

**ACADEMIC AND FITNESS TO PRACTISE APPEALS PROCEURES**

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# What is an Appeal?

## An Appeal is defined as a request for a review of the decision-making of an academic body (for example, a Board of Examiners, an Extenuating Circumstances Request Review Panel or a Panel established to investigate Plagiarism) charged with making academic decisions on progression, assessment, extenuating circumstances, academic conduct or awards. The Procedures apply to Appeals received after 1 January 2015.

## A Fitness to Practise Appeal is defined as a request for a review of the decision-making of a body, such as a fitness to practise panel, specifically established by the Academic Board for the purpose of making 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 Appeals received after 1 January 2015.

# What are the potential reasons for making an Appeal?

## A student may Appeal against a decision of an academic body other than a fitness to practise panel or professional suitability panel where specific, satisfactory evidence can be produced by a student that:

### 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

### written extenuating circumstances evidence was appropriately submitted but not properly considered in accordance with the procedures approved by Academic Board; and/or

### there had been a material administrative error that had not been properly remedied and had a detrimental impact; and/or

### the assessments had not been conducted in accordance with the current Regulations, Frameworks, Protocols or Conventions for the programme; and/or

### 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.

## A student may Appeal against the decision of a fitness to practise panel or professional suitability panel where specific, satisfactory evidence can be produced by a student that:

### written extenuating circumstances evidence was appropriately submitted but not properly considered in accordance with the procedures approved by Academic Board; and/or

### there had been a material administrative error that had not been remedied and had a detrimental impact; and/or

### 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.

## The academic body or fitness to practise panel against whose decision the student is Appealing is referred to as the ‘relevant body’ in these procedures.

# What is excluded from the Appeals process?

## 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.

## 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 defined procedures were not followed by the Extenuating Circumstances Review Panel and/or the Panel’s decision was not appropriately considered by the relevant body.

# How can a student make a request for an Appeal?

## The request for an Appeal is to be submitted, in writing, to the Director of Planning and Academic Administration within twenty working days of the date of issue of the written notification to the student of the decision of the relevant body. The student may seek assistance from Student Support, Health and Wellbeing or the Students’ Union in preparing an appeal.

## In exceptional circumstances, the Director of Planning and Academic Administration may extend the time allowed for submission of an Appeal 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 or the student making initial enquiries about the process of Appeal and then lodging an Appeal.

## The Director of Planning and Academic Administration will decline to accept any request submitted by the student more than forty working days after the date of issue of the written notification of the decision of the relevant body to the student.

## A request for an Appeal needs to:

### state the decision that is being Appealed against;

### state which ground(s) the Appeal is based upon;

### include a statement of the circumstances; and

### indicate the outcome being sought (although the final outcome may differ from that sought).

## In requesting an Appeal, the student does not need to provide documentation to support the Appeal. Relevant supporting evidence will be requested as part of the consideration or investigation of the Appeal where it is required.

## On receipt of a request from a student for an Appeal, an acknowledgement will be made.

# What happens when the request is not an Appeal?

## When a student writes to the Director of Planning and Academic Administration, instead of seeking an Appeal the student might wish to:

### clarify whether the correct outcome has been communicated; or

### make a complaint about the services provided.

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

## 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.

## 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.

# What happens if the complaint is about the services provided?

## A student might use the opportunity to complain about the services provided.

## 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.

# How are Appeals processed?

## The Director of Planning and Academic Administration will appoint a case officer within Planning & Academic Administration to manage the appeal. In determining whether a request meets the requirements for an Appeal, the case officer will consider:

### the arguments 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 the student has submitted;

### whether the student should be invited to provide any necessary supporting evidence.

# Requests to Chair or Programme Director(s) for information

## If the request requires investigation, the case officer will invite the Chair and/or the Programme Director(s) of the relevant body to comment, in writing, on the arguments presented by the student in the request for an Appeal.

## 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 Programme Directors of both programmes may be notified and consulted.

## The case officer will provide the student with a copy of the information received from the Chair or the Programme Director(s), and invite the student to comment. The student may seek assistance from Student Support, Health and Wellbeing or the Students’ Union in preparing the comments.

# Examination of the request by the Case Officer

## On receipt of the comments from the Chair or Programme Director(s) and the student, and any additional evidence submitted by the student, the case officer will examine the case and set out the conclusions in a letter to the student.

## The case officer will determine the case in the following way, with the procedures set out in the appropriate section:

### there are no grounds for an Appeal

### there are grounds for an Appeal which may be resolved informally

### there are grounds for an Appeal that need to be referred for Formal Investigation

# What happens when it is decided there are no grounds for an Appeal?

## Where it is determined there are no grounds for Appeal, the reasons will be set out in a letter to the student outlining the substance of the case officer’s findings. This will usually be where there is clear evidence that the relevant body concerned has:

### complied with the Regulations, Conventions, Policies and Procedures;

considered the necessary documentation;

considered, where appropriate, the extenuating circumstances evidence, and either made adjustments or judged that the evidence was not appropriate, and has given reasons;

already given extenuating circumstances, where appropriate, in the form of extensions or reassessments;

provided a satisfactory reason why the relevant body made the decisions relating to the student;

## If the case officer decides 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.

## Where the case officer determines there are no grounds for an Appeal, the student has the right to request reconsideration of the decision. The case officer will inform the student of this right at the time of setting out the reasons for not accepting grounds for an Appeal.

