

## **Extract from the University of Sussex Regulations 2012-13**

### **Appeals**

98. There is no right of appeal in the University against the academic judgement of the duly appointed examiners.

99. A student shall have the right to appeal against a decision of the Subject Examination Board, on one of the grounds described below, in relation to the conduct of assessments affecting:

- (a) failure of the course – i.e. a decision that no award be made;
- (b) the recommended category of award;
- (c) a decision that a student be required to withdraw from the University, having failed to satisfy the prescribed requirements for academic progress;
- (d) a decision that a student be required to to resit one or more assessment units, having failed to satisfy the prescribed requirements for academic progress;
- (e) a decision that a student be required to repeat a year or stage, having failed to satisfy the prescribed requirements for academic progress;
- (f) an individual assessment result in relation to a particular module (or modules) or a particular item (or items) of assessment.

100. The grounds for an admissible appeal against a decision of the Subject Examination Board shall be one or more of the following:

- (a) that there existed circumstances affecting the student's performance of which the examiners were not aware when their decision was taken, and which could not reasonably have been presented to the examiners;
- (b) that there was a procedural irregularity (including administrative error) or other inadequacy in the conduct of the examinations, or processing of marks or grades, or the categorisation of an award of such a nature as to cause doubt as to whether the result might have been different had there not been such an irregularity;
- (c) that there exists evidence of prejudice or of bias on the part of an examiner.

101. A student shall have the right to appeal against a decision made by a Suitability for Professional Practice Panel in accordance with Termination of Training procedures that the student is required to withdraw from the University, on one or more of the following grounds:

- (a) that there is new evidence material to the decision that was not considered by the Suitability for Professional Practice Panel and which could not reasonably have been presented to the Panel;
- (b) that there was a procedural irregularity in the Termination of Training process of such a nature as to cause doubt as to whether the result might have been different had there not been such an irregularity;
- (c) that the Suitability for Professional Practice Panel failed to comply with the guidance of the relevant professional body.

102. Senate shall appoint an Appeals Board and procedures governing the conduct of appeals shall be set down by the Appeals Board. The composition of the Appeals Board shall be determined by Senate and published annually in the *Organisation of the University* document for the current year. The functions of the Appeals Board shall be:

(a) to oversee matters of policy and procedure relating to appeals which are lodged by students on taught courses;

(b) to receive an annual report on the conduct of taught course appeals;

(c) to report on, and make recommendations in respect of appeals matters to Senate, via Teaching and Learning Committee.

103. Members of the Appeals Board may also form themselves into Appeals Panels for the purpose of examining appeals made under section 99. An Appeals Panel shall normally consist of four members of the Appeals Board, and be composed of: a Chair, two academic faculty members and one student member. The role of Chair and student member shall be restricted to members of the Appeals Board designated as candidates for these roles in the *Organisation of the University* document. The normal quorum for an Appeals Panel shall be: a Chair, one academic and one student member; but exceptionally may be Chair and two academic faculty members of the Appeals Board.

Decisions of Appeals Panels shall be reached by a simple majority vote of those members present and voting, with the Chair having a second and casting vote if necessary.

104. The Appeals Board may also convene Appeals Panels for the purpose of examining appeals made under regulation 94 as and when required. The Panel shall be composed of three members of the Appeals Board, namely a Chair, one academic faculty member with significant recent experience of a discipline requiring the determination of professional competence requirements (but who should not be from the appellant's Department), and one student member, with the addition of one senior professional co-opted to the Panel from the profession relevant to the appellant. The role of Chair and student member shall be restricted to members of the Appeals Board designated as candidates for these roles in the *Organisation of the University* document. The absence of any Panel member shall render the Panel inquorate.

Decisions of Appeals Panels shall be reached by a simple majority vote of those members present and voting, with the Chair having a second and casting vote if necessary.

105. Nominees of the Registrar and Secretary shall act as Secretaries of the Appeals Board and the Appeals Panels and shall attend their meetings.

106 Before lodging an appeal, the student must first discuss the basis of their appeal with the relevant designated member of the Professional Services as stated in the Academic Appeals Procedures.

107. To lodge an appeal, the student must complete the relevant pro-forma as specified in the Academic Appeals Procedures and ensure this is submitted to, and received by, the Secretary of the Appeals Board within twenty-one days of the publication of the decision against which the appeal is made.

108. A decision on whether an appeal is admissible will be made by the Chair of the Appeals Board, acting on the basis of the evidence and advice from relevant officers, in terms of being:

(a) received in time (or, if received out of time, whether mitigating circumstances exist which justify waiving the normal time-limit); and

(b) that the grounds of the appeal are admissible according to regulations [insert cross references] above.

(c) that the remedy sought is one that is compatible with the University's rules on examination and assessment.

109. Where an appeal is determined to be admissible it shall be considered, in one of these ways:

(a) where the appeal appears to be readily decidable in favour of the appellant on the basis of the evidence available, the Chair of the Appeals Board may reach a decision without the need for a hearing;

(b) otherwise, the appeal will be examined at a hearing, at which the appellant shall have the right (though not the obligation) to attend, and the Appeals Panel shall be entitled to ask (but not require) the student to attend, to provide further information.

110. An appellant who attends an Appeals Panel hearing shall be entitled to be accompanied by a person of their choice, who may also represent him or her, in accordance with the Academic Appeals Procedures. If the appellant wishes to be so accompanied or represented, they shall inform the Secretary of the Appeals Board accordingly at least two working days in advance of the time of the hearing and shall at that time also supply the name of that person. A student who is anticipating bringing a legal representative is required to give at least five working days' notice of this to the University.

111. After the Appeals Panel hearing has been presented with the evidence in the case, the appellant (and the person accompanying him or her) shall withdraw while the Panel considers its decision in private. The Appeals Panel will normally invite the appellant (and the person accompanying him or her) to return to hear its decision. However, Appeals Panels reserve the right to defer immediate decision and instead to provide a later written decision. In such cases, the normal time-limit (for reaching a decision, formulating it in writing and despatching it to the appellant) shall be seven working days unless otherwise specified by the Appeals Panel at the time of the hearing, in which case a specific reason for needing the additional time will be given to the appellant.

112. The Appeals Panel, whose decision shall be final, shall, in the case of an appeal under regulation 16.99 either:

(a) arrange for the appellant and the relevant Subject Examination Board to be informed that the appeal is not upheld and that the decision of the Board should not be altered; or

(b) uphold the appeal and determine a remedy appropriate in the circumstances in accordance with the Academic Appeals Procedures, and inform the appellant and the Subject Examination Board accordingly. The Panel is authorised, on behalf of Senate, to determine a student's degree class in the light of the outcome of an appeal. Where the Panel believe that there is no appropriate academic remedy then the matter should be referred to the Registrar and Secretary for resolution.

113. The Appeals Panel, whose decision shall be final, shall in the case of an appeal under regulation 16.101, either

(a) arrange for the appellant and the relevant Suitability for Professional Practice Panel to be informed that the appeal is not upheld and that the decision of the Fitness to Practise Panel should not be altered; or

(b) uphold the appeal and determine a remedy appropriate in the circumstances, and inform the appellant and the Suitability for Professional Practice Panel accordingly.