend without good cause; and/or
 - (ii) written extenuating circumstances evidence was appropriately submitted but not properly considered in accordance with the procedures approved by Academic Board; and/or
 - (iii) there had been a material administrative error that had not been properly remedied and had a detrimental impact; and/or

¹ This may be a Module or Progression and Award Board. Throughout this document, where the term Board of Examiners is used, it is intended to refer to both types of Board.

- (iv) the assessments had not been conducted in accordance with the current Regulations and Procedures relevant to the programme; and/or
 - (v) the student has valid and specific grounds for claiming that there is substantial independent written evidence, from a qualified professional, directly relevant to performance in assessment and that such evidence:
 - shows the student's performance to have been materially affected; and
 - is, for demonstrable reasons, of a sort which the student could not reasonably have been expected to submit at the appropriate time under the University's extenuating circumstances procedures; and
 - has not previously been received and reviewed by the University; and
 - relates to one or more assessment/s recent enough to have been considered when the Board of Examiners or other academic body last made a decision relating to the student.
- 3.2 A student may Appeal against the decision of a fitness to practise panel or professional suitability panel where a student can produce specific, satisfactory evidence that:
- (i) written extenuating circumstances evidence was appropriately submitted but not properly considered in accordance with the procedures approved by Academic Board; and/or
 - (ii) there had been a material administrative error that had not been remedied and had a detrimental impact; and/or
 - (iii) the student has valid and specific grounds for claiming that there is substantial independent written evidence, from a qualified professional, directly relevant to the deliberations of the panel and that such evidence:
 - is, for demonstrable reasons, of a sort which the student could not reasonably have been expected to submit at the appropriate time under the University's extenuating circumstances procedures; and
 - has not previously been received and reviewed by the University.
- 3.3 A student may Appeal against the decision of a plagiarism and academic misconduct investigation where a student can:
- (i) identify a material administrative error or irregularity that occurred in the conduct of the investigation and as a result the decision was unreasonable; and/or
 - (ii) provide new material evidence that, for valid reasons, the student was unable to provide earlier in the process and had a bearing on the penalty but not the finding of plagiarism or other academic misconduct; and/or
 - (iii) demonstrate the penalty imposed was disproportionate or not permitted under the procedures.

- 3.4 The academic body, fitness to practise panel or investigator against whose decision the student is appealing is referred to as the 'relevant body' in these procedures.

4. What is excluded from the Appeals process?

- 4.1 A student may not Appeal against the academic or professional judgement of the Examiners or panel members. This means there is no Appeal against the decision made on the quality of the assessed work (including professional practice) or the criteria being applied to mark the work, rather than the administration of the assessment process.
- 4.2 A student may not Appeal where there is disagreement about the way in which extenuating circumstances requests were considered unless there is clear evidence that the decision maker did not follow the defined Extenuating Circumstances procedures and/or the decision makers' recommendation was not appropriately considered by the relevant body.

5. How can a student make an Appeal?

- 5.1 The student is to submit the Appeal, in writing, to the Student Procedures Office within twenty working days of the date of issue of the written notification to the student of the decision of the relevant body. A Case Officer will be appointed to manage the case. The student may seek assistance from Student Support, Health and Wellbeing or the Students' Union in preparing an appeal.
- 5.2 A request for an Appeal needs to:
 - 5.2.1 state the decision that is being Appealed against;
 - 5.2.2 state which ground(s) the Appeal is based upon;
 - 5.2.3 include a statement of the circumstances;
 - 5.2.4 indicate the outcome being sought (although the final outcome may differ from that sought); and
 - 5.2.5 provide or identify relevant evidence.
- 5.3 In requesting an Appeal, the student should provide the supporting evidence when submitting the application. A Case Officer or Investigator may also request supporting evidence as part of the consideration or investigation of the Appeal. On receipt of a request from a student for an Appeal, an acknowledgement will be made.
- 5.4 A student wishing to provide information relating to another person must provide evidence the individual gave explicit written consent for the use of the information. The Student Procedures Office will request evidence of consent before processing the information.