# When a Case Officer decides not to institute a Formal Investigation

## The student may request reconsideration of the case officer’s decision by making a written request to the Director of Planning and Academic Administration. The request is to be submitted, in writing, to the Director within twenty working days of the date of issue of the notification to the student of the decision of the case officer.

## In exceptional circumstances, the Director of Planning and Academic Administration may extend the time allowed for submission of the request 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 Director of Planning and Academic Administration will refer the request to an investigator in a Faculty other than one in which the student is studying.

## No person who has previously been involved with the case shall review the request.

## The student will not meet with the investigator, who will make the decision based on the evidence originally presented together with any further statement the student wishes to make in response to the decision of the case officer.

## If the investigator determines there are grounds for an Appeal, the Director will inform the student that a Formal Investigation will be undertaken.

## If the investigator confirms the case officer’s decision that there are no grounds for an Appeal, the investigator will inform the student. The student may make a representation to the Vice-Chancellor in writing against the decision within twenty working days of the date of the formal written response.

#  What is the role of Informal Resolution?

## Where the Chair of a relevant body accepts the case put forward by the student, the case officer may resolve the matter without referring the matter for Formal Investigation.

## Where the acceptance of an Appeal does not result in the change of a classification, the appropriate change may be made. This may result in a change of mark or the opportunity for an assessment or reassessment attempt. The Programme Director concerned will inform the relevant external examiner of the outcome. Any such decision must be based on a clear set of reasons.

## Where the Appeal results in a change in a classification, a clear set of reasons is to be put forward in writing to explain why the Board of Examiners did not propose a higher class at the time. There must be evidence of administrative error or a reason why extenuating circumstances evidence was not considered in an appropriate way. This is essential out of fairness to other students. In addition, at least one external examiner must be in agreement with the proposed change, having considered the reasons. If there is any doubt, the matter should be referred for Formal Investigation.

## Where the student’s request for an Appeal is upheld without reference to an Investigator, the student will be informed accordingly by the case officer. An explanation of the reasons will be given, and the consequences will be outlined to the student.

# What is the role of Formal Investigation?

## Where the case officer believes there are grounds for Appeal based on the case presented by the student, or is directed to do so by the Review Committee, the matter will be referred for Formal Investigation.

## The student will be informed of the arrangements that will be put in place for the Formal Investigation. It is aimed to complete the Formal Investigation stage within twenty working days of the appointment of the Investigator. The general exception is where notification is received outside the published term dates for the programme, when the aim is to complete the Formal Investigation stage within forty working days of the appointment of the Investigator.

# How is the student’s perspective considered?

## The Investigator must ensure the student has an adequate opportunity to be heard.

## 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.

## The student is to be given a copy of the evidence requested by and presented to the Investigator.

## The student has the right to make 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.

## Where an Investigator upholds the position of the student based on a reading of the written case, and the student agrees the outcome, there is no requirement that the student is invited to talk with the Investigator.

## 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.

## 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 cohort 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 friend may speak on behalf of the student, and may with the written authorisation of the student attend in the student’s place.

## When a student declines to meet with the Investigator, the Formal Investigation will be concluded based on the evidence collected. The right to representation to the Vice-Chancellor will be unaffected by non-attendance at a meeting.

# What happens if an Appeal is upheld?

## The Investigator will decide whether an Appeal is to be upheld based on the evidence available, and set out the reasons for the decision. When the Investigator upholds a student appeal in whole or in part, the Investigator will refer the matter to the Programme Director(s) or the decision making body for reconsideration. The Programme Director(s) 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.

## The action plan is to be agreed with the student concerned, and a copy provided to the Investigator. The action plan is to be drawn up within twenty working days of the Investigator writing to the student and Programme Director(s), and to be agreed with the student within forty working days of the notification. In the event of disagreement, the Investigator is to act as a conciliator and, should the need arise, issue a binding action plan.

## The Investigator may extend the period for the completion of an Action Plan with the agreement of both the Programme Director(s) and the student.

# How can a student make a representation against the decision of the Investigator?

## A representation may be made where the student does not believe the Formal Investigation has been properly conducted by the Investigator.

## The representation will be made as follows:

### for programmes accredited by Canterbury Christ Church University, a Representation may be made in writing to the Vice-Chancellor.

### 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.

## The Investigator will advise the student of the right of representation and the means by which this is to be done.

# What are the arrangements for representation to the Vice-Chancellor?

## The student may make a representation to the Vice-Chancellor in writing against the decision of the Investigator or the Review Committee within twenty working days of the date of the formal written response.

## 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 nominate a suitable individual to review the representation. Normally, this will be the Pro Vice-Chancellor (Education and Student Experience). The arrangements for delegation may include arrangements to cover any period of absence from the University.

## 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.

## The outcome of the 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.

## It is aimed to complete the 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.

## The decision of the Vice-Chancellor’s nominee represents the completion of the internal procedures of the University.

# What are the arrangements for extending time scales?

## 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.

## Where necessary, the 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 length of time of the extension.

# What happens after the internal procedures of the University are completed?

## 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).