



# **Progress and Appeals Procedures for Research Degree Students 2022-23**

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# Progress and Appeals Procedures for Research Degree Students

## 2022-23

### 1. Progress Procedures for Research Students

- 1.1. These procedures focus exclusively on Academic Progress and Appeals, staff involved in consideration of progress matters or appeals should not consider immigration status. The University is not able to sponsor students to extend their leave to remain in the UK in order to await the outcome of an appeal. An appeal outcome offered that requires continued registration at the University is subject to the student's ability to maintain a valid UK immigration status and provide proof of their right to study with us for the duration of their course. Immigration status is a secondary decision but may mean that students would not be able to proceed with the decision that has been confirmed as part of the Progress and Appeals Procedures.
- 1.2. If the evidence considered in relation to this procedure brings a student's continued UK immigration status into question, a referral will be made to the International Services team by the Secretary and/or Chair of the Supervisory Panel (SP) or Research Students' Progress Board (RSPB), for consideration in accordance with paragraphs 7.22-7.28 of the [University's General Regulations](#) and the relevant UK Immigration rules and guidance.
- 1.3. Where a supervisor has concerns over the engagement of a research student at any time, they should refer the matter to the Academic Registrar; Heads of Department are responsible for ensuring effective measures are in place within their department in order to achieve this.

### Support & Guidance

- 1.4. Support and guidance is available to students studying at the University of Essex via the Student Services Hub, or independently from SU Advice. Students studying at a partner institution should seek support and guidance from their education provider.
- 1.5. Students may request reasonable adjustments to these procedures in line with the rights that students retain under the Equality Act 2010. Requests will be considered individually, and students will be notified of the adjustments that have been put in place in writing and at the earliest opportunity.

## **Monitoring of student progress**

- 1.6. Supervisory meetings, ongoing interaction with one's supervisor, and submission of work to the Supervisory Panel and/or Research Students' Progress Board are the primary means by which research student progress is monitored in and by departments.
- 1.7. Heads of Department (or nominee) are responsible for ensuring that an effective means of monitoring students' progress and attendance is established and maintained in each department in accordance with the requirements set out below.
- 1.8. Heads of Department (or nominee) are responsible for any additional progress monitoring procedures the Department may decide to operate.
- 1.9. Departmental procedures, including norms for formal face-to-face meetings between students and their supervisor(s), should be communicated to all students in the Department.
- 1.10. Students and supervisors are required to communicate, whether face-to-face or by electronic means, to engage in discussion/review of the student's work and progress at least once per month. For part-time students contact should be at least bi-monthly. A record of this monthly contact should be kept in the department in an accessible and immediately available format and then made available upon request.
- 1.11. Supervisors are responsible for making contact with their student if the student fails to meet/communicate with them as expected each month. If the student fails to meet/communicate with the supervisor in that month they should be contacted to arrange another meeting at the earliest possible point in that same month or within two weeks. If this is not possible or they do not attend, then the supervisor should refer the student to the Graduate Director who will arrange a meeting with the student to discuss their progress. If the student continues to fail to meet/communicate with the supervisor, their progress remains unsatisfactory, or they fail to attend the meeting with the Graduate Director, the matter should be considered by the Research Students' Progress Board.
- 1.12. The Research Students' Progress Board will arrange an ad hoc meeting with the student to assess their progress and determine whether they should be permitted to continue with their studies.
- 1.13. If a student is co-supervised by staff in two different departments, the lead supervisor should liaise with the second supervisor to ensure that there is full co-ordination on the monitoring of progress.

## **Monitoring engagement for Sponsored students**

- 1.14. Students must be studying within the UK on a full-time basis, meet with their supervisor monthly in-person and adhere to all their responsibilities as a Sponsored student.

1.15. The University is not able to guarantee to continue to sponsor students during periods of study away. Where a student wishes to retain their immigration sponsorship during an agreed study away period, requests must be referred to the International Services team for consideration.

