

# Academic Appeals Regulations

2021-22



UNIVERSITY OF  
**WINCHESTER**

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<b>Summary/Description:</b>	
<p>This document defines the criteria and procedures to be followed for appeals against the decision of a Progression and Award Board.</p> <p>A summary of changes to this document appears on the page below.</p>	

## SUMMARY OF CHANGES

This list summarises the changes since 2016/17. The date confirms when the changes were implemented.

11 July 2022	<ol style="list-style-type: none"><li>1. Removal of reference to hardcopy form – replaced with online form</li><li>2. Inclusion of commitment of completing appeal consideration within 90 calendar days</li><li>3. Update of titles and responsibilities</li><li>4. Removal of referral to DVC option</li></ol>
23 June 2021	<ol style="list-style-type: none"><li>1. Update to appendix 2 (benchmark review) to clarify the ongoing use of the 2019/20 benchmark in award calculations in 2020/21</li></ol>
May 2020	<ol style="list-style-type: none"><li>1. Updates to terminology – replace Exam Boards with Progression and Award Boards</li><li>2. Updates to Student Union contact details</li><li>3. Amendment to roles due to changes in operation of Exam Boards (4.9, 4.10, 4.11)</li><li>4. Temporary addition of Benchmark Review Stage – Appendix 2</li></ol>
23/08/2019	<ol style="list-style-type: none"><li>1. Update to the outcomes of an appeal panel – Appendix I</li></ol>
02/05/2018	<ol style="list-style-type: none"><li>1. New cover sheet and logo</li><li>2. All internal hyperlinks have been fixed, following the move to the new website</li></ol>

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## ACADEMIC APPEALS REGULATIONS

### 1. INTRODUCTION

- 1.1 The University wishes to ensure that there is an effective, expeditious, impartial, fair and accessible system of appeals which is seen to be reasonable in its operation and which commands the confidence of all parties. To this end, the University is committed to ensuring that no student is at risk of disadvantage by submitting an appeal in good faith.
- 1.2 An 'academic appeal' is defined as a request for the review of a decision by a Progression and Award Board, which is the academic body charged with decisions on student progression, assessment and/or awards for programmes or a decision by Research Degrees Quality Committee, which is the academic body charged with decisions on student progression, assessment and/or awards for postgraduate research programmes. These regulations apply to foundation degrees, undergraduate degrees, postgraduate degrees, apprenticeships and short courses where they are credit bearing.
- 1.3 In support of these principles the University undertakes:
  - a) to ensure that the appeals procedure is operated in a fair manner;
  - b) to ensure that the procedure in any given appeal is brought to completion as soon as is reasonably practicable;
  - c) to ensure that the appeals procedure is accessible to all students.
- 1.4 All appeals shall be treated seriously but the objective is always to resolve the appeal rather than to apportion blame. All parties shall be treated with dignity and respect in the application of these Regulations. No one should expect to suffer any disadvantage, recrimination or reprisals for either making an appeal or submitting evidence in good faith. Furthermore, where an appeal or evidence submitted during the investigation of the appeal is shown to be frivolous, vexatious, based on fraudulent or false evidence or motivated by malice, it shall be dismissed by the University and action may be taken against the individual concerned including disciplinary action.
- 1.5 While supporting a student's right to appeal, the University encourages any student who is considering lodging an appeal to raise their concerns informally before proceeding. In this way, possible misunderstandings may be resolved with an immediate explanation or, in the case of an error (for example a mark being wrongly recorded) the matter may be resolved by an immediate correction and/or revision.
- 1.6 These Regulations apply to all undergraduate, taught postgraduate and postgraduate research students including those studying with a Collaborative Partner. These Regulations are supported by an '*Academic Appeals Guidance Leaflet*' for students.
- 1.7 The University of Winchester is committed to the promotion of equality, diversity and a supportive environment for all members of our community, in line with relevant legislation. Our commitment to equality and diversity means that these Regulations have been screened in relation to the use of plain English.
- 1.8 The University shall appoint officers of appropriate standing and experience to implement these Regulations, and the appellant shall be kept informed of the officer's name. The University shall avoid any potential conflict of interest by ensuring that no officer shall handle an appeal where there is a personal and/or academic relationship with the appellant.
- 1.9 These Regulations do not apply to a specific complaint about the provision of a programme or a related academic service, as these are covered under the University's *Complaints Policy*, or, in the case of students studying with a Collaborative Partner, relevant policies operated by the Partner. A complaint is defined as an expression of grievance or dissatisfaction to the effect that the University (including its employees and students) has failed in its dealings with a complainant to meet either its own promised standards or standards that could reasonably have been expected of it.

