

ACADEMIC APPEALS REGULATIONS 2024/2025

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SECTION ONE: INTRODUCTION

- 1.1 The University's Academic Appeals Regulations should be read in conjunction with the associated Procedures, including the [Academic Appeals Procedure for Taught Courses](#) or, for students studying a research degree the [Academic Appeals Procedure for Research Degrees](#) and the [Regulations for Taught Courses](#).
- 1.2 The University's Academic Appeals Regulations and Procedures apply to:
- Students studying with the University of South Wales.
 - Students studying at the Royal Welsh College of Music and Drama (RWCMD).
(NB Any reference made to 'faculties' or 'faculty' in the regulations and procedure should also be read as 'the College'.)
 - Students studying university courses at the University's partner institutions.
 - Students studying on work placements or engaged in work-based learning.
 - Students on an approved leave of absence.
 - Apprentices.
(NB Any reference to 'student(s)' should also be read as 'apprentice(s)'. Information on the receipt and outcome of academic appeals for apprentices will be provided to the Dean of Faculty (or nominee), who will inform the apprentice's employer.)
- 1.3 The Regulations and Procedures allow students to appeal following a decision of an Award and Progression Assessment Board, the Research Degrees Committee or the Faculty Research Degrees Committee or its progression board.

SECTION TWO: GENERAL PRINCIPLES

Appeals from third parties

- 2.1 The University expects students to submit appeals themselves. Should a submission be required by a third party on behalf of a student valid reasons must be provided, along with evidence and written authorisation that the student has agreed for the third party to act on their behalf.

Presumption of good faith and conduct

- 2.2 The application of the Regulations by the University will be in good faith and any appeal submitted by a student will also be in good faith. As such, where an appeal is submitted, the student will not be disadvantaged for submitting the appeal.
- 2.3 It is expected that students submitting appeals, and their representative(s), behave in an appropriate manner. If the University deems that their behaviour is unacceptable, the Academic Appeals Procedure may be put on hold and action may be taken under the Student Conduct or Fitness to Practise Procedures.

Evidence

- 2.4 All appeals must normally be supported by relevant written independent evidence, or they will not be accepted.
- 2.5 The University has the right to check or verify any evidence submitted. If a student submits any evidence that turns out to be false, an investigation under the Student Conduct or Fitness to Practise Regulations and the associated procedures will commence. The appeal will be put on hold until an outcome is reached under the alternative regulations.
- 2.6 The University recognises that with advances in modern technology, it is easier to make covert recordings, ie, recordings of meetings or conversations made without the consent of the participants. Where recordings are made of telephone calls, this activity is likely to be in breach of the Regulation of Investigatory Powers Act 2000/Investigatory Powers Act 2016 (as appropriate). In the case of recordings of face-to-face meetings, the material gained is likely to be held in breach of the participant's Article 8 right (to a private and family life) under the Human Rights Act and the UK's data protection laws.

In addition, a recording should only be used for the purpose for which it was made and should not be made available to a third party without the consent of the individual it refers to, unless there is lawful reason to do so.

For these reasons, the University will only permit the use of such recordings in academic appeals cases, in exceptional circumstances.

The facts that will be considered are:

- The extent to which the evidence is relevant to the issues in the case, including considering the nature of the evidence and if other, more cogent evidence is available.
- The extent to which the evidence has been obtained unlawfully or its use otherwise interferes with privacy rights.
- The extent to which the evidence can be relied upon from a technical perspective given that it is possible to manipulate recorded material. The availability of an independently created transcript of any recording may be helpful to satisfy this requirement.

Group appeals

- 2.7 Where an appeal is submitted by a group of students, one member of the group should be nominated as the main contact. Each member of the group must confirm in writing that they wish the nominated individual to act in this capacity and that the appeal reflects their concerns. The nominated contact will receive updates on the appeal on behalf of the group. All members of the group will receive notification of the outcome individually.

Confidentiality

- 2.8 Information supplied within an appeal will only be provided to appropriate members of staff and personal information will be processed in accordance with the University's Privacy Notice and as articulated in the Communications Plan for academic appeals.

- 2.9 The University will not disclose any information to third parties regarding investigations and outcomes from student appeal cases unless legal exceptions under data protection laws apply or the student has given the University written authority to do so.
- 2.10 If students have any concerns regarding the disclosure of information detailed within their appeal, they should contact the Student Casework Unit.

Attendance at graduation

- 2.11 Students who are eligible to receive a University award and wish to appeal should seek advice from the Advice Zone if they wish to attend their upcoming graduation ceremony.
- 2.12 Where a student's appeal is still in progress at the time of the graduation ceremony, they may not be able to attend that particular graduation ceremony. A decision on attendance will be made by the Chair of the Award and Progression Assessment Board and will depend on the individual circumstances of the case.
- 2.13 Students will not be issued with their certificate until the outcome of the appeal is known.
- 2.14 Once an appeal investigation has been completed students will, if eligible, be able to attend the next available graduation ceremony.

