

# Appeal Policy

## Scope

1. The Appeal Policy provides a single process for students who wish to appeal against outcomes arising from the following procedures:
  - i. decisions of examination boards or research degree examination panels on assessment, progression, or award.
  - ii. the [Academic Misconduct Policy](#).
  - iii. decisions to terminate the registration of a student (including research students).
  - iv. the [Fitness to Practise and Professional Capability Regulations](#).
  - v. the [Code of Student Discipline](#).
  - vi. disciplinary action taken under the [Library Regulations](#).
  - vii. disciplinary action taken under the [Halls of Residence Regulations](#).
  - viii. decisions on student bursaries, scholarships, and grants where these are administered by Queen Mary.
2. Any challenge to a fee status decision should be raised before a student enrolls and in accordance with the relevant Admissions procedure. If a student has enrolled and they wish to appeal against their fee status, the appeal must be submitted within 14 days of enrolment, or by no later than 31 October for students joining courses that start in September; a student should contact the Appeals, Complaints and Conduct Office if they require clarification on whether or not their fee status appeal would be submitted within the required deadlines ([appeals@qmul.ac.uk](mailto:appeals@qmul.ac.uk)). Fee status appeals must be submitted according to these deadlines in the academic year the student first enrolled; appeals in subsequent years cannot be considered. Fee status appeals will only be considered on the grounds that there has been a procedural error in reaching the original decision, or where new, material information is presented that could not reasonably have been made available during the original fee status assessment carried out by the Admissions Office. All appeals against a fee status decision will proceed directly to Final Review. The Final Review will be decided by an appropriate person from within Admissions who has had no previous involvement with the case.
3. The Appeal Policy applies to all students, irrespective of cohort.
4. Queen Mary aims to complete all stages of its appeal procedures (including Final Review, where appropriate) within 90 calendar days of receipt of the appeal request. If it becomes necessary to exceed 90 days the student will be informed of the reasons for the delay and a revised timeframe.
5. In all appeal cases, the original outcome is final and not varied until and unless a successful appeal results in an alternative decision. For example, a student deregistered as a result of academic failure will not be reinstated until and unless the appeals process is complete and results in an amendment to the original decision. Similarly, a student issued with notice to quit their room in halls of residence must vacate the room on the prescribed date; extensions to the notice period will not be granted and the student will be re-housed only in the event that the notice to quit is revoked as a result of the appeal process.

## Terminology

6. In the Appeal Policy:
  - i. 'outcome' refers to a decision, result, or any other resolution arrived at following one of the relevant procedures outlined below.

- ii. 'Formal Appeal' refers to an appeal that is at the first stage of Queen Mary's internal appeal procedures.
- iii. 'Final Review' refers to an appeal that is at the second and final stage of Queen Mary's internal appeal procedures.
- iv. 'Completion of Procedures letter' refers to a letter issued at the end of Queen Mary's internal procedures. It provides details of the appeal, a summary of the evidence that was submitted and considered, the decision of Queen Mary to uphold or reject the appeal, and the reason for that decision.
- v. '[Chair](#)' refers to any Chair of the Appeal Panel.

## Informal resolution

- 7. In many cases, the issues at the centre of an appeal can be resolved informally. For example, if a student does not understand why they received a particular mark, they should query this with their school or institute in the first instance, and engage with examination results surgeries; the school/institute may be able to explain why that result was given or, if there was a genuine error, resolve the matter. This can provide a faster and more satisfactory outcome.

## Chairs of the Appeal Panel

- 8. The Senate will appoint Chairs of the Appeal Panel to consider appeals, normally for initial terms of three years. The Principal will appoint an Acting Chair of the Appeal Panel if no Chair is able to act.

## Grounds for a Formal Appeal

- 9. A student may appeal on one or both of these grounds:
  - i. 'Procedural error'. The process leading to the decision being appealed against was not conducted in accordance with Queen Mary's procedure, such that there is reasonable doubt as to whether the outcome might have been different had the error not occurred. Procedural error includes administrative error, and bias in the operation of the procedure.
  - ii. 'Exceptional circumstances'. Exceptional circumstances, illness, or other relevant factors were not made known for [good reason](#), or were not properly taken into account.
- 10. 'Good reason' requires a student to demonstrate that circumstances beyond their control prevented disclosure of the relevant facts at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances does not count as 'good reason' for the purposes of this policy.

## Submitting a Formal Appeal

- 11. A student must submit a Formal Appeal to the Appeals, Complaints and Conduct Office in writing, using the correct form. The student must specify the decision appealed against, present the grounds for the appeal, and outline the supporting evidence (including evidence still to be submitted). The student may contact the Appeals, Complaints and Conduct Office to discuss the procedure.
- 12. A Formal Appeal must be received within 14 calendar days of formal notification of the decision appealed against. This will normally be the date on the decision letter, or else the official publication of results date. The Head of the Appeals, Complaints and Conduct Office may exercise discretion to consider a late request if a student demonstrates [good reason](#) for the delay.
- 13. Supporting evidence must be submitted either with the Formal Appeal or else within seven calendar days of receipt of the Formal Appeal. It must provide evidence of the points detailed in the written Formal Appeal (e.g. medical certification). The Head of the Appeals, Complaints and Conduct Office may exercise discretion to allow the late submission of evidence if a student demonstrates [good reason](#) for the delay.

