

Annexe 3: Appeals against the Outcome of a Viva Voce Research Degree Examination

Format Requirement

If you require this section in a different format, or need a further explanation of the process, contact us at studentappealsandcomplaints@northumbria.ac.uk

The procedures set out in this document are quite distinct from those concerning students who are required to withdraw from the University for failure to demonstrate satisfactory academic performance (Annexe 1) and the procedures for appealing against the outcome of Project Approval or Annual Progression examinations (Annexe 2).

Clarification of Process

Dissatisfaction with the supervision received should be expressed as a complaint (Annexe 4). Any such complaint should normally be lodged before the viva voce examination.

Students may seek independent advice and support from the Students' Union Advice Service <http://www.mysu.co.uk/heretohelp/advice/>

Appeals vs Complaints

An 'academic appeal' (Annexes 1, 2, and 3) is a questioning of a decision made by an examiner (this includes a member of academic staff assessing your progress) or an Examination Team. A **complaint** (Annexe 4) is an expression of dissatisfaction with how you have been treated or a service provided by, or on behalf of, the University.

Complaints about supervision should be lodged in a timely manner (i.e. at the time issues arise, not after assessment) using the procedure described in Annexe 4. Complaints about supervision that are lodged after the assessment may be rejected on the basis that they have not been lodged in a timely manner.

3.1 Principles

3.1.1 Overview

The University's *Articles of Government* (July 2012) state that Academic Board is the body responsible for 'policies and procedures for assessment and examination of the academic performance of students ... [and] procedures for the award of qualifications'¹. Academic Board exercises this responsibility by laying down academic regulations for all matters relating to research degree examiners, examinations and awards; and by delegating conduct of these arrangements to the Graduate School Committee and the University Research Degrees Committee². Appeals against the viva voce (oral) examination outcome are therefore considered on behalf of the Vice Chancellor as Chair of Academic Board. Appeals are formally considered on behalf of Academic Board.

3.1.2 Reason for Procedures

Procedures exist to enable students to appeal against a viva voce (oral) examination outcome and operate in accordance with the principles of natural justice (Handbook of Student Regulations, Appendix B):

The maintenance of academic standards is crucial to the operation of the University. An appeal cannot therefore be upheld without clear evidence that the original decision of an examination board, or other academic judgement, is unsound.

3.1.3 Grounds for Appeal

Appeals may be made on the following grounds:

- a) procedural or organisational irregularities which occurred in the conduct of the viva voce (oral) examination, and which have a direct bearing on the outcome of the examination;
- b) bias on the part of staff conducting the assessments. The reason for claiming bias must be fully explained and evidenced as far as possible;
- c) that particular relevant information about the student's health or other personal extenuating circumstances was either
 - a. not properly taken account of during the assessment

¹ Section 3.3 a)

² Academic Regulations for the Degrees of Master of Philosophy (MPhil) & Doctor of Philosophy (PhD) and Academic Regulations for Professional Doctorate Award Regulations

and/or

- b. that information relating to such circumstances that could not previously be made available is now being made available. **In this case, a valid reason for its earlier non-submission must accompany any appeal. (Regulation 3.1.6 below states the student's responsibility to ensure that details of personal extenuating circumstances are properly communicated in a timely fashion).** If a student submits evidence of such circumstances after the judgement on academic progress has been reached, and there is no good and valid reason for not having submitted sooner, then the appeal will not be considered. Relevant medical and/or other supporting documents covering the relevant time-period must be provided.

3.1.4 Appeals based on Academic Judgement

Appeals are not permitted which are based on questioning the academic judgement³ of members of academic staff or external examiners, or their academic integrity, or the quality of supervision provided during the programme⁴.

3.1.5 Full and Accurate Records

Full and accurate records will be maintained for the organisation of viva voce (oral) examinations, and for all decisions taken by the University Research Degrees Committee in order that the reasons for decision-making may be clear to all.