- If the Director of Equalities, Conduct and Complaints deems that there may be grounds for a complaint, they may reclassify the appeal or the relevant aspect of the appeal (as appropriate) as a complaint and forward it to the Complaints team, as well as notifying the appellant of their decision and directing them to the University's *Complaints Policy*. In cases where the appellant is studying with a Collaborative Partner, the Director of Equalities, Conduct and Complaints may forward it to the Collaborative Partner in accordance with their equivalent complaints policy.

1.11 If the Director of Equalities, Conduct and Complaints deems that the appeal is trivial, vexatious, malicious, fraudulent or based on false evidence, action shall normally be taken against the appellant in accordance with the University's *Student Disciplinary Regulations, Complaints Policy or Academic Misconduct Policy* or the equivalent policies operated by the Collaborative Partner, as appropriate.

## 2. CONTEXT AND GROUNDS FOR APPEALS

2.1 An appeal may only be submitted in relation to the final decision of a Progression and Award Board or Research Degrees Quality Committee regarding progression, award or termination of registration (for taught modules/programmes) or regarding upgrade, transition, award or termination of registration (for students working on a postgraduate research Thesis). Appeals regarding provisional results shall not be considered (i.e. marks returned during the course of an academic year).

2.2 The Regulations apply to collective as well as individual appeals. Details of the procedure to be followed in such cases are detailed in paragraph 3.4 below.

2.3 Valid grounds for appeal are as follows:

- a) There exist extenuating circumstances, affecting the student's performance, of which the Progression and Award Board, Research Degrees Quality Committee or Panel of Examiners/Assessors was not aware when it took its decision and which the student was unable or unwilling to bring to the attention of the Progression and Award Board, Research Degrees Quality Committee or Panel of Examiners/Assessors in advance. (NB: The *Extenuating Circumstances Policy* makes clear that students should inform the University or Partner if they have extenuating circumstances affecting their performance at the time, so appellants shall be required to submit compelling evidence in their Appeal Statement explaining why they did not or could not follow the Policy.)
- b) The University did not follow its regulations, policies or processes and this procedural irregularity, which as a result has disadvantaged the appellant, was significant enough to have materially affected the decision made, rendering it unsound<sup>1</sup>;
- c) There is evidence of prejudice or bias on the part of one or more of the examiners.

2.4 Students may only appeal once against a Progression and Award Board or Panel of Examiners/Assessors decision so if they believe that they have two or more grounds for appeal, they should include all grounds for their appeal in their submission.

2.5 Students may **not** appeal on the grounds that:

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<sup>1</sup> If the student believes an administrative or transcription error was made, eg a mark may have been incorrectly recorded or omitted, the student should contact their Faculty Office, Programme Administrator at the Collaborative Partner or the Research and Knowledge Exchange Centre (as appropriate) in the first instance, as it may be possible to resolve the matter more swiftly and without the need for a formal appeal. Only if the Faculty, Collaborative Partner or Research and Knowledge Exchange Centre does not accept that an error has been made, should the student bring the matter forward for appeal.

- a) They disagree with the academic judgement of the Progression and Award Board, Panel of Examiners/Assessors or individual member of staff. In this context, the University concurs with the Office of the Independent Adjudicator (OIA) definition that an ‘academic judgement’ is ‘*a judgement that is made about a matter where only an opinion of an academic expert shall suffice.*’<sup>2</sup> (For instance, students may not appeal on the grounds that they consider the mark awarded to be too low);
  - b) They did not understand, or were not aware of, programme or University/Collaborative Partner regulations, policies or procedures. (For instance, seeking an extension for submitting coursework or deferral for practical assessments including vivas (i.e. Extenuating Circumstances), or to interrupt study).
- a. Before proceeding with an appeal, the student should seek clarification of the decision concerning their progress/award from their Faculty (for students on taught programmes), their Programme Leader (for students studying with Collaborative Partners) or their Director of Studies (for postgraduate research students working on their Thesis). If they are still dissatisfied with the decision and, after reading these Regulations, they are unclear about how to proceed they may seek advice from Registry (about the process for lodging an appeal) or the Winchester Student Union (about the completion of the online form and submitting evidence). (Please refer to Section 9 for contact details for Registry and the Winchester Student Union.)
  - b. The University will endeavour to complete consideration of each appeal, and any associated panel or review, within 90 calendar days. This assumes that the appellant meets any deadlines set for the submission of material.

