Postgraduate Research Code of Practice

APPENDIX 10

Research Degree Appeals Procedure

POSTGRADUATE RESEARCH CODE OF PRACTICE – APPENDIX 10
Research Degree Appeals Procedure

The Research Degree Appeals Procedure (hereafter referred to as the RDA Procedure) is applicable to students registered on research programmes leading to one of the following awards:

- Master of Philosophy (MPhil)
- On campus or online Professional Doctorate for the thesis stage only
- Doctor of Medicine (MD)
- Doctor in Philosophy (PhD)
- Higher Doctorates (DEng, DMus, DSc, LittD, LLD).

Appeals against individual taught module marks or assessments should be made in accordance with the University of Liverpool's Assessment Appeals Procedure (Appendix F to the Code of Practice on Assessment), Section One, which can be found here.

Students are advised not to contact the Vice-Chancellor directly in relation to their appeal as they will not be able to respond. Any request for the Vice-Chancellor to become involved in an appeal which is not within the Procedure may compromise the process for handling the appeal.

Introduction

The University of Liverpool (hereafter referred to as UoL) was founded with the aim of 'the advancement of learning and the ennoblement of life'. An environment conducive to learning is one that preserves the freedom to learn, where academic, personal and professional standards are strictly upheld and where the rights, wellbeing, dignity and merits of every individual are respected.

The timelines included within this Procedure reflect good practice and external requirements of UoL, for example the 'Good practice framework for handling complaints and academic appeals' produced by the Office of the Independent Adjudicator for Higher Education (OIA).

Other UoL policies and procedures, which are connected to this RDA Procedure, are set out below:

- The PGR Code of Practice
- Appendix 4 of the PGR CoP: PGR Academic Integrity Policy: See link above.
- Appendix 8 of the PGR CoP: Policy on Research Degree Examinations and Examiners: See link above.
- Appendix 6 of the PGR CoP: Policy on PGR Suspensions, on Extensions of Study, and on Extenuating Circumstances in Relation to the *Viva Voce* Examination: See link above.
- Student Complaints Policy and Procedure

Rights, entitlements and responsibilities under this Procedure

Under the RDA Procedure, and in line with the Student Charter and other UoL policies, UoL acknowledges the rights of students and sets out expectations of how students will interact with this Procedure as follows:

- Students will be treated fairly and consistently within this Procedure.
- Students will not suffer any disadvantage or recrimination as the result of making an appeal in good faith.

- Students are expected not to make any appeal frivolously, vexatiously or with malice. Where an appeal is adjudged to be made frivolously, vexatiously or with malice, disciplinary action may be taken against the appellant.
- Students are expected to engage with the Procedure in a polite, courteous and prompt manner and may expect this to be reciprocated by those handling their appeal.
- Students are expected to be reasonable and realistic in any request for remedy or redress.
- Students may expect to receive responses to an appeal within the timescales indicated within the Procedure or else to be informed of any reasons why this is not possible, with an indication of the proposed amended timescale for a response.
- Students are expected to provide, at the time of submission of their appeal, all relevant documentation or other evidence and details of all issues which they wish to be taken into consideration.
- Students may expect appeals to be dealt with confidentially and that their privacy will be respected. However, it may be necessary to disclose information to others in UoL (e.g. regarding extenuating circumstances) in order to handle the appeal.
- Where an appeal is upheld, students may expect UoL to take such action or provide such remedy as may be appropriate and to do so promptly (within such limitations as may be imposed by particular timescales e.g. scheduled graduation ceremonies).
- Where an appeal is not upheld, students may expect to be informed in writing of the reasons for that decision and to be informed of any further rights to request a review of the decision.

Scope of the Procedure

The RDA Procedure is divided into two Sections.

SECTION ONE: Appeals against academic decisions made prior to submission of the thesis.

SECTION TWO: Appeals against the decision of Examiners following submission of the thesis.

There are two stages contained in both SECTION ONE and SECTION TWO of the RDA Procedure to allow escalation should a student consider that an issue or concern has not been addressed at the first stage.

Where students are studying towards an award offered by the University of Liverpool acting in partnership with another Institution (such as a Joint or Dual award), they should refer to the relevant partnership student handbook or other documentation for guidance on the appropriate procedure to follow.