6. What happens when the request is not an Appeal?

- 6.1 When a student writes to the Student Procedures Office, instead of seeking an Appeal the student might wish to:
- (i) clarify whether the correct outcome has been communicated; or
 - (ii) make a complaint about the services provided.

7. What happens if what is required is the clarification of an outcome?

- 7.1 A request for a clarification of an outcome may arise because the student has not understood the process concerned, or is disappointed with the result. It may be a request for confirmation that extenuating circumstances evidence had been received and taken into consideration.
- 7.2 By explaining the process, the Case Officer may be able to place the student's mind at rest without taking the matter further. The Case Officer should, where appropriate, advise the student of the formal means of Appeal, extending the time limit by fourteen days from the letter informing the student of the decision.

8. What happens if the complaint is about the services provided?

- 8.1 A student might use the opportunity to complain about the services provided.
- 8.2 Appropriate explanation of the process should be given by means of response. Where appropriate, the Case Officer will write to the student, enquiring whether the matter should be pursued under the University's Student Complaints Procedures. If such a matter is pursued, the Case Officer would assess at that time whether grounds for Appeal came to light as a result of the investigation.

9. How does the University process Appeals?

- 9.1 A Case Officer within the Student Procedures Office will manage the appeal. In determining the eligibility of the Appeal, the Case Officer will consider:
- Whether the request was within the required timeframe;
 - the statement and evidence the student presents in the request for an Appeal;
 - the papers of the relevant body relating to the student, and in the case of Boards of Examiners any profile used to calculate the classification;
 - any extenuating circumstances evidence submitted;
 - whether to invite the student to provide additional supporting evidence/information to establish eligibility.

Requests to Chair or Programme Director(s) for information

- 9.2 The Case Officer may seek information to establish eligibility and, if eligible, whether the case is capable of Early Resolution. The Case Officer may invite the Chair and/or the Programme Director(s) to comment, in writing, on the eligibility of the appeal.
- 9.3 Where a student is pursuing a combined programme, and the Appeal concerns the decision of a Board of Examiners in relation to both subjects, the Case Officer may consult the Programme Directors of both programmes.
- 9.4 If the Chair and/or the Programme Director(s) does not respond to the request for information after ten working days, the Case Officer will decide based on the student's application.

Assessment of the request by the Case Officer

- 9.5 On receipt of all required information/evidence from the Chair or Programme Director(s) and the student, the Case Officer will assess whether the case meets the criteria for appeal (as set out in 3.1 and 3.2), and will set out their determination in writing to the student.
- 9.6 The Case Officer determines the case in one of the following ways, with the procedures set out in the appropriate section:
 - 9.6.1 there are no grounds for an Appeal; or
 - 9.6.2 there are grounds for an Appeal that may be resolved through Early Resolution; or
 - 9.6.3 there may be grounds for an Appeal, but the case requires referral to Formal Investigation.
- 9.7 The Case Officer will make a determination within twenty working days after acknowledging receipt of the application.

10. What is the role of Early Resolution in the initial Case Officer assessment?

- 10.1 Where the Chair and/or the Programme Director(s) of the relevant body accepts the student has demonstrated a valid case under the appeal criteria set out in 3.1 and 3.2, the Case Officer may resolve the matter without referral to Formal Investigation. Any such decision requires a clear set of reasons to be set out in writing.
- 10.2 The Case Officer informs the student where a request for an Appeal is upheld without referral to Formal Investigation. An explanation of the reasons will be given, and the consequences outlined to the student.
- 10.3 Where the student is offered Early Resolution through the Case Officer, the student will need to accept any offer made, in writing, within the given deadline.
- 10.4 Where a student is made an offer, but does not accept that offer in writing within the required timeframe, the original relevant body decision will stand.