### 3. SUBMISSION OF APPEALS

#### 3.1 The student shall:

- a) complete the [University’s Online Academic Appeal Form](https://forms.office.com/r/ya3Tf2UTiK) (available via <https://forms.office.com/r/ya3Tf2UTiK>);
- b) [submit the Online Academic Appeal Form](#) within 15 working days of the date of the letter confirming the decision of the Progression and Award Board or Research Degrees Quality Committee against which the student wishes to appeal. Exceptions to this shall only be considered if the appellant can point to a procedural error on the part of the University which delayed the receipt of the Progression and Award Board decision letter.

3.2 The date of the submission of the appeal (or an appeal review) shall be the date on which the [Online Academic Appeal Form](#) is submitted or, if submitted on a non-working day, the next working day following submission of the [Online Academic Appeal Form](#).

3.3 The [Online Academic Appeal Form](#) provides students the opportunity to provide all the necessary information required for the appeal. No additional grounds may be cited, nor substantive points made, at any later time in the consideration of the appeal.

3.4 Students who wish to submit a collective appeal shall contact [appeals@winchester.ac.uk](mailto:appeals@winchester.ac.uk) to obtain a group appeals application form. The personal details of all the students who wish to bring the appeal forward must be provided and each group will be asked to nominate a lead spokesperson, with whom the University shall liaise in the first instance. Each student shall also supply a copy of their own letter from the Progression and Award Board together with any additional evidence or supporting statements to [appeals@winchester.ac.uk](mailto:appeals@winchester.ac.uk).

#### 3.5 Evidence required for appeals based on extenuating circumstances

In the case of an appeal based on paragraph 2.3(a) above, a student shall submit, with [Online Academic Appeal Form](#), written evidence corroborating the extenuating circumstances. The student shall also give compelling reasons why they were unable or unwilling to bring the matter to the

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<sup>2</sup> <http://www.oiahe.org.uk/glossary.aspx>

attention of the University/Collaborative Partner at the time, via the Extenuating Circumstances Policy.

- 3.6 **Evidence required for appeals based on procedural error and/or prejudice/bias of an examiner**  
In the case of an appeal based on paragraphs 2.3 (b – c) above, a student shall submit [an Online Academic Appeal Form](#) and supporting evidence. In the case of any written and signed statements from witnesses, the identity, status and relationship of each witness providing a written statement shall be clearly, correctly and fully stated.
- 3.7 Students may approach one of the Assistant Academic Registrars within Registry or the President or Winchester Student Union Advice Centre for assistance with the preparation and submission of an appeal, but should remember that either the President or Vice-President (Education) shall be a member of the Academic Appeals Panel, if convened. (Please refer to Section 9 for contact details.)
- 3.8 All appeals shall be dealt with in confidence, with the proviso that where investigation is required to verify the statement(s) provided, some information may have to be shared although this shall be kept as minimal as possible. Furthermore, an individual against whom a complaint is made (for example, in the case of an evidence of bias/prejudice), has the right to be supplied with details of the evidence submitted and to comment upon it. An appeal cannot be investigated if the appellant does not wish the substance of the allegation to be made known to the individuals concerned. In exceptional circumstances, it may not be possible for confidentiality to be respected, for instance where a criminal offence has been disclosed. Where disclosure is necessary, and subject to any legal requirements, the appellant shall be contacted before any disclosure to confirm whether they wish to proceed with the appeal.
- 3.9 The time limits set out in these Regulations shall normally be followed but where, for good reason, this is not possible, the appellant shall be advised of any revised schedule.