Cases where students should not use this Procedure

A. Appeals to Faculty PGR Progress Committee

Students who wish to appeal against the decision of UoL to terminate their studies (other than for breaches of the PGR Academic Integrity Policy- Appendix 4 of the PGR Code of Practice) or to deem them withdrawn prior to the normal expected date of completion of their programme of study, should **not** submit an assessment appeal under SECTION TWO of these Procedures but should refer to the 'Policy and Procedures on the Academic Progress of Postgraduate Research Students' (Appendix 3 of the PGR CoP), which can be accessed here.

B. Complaints under the Student Complaints Policy and Procedure

1. If a student wishes to make a complaint regarding non-academic service matters only (e.g. regarding fee payments) and requires a non-academic remedy they should not make an appeal but should submit a complaint under UoL's Student Complaints Policy and Procedure, or that of the partner (e.g. Kaplan Open Learning for online professional doctorate programmes of study).

2. If a student wishes to make a complaint regarding the actions, inactions or omission of a member of staff or about the quality of supervision prior to submission of their thesis they should **not** submit an appeal but should submit a complaint under UoL's Student Complaints Policy and Procedure, or that of the partner. An appeal will not be accepted at a later date if it was reasonable to expect the student to have utilised the Student Complaints Policy and Procedure in time for any appropriate redress to be made before examination (or decision) by the Examiners.

Advice on the RDA Procedure and how to submit an appeal

Advice about the RDA Procedure may be obtained from School Student Support Offices (or their equivalent), the Student Conduct, Complaints & Compliance Team (hereafter referred to as SCCCT) in Student Administration and Support (SAS) (email appeals@liv.ac.uk) or from the Advice Service of the Liverpool Guild of Students (email guildadv@liv.ac.uk).

Monitoring of appeals

Where an appeal is upheld and action is required, a record of the action taken by the School/Institute or Examiners shall be recorded and placed on the student's file by the Research Degree Administration Team (SAS). Where recommendations for changes to policies or procedures are made as the result of an appeal, a record of consideration of those recommendations and any action taken shall be kept with the appeal documentation. The SCCCT will monitor appeals. The outcome of such monitoring may be used to inform other processes or activities.

Timescales

Timescales for UoL's responses to appeals, as set out in the stages below, are those to which UoL expects normally to be able to adhere. Completion of the full Section One or Section Two procedures (including any appeal against decisions under those procedures) shall not normally take more than 90 calendar days in total. However, it is anticipated that there may be occasions when it is not feasible for a full and thorough investigation to be carried out within those normal timescales and when a longer period of time, therefore, is required. These may include, but are not restricted to:

- Periods when UoL is closed (e.g. Bank Holidays and the Christmas/New Year period).
- Periods when key members of staff are absent from UoL due to work commitments, scheduled or unscheduled leave, sickness or other good reason.
- Particularly complex issues of appeal.
- Issues of appeal which are related to other on-going procedures that may need to be completed before the appeal can be fully addressed (e.g. disciplinary matters, matters of complaint subject to investigation under the Student Complaints Policy and Procedure, legal proceedings).
- Issues which are referred to a full scheduled meeting of an IPAP, where this cannot be held within the 90 calendar days of the commencement of the appeal.

UoL accepts that it may have obligations under the Equality Act to consider accepting an appeal outside the normal time limit or to make adjustments to the normal procedures where there are

exceptional reasons to do so and may exercise discretion, where there is good reason supported by evidence, for late submission of an appeal. It is the responsibility of the student to notify those handling their appeal of any request in relation to this.

Exceptionally UoL may also adjust its timescales to accommodate appeals where, for good reason, decisions may need to be taken more swiftly.

SECTION ONE

Appeals against academic decisions made prior to submission of the thesis

Grounds for appeal

1. A student may appeal against a penalty applied following a finding that plagiarism, copying, collusion or dishonest use of data has occurred prior to submission of the thesis, in accordance with UoL's PGR Academic Integrity Policy (Appendix 4 of the PGR Code of Practice – see link in 'Sources of further information' at the end of this Procedure) on the following specific ground only:

    a) that there was a procedural error in determining a decision of copying, plagiarism, collusion, dishonest use of, or fabrication of data.

