

## Procedural Guidance

### Research Academic Appeals Procedure from October 2019

#### Contents

- Introduction ..... 2
- Scope..... 2
- Confidentiality and GDPR..... 2
- Reasonable Adjustments for students with a disability ..... 3
- Student first steps ..... 4
  - Informal resolution ..... 4
- Appeal submission ..... 5
  - Consideration of eligible formal appeals ..... 6
  - Research Academic Appeals Panel ..... 7
- Review of Appeal stage..... 9
- Completion of Procedures ..... 10
- Monitoring and review ..... 11
- Case escalation beyond Imperial College London ..... 11

This document has been produced to guide and advise staff on the Research Academic Appeals policy and procedure for appeals against decisions after 1 October 2019. If there are any additional questions or areas of clarification needed following reading this guidance, please contact [Kirstie Ward](#), the Assistant Registrar (Academic Standards) for support in the first instance.

## Introduction

1. It was agreed by the Quality Assurance Committee (QAEC) and endorsed by the Postgraduate Research and Quality Committee (PRQC), to review and combine the previous 3 appeals procedures for Research Appeals decisions into one updated and combined procedure. This was developed following a review of current protocols, feedback and casework outcomes, and with reference to recognised sector best practice, such as that published in the Office of the Independent Adjudicator for Higher Education (OIA) in [The Good Practice Framework: Handling Complaints and Academic Appeals](#) and with due reference to that of the Quality Assurance Agency (QAA), Quality Code Advice and Guidance [Concerns, Complaints and Appeals](#).
2. This guidance is designed to give detailed information to support those responsible for responding to, or supporting students through, an Academic Appeal. It may also be referred to by students for further information about the appeals process.
3. Regular reviews of the documentation and casework outcomes may lead to updates to this guidance.

## Scope

4. The updated procedure applies to all Research programme decisions taken after 1 October 2019. Appeals received before this date will be considered under the previous processes.
5. The decisions that are eligible to be considered under the procedure are:
  - a. Early Stage Assessment (ESA)
  - b. Late Stage Review (LSR)
  - c. MPhil to PhD transfer examination<sup>1</sup>
  - d. End of programme thesis submission and/or viva voce examination
  - e. Decisions of the DSc committee regarding DSc awards
6. Taught aspects of EngD programmes are covered by the Academic Appeals Procedure (taught).

## Confidentiality and GDPR

7. By their nature, appeals, particularly in relation to mitigating circumstances, are likely to contain sensitive as well as personal information. It is important that this is acknowledged by ensuring that all submissions are considered in a confidential manner and that due care and attention is paid to the secure storage and timely destruction of papers, in both hard and electronic form.
8. On submission of the appeal, students will be asked to confirm that they understand that their information will be shared only so far as it is necessary to fully consider the appeal.

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<sup>1</sup> Where a student has enrolled on a research programme with the specific requirement to commence on an MPhil and then transfer to PhD.

9. Whilst it is expected that most appeals, should they go to a panel, will be conducted by them meeting in person, it may be necessary to consider/share information virtually. The documentation must not be shared outside the EU (as it currently applies), must be deleted as appropriate from any electronic devices used to view it and/or any email accounts. Please be aware that sharing applies to the server/ service provider as much to the physical location of the person accessing the information. If there is any doubt regarding compliance to the relevant Data Protection legislation, an alternative method should be sought.
10. All College members should note any changes to GDPR legislation that may occur as a result of Great Britain's exit from the European Union (Brexit) and how this would impact on the consideration of claims above.
11. Students should also be encouraged as much as possible not to provide sensitive and personal data about 3<sup>rd</sup> parties. Where 3<sup>rd</sup> party data is supplied and is not necessary to the appeal it will be returned or redacted, and measures should be taken to limit any further dissemination. Further guidance on this can be sought from Registry, the local data protection coordinator or the Data Protection Officer.