#### 4. **CONSIDERATION OF THE APPEAL**

- 4.1 Appeals shall normally be considered by the Director of Equalities, Conduct and Complaints, or their nominee. Where reference is made to the Director of Equalities, Conduct and Complaints throughout these Regulations, this will also include reference to their nominee.
- 4.2 On receipt of the appeal the Director of Equalities, Conduct and Complaints shall initially determine whether the appeal meets the following criteria:
- a) the appeal shall be submitted within the time limit (paragraph 3.1b);
  - b) the appeal shall be submitted on the Online Academic Appeal Form;
  - c) the Online Academic Appeal Form must be written in English and all accompanying evidence shall be written in or translated to English. (If this presents any problems, the appellant should contact the Director of Equalities, Conduct and Complaints before submitting their appeal).
- 4.3 Appeals that do not conform to one or more of these criteria shall be rejected, without the option of requesting a review. The appellant shall automatically be sent a Completion of Procedures Letter (see section 7).
- 4.4 Once it has been confirmed that the above have been met the Director of Equalities, Conduct and Complaints shall consider the Appeal.
- 4.5 If the Director of Equalities, Conduct and Complaints concludes that more evidence is required, they shall ask the appellant to submit additional named evidence within 5 working days.
- 4.6 When considering an Appeal, the Director of Equalities, Conduct and Complaints may as part of the process, consult and obtain information from colleagues including for example, the Programme Leader, Academic Liaison Officer (for Collaborative Partners), Head of Department, Director of Studies and Department of Student Support and Success colleagues, as appropriate. This list is not

complete and further colleagues might be approached if they are relevant to the particular appeal. However, the number and type of colleagues approached will be limited to those who might reasonably be expected to have relevant information. In the course of this consultation, the Director of Equalities, Conduct and Complaints may send a copy of the appeal to relevant colleagues, together with details of the specific information required to determine whether the appeal is firmly based and a request that the information is provided within 5 working days.

- 4.7 If the appeal relates to failure in a practice component of the programme (e.g. health or initial teacher training programmes), the Director of Equalities, Conduct and Complaints shall request relevant information from the placement co-ordinator and/or placement mentor regarding the student's achievements or professional conduct.
- 4.8 When the Director of Equalities, Conduct and Complaints has obtained a response covering the issues raised in the appeal, they shall decide, after discussion with colleagues where appropriate, whether there is a case for a sustainable appeal.
- 4.9 If it is determined that there is a sustainable appeal that meets the criteria listed under section 2.3(a-c) above, the matter shall be referred back to the relevant Dean or Chair of the Research Degrees Quality Committee (as appropriate) for review of the original decision taking into account the new circumstances<sup>3</sup>.
- 4.10 If the Dean or Chair of the Research Degrees Quality Committee concurs with the findings of the Director of Equalities, Conduct and Complaints the appellant shall be offered a resolution (which may or may not accord with the appellant's stated desired outcome on the Online Academic Appeal Form) and the appeal shall have been deemed to have been upheld. As internal processes shall be at an end, the appellant shall be notified of the option to request a Completion of Procedures letter if they are dissatisfied with the resolution.
- 4.11 If the Dean or Chair of the Research Degrees Quality Committee does not concur with the findings of the Director of Equalities, Conduct and Complaints, then an Appeals Panel shall be convened, in accordance with appendix 1.
- 4.12 If it is decided that there is no case for a sustainable appeal the appellant shall be notified in writing that their appeal has been rejected.
- 4.13 Appellants shall be informed of the following options:
  - a) They may lodge a request to review the appeal rejection, following the process in section 5 below.
  - b) If the appellant does not consider that they have grounds to proceed further but they wish to bring a complaint to the Office of the Independent Adjudicator (OIA), then they should ask the University for a Completion of Procedures Letter within 20 working days of the date of the letter from the Director of Equalities, Conduct and Complaints. For further details, please refer to Section 8 below.

## 5. CHALLENGING THE DECISION OF THE DIRECTOR OF EQUALITIES, CONDUCT AND COMPLAINTS

- 5.1 An appellant has the right to challenge the outcome where an appeal is rejected by the Director of Equalities, Conduct and Complaints, with the exception of appeals that are not deemed to meet the initial criteria (4.2 - 4.3).
- 5.2 To challenge an appeal rejection, the appellant shall submit an [Online Academic Appeal Review Form](#) (available via <https://forms.office.com/r/NXJ2hSD60w>) within 10 working days of the date of the letter from the Director of Equalities, Conduct and Complaints, stating the reasons for challenging the Director of Equalities, Conduct and Complaints decision to reject their appeal

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<sup>3</sup> Where the Chair of the Progression and Award Board or Research Degrees Quality Committee is unavailable, the Director of Equalities, Conduct and Complaints will liaise with their immediate Line Manager.