2. Students may **not** appeal on any grounds which:

    a) dispute the academic judgment of the Independent Progress Assessment Panel (hereafter referred to as IPAP); *or*

    b) claim extenuating circumstances in respect of the charge of academic malpractice. Extenuating Circumstances are not accepted as providing good reason or cause for academic malpractice.

Submission of an appeal

3. Students may only submit an appeal once they have received the formal notification of UoL's decision regarding a finding of academic malpractice. The appeal should be submitted to the PGR Strategy & Planning Manager. For online professional doctorate programmes of study informal contact from the Kaplan Open Learning Student Adviser Team does not constitute formal notification.

Responsibilities of the student in submitting the appeal

4. Any appeal against a decision of the IPAP should be submitted within **14 (fourteen) calendar days** of the formal notification to the student of the decision regarding a finding of academic malpractice.

5. Students are expected to provide at the time of submission of their appeal, all relevant documentation or other evidence and details of all issues which they wish to be taken into consideration.

6. In exceptional cases, where it is not possible for good reason to provide the accompanying evidence at the same time as the submitted appeal, students are expected to indicate what documentation or evidence is to follow. If the person receiving the appeal accepts that there is good reason then they shall be entitled to impose a reasonable deadline by which this further information must be provided by the student. This deadline shall not normally be more than **1 (one) calendar month** after the submission of the appeal and may be less. The timeline for consideration of the appeal will be halted whilst the provision of further information is awaited. Unless there proves to be good reason why the student cannot then meet that deadline, UoL may then proceed to consider the appeal once that deadline has passed, even if the further information has not been provided.

7. Where, unsolicited, a student provides additional documentation or evidence after consideration of an appeal has commenced, the PGR Strategy & Planning Manager shall determine whether there is sufficient time within the timescale set for their response to the appeal in which to consider this additional information and, if not, shall inform the student of any necessary and reasonable adjustment to the deadline for their response.

8. An acknowledgment of receipt of a Stage 1 appeal will normally be made to the student **within 3 (three) working days** and shall include the deadline by which the student can expect to receive the written response to their appeal.

Stage 1: Consideration of the appeal

Initial consideration

9. Completion of this initial consideration shall not normally take more than **26 calendar** days. Upon receipt of an appeal, the PGR Planning & Strategy Manager, in consultation with a member of the SCCCT, shall make enquiries into the grounds for appeal as required. These enquiries may involve consulting documentation from the processes leading to the original decision, and discussions with those responsible for the original decision to establish matters of fact only, in order to determine whether there is a case for the appeal to be considered further.

10. Where information provided by the student or obtained in the initial enquiries conducted by the PGR Planning & Strategy Manager does constitute a case for further review, the Research Degree Administration Team (SAS) will inform the student that the appeal has been referred for further investigation in accordance with Section 12 below.

11. Where information provided by the student or obtained in the initial enquiries conducted by the PGR Planning & Strategy Manager does not constitute a case for an appeal to be considered further, the Research Degree Administration Team (SAS), after consulting with a member of the SCCCT, will issue an Outcome Letter informing the student of this decision. The student has a right to request further review, in accordance with Section 19 below.

Referral for further investigation

12. If the PGR Planning & Strategy Manager determines that the student's appeal case warrants further consideration, they shall request the Dean of School/ Institute to appoint a member of academic staff, who has had no previous material involvement in the determination of the finding of academic malpractice, to undertake an investigation into the alleged procedural irregularity. This person, in consultation with a member of the SCCCT in SAS, will make a written report on their findings and recommend to the Dean of School/ Institute whether the appeal should be upheld, be partially upheld or not be upheld.

Referral of recommendations to the Dean of School/Institute

13. If the Dean of School/ Institute accepts a recommendation, following the further academic investigation, that the appeal should **not be upheld**, they shall normally request a member of the SCCCT to issue an Outcome Letter, informing the student of this decision. This Outcome Letter will normally be sent to the student **no later than 26 calendar days** after completion of the initial consideration.