Status of students during appeals

- 2.15 While an appeal is ongoing students should prepare to complete any resit assessments or other progression requirements.
- 2.16 Students will not normally be allowed to progress to the next stage of their study while their academic appeal outcome is pending.

Appeals and complaints

- 2.17 Where it is considered that an appeal contains elements of complaint, a decision will be made on whether the appeal as a whole, or elements of it, should be reclassified and processed using the Student Complaints Regulations. Where an appeal and complaint cannot be separated the University will investigate the issues raised together. The investigation will then inform both the outcome of the appeal and complaint. The Student Casework Unit will discuss any decisions made on the status of the appeal with the faculty and the student concerned.
- 2.18 Appeals about the inadequacy of supervision or support during the period of study will not be accepted as grounds for appeal but must be raised as a complaint.
- 2.19 Where a student considers that they have been treated in a biased manner outside of the assessment process, these issues should be raised through the Student Complaints Regulations for investigation. Students are required to provide evidence to support any claims of bias.
- 2.20 Issues that have been considered under the Academic Appeals Regulations and Procedure cannot subsequently be used as a ground for complaint.

Unreasonable behaviour

- 2.21 Appeals which, following initial consideration, the University considers to be vexatious or appeals that are being pursued by a student in an unreasonably persistent manner, will not be considered and could result in action being taken under the Student Conduct or Fitness to Practise Procedures. In this context 'unreasonably persistent' means, for example, that the appeal is being made in a way that is obsessive, prolific or repetitious, or might be considered to be harassment. It may be one that is being pursued in a way that hinders the ability of the University to conduct its appeals process. A 'vexatious appeal' is one that the University considers is designed to cause disruption or annoyance or makes demands for redress that lack serious purpose or value.
- 2.22 Where the Head of Student Casework (or nominee) considers that an appeal is being pursued in an unreasonably persistent or vexatious manner the student will be written to and informed that the University will not consider the appeal any further. Reasons for this decision will be given and a University Completion of Procedures Letter will be issued.
- 2.23 Further information can be found in the [guidance for unacceptable behaviour](#).

Referral to other procedures

- 2.24 In certain cases, for example, where there is a threat of serious harm, or where there are signs of significant distress, the University may decide to put this Procedure on hold pending further advice or may refer the student to the Support to Study Procedure. In such cases, consideration of the appeal may be suspended pending the outcome of investigations under the Support to Study Procedure.

Burden and standard of proof

- 2.25 The burden of proof determines whose responsibility it is to prove an issue. For academic appeals, the burden of proof rests with the student. The standard of proof is on the balance of probabilities, that it is more likely than not that the issues resulting in the appeal occurred.

International students

- 2.26 There will need to be special consideration when an appeal is submitted by an international student who is sponsored by the University on a Tier 4/Student Route visa. The student should be signposted to the Immigration & International Student Advice team for information on the impact the outcome of the appeal may have on their Tier 4/Student Route visa.

SECTION THREE: STAGES IN THE HANDLING OF ACADEMIC APPEALS

The University has three stages to its Academic Appeals Procedure:

Stage 1 - Early resolution

- 3.1 Students will be able to discuss any concerns regarding their results, with either an academic member of staff or with a member of staff from the Advice Zone. It is highly recommended that students discuss their concerns with their Module Leader or Course Leader in the first instance if they feel comfortable to do so.

Stage 2 – Consideration by the faculty

- 3.2 A nominee of the Dean of Faculty where the course resides will consider a student's appeal and provide their response to the Student Casework Unit, which will inform the student.

Stage 3 – Review of the decision at stage 2

- 3.3 The University Secretary (or nominee) will determine if there is a demonstrable case for review. If there is a basis for review, a Review Panel will be convened to consider the case.

Details of the process at each stage can be found in the [Academic Appeals Procedure for Taught Courses](#) and the [Academic Appeals Procedure for Research Degrees](#).

SECTION FOUR: OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)

- 4.1 If a student is unhappy with the outcome of this Procedure they may, following issue of a University Completion of Procedures Letter, lodge a complaint with the OIA.
- 4.2 Details of the OIA and the relevant information in relation to the Scheme can be accessed at www.oiahe.org.uk. Further information and advice can be obtained from the Student Casework Unit.

SECTION FIVE: MONITORING

- 5.1 The Student Casework Unit will monitor the actions taken in relation to the management of academic appeals. A report will be submitted to the annual meeting of the Student Casework Group.
- 5.2 The Student Casework Group may make recommendations for consideration by the Learning, Teaching and Enhancement Committee, Quality Assurance Committee, Academic Board and Research Degrees Committee, as appropriate, on any matters arising from the consideration of appeals that require amendments to regulations or procedures.