1.16. In respect of the required monthly meeting under 1.10 above, the majority in any six-month period must be face-to-face in person. Meetings must be recorded centrally by the Department/School in a format agreed with the International Services team.

## **2. Appeals Procedure**

2.1. The following procedure applies to all Postgraduate Research students, including those at Partner Institutions, wishing to appeal against either a progress decision (a recommendation made by the Research Students' Progress Board (RSPB)) or an examination decision (an outcome decided upon by the examiners following a viva voce).

This procedure also contains the process for students wishing to request an Internal Review of an appeal outcome.

2.2. A postgraduate research student who wishes to appeal against one of the following decisions must do so in writing on the Form of Appeal, stating fully and precisely the grounds for appeal and within 20 working days of receiving written confirmation of the Executive Dean's or their deputy's decision, be it:

- a) the recommendation of an RSPB that they be downgraded, discontinued, or not have their PhD status confirmed<sup>1</sup>; or
- b) the examination outcome of 'fail', 'referred', a lower award, or option to resubmit for a lower award.

2.3. Appeals received after the deadline will only be accepted at the discretion of the Academic Registrar (or nominee), whose decision is final. For this to apply, students must be able to show, to the satisfaction of the Academic Registrar (or nominee), that circumstances beyond their control prevented them from meeting the standard time limit and that unfair treatment would result from not extending the deadline.

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<sup>1</sup> An MPhil/PhD registered student whose PhD status has not been confirmed and who wishes to appeal against the recommendation of an RSPB that their registration be changed to MPhil or Masters by Dissertation, may appeal using this procedure only after the RSPB has considered their case twice and has recommended a change of status. There is no right of appeal following a decision of an RSPB not to confirm PhD status following the first SP meeting.

- 2.4. Students are strongly encouraged to contact the SU Advice Centre for advice and guidance before completing the form.
- 2.5. The University will endeavour to complete the appeal proceedings within 40 working days from receipt of an appeal and supporting evidence, and any internal review proceedings within 20 working days from receipt of the request.
- 2.6. Occasionally there will be circumstances when, for good reason, the University will need to extend the timeframe. Where this is the case, the student will be notified and kept regularly informed of progress.
- 2.7. While every effort will be made to comply with the time limits set out above, if a time limit is exceeded, it shall not invalidate the outcome of these proceedings.

## **Integrated PhD students and Professional Doctorates**

- 2.8. A research student on the first year of an Integrated PhD (a 4-year programme) or a research student on a Professional Doctorate programme who wishes to appeal against a progress decision of the RSPB (e.g. being downgraded or discontinued) should do so in accordance with this procedure. However, if they wish to appeal against the decision of the Board of Examiners' consideration/decision of their taught marks, they should appeal in accordance with the Academic Appeals Procedures for Undergraduate and Postgraduate Taught Programmes of Study.

## **Grounds for appeal**

- 2.9. Students may submit an appeal on the following grounds:
- a) There is new evidence, which for good reason was not previously available to the RSPB/examiners, which might have materially affected the outcome;
  - b) the Supervisory Panel/RSPB/examiners did not follow the University's procedures, which led to the student being disadvantaged;
  - c) there is evidence of prejudice and/or bias or the appearance of prejudice and/or bias during the Supervisory Panel/RSPB/examination process.
- 2.10. The following are not considered legitimate grounds for appeal, and any appeals based exclusively on one or more of these grounds will be rejected automatically:
- a) Prior informal assessments of the student's work by the supervisor or another member of staff;
  - b) the retrospective reporting of extenuating circumstances which a student might reasonably have been expected to disclose in advance of the RSPB/examination;

- c) concerns relating to the inadequacy of supervision or other arrangements during the period of study. Students should raise such complaints in writing, normally before the RSPB/examination, under the [Student Concerns and Complaints Procedures](#) (or equivalent for Partner Institutions);
- d) appeals against academic judgement. Coursework and examinations cannot be remarked, except in cases of procedural irregularities.