14. However, if the Dean of School/ Institute considers, or the SCCCT recommends, that the academic investigator's findings and/or recommendations **require further consideration**, the report and recommendations shall be presented to the next meeting of the IPAP for its decision. The Dean of School/ Institute will instruct the SCCCT to inform the student in writing of this decision to refer the matter to the IPAP and also the date by which the student can expect to receive notification of UoL's decision.

15. Should the recommendation be that the appeal should **be upheld or partially upheld** the Dean of School/ Institute shall refer the matter back to the next meeting of the IPAP for appropriate action. The Dean of School/ Institute will instruct the IPAP to inform the student

in writing of the date by which the student can expect to receive notification of the IPAP's decision.

Action taken by the IPAP

16. Where there is evidence of a procedural irregularity in the determination of copying, plagiarism, collusion or dishonest use of data, to such an extent as to cast doubt on the reliability of the original recommendation by the SDPR/IDPR to the IPAP, the new meeting of the IPAP should uphold the appeal i.e. overturn the original decision. The IPAP shall also require that a new individual (an experienced Supervisor), who has had no material involvement in the previous investigation or decision, be appointed to investigate the allegation of academic malpractice *de novo*, and where appropriate, make a recommendation to a future meeting of the IPAP. An Outcome Letter regarding the appeal should be sent to the student in accordance with Section 17 below, which should also include reference to the decision of the IPAP regarding initiating a new investigation.

17. After the IPAP has taken a decision the SCCCT will issue an Outcome Letter to the student informing them whether their appeal has been upheld or partially upheld and any actions taken by the IPAP. This Outcome Letter will normally be sent to the student **no later than 26 calendar days** after completion of the initial consideration.

18. Where the student does not request further review, UoL will consider that the student has accepted the outcome of the appeal under Stage 1 and that the appeal is closed.

Students' right to request further review of their SECTION ONE appeal following receipt of an Outcome Letter.

Stage 2: Further review

19. If the student is dissatisfied with the outcome of Stage 1 of this Procedure they have the right to request a review of this decision, in accordance with Section 20 below, and must do so within **14 (fourteen) calendar days** of the date on which the Outcome Letter is sent to the student. Upon receipt of a request the appeal will be subject to further review.

20. The student may request further review on one or more of the following specific grounds only:

a) that there was a procedural error in determining the outcome at Stage 1; *or*
b) that the outcome was not reasonable in all the circumstances;
or
c) that there is new material evidence which the student was unable, for valid reasons, to provide earlier in the process.

Students are not permitted to dispute the academic judgment of the IPAP, where an IPAP has upheld an appeal on the grounds of procedural irregularity and commissioned a new investigation of the alleged academic malpractice. Any dissatisfaction with the outcome of the new investigation would constitute a new appeal.

21. UoL will not normally accept an appeal against a decision taken under Stage 1 made outside the stated deadline, unless there is good reason why the student could not have made the request for review under Stage 2 within that deadline. Any case for further consideration of an appeal under Stage 2 after the deadline has passed must be made in writing in accordance with Section 23 below and shall include the reason for the delay in submission together with any documentary evidence in support of that reason.

22. A request for further review of an appeal under Stage 2 of the Procedure should be submitted in writing to the SCCCT in SAS (appeals@liverpool.ac.uk) and should include:

- The nature of the appeal.
- All correspondence received by or provided by the student under Stage 1 of this Procedure, including UoL's written response to the appeal (the Outcome Letter).
- A statement as to why the student remains dissatisfied.
- And, without prejudice to any formal remedy which might be determined, the remedy they are seeking.
- All relevant documentation or other evidence which they wish to be taken into consideration.

23. A student whose appeal has previously been considered under Stage 1 is not permitted to raise at Stage 2 any additional issues not previously raised under Stage 1, except where the issues relate to the procedural conduct or outcome of the Stage 1 appeal consideration.

Initial consideration

24. Receipt of a request for further review of the appeal under Stage 2 will normally be acknowledged within **5 (five) calendar days** of receipt of the completed documents. Upon receipt, the SCCCT will pass the request to the relevant Faculty Head of Education and Student Experience as 'the nominated reviewer', who has had no prior involvement with the appeal, to ask them to review the appeal.