- 5.3 Appeal reviews shall be considered initially with reference to the following criteria:
- a) the appeal review is submitted within the time limit
  - b) the appeal review is submitted using the [Online Academic Appeal Review Form](#)
  - c) the [Online Academic Appeal Review Form](#) must be written in English and all accompanying evidence must be written in or translated to English

Appeal review requests that do not conform to one or more of these criteria shall be rejected. The appellant shall automatically be sent a Completion of Procedures Letter (see section 7)

5.4 Once it has been confirmed that the above criteria have been met, The Director of Equalities, Conduct and Complaints shall refer the appeal review to an Academic Director, a Dean, the Head of Doctoral School, The Deputy Vice-Chancellor and Provost or Pro Vice-Chancellors of Faculties, for consideration. <sup>4</sup> If the appeal has been determined in the first instance by a nominee of the Director of Equalities, Conduct and Complaints, then the Director of Equalities, Conduct and Complaints may undertake the appeal review.

5.5 An appeal review requires the appellant to submit additional evidence, further to that originally submitted. For an appeal review to be successful, this additional information and evidence must either:

- a) enable one or more of the criteria in 2.3(a-c) to now be met;
- or
- b) provide evidence of a procedural irregularity in the handling of the original appeal, of such an extent to enable the appeal to be upheld with reference to the original criteria of 2.3(a-c).

5.6 The appeal reviewer shall also have sight of the original appeal and supporting documentation, and shall consult with colleagues as appropriate.

5.7 If on the basis of the review, the appeal reviewer upholds the appeal, the process described in 4.9 – 4.11 shall be followed.

5.8 If the appeal reviewer concludes that the review should not overturn the original decision, the appellant shall be notified in writing and a Completion of Procedures letter shall be issued within 20 working days.

5.9 On the basis of the evidence submitted in the appeal review, the reviewer may uphold the appeal against one or more of the appeals criteria not initially stated in the original online academic appeal form, on condition that the circumstances applied at the time of the original appeal.

## 6. REJECTING A DECISION TO UPHOLD AN APPEAL

6.1 In all cases, where the appeal is upheld or partly upheld by the University, the student may reject the resolution and ask for a Completion of Procedures letter to be issued. This marks the internal exhaustion of the appeals process and takes the appeal outside the University.

6.2 The student shall be informed that this may delay academic progression as a request for a Completion of Procedures Letter is deemed to be a rejection of the appeal resolution and the student shall need to approach the OIA to pursue the matter. If no request for a Completion of Procedures letter is received within 10 working days of the date of the letter from the Director of Equalities, Conduct and Complaints, confirming the decision to uphold the appeal fully or in part, the appeal resolution is deemed to have been accepted by the appellant.

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<sup>4</sup> Where an appeal review is referred to a Dean they will be from an unrelated subject area

## 7. COMPLETION OF PROCEDURES LETTER

7.1 The University is required to issue a Completion of Procedures letter after any of its internal procedures have been completed. The issue of a Completion of Procedures letter serves four main purposes:

- a) It establishes the date when the University's internal appeals procedures are complete;
- b) It clarifies the issues considered by the University under those procedures;
- c) It establishes the timescale for a student to take a complaint to the Office of the Independent Adjudicator (OIA);
- d) It advises the student of the possibility of taking a complaint to the OIA.

7.2 The Completion of Procedures letter shall contain:

- a) A summary of the appeal the student has made to the University;
- b) The title of the regulations which were applied;
- c) A summary of the issues considered at the final stage of the internal complaints procedures;
- d) The final decision taken by the University and the reason for that decision;
- e) Information about the role of the OIA.

7.3 A Completion of Procedures letter shall be issued automatically after the completion of the University's internal processes in cases where the appeal has not been upheld.

7.4 If a student does not consider that they have grounds to proceed to the appeal review stage of the University and they wish to take the appeal to the OIA, then they should ask the Director of Equalities, Conduct and Complaints for a Completion of Procedures letter. The request for a Completion of Procedures Letter must be made within 20 working days of the decision letter.

## 8. OFFICE OF THE INDEPENDENT ADJUDICATOR (OIA)

8.1 A student who is dissatisfied with the University's internal processes or its conduct has the right to submit an application to the OIA, an independent review body, that their dissatisfaction be reviewed independently of the University.

