
University of Wales Appeals Procedure (Unfair Practice Decisions)

Applicable to candidates at collaborative centres of the University of Wales, who have been found guilty of unfair practice in a University Examination*.

In the context of this Procedure a University examination is an examination which counts towards a candidate's overall result and which is, therefore, conducted by a University Examining Board comprising both internal and external examiners

Appeals Procedure (Unfair Practice Decisions)

The University is only prepared to consider appeals which are based on one or both of the following grounds:

- (i) irregularities in the conduct of the unfair practice procedure, which are of such a nature as to cause reasonable doubt whether the Committee would have reached the same decision had they not occurred;
- (ii) exceptional personal circumstances which were not known to the Committee of Enquiry when the candidate's case was considered and which can be shown to be relevant to the unfair practice. (In appeals based on these grounds the appellant must show good reason why such personal circumstances were not made known to the Committee of Enquiry before its meeting. Where a candidate could have reported exceptional personal circumstances to the Committee of Enquiry prior to its meeting, those circumstances cannot subsequently be cited as grounds for appeal).

Any appeal against a decision of a Committee of Enquiry (including any penalty imposed) shall be submitted using the attached University of Wales Unfair Practice form electronically or in hard copy to the University of Wales Registry, King Edward VII Avenue, Cathays Park, Cardiff CF10 3NS, and must reach the University not later than 14 working days following the despatch to the candidate of the Committee's decision.

University officers shall acknowledge receipt of the appeal within 3 working days of submission and gather any necessary evidence and information from the student and/or Collaborative Centre. Where information is requested from the student or Collaborative Centre, it must be submitted to the University within 10 working days.

Unfair practice appeals shall be considered initially by the University of Wales Adjudication Panel, made up of two External Members. The outcomes available to the panel are as follows:

- that the appeal be upheld in whole or in part and referred back to a reconvened Committee of Enquiry for further consideration
- that the appeal be upheld in whole or in part and referred back to a newly constituted Committee of Enquiry for consideration
- to disallow the original penalty and to refer the case back to the original Committee of Enquiry for a review of the penalty imposed
- that the appeal be not upheld (and is therefore rejected)
- that the appeal be referred to a full Appeals Board

In instances where an Appeals Board is required, the University shall make the necessary arrangements for the Board. The Appeals Board will be chaired by the Deputy Vice Chancellor or his/her nominee with two External Members (who shall not have been assigned to the centre at which the student studied). One or more officers of the University will attend the Board, one of which will act as Secretary to the Board.

The Collaborative Centre will also be invited to attend the Board. The Board may be held via telephone or videoconference if necessary. The student may be accompanied, but not represented, by a member of the academic or welfare or advisory staff of the Collaborative Centre concerned or by a student or officer of the Students' Union at the Collaborative Centre concerned, but not by any other individual.

Any person accompanying an appellant shall be asked by the member of the Board considering the case to identify themselves at the beginning of the meeting and may be invited during the hearing to speak in relation to the case. The appellant may not send another person to a hearing in his/her stead. Every effort should be made to attend the Board at the arranged date. Only in exceptional circumstances can a Board be re-scheduled.

A meeting of the Appeals Board will be convened at the earliest opportunity, and normally within 30 working days of receipt of the appeal. In the event that it takes longer to verify the facts to which the submission refers, this period may be extended.

The outcomes available to the Appeals Board are as follows:

- that the appeal be upheld in whole or in part and referred back to a reconvened Committee of Enquiry for further consideration;
- that the appeal be upheld in whole or in part and referred back to a newly constituted Committee of Enquiry for consideration;
- to disallow the original penalty and to refer the case back to the original Committee of Enquiry for a review of the penalty imposed;
- that the appeal be not upheld (and is therefore rejected).

The decision of the Appeals Board is final, and may not be disputed.

The response, and details of any action to be taken in light of the appeal, will be sent by the University to the candidate within 10 working days of the meeting of the Appeals Board in the form of an outcome letter, (if upheld in whole or in part) or a Completion of Procedures letter (if not upheld). The outcome shall also be confirmed with the Collaborative Centre. In the event of an appeal being upheld in whole or in part, recommendations should be made in respect of remedial action required by the Collaborative Centre. A response may be required from the Collaborative Centre concerned, within a set timeframe specified by the University.

Where a new Committee of Enquiry is required to re-hear a case, the membership of that Committee must be entirely different from that of the previous Committee. The new Committee shall not be provided with any evidence of any penalty imposed by the previous Committee, or of any other matter discussed by the previous Committee or Appeal Board, other than that it is re-hearing a case on appeal.

An obligation to hear the case on the basis of the facts presented before them at the hearing and not in the light of anything that they may have heard or discovered outside the Committee, shall be framed within any Terms of Reference applying to the Committee members.

The decision of the Appeal Board shall be final, and the matter shall, therefore be regarded as closed. There shall be no discussion of the Appeal Board with the appellant or any other person.

If, as a consequence of a successful appeal, a candidate is regarded as having qualified for a degree, the Vice-Chancellor shall have authority to deem such a candidate to have been admitted to his/her degree provided all other necessary conditions for his/her admission have been met.

The Vice-Chancellor shall also have authority to deem a candidate who has already been admitted to a degree to have been admitted to a different class of degree if, following a successful appeal, the Examining Board decides that the candidate's degree classification shall be amended. In such cases, the Registrar or his/her nominee shall issue a replacement certificate upon the return by the candidate of the original certificate.

Where applicable, appropriate arrangements will be made in respect of candidates who, following successful appeal, are deemed by an Examining Board to have qualified for the award of a certificate or diploma.

The Appeal Board may make recommendations for consideration by the Special Cases Committee or the Academic Board as appropriate on any matters arising from the consideration of appeals.

INDEPENDENT REVIEW

Pursuant to the Higher Education Act 2004, the Office of the Independent Adjudicator for Higher Education (the OIA) has been designated by the National Assembly for Wales from 1 January 2005 as the operator of an independent scheme in Wales for the review of student complaints.

If the student is dissatisfied with the outcome of the appeal, they may be able to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for review, providing that the complaint taken to the OIA is eligible under its rules.

Only once all relevant University of Wales procedures have been exhausted may a candidate apply to the OIA for a review of the complaint.

Should the student decide to make a complaint to the OIA, the Complaint Form must be received by the OIA within twelve months of the date of receipt of the Completion of Procedures letter from the University.

The OIA's leaflet, *An Introduction to the OIA for Students*, can be downloaded from http://www.oiahe.org.uk/media/34396/oia_intro_leaflet.pdf

Alternatively, a form can be obtained by phoning or writing to the OIA. A copy of the Completion of Procedures letter should be sent to the OIA with the OIA Complaint Form.

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>. A student may also wish to seek advice from the appropriate Students' Union about taking a complaint to the OIA. Please note that the OIA will normally only review issues that have been dealt with through the University's internal procedures.

MONITORING AND EVALUATION

The nature, incidence and outcomes of all appeals and complaints will be regularly monitored and an annual report made to Academic Board in this respect.

University of Wales Registry
King Edward VII Avenue
Cathays Park
CARDIFF
CF10 3NS

**The text of this publication can be made available in alternative formats:
please contact the University for details.**