17. CONDUCT OF STUDENT ACADEMIC REVIEWS AND APPEALS

(The procedure for dealing with student complaints regarding matters other than those listed at Regulation 17.1 is set out at Appendix 1).

17.1 Introduction

If a student’s suitability to progress from one part of the programme of studies to the next is not found to be satisfactory by the Board of Studies, or if the student has failed final examinations or formal course assessments, the student may, subject to the conditions set out below, request the Board of Studies to review that student’s results and assessments. A review may also be requested by a student who is dissatisfied with the level of attainment and has new and relevant information concerning matters which might have affected that student’s performance and which was not available to the Board of Examiners or Board of Studies when the original decision was taken. Any errors in the totalling or transcription of marks will be corrected, and appropriate adjustments made to the student’s results, without the need for a review hearing.

17.2 Scope

This Regulation applies to all programmes of study leading to an award of the University. Timescales and arrangements for attendance at review/appeal hearings may be negotiated (for example, in the case of distance learning programmes).

17.3 Principles

The University is responsible for providing procedures to ensure that students can, in good faith, request an academic review/appeal and be assured that they will not be penalised for so doing, and that their request will be addressed fairly and promptly. Appendix 1 sets out the procedure for any complaints which might arise in this regard. Similarly, it is the responsibility of students in submitting such a request to behave responsibly and not to make unwarranted or unsubstantiated allegations concerning the personal or professional reputations or conduct of members of University staff. Both students and staff may seek guidance in relation to student academic reviews and appeals as appropriate. For example, a student may seek guidance on drafting the request for review from an appropriate individual such as their Director of Studies, Postgraduate Association or the Students' Union.

17.4 Grounds for Review

In seeking a review, a student must notify the Board of Studies in writing of the grounds on which any review is to be based. The only grounds on which a review may be based are as follows:

For both taught and research degrees

(i) that there exist circumstances affecting the performance of the candidate of which the Board of Examiners have not been made aware and which the candidate could not reasonably have been expected to have disclosed to the Director of Studies in accordance with Regulation 15.5 (d);

(ii) that there were procedural irregularities in the conduct of the examinations or formal course assessments (including administrative error) of such a nature as to cause reasonable doubt whether the Board of Examiners would have reached their decision had the irregularities not occurred;

(iii) that there is positive evidence of prejudice, bias or inadequate assessment on the part of one or more of the examiners;
For research degrees only

(iv) that there were genuine academic differences in philosophical approach or paradigms which had not been apparent when examiners were appointed on the recommendation of the Board of Studies.

17.5 Timetable
A student seeking a review must notify the Chair of the Board of Studies in writing within fourteen days of being notified of the decision of the Board. Receipt of the request by the Chair will be acknowledged in writing and the student will be sent a copy of Regulation 17.

Where a review is expected to be completed after the commencement of the next stage of the programme, the Chair of the Board of Studies, in consultation with the Academic Registrar, will determine whether the student should be permitted to attend classes.

17.6 Request for Review
The request for review must include:

a) a statement specifying which of the grounds set out in Regulation 17.4 apply to the review;

b) a statement of the circumstances leading to the review;

c) any additional documentary evidence;

d) a statement of the student's desired outcome;

e) an explanation as to why the student was previously unable to provide any new information disclosed to the Board of Studies at this stage.

17.7 Consideration of Request
The Chair of the Board of Studies, in consultation with the Head of Department, has discretion to decide that there are insufficient grounds to warrant holding a review. The student will be advised of this decision and their right to submit an appeal in accordance with Regulation 17.11.

Where the Chair, in consultation with the Head of Department, agrees that there is a prima facie case for a review but executive action is deemed inappropriate, the Board of Studies will conduct a review hearing. Reviews should be completed within four weeks of the receipt by the Chair of a written request for a review; if the request is received during a University vacation, the review should be completed within eight weeks of the receipt of the written request.

The Board of Studies will normally delegate responsibility for the conduct and determination of review hearings to a Review Sub-Committee. Referral will be made
to appropriate External Examiners where necessary. Where the outcome is that there shall be a referral or resit, or other dispensation, this will be implemented at the earliest opportunity in favour of the student. The decision of the Review Sub-Committee will be reported to the Board of Studies and noted in the minutes of the Board of Studies for report to Senate.

17.8 **Hearing by Review Sub-Committee**

Membership of the Review Sub-Committee will normally include:

- The Dean of Faculty or Head of School or alternate if necessary (Chair)
- Two nominated members of the Board of Studies from a department other than that of the student
- Two members of academic staff drawn from a panel appointed by and from the Faculty or School for this purpose who are from a department other than that of the student, not members of the Board of Studies and have experience of student matters, for example, as a Director of Studies
- All members of the Review Sub-Committee will have equal voting rights. No member, other than the Chair, should have had a previous involvement with the case.

If the Dean of Faculty or Head of School has had substantial previous involvement with the case which is perceived as a conflict of interest, the Dean of Faculty or Head of School will appoint an alternate as Chair of the Review Sub-Committee. If the Review Hearing takes place at the request of the Academic Registrar in accordance with Regulation 17.11, that is to say following a refusal of a request for a Review Hearing by the Dean of the student’s Faculty or the Head of the student’s School, the Chair of the Sub-Committee will normally be the Dean of another Faculty or the Head of another School, at the discretion of the Academic Registrar.

The Review Sub-Committee will, as appropriate, invite witnesses to give evidence. These witnesses will not have voting rights.

In the case of a School, the Board of Studies or Review Sub-Committee considering the academic review should co-opt at least three external members drawn from the membership of Review Sub-Committees in the Faculties or other Schools. The Chair of the Review Sub-Committee in the School should not be the Chair of the original Board of Examiners for Programmes.