3.1.6 Responsibility of the Student

The student is responsible for providing evidence to the University Research Degrees Committee in advance, through the Principal Supervisor, of any factors which might adversely affect their viva voce examination performance, and which

³ The OIA (see Appendix H)) describe academic judgement as "*a judgement that is made about a matter where only the opinion of an academic expert will suffice ...*". See Annexe 1, regulation 1.4.2 for a more complete description. The judgement of demonstration of competence standards involves academic judgement. A competence standard is an academic, medical, or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.

⁴ With regard to supervision, the University's Research Degree Code of Practice specifies the level and nature of supervision which the Faculty provides and which is the student's entitlement. **Students should raise issues about supervision during their programme using the Research Degree Student Complaints Procedure (Annexe 4)** available from www.northumbria.ac.uk/handbookresearch

might give grounds for a subsequent appeal⁵. If presented after the examination, such information would only be considered if accompanied by a valid explanation of the failure to present the information at the due time.

3.1.7 Burden of Proof

The burden of proof to demonstrate an insecurity in the assessment decision lies with the student. Decisions on appeals will be made on the basis of the balance of probabilities.

3.2 Stage 1: Informal Procedure

Overview

If a student considers that s/he may have grounds for appeal against the outcome of a viva voce research degree examination, they should promptly consult in the first instance with the Graduate School administrator who dealt with the examination in order to make every effort to see whether the problem can be resolved through less formal processes. Only after any procedural issues have been clarified and if the student remains convinced that they have firm grounds for appeal (see regulation 3.1.3 above) should a formal appeal (regulation 3.3) be submitted.

3.2.1 Purpose of Stage 1

The purpose of the Stage 1 process is to provide the student with swift and accessible redress for issues of obvious procedural irregularity. To this end, Stage 1 of the appeal process is located in the Graduate School in order to provide swift and local guidance.

⁵ Several documents about extenuating circumstances are located on the Graduate School website: <https://www.northumbria.ac.uk/researchandconsultancy/graduateschool/documents/?view=Standard>

Appealing against the Outcome of the Viva Examination

Stage 1 | Informal Process

You may raise immediate questions with the Graduate School Administrator who dealt with the exam arrangements

Stage 2 | Formal Stage

SACO receives your formal appeal within 10 working days of the notice to withdraw

Your issue is best addressed by a Graduate School explanations. You may still lodge an appeal after this

More substantial investigation is required

Appeal is based on extenuating circumstances yet to be reported by the Faculty. Your documents are sent to the Graduate School who follow appropriate procedures. You may still

Appeal upheld. It goes to Faculty Research Degrees Committee for reconsideration

Appeal rejected.

You receive an analysis of the evidence (without a conclusion) to comment on any inaccuracies

SACO consider the analysis of evidence and your comments

Clear case. SACO decides to uphold or reject your appeal

Unclear case. Your case goes to a Panel

Stage 3 | Request for a Review

You must submit a Request for Review **within 10 working days** of the Stage 2 decision.

If you feel that there has been a procedural irregularity or new evidence has emerged, you can request a review of the Stage 2 decision.

Your request for a review is accepted; back to Stage 2 or to a Panel

Your request for review is rejected.

3.3 Stage 2 Process

3.3.1 Lodging a Stage 2 Appeal

If the student remains dissatisfied with the University's decision and feels that they have clear grounds for appeal as permitted under regulation 3.1.3, they may lodge a formal appeal by completing and submitting the relevant appeals form⁶ to the Student Appeals and Complaints Officer. **The deadline for the receipt of the Stage 2 appeal is normally 10 working days after confirmation in writing of the examination outcome.** If it may not be possible to meet this deadline the Student Appeals and Complaints Officer should be informed within this 10 working days period. Appeals received after the period will only be considered in exceptional circumstances.

3.3.2 Original Resolution put on Hold

While the Stage 2 appeal is being progressed, action following the University Research Degrees Committee's original resolution (i.e. the subject of the appeal) is put on hold⁷.