8.2 This right may only be exercised once the internal processes have been exhausted.

8.3 The University shall issue a 'Completion of Procedures' letter to indicate that the internal process is at an end in cases where the appeal has not been upheld. The Letter shall include details of the application process to the OIA.

8.4 A Scheme Application Form must be completed in order to make a submission to the OIA and this must be received within 12 months of the date of the 'Completion of Procedures' letter.

8.5 The OIA shall not review a complaint where:

- a) it relates to a matter of academic performance;
- b) the matter is or has been the subject of court proceedings;
- c) it concerns a student employment matter;
- d) it relates to an institution which is not a Higher Education Institution

Further information on the OIA and its services is available on <http://www.oiahe.org.uk>

## 9. CONTACT DETAILS FOR OFFICERS

Contact details for University and Winchester Student Union involved in these procedures:

**Director of Equalities, Conduct and Complaints**

Alwyn West 45  
University of Winchester  
Sparkford Road

Winchester, SO22 4NR

Email: [appeals@winchester.ac.uk](mailto:appeals@winchester.ac.uk)

**Assistant Registrar**

Registry  
Winton Building  
University of Winchester  
Sparkford Road  
Winchester, SO22 4NR

Email: [Registry.Enquiries@winchester.ac.uk](mailto:Registry.Enquiries@winchester.ac.uk)

**Winchester Student Union Advice Centre**

University Centre  
University of Winchester  
Sparkford Road  
Winchester, SO22 4NR

Contact: [www.winchesterstudents.co.uk/advice](http://www.winchesterstudents.co.uk/advice)

## **Appendix 1**

### **A) CONVENING AN ACADEMIC APPEAL PANEL**

- A.1 If the Chair of the Progression and Award Board or Research Degrees Quality Committee does not concur with the Director of Equalities, Conduct and Complaints in relation to the appeal outcome and/or the proposed resolution, the Director of Equalities, Conduct and Complaints shall convene a meeting of the Academic Appeals Panel at the earliest possible opportunity, in consultation with the appellant and other relevant persons.
- A.2 The Academic Appeal Panel Hearing shall be held at the University of Winchester.
- A.3 The appellant, members of the Academic Appeals Panel together with the Programme Leader, Academic Liaison Officer (for Collaborative Partners), Head of Department, Chair of Research Degrees Quality Committee, Chair of the Examiners or Assessors for a Viva Panel (as appropriate and if required) and any other witnesses due to appear before the Panel, shall receive at least 5 working days written notice of the date, time and place of the meeting of the Panel (sent by email). The written notice shall be accompanied by:
- a) a copy of the appellant's Online Academic Appeal Form and supporting documentation;
  - b) a copy of any written statements provided by members of University staff or other persons;
  - c) a list of the names and status of all witnesses to appear before the Panel;
  - d) a copy of the appropriate programme regulations, where relevant;
  - e) a copy of the Academic Appeals Regulations;
  - f) a copy of any other relevant documents.
- A.4 Where the appellant is unable to attend the Panel Hearing in person, they shall normally be offered the option to participate via a video conference call or similar arrangement.
- A.5 The appellant may decline to attend and agree to have the appeal considered solely on the basis of the written submission.

### **B) CONSTITUTION OF THE ACADEMIC APPEAL PANEL**

- B.1 For appeals against the decision of Progression and Award Board the Academic Appeal Panel shall consist of:
- Chair: an experienced member of academic staff;
  - Two further experienced members of academic staff;
  - The Winchester Student Union President or nominee;
  - Secretary (non-voting): Nominee of the Director of Equalities, Conduct and Complaints
- B.2 For appeals against the decision relating to award or progression on a postgraduate research programme by a Panel or Examiner or Assessors, the Academic Appeal Panel shall consist of:
- Chair: an experienced member of academic staff, involved in Postgraduate Research supervision;
  - Director of RKE or RKE or Unit of Assessment lead from a Faculty;
  - One experienced member of academic staff, involved in Postgraduate Research supervision;
  - The Winchester Student Union President or nominee;
  - Secretary (non-voting): Nominee of the Director of Equalities, Conduct and Complaints
- B.3 The members of the Academic Appeal Panel shall not include:

