

LTC13D093

**Title:** *Clarification of Academic Appeals & Complaints Regulations*  
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### **Issue**

The University's regulations regarding Academic Appeals and Complaints restrict the grounds of appeal at Stage Two to 'procedural irregularity'. The definition of procedural irregularity includes instances where a Faculty Appeal and Complaints Panel have failed to consider evidence fully and properly. However, feedback from student representatives suggests that this is not sufficiently clear in the regulations as worded since the expanded definition only appears at Appendix A of the regulations.

Additionally, the regulations currently allow for a student to be caught in a loop whereby an upheld Stage 2 is referred to Stage 1; is rejected at Stage 1 leading to a second Stage 2 which is upheld and referred back to Stage 1 and so on. This was not the intention of the regulations and so the new wording clarifies that a case shall be referred back on one occasion only before a completion of procedures letter is issued

Consequently the wording of the regulations has been amended as detailed below and approved, subject to ratification by LTC, by the Academic Director of Taught Programmes.

### **Recommendation**

Members are invited to ratify the amended wording as detailed in the document below

### **Resource Implications**

There are no resource implications

### **Risk Implications**

There are no material risks to the University associated with the approval of this amendment

### **Equality and Diversity**

The proposed regulatory amendments apply equally to all students

### **Timing of decisions**

Approval by LTC at its June meeting would allow the clarified regulations to be applied with immediate effect

### **Further Information**

Contact Mr Jon Sharp Head LTS (Quality) [jon.sharp@uea.ac.uk] with any enquiries about the content of the paper

### **Proposed Clarification:**

(1)

*8.8 The letter shall advise the student that a Stage Two Appeal or Complaint can only be submitted if the student believes that correct procedures were not followed at Stage One. The letter shall advise the student that, if they do not intend to pursue a Stage Two Appeal or Complaint on those grounds, the student may treat the Stage One outcome letter as a completion of procedures notification and, if they wish, exercise their entitlement to contact the Office of the Independent Adjudicator.*

Shall now read:

*8.8 The letter shall advise the student that a Stage Two Appeal or Complaint can only be submitted if the student believes that correct procedures were not followed at Stage One (for example, evidence was not fully and properly considered). The letter shall advise the student that, if they do not intend to pursue a Stage Two Appeal or Complaint on those grounds, the student may treat the Stage One outcome letter as a completion of procedures notification and, if they wish, exercise their entitlement to contact the Office of the Independent Adjudicator.*

(2)

*9.1 A Stage Two Appeal or Complaint can only be considered where the student claims that there was a procedural irregularity at Stage One*

Shall now read:

*9.1 A Stage Two Appeal or Complaint can only be considered where the student claims that there was a procedural irregularity at Stage One. It is fundamental to the proper operation of the academic appeals and complaints procedure that panels consider all evidence fully and properly. Where a student believes that evidence was not fully and properly considered at Stage One this shall be regarded as a claimed procedural irregularity and any Stage Two Appeal or Complaint submitted on this basis shall be duly considered.*

(3)

*10.1 The relevant Director of University Services or their nominee will check that the appeal or complaint rests on a claim of procedural irregularity*

Shall now read:

*10.1 The relevant Director of University Services or their nominee will check that the appeal or complaint rests on a claim of procedural irregularity which shall include claims that evidence was not fully or properly considered*

(4)

*12.1 A Stage Two Appeal or Complaint shall be upheld where there is evidence that correct procedure was not followed at Stage One*

*12.2 Where a Stage Two Appeal or Complaint is upheld the case shall be referred to the next FACP for consideration in accordance with correct procedures and the case shall be treated in all regulatory respects as though it were at Stage One.*

*12.2.1 Where the procedural irregularity giving rise to the Stage 2 appeal being upheld relates to a failure by a Board of Examiners to follow the requirements and/ or recommendations of the FACP fully and properly the Chair of the relevant FACP shall be advised that there is no need for a further consideration by the FACP and that the matter has been referred back to the Board of Examiners.*

Shall now read:

*12.1 A Stage Two Appeal or Complaint shall be upheld where there is evidence that correct procedure was not followed at Stage One*

*12.2 Where a Stage Two Appeal or Complaint is upheld the case shall be referred to the next FACP for consideration in accordance with correct procedures. This further consideration will constitute the conclusion of the University's procedures; the subsequent outcome letter will advise the student of his/her entitlement to contact the Office of the Independent Adjudicator*

*12.2.1 Where the procedural irregularity giving rise to the Stage 2 appeal being upheld relates to a failure by a Board of Examiners to follow the requirements and/ or recommendations of the FACP fully and properly the Chair of the relevant FACP shall be advised that there is no need for a further consideration by the FACP and that the matter has been referred back to the Board of Examiners. This further consideration will constitute the conclusion of the University's procedures; the subsequent outcome letter will advise the student of his/her entitlement to contact the Office of the Independent Adjudicator*