25. The Faculty Head of Education and Student Experience will review the submitted documentation in order to determine whether there is a case, under the specified grounds (see Section 20 above) for the appeal to be considered further.

26. Where the information, provided by the student does not constitute a case for an appeal to be considered further, the Faculty Head of Education and Student Experience will request that the SCCCT issues a Completion of Procedures Letter informing the student of this decision. This letter will normally be sent within **10 (ten) calendar days** of the submission of the request for the review.

Request for review following initial consideration

27. If the Faculty Head of Education and Student Experience determines that the student's appeal case does warrant further consideration, they shall instruct the Dean of School/ Institute to appoint a member of academic staff, who has had no previous material involvement in the determination of the decision, to undertake an investigation into the alleged error or procedural irregularity. This person, in consultation with a member of the SCCCT, will make a written report on their findings and recommend to the IPAP whether the appeal should be upheld, be partially upheld or not be upheld.

28. If the Dean of School/ Institute accepts a recommendation, following the further academic investigation, that the appeal should **not be upheld**, they shall normally request that the SCCCT issues a Completion of Procedures Letter informing the student of this decision. This letter will normally be sent within **29 (twenty nine) calendar days** of the submission of the Faculty Head of Education and Student Experience's instruction for an investigation to have taken place.

29. However, if the Dean of School/ Institute considers, or the SCCCT recommends, that the academic investigator's findings and/or recommendations **require further consideration**, the report and recommendations shall be presented to the next meeting of the IPAP for its decision. The Dean of School/ Institute will instruct SCCCT to inform the student in writing of this decision to refer the matter to the IPAP and also the date by which the student can expect to receive notification of UoL's decision.

30. Should the recommendation be that the appeal should **be upheld or partially upheld** the Dean of School/ Institute shall refer the matter back to the next meeting of the IPAP for

appropriate action. The HoS/I will instruct the IPAP to inform the student in writing of the date by which the student can expect to receive notification of the IPAP's decision.

31. Following referral of a recommendation, the IPAP will take appropriate action. A Completion of Procedures letter will be issued by the SCCCT informing the student of this decision. This letter will normally be sent within **26 (twenty six) calendar days** after the submission of the request for the review.

SECTION TWO

Appeals against the decision of Examiners following submission of the thesis

Research Degree Appeals Board

32. The Research Degree Appeals Board (hereafter referred to as the RDA Board) shall consist of a Pro-Vice-Chancellor (PVC) (who shall act as the Chair) and who would normally be the Pro-Vice-Chancellor for Research and Impact, together with two other members of UoL's professorial staff. In exceptional circumstances the Board may be chaired by an Associate PVC.

33. Appointments to the RDA Board shall be made as follows:
    - The Senate shall appoint, for a period not exceeding three years in each instance, a panel consisting of eight members of the professorial staff.
    - The appointments shall be made in such a manner as to secure a rotation of the membership for the panel, with two members retiring each year.
    - Two members shall be nominated from the panel to serve on any individually convened RDA Board.

34. It shall be the duty of the RDA Board to consider and decide upon appeals referred to it. Such hearings shall normally be held within **30 (thirty) calendar days** of the determination in accordance with Section 44(b) or 44(c) below.

35. Normally appeal hearings will be conducted in Liverpool on a face-to-face basis. Appellants are responsible for meeting their personal costs in attending any appeal hearing. Where an appellant is unable to attend in person, they may ask another person to attend on their behalf, such as a member of the Advisory Service of the Liverpool Guild of Students. Appellants are encouraged to seek support from the Guild, whether or not they attend the hearing in person.

36. The Secretary to the RDA Board will be a member of the Student Administration and Support Division (SAS) and further advice on these procedures may be obtained from the Student Conduct, Complaints & Compliance Team (hereafter referred to as SCCCT) - see email address: appeals@liverpool.ac.uk.