- a member of the Progression and Award Board or Viva Panel of Examiners or Assessors which made the recommendation against which the appeal has been made;
  - anyone with a close personal or academic connection with the appellant.
- B.4 So far as is practicable, the Panel shall include at least one member of the same gender as the appellant and, for postgraduate research appellants, staff members with experience of teaching, supervising or examining postgraduate research students. If it appears that the case may raise particular cultural or other sensitivities, the Chair may co-opt an additional member able to advise on these issues, or otherwise seek advice as they see fit. In the event of any disagreement about the suitability of any Panel member, the decision of the Chair shall be final.
- B.5 The Academic Appeal Panel shall make every attempt to conclude its proceedings at a single meeting.
- B.6 The membership of the Academic Appeal Panel shall remain constant throughout the hearing of any particular case, and the Chair shall be present throughout. However, should the Panel find it necessary to adjourn its proceedings, no more than one of its members may be absent when it is reconvened; when such a member is absent from a meeting, that member may not subsequently re-join the proceedings.

### **C) PROCEDURE FOR CONDUCT OF THE APPEAL PANEL HEARING**

- C.1 All meetings of the Academic Appeal Panel shall be minuted by the Secretary and kept by the Director of Equalities, Conduct and Complaints. Normally, if the appellant is present or participating via a video conference link or similar arrangement, they shall be informed of the Panel's decision at the conclusion of the meeting.
- C.2 The Secretary to the Panel shall meet the appellant (if attending) outside the meeting before the Hearing and shall offer to explain the procedure, check that the appellant has copies of the documents circulated to members of the Panel and, if not, provide a set. If the student is participating via video conferencing, or similar, the Secretary shall liaise with the appellant, in advance, to confirm the procedure and copies of all documents have been received by the appellant.
- C.3 This section defines the steps which should be followed during the Appeal Hearing itself. The Chair has discretion to vary the practicalities of these arrangements as they see fit provided any changes do not contravene the basic principles.
- a) Before seeing any of the parties involved, the Panel shall review the documentation relating to the case and have a preliminary discussion;
  - b) If there are any witnesses (in addition to the appellant, their friend and the Head of Department/Chair of Research Degrees Quality Committee or their nominee) the Chair shall decide if they may attend throughout the proceedings until all parties withdraw, or whether they shall attend the meeting only while required to provide information and answer questions;
  - c) The Secretary shall escort the student (if attending), the friend (if attending), and the Head of Department/Chair of Research Degrees Quality Committee or their nominee into the meeting;
  - d) The Chair shall invite everyone present to introduce themselves by name and explain their role;
  - e) The Chair shall explain the role and powers of the Panel, as set out in these Regulations;
  - f) The Chair shall tell the student that the Panel shall take their case to be as set out in their Appeal Statement, and shall ask if they wish to make a brief opening statement, or whether they wish the friend to do so on their behalf. If the friend makes the statement, the Chair shall ask the student if they wish to add anything. The Chair shall then explain that the Appeal Panel wishes to hear directly from the student in their own words, and that they shall be expected to answer questions;
  - g) Members of the Panel shall be invited to question the student;

- h) The Chair shall invite the Head of Department/Chair of Research Degrees Quality Committee or their nominee to make a brief opening statement, and shall then invite the Panel to ask questions. If there are other witnesses present, they shall be afforded the same opportunity, and questioned;
- i) At each stage the Chair has discretion to allow reciprocal questioning by the various parties;
- j) The Chair shall ensure that the members of the Panel have completed their questioning;
- k) The Chair shall ask each member of staff and any witnesses, in turn, and finally the student (or the friend) if they wish to make any closing statement, and if they are satisfied that they have had a full opportunity to explain their case to the Appeal Panel;
- l) The Chair shall ask everyone except the members of the Panel to leave the meeting, and shall ask them to wait, pending the Panel's decision;
- m) The Appeal Panel shall discuss the case in private. The discussion and minutes of the meeting of the Appeal Panel are confidential to its members;
- n) If for any reason during its discussion the Appeal Panel requires clarification of any aspect of the case, by further questioning either the student or the staff, they shall normally all be invited back into the meeting while the questioning takes place. They shall then all leave the meeting again.
- o) If, for any reason during its discussion, the Panel decides that further evidence is required from another witness, they may adjourn the meeting for this purpose;
- p) The Appeal Panel shall make its decision;
- q) The appellant and/or friend shall normally be invited to rejoin the Panel to be advised verbally of the decision.
- r) The meeting of the Appeal Panel shall then be concluded.

