

Part K: Complaints and Appeals

Section 1: General Requirements

1. The Academic Council shall ensure that all students are dealt with in a fair and reasonable manner by ensuring there are clear and adequate processes for complaints and appeals of decisions made under these Regulations.
2. The Academic Council shall authorise the formation of an Academic Appeals Board which shall consider all permissible appeals.

Definition: Complaints and Appeals

3. An **appeal** is a written request by a student for the reconsideration of a determination made by an officer, board, committee or panel of the University in relation to their status, progression or achievement as a student.
4. A **complaint** is the notification by a student to the University of their dissatisfaction with an aspect of service or treatment that they have received from the University. A complaint should usually include an indication as to what resolution is being sought.

General Principles

5. The Academic Council shall authorise such sub-regulatory instruments to ensure the effective discharge of complaints and appeals.
6. The following general principles apply to the complaints and appeals processes:
 - (a) The complaints and appeals processes shall be private and confidential.
 - (b) In the event of an oral hearing of an appeal, a candidate may be accompanied by a member of staff or student of the University. Where a candidate fails to attend a hearing, the case may be decided on the documentation.
 - (c) Applications for appeals may only be brought in relation to unconfirmed results on awards or results on the completion of designated stages in a programme, published under the authority of the Dean of Academic Quality.
 - (d) No appeal will be entertained against the academic judgment of the examiners in relation to the conduct of the examination.
 - (e) No appeal will be entertained against a judgment made on Mitigating Circumstances where mitigating circumstances have been submitted and considered by the board of examiners.
 - (f) Appeals or applications for Mitigating Circumstances based on complaints about the quality of programme delivery shall not be considered under these Regulations. Such complaints must be made according to MoPPs, Part K, Section 2 (Student Complaints Policy and Procedure).
 - (g) A student must bring a complaint or an appeal on their own part. Requests or applications by a third party will not be entertained.
 - (h) Anonymous complaints may be accepted and investigated at the discretion of the Deputy Vice-Chancellor.

Monitoring, Evaluation and Review

7. The effectiveness of the complaints and appeals processes must be monitored, evaluated and reviewed annually and a report made to the Academic Council through the Education and Standards Committee.
8. The Office of Regulation and Compliance shall maintain a record of each complaint and appeal, detailing:
 - (a) the grounds for the application;
 - (b) whether the process was completed in accordance with the regulations and timescales specified in the sub-regulatory instruments;
 - (c) the outcome of the complaint and appeal;
 - (d) the profile of complaints and appeals by equality of opportunity criteria and University Centre.
9. The Office of Regulation and Compliance shall complete an annual report in relation to complaints and appeals setting out:
 - (a) comments on any identifiable patterns in the applications for complaints and appeals;
 - (b) feedback from students on their experience of the complaints and appeals processes;
 - (c) the efficiency with which the processes were administered;
 - (d) recommendations for changes to the regulations and procedures based upon internal experience and external changes in best practice or legislation;
 - (e) comparison of the results of the analysis to those of previous years.
10. These reports shall be submitted to the Education and Standards Committee and the Academic Council.

Section 2: Student Complaints Policy and Procedure

1. The University shall provide a comprehensive policy and procedure for investigating and acting upon student complaints and will ensure that all complaints are taken seriously and are properly handled.

Principles

2. The following principles shall underpin the policy:
 - (a) complaints are important feedback to the University which can enhance quality;
 - (b) students will not suffer disadvantage as a consequence of making a genuine complaint;
 - (c) the University will seek to resolve complaints in a timely manner with the resources available;
 - (d) the University shall endeavour to assist students to resolve their complaints informally before they invoke the formal procedures; and,
 - (e) those University officers tasked to investigate complaints shall do so impartially and objectively.

Scope

3. The policy and procedure shall set out what may be the subject of a complaint and what is more properly the subject of an appeal.
4. Anonymous complaints may be considered by the University. Whether and how they are investigated shall be determined by the Deputy Vice-Chancellor.

Section 3: Academic Appeals

General Requirements

1. A candidate may appeal against:
 - (a) the result of any investigation or action taken under these Regulations; or
 - (b) the **unconfirmed** result of a module or assessment element, published under the authority of the Dean of Academic Quality; or
 - (c) the **unconfirmed** result on the completion of a designated stage in a programme, published under the authority of the Dean of Academic Quality.

Grounds for Appeal

2. A candidate may only appeal where:
 - (a) there is reasonable ground supported by authoritative and objective evidence to believe that there has been administrative or procedural error of such a nature as to have affected the outcome of the investigation or result; or
 - (b) the decision in the case was manifestly unreasonable¹; or
 - (c) there is new evidence that for good reason, objectively and authoritatively documented, could not be submitted earlier.

Academic Appeals Board

3. The Academic Appeals Board will consider the candidate's case and review that case against the relevant evidence. No member of the Board shall be a member of the board or panel against whose decision the appeal is being brought.
4. The Board shall have the right to undertake such investigation and to invite evidence from such persons as are necessary to establish what action is required on the appeal.
5. The appeal shall be considered by the Board by reference to the candidate's registration and/or assessment number and without reference to their name.

¹ A decision is "**manifestly unreasonable**" if it can be demonstrated unequivocally that an Officer of the University or a properly constituted University Panel or Board has made an irrational, perverse or logically flawed decision.

Evidence Requirements

6. The candidate is responsible for ensuring that all supporting evidence is appended to the appeal form. Any evidence referred to in the appeal form but not appended to it will not be taken into account by the Academic Appeals Board.
7. Documentary evidence appended to an appeal form may be copies of the original documents but the student may be required to produce original documents for inspection on request or at any hearing.

Annulment of a Decision by a Board of Examiners

8. In the event of the board of examiners deciding not to act on a recommendation from the Academic Appeals Board to reconsider a decision the provisions in the Examination and Assessment Regulations at GARs, Part I, Paragraph 39 will apply.
9. Except where marks have been recorded incorrectly, a successful appeal will not result in any change in the marks.

Conferment of an Award

10. A student may not be conferred with an award until the appeals process has been finalised.
11. Where the decision of the Academic Appeals Board results in the student being admitted to an award the student may either receive the award in person at the next congregation or be deemed to have been admitted to the award on the authority of the Academic Council.

Office of the Independent Adjudicator

12. Where the student is dissatisfied with the decision of the University, they may refer their complaint to the Office of the Independent Adjudicator (OIA). The OIA is an independent body established by Government to run an independent student complaints scheme for universities in England and Wales.
13. The student must refer their complaint to the OIA within 12 months of the date of the Completion of Procedures Letter.

For more information about the OIA and the procedure for submitting a complaint, students can visit the OIA website at www.oiahe.org.uk.