## Actions on receipt of a Formal Appeal

14. On receipt of a Formal Appeal the Appeals, Complaints and Conduct Office will allocate it to a caseworker, who will determine whether or not the appeal was submitted [in time](#).
15. If a Formal Appeal is determined to be out of time then a [Completion of Procedures letter](#) will be issued to reflect that decision. The merits of the Formal Appeal will not be considered.
16. If a Formal Appeal is determined to be in time, it will be considered by the caseworker and a Chair of the Appeal Panel on its individual merits. However, it is the responsibility of the student to ensure that their Formal Appeal satisfies at least one of the permitted grounds noted above. Any appeal that does not meet the permitted grounds will be rejected, subject to the approval of the Head of the Appeals, Complaints and Conduct Office. The following is a non-exhaustive list of examples that will be rejected:
  - i. appeals against the academic judgement of internal or external examiners.
  - ii. appeals based on the informal assessment of a student's work by academic staff, which includes work that has not yet been confirmed by the relevant examination board/s.
  - iii. marginal failure to attain a higher classification of award.
  - iv. lack of awareness by a student of the relevant procedure or regulations.
  - v. vexatious or frivolous appeals.
  - vi. appeals with no evidence for the claims made.
17. Where a Formal Appeal is rejected, an outcome letter will be sent to the student explaining the reasons for that decision. The student may submit a request for a [Final Review](#).
18. If a student appeals a mark and this is rejected as a challenge to academic judgement, the student will be directed to contact their school/institute to request a marking trail as evidence that Queen Mary's assessment procedures were undertaken correctly. The Appeals, Complaints and Conduct Office will provide the student with a contact in the relevant school/institute and will forward a copy of the outcome to the school/institute for their records.
19. Where a Formal Appeal is determined to be in time and one or both of the grounds for an appeal are met, the caseworker will investigate the merits of the appeal. This may involve consulting documentation from the process leading to the original decision, discussions with those responsible for the original decision, interviewing the student, and any other relevant enquiry. The details of the investigation will be shared with the student in a case summary. The student will be invited to comment on the case summary and on any additional evidence collected by the caseworker.
20. The caseworker and the Chair of the Appeal Panel will consider the Formal Appeal and determine whether it is upheld or rejected, based on the [grounds for appeal](#).
21. If the caseworker and the Chair of the Appeal Panel cannot agree on a course of action, or if a case is determined to be more complex, the Formal Appeal will be referred to an [Appeal Panel](#) for consideration.

## Appeal outcome

22. The Appeals, Complaints and Conduct Office will inform a student of the outcome of their Formal Appeal in an outcome letter. This will normally be within two months of the date of receipt of the request. The student will be notified if a case is likely to take longer than two months to conclude.

## Where an appeal is upheld

23. If a Formal Appeal is upheld and the grounds for appeal are of an administrative or regulatory nature the Chair and caseworker may take action to remedy the situation without referral to the original decision-making body.
24. If a Formal Appeal is upheld and there is substantive evidence that extenuating circumstances were either not considered appropriately or were for [good reason](#) not made known at the time of the original decision the Chair and caseworker will refer the case to the body that made the original decision for reconsideration.
25. Where an appeal is referred back to the appropriate examination board for reconsideration, the Chair of that examination board may take Chair's action to confirm the outcome of this reconsideration.

## Where an appeal is not upheld

26. If the Chair and caseworker agree that there are no grounds for appeal then the Formal Appeal will not be upheld and an outcome letter will be issued.

## Where a student believes that an appeal was not handled appropriately or fairly

27. A student may request a Final Review of their appeal if they believe there are grounds to suggest that their Formal Appeal procedures were not followed appropriately and/or the outcome of their Formal Appeal was not reasonable in light of the available evidence.
28. If a student does not have grounds for a Final Review then this marks the end of Queen Mary's internal appeal procedures. A student may request a [Completion of Procedures letter](#) in such cases, however, that letter will make clear that the student chose not to exhaust all of Queen Mary's internal procedures.

## Final Review

29. A student may request a Final Review of a Formal Appeal if they believe that it has not been handled properly or fairly. The review will be conducted by a nominee of the Principal.
30. A Final Review request must be submitted on the proper form and must include explicit reasons for requesting the review.
31. A Final Review request must be received by the Appeals, Complaints and Conduct Office within 14 calendar days of the date of the Formal Appeal outcome letter. The Principal's nominee has discretion to allow and consider later requests where a student demonstrates [good reason](#) for the delay.
32. New evidence or issues will not be considered in a Final Review unless the student can demonstrate good reason why that information was not made available with the Formal Appeal request.
33. The Final Review process will involve a review of the existing casefile by the Principal's nominee to determine whether:
  - i. the appeal procedures were followed appropriately, *and/or*,
  - ii. the appeal outcome was reasonable in light of the available evidence.
34. If it is determined that the case was not handled in accordance with the appeal procedures and/or that the outcome was not reasonable in light of the available evidence, the Principal's nominee may take corrective action where appropriate, refer the case back to the original decision-making body for reconsideration, or refer the case back to the Appeals, Complaints and Conduct Office for reconsideration under the Appeal Policy.