## **Submission and consideration of appeals**

- 2.11. Appeals should be submitted in accordance with the guidance published alongside these procedures and using the agreed form. Any member of staff of the University who receives a formal appeal from a research student shall forward it to the appropriate team.
- 2.12. Following receipt, the appeal will be acknowledged within five working days of receipt. The appeal will be processed and sent to the Academic Registrar (or nominee) for consideration.
- 2.13. The Academic Registrar (or nominee) shall consider the appeal and will dismiss any appeal that either does not meet the criteria stated above (2.9), or that are solely based on the criteria listed in 2.10, without referring the appeal to the Executive Dean or their deputy. A Completion of Procedures letter will be issued and the student may request an independent review by the OIA (see [External Review](#) section for more details).
- 2.14. The Academic Registrar (or nominee) will refer to the Executive Dean or their deputy any appeal that meets the criteria stated above (2.9), who may consult such persons as they think fit, including the student who has lodged the appeal.
- 2.15. The Academic Registrar (or nominee) may determine exceptionally that the appeal should be investigated under the Student Concerns and Complaints Procedures instead of the appeal procedures. In such cases, the student will be notified of this decision and the reasons for this, and advised of the next steps.
- 2.16. In some cases, where the circumstances of the case merit it, the Executive Dean or their deputy may arrange an Appeal Committee to consider the appeal.

## **Appeal outcomes**

- 2.17. The Executive Dean or their deputy or the Appeal Committee, having considered the evidence and taken such advice as may be necessary, may:
  - a) reject the appeal, in which case the original decision shall stand;
  - b) ask the RSPB/examiners to reconsider their decision for reasons specified as part of the consideration of the appeal;
  - c) determine that the unamended thesis shall be re-examined by new examiners;

- d) consult with the RSPB/examiners and/or the student's supervisor(s) and/or other member of academic staff before reaching a decision on an appropriate outcome which takes into account the evidence provided by the student in support of their appeal. The Executive Dean or their deputy or the Appeal Committee will then decide whether or not to change the original decision of the RSPB/examiners in whole or part, and decide upon a new outcome.

2.18. For appeals against an examination outcome:

- a) Where the Executive Dean or their deputy or Appeal Committee determines that the examiners should be asked to reconsider their decision under paragraph 2.16(b), the examiners must either:
  - i. Agree to amend their decision, in which case a new results letter with the revised result will be issued to the candidate; or
  - ii. Decline to amend their decision, in which case the examiners' original recommendation stands and the original result will be confirmed in a letter to the candidate.
- b) Where the Executive Dean or their deputy or Appeal Committee determines that a re-examination under paragraph 2.16(c) is required, the new examiners shall be appointed under the normal procedures. The new examiners shall be given no information about the previous examination except the single fact that they are conducting a re-examination on appeal. The re-examination will follow the standard examination procedure. Any such re-examination will be chaired by an Independent Chair.

2.19. All decisions of the Executive Dean or their deputy or Appeal Committee must be notified to the student, the supervisor, the Graduate Director, and the Head of Department in writing, together with a statement of any conditions that are attached to the decision. If a student's status is altered, a copy of the relevant written statement of arrangements for supervision must be included and the supervisor requested to ensure that the student fully understands these.

## **Internal Review**

2.20. Following the formal conclusion of the appeal procedures set out above, a student may request an internal review of the appeal outcome on the following grounds<sup>2</sup>:

- a) There is new evidence, which for good reason was not previously submitted as part of the appeal, which might have materially affected the outcome;

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<sup>2</sup> Notwithstanding paragraph 2.19, a student whose original viva examination result was 'fail', or 'referred', or is the award of, or option to resubmit for a lower degree, cannot appeal against the original examination result following their resubmission and re-examination. Any subsequent appeal can only be made against the outcome of the re-examination and not against the original examination

- b) the University did not follow the Appeal Procedures properly which disadvantaged the student's case;
- c) there is evidence of prejudice and/or bias or the appearance of prejudice and/or bias during the consideration of the student's appeal.