3.3.3 Acknowledging Appeals Pro Forma

On receipt of an Appeals Form from a student, the Student Appeals and Complaints Officer acknowledges receipt and obtains relevant information from the Graduate School, the Faculty and other information as appropriate.

3.3.4 Lines of Action

The Student Appeals and Complaints Officer will consider all relevant information and, acting on behalf of the Vice-Chancellor, shall decide which of the following lines of action is appropriate in this case:

- a) if the issues raised are best addressed by a procedural explanation, the student will be directed to the Graduate School administrator who dealt with the examination. The student may still subsequently lodge a Stage 2 Formal Appeal if they so wish;

⁶ Available from the University's web page at www.northumbria.ac.uk/handbookresearch

⁷ This is to provide an opportunity to ensure continuous work (such as experiments) is not made void while the University's decision is being challenged. Students should note that, if the appeal is then rejected at Stage 2, Faculty Research Degrees Sub-Committee actions will be resumed irrespective of whether the student goes to stage 3 of the appeals process, or the OIA.

- b) if the appeal is based on extenuating circumstances which have not yet been considered by the Faculty - forward documents to the Faculty Registrar for consideration. If the student is dissatisfied with the Faculty's response they may then lodge a Stage 2 Formal Appeal;
- c) if, on a balance of probabilities, it is judged that the student has *already* established their case, the appeal will be referred to the University Research Degrees Committee to reconsider the case, taking into account fully the evidence put forward by the student, as soon as possible⁸. This may include consideration of a claim for personal extenuating circumstances to be taken into account;
- d) Reject the appeal⁹ on the basis that:
 - i. the appeal does not map onto either of the grounds permitted in regulation 3.1.3 or because no basis for supporting the appeal exists on the evidence of documents immediately available;
 - ii. the appeal was submitted later than is normally permitted without good reason;
 - iii. the appeal is based on a questioning of academic judgement or the academic integrity of academic staff;
 - iv. in the case of an appeal based on personal extenuating circumstances that had not been reported by the due time (regulation 3.1.6), if a good and valid reason for failing to report these circumstances has not been established;
- e) investigate the appeal in greater detail according to the procedure described in regulation 3.3.5.

The Student Appeals and Complaints Officer will advise the student of the outcome of this preliminary stage, normally within 30 working days of receiving the Stage 2 appeal. If the investigation will take longer than this, the student will be informed.

3.3.5 Further Investigation

In the event that the Student Appeals and Complaints Officer considers that further investigation is required (regulation 3.3.4 d)), they will seek additional information, as appropriate, from the Chair of the University Research Degrees Committee, Principal Supervisor of the student, PGR Director and the Faculty Pro Vice-Chancellor or

⁸ If the student remains dissatisfied with the decision of the University Research Degrees Committee after it has reconsidered the case, they may submit a further appeal.

⁹ If the appeal is rejected the Student Appeals and Complaints Officer will inform the student of their remaining right to seek a review of the decision (regulation 3.4 and Appendix G) and the OIA (Appendix H). (regulation 3.5). The Faculty and any other relevant members of staff will be provided with a copy of the appeal outcome.

Faculty Associate Pro Vice-Chancellor (R&I) in the Faculty to which the student belongs, and may, exceptionally, meet with the student to clarify the details of the case. The Student Appeals and Complaints Officer will then:

- a) produce a preliminary analysis of the appeal identifying the issues to be considered and all the relevant facts obtained;
- b) send a copy of this analysis to the student with an invitation to comment on the factual accuracy of the analysis within 10 working days. If the student wishes to see any of the documents referred to in this analysis they may do so by arrangement with the Student Appeals and Complaints Officer;
- c) in the light of any comments on this preliminary analysis, the Student Appeals and Complaints Officer shall decide which of the following lines of action is appropriate:
 - i. refer the case to the University Research Degrees Committee to reconsider the case, taking into account fully the evidence put forward by the student, as soon as possible⁸;
 - ii. reject the appeal because there is no reasonable case to reconsider the decision of the University Research Degrees Committee⁹;
 - iii. exceptionally, when clear grounds to either reject or uphold the appeal have not been established, refer the case to an Academic Board *ad hoc* Panel of Enquiry for further consideration (regulation 3.3.6).

