REGULATIONS

C3. Review of and appeal against a decision of an examination committee

1. These regulations govern requests for the review of and appeals against decisions of an Examination Committee.

2. Throughout this procedure the Academic Registrar may nominate a senior member of their staff to act on their behalf in relation to any request for a review or appeal. Similarly, the Chair of an Examination Committee may nominate the Vice-Chair or another member of the Examination Committee to act on their behalf.

3. Each year the Academic Registrar shall analyse the key features and outcomes of the review requests and appeals that have been submitted during the previous year. They shall present a report based on this information to the Academic Board.

Requests for reviews

4. All requests for a review of a decision of an Examination Committee shall be made in writing to the Academic Registrar and shall include:

   a) which of the grounds set out in paragraph 10 below the request is based on;
   b) a statement of the facts that constitute the basis for the review;
   c) copies of the evidence supporting the case being made.

   It is the responsibility of the student to ensure that they raise all relevant issues and provide all relevant information and documentation at this point.

5. If the Academic Registrar considers that the grounds are unclear and/or the facts are not adequately stated and/or the evidence is insufficient, they may require the student to submit a further statement and/or evidence and may prescribe a time limit within which any such material shall be submitted. A decision by the Academic Registrar not to seek further information or documentation will not be grounds for the student to submit further material at a later point.

6. All review requests must be received in full within one month of the publication of the decision. A student who is unable to comply with that timescale shall, within that period, submit a written declaration of intent to do so with the Academic Registrar, who may impose a time limit for the submission of the full request. Any request submitted beyond these limits must include reasons and evidence showing why, through no fault on the part of the student, the request could not have been made within the time limit. If, in the opinion of the Academic Registrar, these reasons are not valid, they shall reject the request summarily and shall inform the student in writing of their reasons for so doing.

7. If, in the opinion of the Academic Registrar, a request does not fall within one of the permitted grounds, or is wholly without substance or merit, or is frivolous or vexatious, or is unsupported by evidence, they shall reject it summarily and shall inform the student in writing of their reasons for so doing. Otherwise the Academic Registrar shall forward the request to the Chair of the relevant Examination Committee who shall conduct the review in consultation with such members of the Examination Committee as they deem appropriate.
8. The Academic Registrar shall write to the student setting out the decision of the Chair of the Examination Committee and the reasons for it. The letter to the student shall also set out their options if they are dissatisfied with the decision and the relevant time limits.

9. Requests for review will normally be acknowledged within 10 working days and students will normally receive a substantive response from the Academic Registrar within 20 working days. Students will normally be informed of the decision of the Chair of the Examination Committee within 15 working days of their request being referred.

Grounds for review and issues excluded from the regulations

10. A student may only request that a decision is reviewed on the ground that:

   a) the assessment was not conducted in accordance with the regulations for the programme; and/or
   b) the judgement of an examiner or examiners was improperly affected by personal bias; and/or
   c) there was a material administrative error or some other material irregularity in the conduct of the assessment, such that the assessment decision would have been materially different had the error or irregularity not occurred.

11. A student may not seek a review under these regulations on the ground that mitigating circumstances adversely affected their performance in an assessment and/or that they believe an inappropriate allowance was made for such circumstances; these issues are the subject of the Mitigating Circumstances Regulations.

12. A student may not seek a review under these regulations on the ground that poor teaching, supervision, academic advice or guidance affected their performance; in such circumstances a student may submit a complaint under the Student Complaint Procedure.

13. Disagreement with the academic judgement of an examiner or of the Examination Committee in assessing the merits of an individual piece of work or in reaching any decision about the assessment, progression and/or exclusion of a student based on the marks, grades and other information relating to the student's performance, cannot in itself constitute grounds for a request for review.

14. These regulations do not apply to students enrolled with another institution on a programme leading to an award of the University, unless the student is also enrolled with the University. Students on such programmes who wish to request a review or make an appeal should do so under the procedures of the institution concerned.

Advice and Guidance

15. Written guidance on the operation of this procedure, including where to submit review requests are available at:

http://www.brookes.ac.uk/about/directorates/asa/registry/acco/index.html

16. The Academic Registrar and staff in the Student Disputes Team (formerly Appeals, Complaints & Conduct Office) can provide authoritative advice on the application and operation of these regulations.

17. The Students’ Union Advice Centre can provide advice independent of the University and assistance in compiling a case.

Appeals

18. If a review under these regulations does not lead to a changed decision or if the decision, though changed entirely or in part, is not satisfactory to the student or if, after the lapse of a reasonable time, there has been no outcome from the review, the student may appeal in writing to the Academic Registrar. Any such appeal must be received within ten working days of the despatch of the outcome of the review or, if unreasonable delay is alleged, within three months of the lodging of the original request for a review.