Decisions of Examiners against which a candidate can appeal

37. A candidate for a postgraduate research degree may appeal against any of the following decisions made by the Examiners appointed to examine a thesis:

    a) That the candidate be deemed not to have attained the standard required for the degree and that no further opportunity be allowed for examination. This will include instances where a determination of academic malpractice has been made following submission of their thesis (see (d) below) or where the student failed to attend the scheduled *viva* for no good reason.

    b) That a different award from that which the candidate was attempting to achieve be made (e.g. MPhil instead of PhD).

    c) That a candidate be required to resubmit their thesis either for the intended award or for a lesser award. This will include instances where a determination of academic malpractice has been made following submission of their thesis (see (d) below).

    d) To accept a finding from an investigation that academic malpractice had occurred (as defined in the 'PGR Academic Integrity Policy – Appendix 4 of the PGR CoP) following submission of their thesis.

Grounds of appeal

38. Appeals may only be submitted by candidates on the following grounds:

    a) That there were procedural irregularities in the conduct of the *viva* examination (including alleged administrative error) of such a nature as to cause reasonable doubt as to whether the Examiners would have reached the same conclusion if they had not occurred.

    b) That there exist exceptional circumstances affecting the candidate's performance of which the Examiners could not have been made aware when their decision was made.

    c) That there is evidence of prejudice or of bias or of inadequate assessment on the part of one or more of the Examiners.

    d) That there was a procedural error in determining a decision of academic malpractice.

    e) That the Examiners have not taken due account of their concerns regarding extenuating challenging circumstances (as defined in Section 6.8a of the Policy on PGR Suspensions, on Extensions of Study, and on Extenuating Circumstances in relation to the *Viva Voce* Examination – Appendix 6 of the PGR CoP) that have arisen during the conduct of the *viva*.

    f) That there was a material irregularity in that the Examiners should not have failed them for their non-attendance at the scheduled *viva.*

39. Appeals made under Section 38(b) above may only be considered if there is 'good reason' for the candidate not to have taken action via the Annual Progress Monitoring process or the procedures in place to alert the Examiners to any exceptional circumstances [in accordance with the Policy on Research Degree Examinations and Examiners (Appendix 8 of the PGR CoP) and the Policy on PGR Suspensions, on Extensions of Study, and on Extenuating Circumstances in relation to the *Viva Voce* Examination (Appendix 6 of the PGR CoP)].

    Candidates may not use SECTION 2 of the RDA Procedure to make complaints about supervision or supervisory arrangements. Where students are not satisfied with their supervision or supervisory arrangements they should raise their concerns at the time using the Student Complaints Policy and Procedure or during the Annual Progress Monitoring process.

40. Appeals cannot be made on any grounds which dispute the academic judgment of the Examiners.

Submission of an appeal

41. A candidate shall submit any appeal, in writing, to the SCCCT in SAS within **14 (fourteen) calendar days** of receiving formal notification of the result of the examination or decision of the Examiners regarding any charge of academic malpractice.

42. The candidate should submit a full statement of appeal and all the information/ evidence they wish to be considered as part of the appeal, as they will not be permitted to submit new information at a later date. Clear reference to the grounds listed above in Section 38 should be made in the statement.

Initial consideration of an appeal by the SCCCT and Director of Student Experience and Enhancement

Stage 1: Initial consideration

43. A member of the SCCCT will determine, in consultation with the Director of Student Experience and Enhancement, whether the information provided by the candidate constitutes grounds for appeal. The SCCCT may undertake an initial review of the student's file to obtain further relevant information. These enquiries may involve consulting documentation from the processes leading to the original decision and discussions with those responsible for the original decision, to establish matters of fact only, in order to determine whether there is a case for the appeal to be considered further. This stage of initial review will normally be completed within **30 (thirty) calendar days.**

44. After this initial consultation, the SCCCT will inform the appellant, in the Outcome Letter, normally within **5 (five) calendar days** of the date of the decision, either that:

    a) A case for hearing the appeal has not been made (in which case the reasons should be stated), *or*

    b) A case for hearing the appeal has been established and the RDA Board will consider the appeal on some but not all cited grounds, *or*

    c) A case for hearing the appeal has been established and the RDA Board will consider the appeal on all cited grounds.

45. Where the student does not request further review (in accordance with Section 46 below), UoL will consider that the student has accepted the outcome of the appeal under Stage 1 and that the appeal is closed.