A student should normally receive at least seven days’ notice of the review hearing and should be informed of his/her right to be accompanied by, or represented by, a friend or adviser. (Where it would be of benefit to the student, and the student is in agreement, a review hearing may be arranged at less than seven days notice). The Review Sub-Committee will give the student the opportunity to be heard in person before reaching any decision concerning the review. If the student fails to attend the review hearing, having had notice of the time and place, the Review Sub-Committee may base its review on the student’s written submission and the other records of the University concerning that student during attendance at the University. For this reason, the student’s written submission should cover all matters which the student wishes to raise. A student may submit additional written statements not less than three days prior to the hearing.

The student (and any friend or adviser) will be provided with any written evidence presented by witnesses seven days before the hearing, has the right to be present throughout the hearing until asked to withdraw while the Sub-Committee discusses
the case, and may ask questions of the Sub-Committee.

The Chair, in consultation with members of the Review Sub-Committee, will have discretion to decide at what point any witnesses will be invited to attend the hearing and at what point they will be asked to withdraw.

The Chair of the Review Sub-Committee may, in the absence of the student, make an introductory statement concerning procedural matters. If such a statement is made before the hearing commences, the Chair will then also make a procedural statement when the student is present. The Review Sub-Committee will consider the written and oral evidence presented by the student (or the student’s friend or adviser) and by any witnesses who may have been called. The student (and any friend or adviser) and any witnesses shall be given an opportunity to ask questions of, and to respond to questions from, the Review Sub-Committee. The student, or her/his friend or adviser, may then make a closing statement. The student (together with any friend or adviser) and the witnesses will withdraw while the Sub-Committee discusses the case. The outcome of the Sub-Committee’s deliberations will be communicated to the student immediately after the review hearing and will be confirmed in writing within five working days.

17.9 Disclosure

In accordance with the provisions of Statute 28, no papers, minutes or other records which relate to reserved areas of business shall at any time be made available to a student, except insofar as the papers, minutes or other records constitute the student's own personal data. Reserved areas of business include those concerning decisions on the academic assessment of individual students; in any case of doubt, the Chair of the Board of Studies shall decide whether a matter is a reserved area of business or not, and the Chair’s decision shall be final. Guidance on the disclosure of papers by the Review Sub-Committee is available on the University's Data Protection Website (http://www.bath.ac.uk/internal/data-protection/). Further advice is also available from the University's Legal Adviser.

17.10 Record

The formal record of a review hearing should include a summary of the arguments put forward by all parties, a summary of the Review Sub-Committee’s discussion including any counter arguments, a record of the Review Sub-Committee’s findings, and recommendations for further action.

17.11 Appeal Against Refusal of Request for a Review Hearing

Where the Chair of the Board of Studies, in consultation with the Head of Department, does not find sufficient grounds to hold a review hearing, the student may submit a request for a review appraisal to the Academic Registrar; such a request must be submitted within fourteen days of receipt of the Chair’s notification. A request lodged after the 14 day period shall be invalid unless the Academic Registrar in his/her sole discretion, has agreed an extension of time. The Academic Registrar will determine whether or not the Board of Studies should be asked to hold a review hearing. The review appraisal should be completed within four weeks of receipt by the Academic Registrar of the request; if the request is received during a University vacation, the review appraisal should be completed within eight weeks of receipt of the request. The Academic Registrar’s decision as to whether or not the Board of Studies should hold a review hearing will be final.

Where it is the Academic Registrar’s decision that there are not grounds for a review
hearing, a letter of completion of internal procedures will be issued. A student who is of the opinion that his/her case is unresolved may apply to the Office of the Independent Adjudicator.

17.12 Appeal Against Outcome of Review Hearing

A student who disagrees with the outcome of a review hearing and wishes further evidence or procedural irregularities to be considered may ask the University Secretary for an academic appeal; such a request must be submitted within fourteen days of receipt of the Review Sub-Committee’s written notification of the outcome of the review. The notice must be in writing and include the grounds of appeal and a brief description of any new evidence. A notice of appeal lodged after the 14 day period shall be invalid unless the University Secretary in his/her sole discretion, has agreed an extension of time. If the University Secretary deems that there are sufficient grounds, a Student Academic Appeals Committee will be convened by the University Secretary in accordance with Statute 19.43. The University Secretary’s decision concerning the need to convene a Student Academic Appeals Committee will be final.

Where it is the University Secretary’s decision that there are not grounds for a Student Academic Appeals Committee to be convened, a letter of completion of internal procedures will be issued. A student who is of the opinion that his/her case is unresolved may apply to the Office of the Independent Adjudicator.

The procedures governing the hearing by the Student Academic Appeals Committee are set out in the Standing Orders of Senate (see: http://www.bath.ac.uk/orders/senate/). Where a Student Academic Appeals Committee has been convened, its decision will be deemed to be final, except where it adjudicates that a student’s degree classification should be altered, in which case this would form a recommendation to Senate for approval. In all cases, the decision of the Student Academic Appeals Committee will be reported to Senate. A letter of completion of internal procedures will be issued when the decision has been taken by the Student Academic Appeals Committee/Senate. A student who is of the opinion that his/her case is unresolved may apply to the Office of the Independent Adjudicator.

17.13 Monitoring Academic Reviews and Academic Appeals

An annual report of the number of reviews for each Faculty/School will be made to the relevant Board of Studies. An annual report of the number of academic reviews and appeals will be made to the Council/Senate Students' Union Committee and to Senate.

(Further guidance regarding the University’s Student Academic Review Procedure is available at: http://www.bath.ac.uk/registry/appeals/)

Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.

Date of Last Update: 1st August 2011