3.3.6 Academic Board Panel of Enquiry

If the appeal is to be heard by an Academic Board *ad hoc* Panel of Enquiry, the date for the meeting of the Panel of Enquiry will be mutually convenient to the student and the other parties involved. The Student Appeals and Complaints Officer will notify the student of the date, time and place of the Panel meeting and invite the student to attend, accompanied by a Friend¹⁰ or member of the University if desired. A Panel of Enquiry will normally be convened within 30 working days of the decision to convene it.

¹⁰ 'Friend' is defined in Appendix A (see regulations 1.3 and 1.4 of Section 1 of the 'Handbook of Student Regulations' for exceptionally going beyond this definition).

3.3.7 Panel of Enquiry Members

The student will be informed of the composition of the Panel at least seven working days in advance. If the student feels that there is good reason why there would be a conflict of interest or other good reason why any one of the Panel members would not be able to fairly judge their case, they should submit their argument in writing to the Student Appeals and Complaints Officer within two working days of receiving notice of the composition of the Panel. They should fully explain the basis of their concerns and support this with evidence in so far as this is possible. The Student Appeals and Complaints Officer will consider the submission before making a judgement as to whether the proposed composition of the Panel should be changed. The judgement of the Student Appeals and Complaints Officer on this matter will be final. Papers will only be sent to Panel members after the composition of the Panel has been confirmed and at least five working days before the Hearing.

3.3.8 Panel of Enquiry Constitution

Academic Board Panels of Enquiry will normally be constituted as follows:

- a) Chair: Faculty Associate Pro Vice-Chancellor (Research & Innovation) (or nominee) from a different faculty to the student, or other appropriate senior academic member of staff;
- b) one member of Academic Board of recognised research standing (not being members of the University Research Degrees Committee or nominated viva voce (oral) Examiners for the student or members of the same faculty as the student);
- c) one student member of Academic Board.

A member of a relevant profession may attend the Panel as an adviser as determined by the Student Appeals and Complaints Officer.

The Student Appeals and Complaints Officer (or nominee) shall attend as adviser and shall appoint a Clerk to the Panel. Papers relating to the appeal will be received by Panel members at least 5 working days before the Enquiry.

3.3.9 Duty of Panel of Enquiry

The Panel is charged with the duty of hearing and judging the student's appeal. The Hearing will be conducted in accordance with principles of natural justice (Appendix B) and shall follow the order of proceedings as described in Appendix E, subject to the following:

- a) if the student fails to attend the Enquiry, the Panel shall decide whether to proceed in his/her absence or to inform the Chair of Research

Degrees Committee that it is not able to arrive at a judgement. Where a Panel is not able to reach a decision in the absence of the student, then the Chair of Research Degrees Committee, taking into account all of the evidence accumulated, will decide whether or not the appeal is upheld;

- b) the Panel shall invite University Research Degrees Committee, the Faculty and others that it chooses, to submit evidence and respond to questions from the Panel of Enquiry as appropriate. No other persons will have the right of attendance but the Panel should be able to receive evidence from, and invite attendance by any other individual at its discretion. Where possible, the Clerk to the Panel should consult with the Chair of the Enquiry about the witnesses to be invited to attend.

3.3.10 Panel of Enquiry Written Report

The Panel of Enquiry will submit (for approval) a written report of its findings to the University Research Degrees Committee) as soon as possible, and normally not later than 10 working days after it has met. A copy of the report is also sent to the Secretary of the University's Academic Board for information.

Once the Report has been approved by University Research Degrees Committee, or by the Pro Vice-Chancellor (Research and Innovation) on its behalf, then copies are sent to the appellant, all witnesses, as well as the Head of the Graduate School and the Faculty Registrar for information.