C.4 The Head of Department/Chair of Research Degrees Quality Committee or their nominee shall normally be advised of the decision by phone or email by the Director of Equalities, Conduct and Complaints or their nominee as soon as possible after the meeting has been concluded.

#### **D) DECISION OF THE PANEL AND PROCEDURES FOLLOWING THE APPEAL HEARING**

D.1 Following consideration of the evidence the Panel will:

- i) uphold the appeal and confirm the details of the resolution for the student;
- or
- ii) reject the appeal

D.2 The decision of the Academic Appeal Panel will be final.

D.3 The Director of Equalities, Conduct and Complaints or their nominee shall inform the student, in writing, of the outcome of the appeal and the response of the Chair of the Progression and Award Board or Research Degrees Quality Committee (as appropriate) to the requirement to review of the original decision, normally within five working days of the meeting of the Panel. A copy of the letter shall be copied to the Programme Leader, Academic Liaison Officer (for Collaborative Partners), Head of Department and Chair of the Progression and Award Board or Research Degrees Quality Committee, as appropriate.

D.4 If the appeal is rejected the appellant shall be informed of the grounds on which this decision was made and that the internal process is at an end. The appellant shall then be sent a Completion of Procedures letter within 20 working days of the date of the letter from the panel.

D.6 If the appeal is upheld the appellant shall be informed of the decision and that the appeal shall have been deemed to have been upheld. As internal processes shall be at an end, the appellant shall be notified of the option to request a Completion of Procedures letter if they are dissatisfied with the resolution.



## **Appendix 2**

### **BENCHMARK REVIEW STAGE**

In 2019-20, when the University's provision was disrupted significantly as a result of the Covid 19 pandemic, the University agreed a no detriment policy to ensure that students were not disadvantaged by marks obtained in semester 2 assessments from the 2019-20 academic year should these have a negative impact on degree classification or progression.

For graduates in 2020-21 and 2021-22, the award calculation will include the benchmark from 2019-20 where it is advantageous to do so. The details about how awards will be calculated in 2020-21 and 2021-22 for students on taught programmes are described in the Supplement to the Academic Regulations for Taught Programmes and Assessment Regulations 2020-21.

Appeals against the decision of the Progression and Award Board in regard to the implementation of the benchmark must be submitted on the 'Benchmark Review Form'. This must be submitted within 10 working days of the publication of the results.

The 'no detriment' appeals will be managed as follows:

1. The submission will be considered by a Case Handler who will determine the eligibility of the appeal. The Case Handler will review the submission. They will decide which of the following categories applies:
  - a. It is clear that the student has not completed the relevant sections of the form or has missed the submission deadline. In this case the appeal will be rejected immediately.
  - b. It is clear that the circumstances claimed by the student do not constitute grounds for appeal against the no detriment decision. In this case the appeal will be rejected and a letter of confirmation will be sent to the appellant explaining how the decision of the Progression and Award Board meets the no detriment policy.
  - c. It is possible that the 'no detriment' policy has not been applied appropriately. This could possibly be a miscalculation in creating the benchmark or that the student's profile is missing semester 1 marks that should have been included in the benchmark. In this case the student's assessment profile will be reconsidered at a subsequent meeting of a Progression and Award Board. The Case Handler will inform the student that as a result of their appeal their profile will be reconsidered at a subsequent Progression and Award Board. Once the PAB has met, the student's results will be confirmed to them via My Record.

The principles of the Academic Appeals Regulations are unchanged: in particular students are asked to note:

- 2.5 Students may not appeal on the grounds that:
  - d. They disagree with the academic judgement of the Progression and Award Board, Panel of Examiners/Assessors or individual member of staff. In this context, the University concurs with the Office of the Independent Adjudicator (OIA) definition that an 'academic judgement' is 'a judgement that is made about a matter where only an opinion of an academic expert shall suffice. (For instance, students may not appeal on the grounds that they consider the mark awarded to be too low)

If a student feels that they have additional grounds for appeal as set out in Section 2.3 of the Academic Appeals Regulations, they should submit their appeal via the process and timescales set out in the standard Academic Appeals Regulations.