#### *Parents, partners and friends*

12. An individual has the right to confidentiality after the age of 16 under UK law. This means that we cannot share information with any third party without consent, unless we are under an obligation to do so (HESA returns, legally made police requests etc.). College policy is that this should be in writing, which can then be kept with the case file for future reference.
13. Students should be advised to be clear when agreeing for someone to be contacted on their behalf the scope of that permission. For example is it limited to the submission that has been made, or for a specific period of time.
14. Therefore, you should ensure that:
  - a. The person that you are communicating with (by phone or by email) is the student, for example by using the email address that they have supplied or by confirming their identity on the phone.
  - b. Correspondence is clearly directed to the student.
  - c. Where you are approached by a third party, no details are provided and that they are clearly informed that without consent, no information will be provided.
15. This does not mean that you cannot discuss generalities or procedures. For example, you might explain the College procedure for marking, or the role of the External Examiner. You might explain how the degree classification system works, or what the uplift process is.

#### Reasonable Adjustments for students with a disability

16. Whilst the College is committed to ensuring that its processes and procedures are inclusive, there may be occasions in which changes need to be made to support a student with a disability. When a student makes an appeal, they will be asked to provide confirmation if they are requesting adjustments to the procedure. The

College then will consider any requests they make and take steps as appropriate in order to ensure that students with a disability are not disadvantaged.

17. There are a range of adjustments that may be considered appropriate, which will be dependent on the impact of the disability on the student. Examples include but are not limited to:
  - a. Extensions to deadlines
  - b. Amendments to the format for submissions or procedural documentation
  - c. Provision of additional support at a hearing (for example a disability advisor)
  - d. Change of venue to improve access
  - e. Schedule adjustment to specific time periods for any hearing (mornings only for example) or additional breaks
18. Each request will be considered on its merits by the College. Where requested adjustments are not granted, or alternatives are offered, the reasons for this will be clearly explained.
19. If a student makes a request for adjustments but they are not registered as having a disability, the College reserves the right to seek evidence to support that this is the case.
20. The outcome letter at each stage of the appeals process will clearly explain any reasonable adjustments to the process that have been made.

## Student first steps

### Informal resolution

21. Where a student has a concern about the outcome of a decision regarding their research study they should, in the first instance, discuss this with their supervisor in who can help to explain the decision. This is not a formal part of the process, but staff are encouraged to facilitate these queries, as concerns are often caused by a misunderstanding of the processes involved.
22. Where a concern shows that there has been an error, for example that the regulations were misinterpreted in some way, it is expected that this will be corrected immediately, limiting the impact on the student and not forcing the student into making a formal appeal submission.
23. There are two stages to the appeals process.
  - a. Formal Appeal
  - b. Review of Appeal
24. The formal appeal stage is the investigatory part of the process. The review stage should only consider if the formal stage has been conducted correctly, or to consider new material evidence (see further information from paragraph 27).

## Appeal submission

25. Students must be informed of the appeals procedure and the deadline in the official notification of the decisions listed at paragraph 4.
26. Students must submit an appeal within **20 working days** of the notification of the outcome of eligible decisions. They must complete the Formal Research Academic Appeal Form in full and supply the relevant evidence/documentation.
27. The statement from the student should clearly outline the reasoning for the grounds of their appeal.
28. Eligible grounds are:
  - a. that there has been a material procedural irregularity in the conduct of the examination or review meeting (including administrative error)
  - b. that there is evidence of procedural unfairness in the conduct of the examination or review meeting (for example bias or prejudice of the examiner/reviewer).
  - c. a request for the consideration of late mitigating circumstances which could not reasonably have been brought to the attention of the College prior to the examination/review meeting under the Late Case Request process.
29. A material procedural irregularity is where the defined policies and procedures of College have not been followed, and which may have had an impact on the decision-making process. For example, whilst sending the outcome of the Early Stage Assessment to the student a few days after the normal timeframe is a procedural irregularity (as the College procedures have not been followed), it is not material to the decision as it would not have had an impact on the outcome. Examples of material procedural irregularities include:
  - a. Insufficient notification of an assessment or examination date
  - b. Failure to ensure that the assessors/examiners/reviewers are appropriate to undertake the assessment in line with policy documents.
  - c. Documentation required for the assessment not being made available in a timely manner.
30. Procedural unfairness refers to the reasonableness of the decision, when the presented documentation and the regulations and policy is taken in to consideration. Could the decision that was made be considered reasonable, based on what was known at the time?
31. It is the responsibility of the student to complete the form in full and to provide supporting evidence. A failure to understand the process or to provide the correct evidence when it is or could reasonably be expected to be available will not be grounds for a subsequent request for review.
32. All students are strongly encouraged to seek advice and support if they are considering making an appeal. This may be from a trusted member of academic staff such as their supervisor, the Faculty Senior tutor or Postgraduate tutor, or it may be

from the Imperial College Union (ICU) Advice Centre. Details of the advice centre can be found on the ICU website at <https://www.imperialcollegeunion.org/advice>.