3.3.11 Panel of Enquiry Outcomes

If the Panel of Enquiry finds against the student, the Student Appeals and Complaints Officer shall inform the student that the appeal has been unsuccessful and provide details of the review stage (regulation 3.4 and Appendix G) and of the OIA (Appendix H). If the Panel of Enquiry finds in the student's favour, the case is referred back to the University Research Degrees Committee, **requiring** them to reconsider the case and take account of the Panel of Enquiry's findings⁸. The final decision on the candidate's position must, however, rest with the University Research Degrees Committee.

3.3.12 Panel of Enquiry Recommendations

The Panel of Enquiry may recommend its Chair, or another member of the Panel acting on behalf of the Chair, to attend the meeting of University Research Degrees Committee at which the disputed case is to be reconsidered, in order to:

- a) ensure that the conclusions and views of the Panel of Enquiry are fully understood by the University Research Degrees Committee;
and
- b) act as an observer, to satisfy Academic Board that all relevant factors have been taken into account.

3.3.13 Case Referral

With regard to those cases that are referred back to University Research Degrees Committee for reconsideration, the University Research Degrees Committee is required to reconsider the case, normally at the next meeting of the University Research Degrees Committee, taking careful account of the findings and conclusions of the Panel of Enquiry; and then to provide a report back to the Panel of Enquiry stating the action which has been taken in the light of the appeal outcome. Academic Board expects that the decision then arrived at by the University Research Degrees Committee will represent justice being done in respect of the appeal.

3.4 Stage 2: Review Stage

3.4.1 Request for Review

If the student is not satisfied with the outcome at Stage 2 they may seek a review of the decision on one or more of the following grounds that:

- a) that there was a procedural irregularity in the consideration of the Student's case which materially affected the outcome;
- b) that information that could not previously be made available and is materially relevant to the outcome has subsequently emerged.

3.4.2 Submitting a Request for Review

The student shall submit a Request for Review Form (see Appendix G) and supporting evidence in writing to the Student Appeals and Complaints Officer **within 10 working days of receiving the Stage 2 outcome**. If it may not be possible to meet this deadline the Student Appeals and Complaints Officer should be informed within this 10 working days period. If the request for review is submitted late a good and valid reason should be provided and evidenced where possible. Requests for review submitted late will only be considered in exceptional circumstances.

3.4.3 Judging the Request for Review

The Student Appeals and Complaints Officer will identify an Associate Pro Vice-Chancellor (Research & Innovation) (or other appropriately qualified member of staff) from a faculty other than that of the student to judge the request for review. The Student Appeals and Complaints Officer will provide all documents submitted by the student (regulation 3.4.2) and the file produced during consideration of the appeal at Stage 2, together with any other documents requested by the Faculty Associate Pro Vice-Chancellor.

3.4.4 Possible Outcomes

The judgement of the Faculty Associate Pro Vice-Chancellor will be restricted to a consideration of the case made by the student (regulation 3.4.2) in the light of the permitted grounds for review (regulation 3.4.1). **The case will not be considered afresh.** The Faculty Associate Pro Vice-Chancellor will determine whether there is a case to support a review. The possible outcomes are:

- a) reject the request for review on the basis that:
 - (i) the request is not based on any of the grounds permitted in regulation 3.4.1;
 - (ii) that the request was submitted outwith the permitted time-period with no good reason;
 - (iii) that the request has failed to demonstrate any of the grounds set out in 3.4.1 above.

In these cases, the Student Appeals and Complaints Officer will issue a Completion of Procedures Letter (see Appendix H);

or

- b) in the case of upholding the request for review, direct that the appeal be considered further at Stage 2 taking into account the full information that is now available.

The Student Appeals and Complaints Officer will inform the student of the Faculty Associate Pro Vice-Chancellor's judgement, normally within 20 working days of the request being received.