- 10.5 A Case Officer may extend the timeframe for receipt of a student's written acceptance of an offer, where valid reasons for a delayed response are provided. For example, where a student is unwell or is seeking guidance about the implications of the offer made, prior to accepting

11. What happens when a Case Officer determines there are no grounds for an Appeal?

- 11.1 Where a Case Officer determines there are no grounds for Appeal, the reasons will be set out in writing to the student outlining the substance of the Case Officer's findings. The Case Officer will state there has been no Formal Investigation and the original decision stands.
- 11.2 The Case Officer will send the student a copy of any information received from the Chair or the Programme Director(s) when providing the outcome. The student may seek assistance from Student Support, Health and Wellbeing or the Students' Union in preparing any response to those documents.
- 11.3 The determination there were no grounds will be where the student did not established a ground for appeal because:
- (i) the request was submitted late;
 - (ii) the student exhausted all available resit opportunities; and/or
 - (iii) the student submitted no extenuating circumstances evidence relating to the decision making concerned; and/or
 - (iv) a material administrative error had not occurred or had been remedied; and/or
 - (v) the student did not identify sufficiently how the assessments were not conducted in accordance with the current Regulations and Procedures relevant to the programme; and/or
 - (vi) any submitted evidence not previously considered by the University did not meet all the requirements for consideration.
- 11.4 If the Case Officer determines there are no grounds for an Appeal, the student will be informed in writing that there will be no Formal Investigation and the original decision will stand.
- 11.5 Where the Case Officer determines there are no grounds for an Appeal, the student has the right to request a review of that decision where:
- 11.5.1 they can demonstrate due process was not followed in reaching that determination; or
 - 11.5.2 they can provide further clarification of their case, which directly responds to issues outlined in the Case Officer's determination; or
 - 11.5.3 they are able to provide new evidence, not previously considered by the Case Officer, which is relevant to the case and could not have previously been supplied.

- 11.6 The Case Officer will inform the student of the right to request a review at the time of setting out the reasons for not accepting grounds for an Appeal.

12. How can a student request a review of a Case Officer's determination other than when the request is late?

- 12.1 The student may request a review of the Case Officer's decision by making a written request within twenty working days of the date of issue of the notification to the student of the Case Officer's determination. The Case Officer will inform the student of the right to ask for a review of the decision by an Appeal Reviewer. The Case Officer will give the contact details to the student.
- 12.2 The student may provide additional information or evidence in support of a request for review,
- 12.3 The Appeal Reviewer will be from outside the School in which the student is studying. The Appeal Reviewer may explore an Early Resolution following the procedure in Section 10 above after taking into account any additional information or evidence.
- 12.4 No person who has previously been involved with the case shall review the request.
- 12.5 The student will not meet with the Appeal Reviewer. The Appeal Reviewer will make the decision based on the evidence originally presented, together with any further statement or evidence the student has provided in making their review request.
- 12.6 If the Appeal Reviewer determines there may be grounds for an Appeal, the Reviewer will inform the student that a Formal Investigation will be undertaken.
- 12.7 If the Appeal Reviewer confirms the Case Officer's decision that there are no grounds for an Appeal, the Reviewer will inform the student. The student may make a representation to the Vice-Chancellor in writing against this decision within twenty working days of the date of the formal written response.

13. What happens if a student submits an Appeal late?

- 13.1 The following process applies where an Appeal is received more than 20 working days after the date of issue of the written notification to the student of the decision of the relevant body.
- 13.2 The Case Officer will inform the student of the decision not to accept the appeal because it was late within five working days of receipt. The exception is where the Case Officer requires the student to provide further information. The Case Officer will inform the student of the decision within five working days of receipt of the further information.