33. Currently the College does not permit students to be supported or represented in hearings in its casework proceedings by someone acting in a legal capacity.

#### *Eligibility Review*

34. All submissions will be reviewed for eligibility by a member of the QA team. They will not make a judgment of whether the *substance* of the appeal should be upheld or not. The review will be to decide if the appeal:
  - a. is 'on time' (or where late that there is 'good' reason)
  - b. is on a fully completed form
  - c. grounds cited are eligible and explained
  - d. there is supporting evidence, where necessary
35. If one or more of the above is not met, the student will be given an explanation as to why, and deadline in which to submit an amended submission. If this submission is also not eligible the formal appeal will be rejected.
36. Students whose appeals are rejected as ineligible due to being considered out of time without good reason are then considered to have completed the procedures of the College and will be provided with a Completion of Procedures letter (see Completion of Procedures section).
37. For all other ineligible appeals, the student will be informed by Registry that they may ask for a review of this decision under the standard grounds (see Review of Appeal).

#### *Consideration of eligible formal appeals*

38. If the appeal is eligible a caseworker will be assigned to collate any relevant information about the appeal. This will include requesting a formal response to the appeal from the Department on behalf of the review/assessment/viva examiners.
39. In completing a response to the appeal, the department should explain the decision that has been made and respond to the points raised in the appeal. With the response they should provide any documents to support the points that they make in the appeal, such as the student handbook, emails or letters, reference to specific regulations.
40. If at this stage, the department decides that there has been an error, for example they realise in the review of the submission that a mistake in consideration has been made, they should inform the caseworker and take the relevant corrective action such as reconvening a review or assessment panel. The appeal will then be formally closed by the Registry.
41. Following the collation of supporting documentation for the case, the Caseworker will produce a short overarching report for the Research Academic Appeals Panel. This report will be factual and should not make a judgement on the appeal. The role of the report is to provide a clear picture of the submission that has been raised, any counterarguments or clarifications that have been put forward and to cross reference

the documentary evidence provided. The report should also provide any relevant signposting to relevant College regulations and procedures.

42. Upon completion of the report, the full file (report and any supporting documentation) will be provided to the appellant. The appellant will be given 5 working days to make any final comments or raise concerns with regards to factual accuracy. Following this period, an Academic Appeal Panel will be convened to consider the case.

#### Research Academic Appeals Panel

43. The Academic Appeals Panel will normally be chaired by a Consul, with one member drawn from the Academic Appeals list, confirmed each year by Senate. The final member of the panel will be a Director of Postgraduate Studies.
44. Care will be taken to draw panel members from across the College, but not from the student's home department. If a panel member considers that they have a potential conflict of interest, they should declare this at the earliest opportunity and will be replaced.
45. The Panel may decide to hold a full hearing with the student and a department representative present however, this may not always be required. The appellant may state that they wish for a full hearing to be held. If it is requested by the appellant a full hearing will always be convened.

#### *Where a full hearing is not held*

46. All panel members will be provided with the case file electronically. A member of Registry will act as secretary to the panel to support the panel in their deliberations.
47. The panel will be given a period for review, normally 5 working days. They will agree an outcome on the appeal collaboratively. This may be at a meeting or over email. The exact method will depend on the complexity of the case and the relative availability of the panel members to meet together.
48. The Chair, with the secretary, will ensure that each point of the appeal is considered, and that clear reasoning is given for accepting or rejecting any points raised. The secretary will be responsible for collating a final outcome report, to be agreed by the panel.
49. Once the outcome of the appeal is decided, the secretary will draft the outcome letter to the appellant, to be agreed by the Chair of the panel. This is normally expected to be within 10 working days of the appeal submission being provided to the panel for their deliberations.
50. The secretary will then provide the appellant with the outcome (letter and panel report) and advise them of any next steps that may be taken and the timescales for this. For example, that the student may request a review, or that a new examination panel must consider the student's progress. The department will be provided the outcome at the same time as the appellant.