19. Any appeal shall include a statement of the facts that constitute the basis for the appeal and any relevant evidence. If the Academic Registrar considers that these grounds are not adequately stated and/or the
evidence submitted is insufficient, they may require the student to submit a further statement and/or evidence and may prescribe a time limit within which any such material shall be submitted.

20. The Academic Registrar shall consider the response from the Chair of the Examination Committee to the review request and the statement on which the appeal is based. If, in their opinion, the appeal is wholly without substance or merit, or is frivolous or vexatious, or is unsupported by evidence, they shall reject it summarily and shall inform the student in writing of their reasons for so doing. Otherwise the Academic Registrar shall convene an Appeal Committee.

The Appeal Committee

21. The Appeal Committee shall consist of a Dean, Associate Dean, Deputy Dean, or Assistant Dean as Chair, two members of the academic staff and two students (drawn from a panel nominated by the President or principal officer of the Students' Union). The Academic Registrar shall be the Secretary of the Committee.

22. No one who, in the judgement of the Academic Registrar, has too close a personal or professional association with the appellant or the subject of the appeal shall be eligible to serve as a member of the Committee. For example, members of the same Faculty as the appellant or of any other Faculty or Directorate concerned should not normally serve.

Conducting the Appeal

23. The Academic Registrar shall normally obtain and circulate written statements of case and evidence in advance of the hearing.

24. The conduct of the appeal is at the discretion of the Chair but the appellant and the Chair of the Examination Committee concerned shall each have the right to submit written representations, to attend the hearing, to hear all the evidence, to call witnesses and to examine any witnesses called. The appellant also has the right to be accompanied by a friend who shall not be a lawyer acting in a professional capacity. The friend may speak on behalf of or otherwise represent the interests of the appellant but may not give evidence except on matters of which they have direct knowledge.

25. Appeals considered by an Appeal Committee may only be heard by proxy representation in very exceptional circumstances and at the sole discretion of the Chair of the Appeal Committee.

Outcomes of an Appeal

26. The Appeal Committee may:

   a) require the Examination Committee to reconsider its decision and may make recommendations for the Examination Committee to consider when it does so;
   b) annul the previous decision of the Examination Committee if it is not possible to reconvene the Examination Committee;
   c) make recommendations to prevent a recurrence.

27. The Secretary shall write to the appellant, the Chair of the Examination Committee and any other relevant staff setting out the decisions of the Committee and the reasons for them. The letter to the appellant shall clearly state that they have now completed the University's internal appeal procedure as described in paragraph 32.

28. When a decision has been annulled the Academic Board will take action, including if necessary the appointment of new examiners or the imposition of its own decision, to ensure that decisions are made by an approved Examination Committee in respect of the student concerned.

29. If one or more recommendations are made to an Examination Committee and they are not implemented, this shall be reported to the Academic Board, which will decide what action, if any, to take. If one or more recommendations are made to a Faculty or Directorate and they are not implemented, this shall be reported to the appropriate member of the Senior Management Team.
Other procedural matters

30. In the event of any uncertainty or dispute, the Academic Registrar shall interpret these regulations. Upon receipt of a written request, the Academic Registrar shall confirm their interpretation in writing. If the Academic Registrar believes it appropriate in relation to any specific review or appeal, they may set aside any provision of these regulations and/or require another provision not part of these regulations provided only that they inform all those involved in the review/appeal in writing of any such variations.

31. If a student is dissatisfied with a decision of the Academic Registrar made under paragraphs 6, 7 or 20, they may request that it be reviewed. Such a request must be made in writing to the Academic Registrar, must set out the full reasons why the student believes that the decision is incorrect and must be received within 10 working days of the despatch of the decision. Where the decision was taken by someone other than the Academic Registrar under authority delegated by the Academic Registrar (in accordance with paragraph 2) then the Academic Registrar may consider the review request, otherwise the review will be undertaken by a senior member of staff appointed for the purpose by the Academic Registrar. The student will be informed of the outcome of their review request and the reasons for it. The review decision shall be final. If the review decision upholds the original decision, the letter to the student shall clearly state that the student has now completed the University’s internal review/appeal procedure as described in paragraph 32.

32. If a student has completed the University’s internal appeal procedure and they are still dissatisfied with the outcome, they may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint is eligible under the OIA’s Rules. A letter stating that an appellant has completed the University’s internal review/appeal procedure shall include information on the OIA and comply with the OIA’s guidance for a “Completion of Procedures” letter.

33. If a member of staff, being in possession of material that, by reason of its confidential nature, cannot be communicated to the student, wishes to request a review on behalf of the student, they may, with the written consent of the student, do so under these regulations with the substitution of "member of staff" for "student", "candidate" or "appellant" as appropriate.

Approved by:
Academic Board, 14 July 2010

Updated by:
Academic Registrar, 16 February 2011
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