35. The student will be informed of the outcome of a Final Review in a [Completion of Procedures letter](#). A Final Review is the final stage in Queen Mary's internal appeal procedures.
36. A Final Review will normally be concluded within 21 calendar days of receipt of the Final Review request. The student will be notified if consideration of their Final Review is likely to take longer than this.

## Office of the Independent Adjudicator for Higher Education

37. The Office of the Independent Adjudicator for Higher Education (the OIA) is an independent body set up to review student complaints about higher education in England and Wales.
38. A student not satisfied with the outcome of Queen Mary's internal appeal procedures may submit a complaint to the OIA. The OIA will not normally consider a submission until a student has completed all of Queen Mary's internal procedures, including Final Review, and is in possession of a [Completion of Procedures letter](#).
39. The OIA will consider whether Queen Mary followed its policy correctly and whether the outcome was reasonable in light of the facts of the case.
40. Information on submitting a complaint to the OIA will be included in the [Completion of Procedures letter issued to the student](#). Information is also available on the [OIA website](#).

## Appeal Panels

41. In circumstances where the Chair and caseworker cannot agree on a course of action for an appeal, or if a case is determined to be unusually complex, an Appeal Panel will be convened.

## Appeal Panel composition

42. The membership of an Appeal Panel is as follows:
  - i. any Chair of the Appeal Panel who will act as the chair of the convened Panel.
  - ii. a member of academic staff from a school/institute cognate to that of the student (normally from the same Faculty), drawn from the membership of the Senate or from the Chairs of the Appeal Panel.
  - iii. a further member of academic staff, not necessarily from a cognate school/institute, drawn from the membership of the Senate or from the Chairs of the Appeal Panel.
  - iv. a student member, normally the President of the Queen Mary Students' Union (or nominee).
43. An Appeal Panel convened to consider a decision taken under the Professional Capability and Fitness to Practise Procedure will have an additional, fifth, member. This member will be a senior member of staff and a registered practitioner of the profession in question, drawn either from Queen Mary's School of Medicine or Dentistry or from another medical or dental school.
44. Members of the Appeal Panel will not have been involved in the making of the decision being appealed against.
45. There will be a Secretary to the Panel. The Secretary will be present throughout the hearing, including the deliberations of the Panel, and may provide advice to the Panel on policies and regulations. The Secretary will not be involved in the decision-making process.
46. Appeal Panels will be individually constituted for each case or group of cases.

## Appeal Panel terms of reference

47. The terms of reference for an Appeal Panel are to:
  - i. hear the student's submission.
  - ii. hear Queen Mary's submission.

- iii. consider and determine whether the appeal is upheld or not upheld, based on the permitted [grounds for appeal](#).
- iv. agree to:
  - a. uphold the original decision; *or*,
  - b. refer the original decision back to the relevant body for reconsideration; *or*,
  - c. uphold the appeal and agree an appropriate course of action. Where a range of penalties were available to the original decision-making body, an Appeal Panel may impose a more severe penalty than that originally imposed.

This version of the Academic Misconduct Policy was approved by Senate on 16 June 2022

## Appendix: Appeal Panel Procedure

1. A student will be given at least 10 calendar days' notice, in writing, of the date, time, and location of the Appeal Panel meeting.
2. The Appeal Panel will receive the original documentation considered by the decision-making body, and any relevant additional documentation related to the appeal. This will include the written appeal request and any response to that request from Queen Mary.
3. The student will receive the same set of documentation as the Appeal Panel.
4. All papers and proceedings will be confidential.
5. The student may be accompanied or represented by any one person of their choosing.
6. A Queen Mary representative will put Queen Mary's case to the Appeal Panel.
7. The student, any student representative, and the Queen Mary representative may be present throughout the hearing, but not during the Panel's deliberations.
8. Witnesses may be called to the Appeal Panel, where permitted by the Chair.
9. An Appeal Panel meeting will normally follow this format:
  - i. the members of the Panel will be introduced to those present.
  - ii. the student (or their representative) will address the Panel to make their case. The Panel may ask questions relevant to the case.
  - iii. the Queen Mary representative will address the Panel to make Queen Mary's case. The Panel may ask questions relevant to the case.
  - iv. The Panel will meet alone with the Secretary to consider its decision.
10. The student will be informed of the Appeal Panel's decision, and reasoning for that decision, within three working days of the meeting. This will be confirmed in writing within seven calendar days of the meeting, in an appeal outcome letter.