#### *Where a full hearing is held*

51. Where a full hearing is held, the normal hearing procedure of the College will be followed. The appellant will normally be given 10 days' notice. The appellant may

bring a supporter to the hearing. This must normally be another member of the College community such as a tutor, fellow student or an adviser from the Imperial College Union Advice Centre. As part of any reasonable adjustments to process permission may be granted for a supporter to attend that is not a member of the College community. Under no circumstances will the appellant be permitted to be represented by anyone in a legal capacity. A representative from the department will also be invited to attend.

52. The purpose of the hearing is to explore the issues of the appeal, particularly where there are differences in opinion or interpretation of events/procedure. The panel will agree on the questions that need to be raised in a private meeting before the hearing.
53. The hearing is likely to follow the format below. There may be reasons to change the format which will be clearly articulated to all parties at the beginning of the open meeting.
  - a. Introductions
  - b. Explanation of the format and decision-making process
  - c. Invitation to the appellant to outline their case
  - d. Questions from the panel
  - e. Invitation to the department representative to respond
  - f. Questions from the panel
  - g. Opportunity for additional questions from the appellant or department representative
  - h. Closing statement from department representative
  - i. Closing statement from the appellant
  - j. Confirmation of decision-making process and explanation of how (and when) the appellant will be informed of the outcome.
  - k. Private meeting of the panel. The panel will discuss the evidence that they have been given and make their decision.

54. The secretary will prepare a report which will include the details of the hearing. This will not be a verbatim record of the hearing. The secretary will also prepare the appeal outcome letter to go to the student, copied to the department. This will normally be within 5 working days of the hearing.

*Where an appeal is rejected*

55. When an appeal is rejected the student will be informed of the next stage of the appeal process, including the eligible grounds, procedure and timescale to do so.
56. They will also be informed in writing that if they chose not to request a review, they may request a letter to confirm that they have not completed the procedures of the University. This letter, known as a 'Non-CoP CoP', will include details of the Office of



the Independent Adjudicator for Higher Education (OIA) complaint scheme, and must be requested within 6 weeks of the outcome of the formal stage.

57. If a request for a review is not raised within the required timescale the College will close the case and no further action will be taken.

#### *Where an appeal has been upheld*

58. When an appeal has been upheld, the student will be informed of the steps that the College will be taking in response to this decision and the expected timescales for this.
59. Normally this would mean that an appeal case is closed however, the student would still be able to request a Non-CoP CoP should they so wish.

#### *Where an appeal is partially upheld*

60. A partially upheld appeal will prompt a hybrid outcome letter. This will explain what areas have been upheld and which rejected, with the reasons for this. The appellant would be able to:
- a. Request a review of those areas that have not been upheld
  - b. Request a Non-CoP CoP
61. They will be informed of the steps that the College will be taking in response to the parts of the appeal that have been upheld and the expected timescales for completion.
62. It is important to note that dissatisfaction of the outcome of an appeal may occur even where it has been upheld in full. The appellant may therefore choose to escalate their appeal to the review stage or to make a complaint to the OIA about the handling of their appeal. This may be, for example, due to the offered resolution not meeting the appellant's expectations or due to the appeal not being considered in a timely manner in the opinion of the appellant.