- 13.3 The Case Officer will inform the student of the right to ask for a review of the decision by an Appeal Reviewer. The arrangements set out in paragraphs 12.1 to 12.5 apply.
- 13.4 **For appeals received between 21-40 working days after the issuing of a decision**, students must present a reason for the late submission. Such circumstances might include, but are not limited to, the student's incapacity due to illness (physical or psychological) or the student having made initial enquiries about the Appeal process and then lodging an Appeal within a timely period.
- 13.5 **For appeals received more than 40 working days after the issuing of a decision**, the Appeal Reviewer will decline any request if satisfied the request was late and there was no material error on the part of the University.
- 13.6 The Appeal Reviewer may extend the time allowed for submission of an Appeal if a student provides a valid reason for submitting the appeal after twenty days. If the Appeal Reviewer agrees to extend the submission period, a Case Officer will undertake an initial assessment as set out in Section 10.
- 13.7 The student may make representations to the Vice-Chancellor, as set out in Section 12, against an Appeal Reviewer's decision not to extend the period for submitting an appeal. The Appeal Reviewer will inform the student of the right to make representations to the Vice-Chancellor.

14. What is the role of Formal Investigation?

- 14.1 Where the Case Officer determines there are grounds for Appeal based on the case presented by the student, or is directed to do so by an Appeal Reviewer (section 12), the matter will be referred for Formal Investigation.
- 14.2 The student will be informed of the arrangements that will be put in place for the Formal Investigation.
- 14.3 The Investigator will, as appropriate, request and consider evidence/information from the student and any relevant University area in the consideration of the student's case.
- 14.4 The University aims to undertake Formal Investigations in a timely manner, whilst ensuring all necessary information is sought and considered to reach a comprehensive conclusion.
- 14.5 The aim is to complete an Investigation within twenty working days of the appointment of the Investigator. There may be a need, in exceptional circumstances, to extend the period for investigation. Examples of exceptional circumstances include:
 - 14.5.1 a complex appeal
 - 14.5.2 the need to complete a simultaneous investigation into a complaint
 - 14.5.3 a time delay in the student responding to requests for information
 - 14.5.4 the submission of an Appeal outside teaching periods for the programme.

- 14.6 Where an Appeal investigation requires more than twenty working days, the Student Procedures Office will provide students with an explanation of the reason for extending the period within twenty working days, together with regular reports on progress after twenty working days.

15. How is the student's perspective considered?

- 15.1 The Investigator must ensure the student has an adequate opportunity to be heard.
- 15.2 The student has the right to request support in the preparation of the case from the University's Department of Student Support, Health and Wellbeing or from the Students' Union.
- 15.3 The student is to be given a copy of the evidence/information considered by to the Investigator.
- 15.4 The student has the right to make a personal statement in writing. The Investigator must consider all such statements presented by, or on the specific written authorisation of, the student. The Investigator is to be satisfied that any written statements made on behalf of the student have been made available to the student.
- 15.5 Where an Investigator determines that grounds for Appeal exists based on a reading of the written case, and the student agrees the outcome, there is no requirement for the student to talk with the Investigator.
- 15.6 Where a case requires further investigation, the Investigator must give the student the opportunity to be heard either in a face-to-face meeting or at a distance by making use of any appropriate means of telecommunication, including telephone and Skype.
- 15.7 When attending in person, the student has the right to be accompanied by a friend, defined as a registered student of Canterbury Christ Church University, a member from the same year or group as the student, a member of the Students' Union Council, an officer of the Students' Union or a current member of staff of the University. In all cases, the friends may speak on behalf of the student and may attend in the student's place, with the written authorisation of the student, should the student not wish to attend themselves.
- 15.8 If a student declines to meet with the Investigator, the Investigator conducts the investigation based on the evidence collected. The right to representation to the Vice-Chancellor will be unaffected by non-attendance at a meeting.

16. What happens if an Investigator upholds an Appeal?

- 16.1 The Investigator will decide whether an Appeal is to be upheld based on the evidence available, and set out the reasons for the decision in writing to the student. When the Investigator upholds a student appeal in whole or in part, the Investigator will refer the matter to the School or the decision making body for reconsideration. The School/decision making body

concerned will draw up an action plan to address the issues that were upheld. This is to demonstrate how the decision of the Investigator is to be addressed.