Stage 2: Further review of the decision made under section 44(a) or 44(b) i.e. not to hear the appeal or to hear it on some but not all cited grounds

46. In cases where the appeal has been declined on the grounds that a case for hearing the appeal has not been established, or that a case for hearing the appeal has been established on some but not all cited grounds, (in accordance with Sections 44(a) or 44(b) above), the appellant can apply (within **10 (ten) calendar days** of the written notification of the decision) for a review of this decision by a Faculty PGR Director (hereafter referred to as FDPR).

47. The request for the further review should be submitted to the SCCCT, who will forward the request to the FDPR. The appellant may **not** introduce at this stage new information or new grounds in their appeal statement or request for further review.

48. The student may only request such a review on one or more of the following grounds:

    a) that there was a procedural error in determining the outcome in Section 44(a) or 44(b) at Stage 1; *or*

    b) a consideration of whether the outcome was reasonable in all the circumstances; *or*

    c) new material evidence which the student was unable, for valid reasons, to provide earlier in the process.

49. Receipt of a request for further review of the appeal under Stage 2 will normally be acknowledged within **5 (five) calendar days** of receipt of the completed documents. Upon

receipt, the SCCCT will pass the request to the FDPR as 'the nominated reviewer', who has had no prior involvement with the appeal, to ask them to review the appeal.

50. The FDPR will review the submitted documentation in order to determine whether there is a case, under the specified grounds (see Section 48 above) for the appeal to be considered further. This initial review will normally be completed within **10 (ten) calendar days of receipt of the student's completed documents**.

51. Should the outcome of this further consideration regarding the decision made under Section 44(a) be that the appeal should not be referred to a hearing of the RDA Board, the appellant will have exhausted UoL's RDA Procedure and will be issued with a Completion of Procedures letter by the SCCCT.

52. Should the outcome of this further consideration regarding the decision made under Section 44(b) be that the appeal should not be referred to a hearing of the RDA Board on all cited grounds, the RDA Board will hear the appeal on those grounds that have been accepted and a Completion of Procedures letter will not be issued until after the RDA Board hearing.

53. Should the outcome of this further consideration regarding the initial decision (made under Section 44(b)) be that the appeal should now be referred to a hearing of the RDA Board on all cited grounds the RDA Board will hear the appeal accordingly.

Consideration of an appeal by the RDA Board

Stage 1: RDA Board hearing

Prior to the RDA Board hearing

54. Where the appeal is heard under any grounds as defined in Section 38 above, the Internal Examiner will be asked to provide, on behalf of the Examiners, a statement in response to the candidate's appeal statement. Other appropriate parties (e.g. the Primary Supervisor, DDPR or similar) may be asked to provide a statement in response to the candidate's appeal statement, in order to provide relevant facts and accounts of the circumstances surrounding the appeal.

55. Where the appeal is heard on grounds 38(c) above, an External Advisor (who has had no previous involvement in the case) may be appointed, by the FDPR taking appropriate advice, to advise the Board. The External Advisor would be asked to read the thesis and provide an independent evaluation of the Examiners' Initial and Final Reports. It is not the role of the External Advisor to examine the thesis in place of the Examiners.

56. When an appeal is referred to the RDA Board, the appellant shall receive a written notice from the Secretary to the Board:

- Giving at least **10 (ten) working days**' notice of the date on which the appeal will be considered by the Board.
- Informing them that they have the right to present their case in person and to choose someone to accompany them or to nominate another person to represent them, who must be a member of UoL or the Guild of Students. Students cannot be legally represented at a hearing, but may choose to seek legal advice in making their submission.

57. The RDA Board will receive the following documentation:

a) The student's letter of appeal and any supporting evidence.

b) Copies of the relevant Regulations/Policies.

c) Copies of any other relevant information or statements, including a written report from the Internal Examiner and, where appropriate, the External Advisor or Independent Chair.

RDA Board hearing

58. Where an appeal is heard under Sections 44(b) or 44(c) above, the hearing will be conducted in accordance with the Procedures for Convening a Research Degree Appeals Board (Annexe 1).