### Review of Appeal stage

63. If dissatisfied with the outcome of the appeal, the appellant may request a review by writing to the Head of the Central Secretariat within 15 working days of the outcome of the formal stage.
64. A review of appeal is not a reconsideration of the original decision, the purpose of the review is to ensure that the appeals process has been followed fairly and correctly.
65. The submission must include the grounds for the request and where any new evidence is provided it must explain the reason it was not available earlier in the process.
66. The accepted grounds to request a review are:
- a. a student believes that there has been a material procedural irregularity in the academic appeals process;

- b. a student believes that a decision on their academic appeal has not taken account of all relevant information;
  - c. additional material information has come to light that could not reasonably have been provided previously.
67. With regards to point c above, for additional information to be considered 'material' it means that if it had been available at the time of the original decision, it may have changed the outcome. It must also be clear why it could not have been provided in the formal appeal submission. Information that could have been provided at the time will not be accepted at this stage.
68. The request will be reviewed for eligibility, in the same way as the formal stage, by the Head of the Central Secretariat (or a nominee).
69. Within 5 working days the appellant will normally be informed if the request was considered eligible. If it is not considered eligible a Completion of Procedures letter will be issued. If the submission is eligible, a Research Academic Appeals Review Panel will be convened, normally in 15 working days.
70. The normal panel hearing procedure will be followed, as outlined in the formal stage guidance above, though the department representative will be replaced with a representative from the Research Academic Appeals Panel (normally the Chair).
71. The outcome of the Research Academic Appeals Review Panel deliberations will be that either:
- a. the original decision in respect of the appeal should be overturned and the review panel will make a recommendation of resolution, or
  - b. there are no valid grounds and the appeals decision stands.
72. The outcome letter will give clear reasoning for the decision that has been made. As this is the final stage of the College's appeal process, they will also be issued a Completion of Procedures letter. These may be combined if appropriate.

## Completion of Procedures

73. As required as part of UK Higher Education legislation, the College is a member of the Office of the Independent Adjudicator for Higher Education (OIA) complaints scheme ('the scheme').
74. The scheme provides an independent, non-legal route for decisions made by providers of Higher Education in England and Wales to be reviewed. There are separate schemes for Northern Ireland and Scotland.
75. Once a student has reached the end of relevant procedures of the College (Academic Appeals, Academic Misconduct, Student Complaints, Student Discipline and Fitness to Practice Medicine), the College is required to provide the student with a Completion of Procedures (CoP) letter. There is a template for these letters from the OIA which must be followed, and they may only be issued by specific members of the College, as outlined in their roles in managing student casework.

## Non-Completion of Procedures – Non-CoP CoP letters

76. Students may decide before they complete the full procedures of the College that they do not wish to continue to pursue the issue internally. This may be for a number of reasons, such as they consider that the grounds for the review stage are too restricted.
77. Where the formal stage of the process has been completed, students may request a special letter that explains what part of the process they have completed and what has been considered. The letter also provides details of the OIA complaints scheme. This is referred to by the OIA as a “non-CoP, CoP” letter. They would request this letter in order to take their complaint straight to the OIA under their scheme.
78. It should be noted that the OIA would not normally review a case where the full procedures of the College have not been completed but will do so where they consider it appropriate to do so. Students will be reminded of this when they request a non-CoP Cop letter.
79. Given the specific nature of a non-CoP CoP letters, these must also be produced by specific members of the College in line with the OIA guidance.

## Monitoring and review

80. Registry will maintain case records in line with the retention schedule.
81. Anonymised data will be utilised to identify any trends or patterns in the data, put in place any actions that are required where there are clear issues, both in year, and across previous years.
82. This information and feedback received from those using the process will also inform any review of procedures and practice to enhance the provision.
83. Departments should note of the quantity and types of queries that are received at the informal stage. This basic recording will allow them to see if there are any areas in which improved processes and procedures, or student and staff guidance documents.

## Case escalation beyond Imperial College London

84. Where a student escalates a complaint to the OIA, or on rare occasion seeks to make a legal claim against the College, this will be managed by the Central Secretariat.
85. As a student may take up to 12 months to submit a claim to the OIA under the scheme, it is important that the documents that make up the complete case file are held securely for the relevant period, before destruction under the College retention policy.
86. Normally all the required information will be held as part of the appeal case file, but occasionally the OIA may request additional documentation such as student handbooks or other guidance that has been provided to them. The Central Secretariat may need to contact the department for this information.

87. Where any letter purporting to represent a student in a legal matter is provided outside the Central Secretariat, it should be acknowledged as received, and immediately passed to the Central Secretariat for any formal response or action.