- 16.2 The School is to agree an Action Plan with the student concerned, and provide a copy to the Investigator. The School is to draw up the Action Plan within twenty working days of the Investigator writing to the student and School/decision making body, and agree it with the student within forty working days of the notification. The School and the student can mutually agree to extend the period for agreeing the Action Plan to enable mutual discussions to take place.
- 16.3 In the event of disagreement, the student can ask the Investigator to act as a Reconciliator. Should the need arise the Investigator will issue a binding Action Plan following the reconciliation process.

17. How can a student make a representation against the decision of the Investigator or Appeal Reviewer?

- 17.1 Where the Review of Appeal is not upheld, the student may make a Representation in writing to the Vice-Chancellor within twenty working days of the date of the formal written response from the Reviewer.
- 17.2 Where the Formal Investigation upholds the Appeal, the student may make a Representation in writing to the Vice-Chancellor within twenty working days of the date the final Action Plan, including a binding Action Plan issued by an Investigator.
- 17.3 The Representation will be made as follows:
 - (i) for programmes accredited by Canterbury Christ Church University, a Representation may be made in writing to the Vice-Chancellor.
 - (ii) for programmes accredited by a validating body other than the University, any right of further representation will be that available under the arrangements for the programme. The procedures followed will be those of the validating body concerned.
- 17.4 The Investigator or Reviewer will tell the student of the right of representation and the means by which this is to be done.

18. What are the arrangements for representation to the Vice-Chancellor?

- 18.1 The student may make a representation to the Vice-Chancellor in writing against the decision of the Formal Investigator or the Appeal Reviewer within twenty working days of the date of the formal written response. The Vice-Chancellor will only consider a Representation if the student completed all the previous stages in the procedures.
- 18.2 In exceptional circumstances, the Vice-Chancellor may extend the time allowed for submission of a representation if satisfied there were valid reasons why the request was not submitted within twenty working days. Such circumstances might include, but are not limited to, the student being ill or having other pressing reasons. The Vice-Chancellor will not accept a

Representation more than ninety working days after the date of the formal written response provided there was no material error on the part of the University.

- 18.3 The Vice-Chancellor will nominate a suitable individual to review the representation. Normally, this will be either the Deputy Vice-Chancellor or a Pro Vice-Chancellor. The arrangements for delegation may include arrangements to cover any period of absence from the University of Senior Staff.
- 18.4 The Vice-Chancellor's nominee is not limited in the means of seeking a resolution. The nominee may, for example, propose a particular course of action, recommend mediation be undertaken subject to the agreement of the student or determine that a further investigation is to be undertaken.
- 18.5 The outcome of the Vice-Chancellor's Review stage may be a confirmation that the procedures were followed, the outcome was reasonable and there was no further action that the University should take.
- 18.6 It is aimed to complete the Vice-Chancellor's Review stage within twenty working days of the Vice-Chancellor acknowledging the notification. The general exception is where the notification is received outside the published term dates, when the aim is to complete the Review stage within forty working days of the notification being acknowledged.
- 18.7 The decision of the Vice-Chancellor's nominee represents the completion of the internal procedures of the University. The student will then be issued with a Completion of Procedures letter (COP).

19. What are the arrangements for extending time scales?

- 19.1 The time scale for any stage may be extended on the request of, or with the agreement of, the student, particularly where it is agreed there should be any form of alternative dispute resolution.
- 19.2 Where necessary, the Case Officer, Investigator or the nominee of the Vice-Chancellor has the authority to extend a stage for good cause, but must inform the student in writing of the reason for, and the expected length of time of the extension.

20. What happens after the internal procedures of the University are completed?

- 20.1 Once the student completes the internal procedures of the University but believes the issue has not been appropriately addressed, the student may complain to the Office of the Independent Adjudicator for Higher Education (OIA).