- 2.21. A student who wishes to request a review of the outcome of the appeal procedures should do so in writing on the Internal Review Request Form within 20 working days of the date of the appeal outcome letter, setting out in detail the nature of the evidence to support their claim.
- 2.22. Requests received after the deadline will only be accepted at the discretion of the Academic Registrar (or nominee), whose decision is final. For this to apply, students must be able to show, to the satisfaction of the Academic Registrar (or nominee), that circumstances beyond their control prevented them from meeting the standard time limit and that unfair treatment would result from not extending the deadline.
- 2.23. Students are strongly encouraged to contact the SU Advice Centre for advice and guidance before completing the form.
- 2.24. Following receipt, the request for review will be acknowledged within five working days. The Internal Review Request will be sent to the Academic Registrar (or nominee) for consideration.
- 2.25. The Academic Registrar (or nominee) shall consider the Internal Review Request and will dismiss any requests that do not meet the criteria stated above (2.19), without referring them to the Pro-Vice-Chancellor (Education) (or nominee). A Completion of Procedures letter will be issued and the student may request an independent review by the OIA (see [External Review](#) section for more details).
- 2.26. The Academic Registrar (or nominee) will refer to the Pro-Vice-Chancellor (Education) (or nominee) any request that meets the criteria stated above (2.19), who may consult such persons as they think fit, including the student who has lodged the request.
- 2.27. In some cases, where the circumstances of the case merit it, the Pro-Vice-Chancellor (Education) (or nominee) may arrange an Appeal Committee to consider the appeal. No member of the Committee will have had any previous involvement in the case.
- 2.28. The Pro-Vice-Chancellor (Education) (or nominee) or Appeal Committee, having considered the evidence and taken such advice as may be necessary, may:
- a) reject the appeal, in which case the original decision shall stand;
  - b) ask the RSPB/examiners to reconsider their decision for reasons specified as part of the consideration of the appeal;
  - c) determine that the unamended thesis shall be re-examined by new examiners;

- d) consult with the RSPB/examiners and/or the student's supervisor(s) and/or other member of academic staff before reaching a decision on an appropriate outcome which takes into account the evidence provided by the student in support of their appeal. The Pro-Vice-Chancellor (Education) (or nominee) or the Appeal Committee will then decide whether or not to change the original decision of the RSPB/examiners in whole or part, and decide upon a new outcome.

2.29. For appeals against an examination outcome:

- a) Where the Pro-Vice-Chancellor (Education) (or nominee) or Appeal Committee determines that the examiners should be asked to reconsider their decision under paragraph 2.27(b), the examiners must either:
  - i. Agree to amend their decision, in which case a new results letter with the revised result will be issued to the candidate; or
  - ii. Decline to amend their decision, in which case the examiners' original recommendation stands and the original result will be confirmed in a letter to the candidate.
- b) Where the Pro-Vice-Chancellor (Education) (or nominee) or Appeal Committee determines that a re-examination under paragraph 2.27(c) is required, the new examiners shall be appointed under the normal procedures. The new examiners shall be given no information about the previous examination except the single fact that they are conducting a re-examination on appeal. The re-examination will follow the standard examination procedure. Any such re-examination will be chaired by an Independent Chair.

2.30. All decisions of the Pro-Vice-Chancellor (Education) (or nominee) or Appeal Committee must be notified to the student, the supervisor, the Graduate Director, and the Head of Department in writing, together with a statement of any conditions that are attached to the decision. If a student's status is altered, a copy of the relevant written statement of arrangements for supervision must be included and the supervisor requested to ensure that the student fully understands these.