59. The Board, having considered the evidence and taken such advice as may be necessary, shall take one of the following decisions:

a) Where the appeal is on any of the grounds stated in subsections (a), (b), (d), (e), and (f) in Section 38 above:

(i) To dismiss the appeal, *or*

(ii) To recommend to the Examiners that, for reasons stated, they should reconsider their decision, *or*

(iii) To give the candidate permission to re-submit the thesis for re-examination under conditions to be determined by the RDA Board. This may include further revision to the thesis. The new *viva* to consider the re-submitted thesis will be held in accordance with the Policy on Research Degree Examinations and Examiners (Appendix 8 of the PGR CoP) and, in particular, the requirement for an Independent Chair to be appointed – see Section 7.1 of that Policy.

b) Where the appeal is on the grounds stated in Section 38(c) above:

(i) To dismiss the appeal, *or*

(ii) To determine that the thesis should be re-examined in accordance with Section 60 below.

60. If the RDA Board determines that the thesis should be re-examined, in accordance with Section 59(b)(ii) above, the following procedures shall be followed:

a) New Examiners shall be appointed, on the nomination of the Faculty concerned. The new *viva* to consider the submitted thesis will be held in accordance with the Policy on Research Degree Examinations and Examiners (Appendix 8 of the PGR CoP) and, in particular, the requirement for an Independent Chair to be appointed – see Section 7.1 of that Policy.

b) The Examiners shall be informed that they are conducting a re-examination on appeal and shall be given no other information about the original examination.

c) The decision of the new Examiners following examination of the thesis will replace all other decisions.

61. Whenever possible, the appellant will be informed of the Board's decision at the end of the hearing. In any case, the Secretary will notify them, in an Outcome Letter, of the decision within **14 (fourteen) calendar days** of the date of the hearing.

62. Where the student does not request further review (in accordance with Section 64 below), UoL will consider that the student has accepted the outcome of the appeal under Stage 1 and that the appeal is closed.

63. Where an appeal is heard by the RDA Board, a Completion of Procedures letter will only be issued once the appeal hearing has taken place, even though the appeal may only be heard on some of the grounds originally submitted by the appellant.

Stage 2: Further review of the appeal following an RDA Board hearing

64. If the appeal has been dismissed by the RDA Board under Section 59 above, the appellant may submit an appeal against the decision to the Vice-Chancellor (VC) within **10 (ten) calendar days** of receiving the formal notification (the Outcome Letter) of the decision of the RDA Board. In normal circumstances such an appeal will only be accepted for consideration if valid evidence is submitted that the appellant did not have a fair hearing as a consequence of some procedural irregularity within the RDA Procedure. The appellant may **not** introduce at this stage new information or new grounds in their appeal statement or request for further review.

65. The VC will appoint a Pro-Vice-Chancellor (PVC) to review the appeal, who has had no previous involvement in the case. Such appeals will be considered solely on the basis of written evidence, and in private. This review will normally be completed within **5 (five) calendar days** and the PVC will submit a report of their findings to the VC. In light of the report provided by the PVC, the VC shall determine what action, if any, shall be taken.

66. Where the information provided by the student does not constitute a case for an appeal to be considered further, the VC will request the SCCCT to issue a Completion of Procedures letter informing the student of this decision. This letter will normally be sent within **10 (ten) calendar days** of the receipt of the request for review.

67. Where the information provided by the student constitutes a case for an appeal to be considered further, the VC will request the SCCCT to convene a new RDA Board hearing with new members of the Board, who have had no previous involvement in the appeal.

Office of the Independent Adjudicator for Higher Education (OIA): Completion of Procedures Letters

68. Following consideration of an appeal under either SECTION ONE or SECTION TWO of the RDA Procedure, there shall be no further right of appeal within the University as to the merits of the case or the findings of any investigation.

69. This Procedure represents the University's internal Procedure for the handling of a Research Degree Appeal. A student who completes the Procedure (which must include completion of any permitted right of appeal) automatically will be issued with a Completion of Procedures letter setting out their right to request a review of their case by the Office of the Independent Adjudicator for Higher Education (OIA: http://www.oiahe.org.uk), should they remain dissatisfied with the outcome of this internal procedure (whether it is dismissed without being referred to a RDA Board or it is considered by that Board).

Sources of further information

- The PGR Code of Practice

- Research Degree Administration Team (SAS)
- Student Complaints Policy and Procedure
- University of Liverpool Guild of Students Advice Service