## **Representation**

2.31. Students have the right to be accompanied by a fellow student, a member of staff or a representative of SU Advice or the Students' Union at any meetings and committee hearings conducted as part of this Procedure. Whoever accompanies the student must not be involved in the case.

2.32. Students may not bring anyone to a meeting that is not a member of the University unless this has been agreed as a reasonable adjustment under the Equality Act 2010. Reasonable adjustments should be requested at the earliest opportunity through the appropriate team. Legal representatives are not permitted to be present at any stage of the appeals process.

## External Review

- 2.33. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. When the University's internal procedures for dealing with appeals have been completed, the University will issue a Completion of Procedures letter.
- 2.34. Students will be issued with a Completion of Procedures letter when:
- the Academic Registrar (or nominee) has deemed the appeal or internal review request not to have valid grounds;
  - the Pro-Vice Chancellor (Education) (or nominee) has dismissed the request for internal review.
- 2.35. Students may also request a Completion of Procedures within 20 working days of receiving:
- the written decision of the reconvened RSPB/Examiners following an appeal;
  - the written confirmation that the appeal has been dismissed by the Executive Dean or their deputy, where the student does not intend to request an internal review.
- 2.36. Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within twelve months of the issue of the Completion of Procedures letter. Full details of the scheme are available on request and will be enclosed with the Completion of Procedures.

## 3. Appeal Committees

- 3.1. Where the Executive Dean or their deputy or the Pro-Vice-Chancellor (Education) (or nominee) decides to establish an Appeal Committee, the following will apply.
- 3.2. An Appeal Committee may be appointed by the Executive Dean or their deputy or Pro-Vice-Chancellor (Education) or nominee considering the case and will consist of:
- For initial appeals, the Executive Dean or their deputy as Chair and two members of academic staff from outside the student's department who had no previous connection with the student; or
  - For appeals following an Internal Review request, the Pro-Vice-Chancellor (Education) (or nominee) as Chair, not fewer than two Deans<sup>3</sup>, and a student member appointed by the President of the Students' Union.
- 3.3. The Appeal Committee will be serviced by a Secretary.

3.4. The Appeal Committee may consult such persons, including the student and their supervisor, and take such advice as it thinks fit.

3.5. The student will be invited to be present at the Committee whenever oral evidence is being heard by the Committee, and will receive all the papers.

3.6. The Chair of the Committee shall have the authority to determine the order of proceedings and exclude any material which appears irrelevant to the case.

3.7. The usual pattern of proceedings is:

- a) The members of the Committee have a preliminary discussion without the student, the student's representative or any persons who have been called to give evidence being present.
- b) The student and the student's representative enter the room and the Chair introduces all those present.
- c) The Chair checks that the student has received details of the case and any supporting documentation.
- d) The Chair explains the order of proceedings to the student.
- e) The Chair summarises the evidence relating to the appeal and members of the Committee are invited to put questions to any persons who have been invited to the Committee to give evidence.
- f) The Chair then invites the student to make a statement orally if they wish to do so, including any mitigation, and members of the Committee are invited to put questions to the student.
- g) The Chair invites the student's representative to put forward any additional statement.
- h) The Chair invites the student to make any final response.
- i) The student, the student's representative and any persons who have been invited to the Committee to give evidence are then asked to leave the room (or equivalent for meetings conducted by video-conferencing or similar).
- j) The Committee then, having considered the evidence, and taken such advice as may be necessary, comes to a decision regarding the outcome of the appeal (see [2.16/ 2.27](#)).
- k) The student is then recalled to the room to be told the decision as to whether the appeal is well-founded. The outcome of the appeal and the reasons why are explained to the student.

3.8. The Committee may proceed in the absence of the student or the student's representative provided that the Chair is satisfied that due notice has been given to the student.

3.9. Only members of the Committee and the Secretary shall be present while a committee is reaching a decision of the outcome of the Appeal Committee.

3.10. The Appeal Committee may adjourn where this is necessary to obtain further information.

## Document Control Panel

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