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APPEALS PROCEDURE (POSTGRADUATE RESEARCH DEGREE)

CARDIFF METROPOLITAN UNIVERSITY

APPEALS PROCEDURE (POSTGRADUATE RESEARCH DEGREE)

This appeals procedure applies to:

- Candidates for postgraduate research degrees, including the degree of MPhil, PhD, PhD (by Published Works) and Professional Doctorates.

The Procedure consists of two sections:

- Section 1: Appeals against decisions of Examination Boards in respect of theses (or equivalent);
- Section 2: Appeals against decisions of the University's Research Degrees Committee.

The Appeals Procedure caters for representations against academic decisions and is complementary to the Student Complaints Procedure which deals with complaints and grievances against Cardiff Metropolitan University and/or its staff which are not based on academic decisions.

All appeals are administered by Cardiff Metropolitan University's Registry Services.

Section 1: Appeals against Decisions of Examination Boards.

1. The following may appeal under this procedure against the decision of an Examination Board not to recommend approval for the degree in respect of which the candidate submitted a thesis (or equivalent):
 - (i) a candidate for the degree of PhD by Research;
 - (ii) a candidate for the degree of MPhil by Research;
 - (iii) a candidate for the degree of PhD by Published Works;
 - (iv) a candidate for a Professional Doctorate degree.
 - (v) a candidate for a Taught Doctorate degree.

2. Cardiff Metropolitan University will only consider appeals on one or more of the following grounds:
 - (i) defects or irregularities in the conduct of the examination or in written instructions or in advice relating thereto which are of such a nature as to cause reasonable doubt whether the examiners would have reached the same decision had such defects or irregularities not occurred;
 - (ii) exceptional personal circumstances where there is a case to refer to an Appeal Board, that such circumstances could have had an adverse effect on the candidate's performance;
 - (iii) evidence of prejudice or bias or inadequate assessment on the part of one or more of the examiners;
 - (iv) the provision of inadequate supervision.

An appeal under (ii) above will only be entertained where the appellant can show good reason why such personal circumstances could not have been made known to the Examination Board before its meeting. Exceptional circumstances which could have been reported to the Examination Board prior to its meeting cannot subsequently be cited as grounds for appeal.

An appeal under (iv) above will only be entertained where there are exceptional reasons why the inadequate supervision had not been reported by the candidate prior to the decision of the Examination Board.

3. Appeals which question the academic judgement of the examiners will not be admissible.

4. A candidate wishing to appeal shall send an Application for Appeal form to Cardiff Metropolitan University's Registry Services within two months of the date of notification of the result of the examination setting out the full grounds of appeal in accordance with paragraph 2 above. Applications for appeal submitted outside this timescale, with good reason, may be accepted at the discretion of Registry Services. Forms for use in an appeal are available from the Registry Services.
5. If the Vice-Chancellor or nominee decides, after examining the Application for Appeal and any other written evidence which the Vice-Chancellor or nominee may require, that there is a case to be considered, the appeal must be referred to an Appeal Board consisting of three persons, one of whom is to be the Vice-Chancellor or a member of the Vice-Chancellor's Executive Group, who is to be chair, and at least two of whom are to be members of the Academic Board. Appeals against decisions of Examination Boards shall normally be heard within three months of receipt of the Application for Appeal.
6. If the Vice-Chancellor or his/her nominee decides that there is no case to be considered the appeal must be dismissed. The decision to dismiss in these circumstances will normally be made within three months of receipt of the notice of appeal.
7. Where a case is referred to an Appeal Board for hearing, the Board must identify the grounds for the appeal and base its decision on the evidence of the appellant's submission, the testimony of the Chair of the Examination Board, evidence from a representative of the School concerned and any further evidence which it considers relevant.
8. An appellant must be offered a personal hearing by the Appeals Board, and informed of the time and date of such a hearing. The appellant may be accompanied, but not represented, by a member of Cardiff Metropolitan University's academic, welfare or advisory staff, or a student or officer of Cardiff Metropolitan University's Students' Union.
9. The Chair of an Appeal Board has the discretion to declare inadmissible any matter introduced by the appellant, or any member of staff or student accompanying the appellant, if the matter is not deemed to be directly related to the grounds of the appeal previously lodged in writing within the stipulated deadline.
10. The Appeal Board is empowered to make either of the following decisions:
 - (i) that the appeal be rejected and no further action be taken;
 - (ii) that the appeal be upheld.
11. When an appeal is upheld, the Appeal Board may take one of the following courses of action:

- (i) to recommend to the Examination Board that, for the reasons stated, the original, or a properly constituted, Board should reconsider the decision of the previous Board;
- (ii) to recommend that an entirely new Examination Board should reconsider the decision of the previous Board;
- (iii) to give the candidate permission to rewrite the thesis and to re-submit for re-examination by the original, or a properly constituted, Examination Board within a specified time-limit.
- (iv) to give the candidate permission to re-write the thesis and to re-submit for re-examination by an entirely new Examination Board within a specified time limit.

Following any re-examination under (iii) and (iv) above it is within the discretion of the Examination Board to recommend that the candidate be allowed one further opportunity to re-submit the thesis either at the full or a reduced fee.

12. When a re-examination is undertaken as a result of paragraph 11(ii) or 11(iv) above, two new external examiners will be appointed. The external examiners will not be provided with any information about the previous examination other than that they are conducting a re-examination of the candidate's submission on appeal.
13. Where a case is referred back to the Examination Board, the Appeal Board may, where appropriate to the circumstances of the case, require an officer of the Registry Services to attend the meeting of the Examination Board as observer.
14. The decision of the Appeal Board is final.
15. The decision of the Appeal Board and recommendations or advice where appropriate to the circumstances of the case (and of the re-examination if applicable) must be notified at the first opportunity to the appellant, the Chair of the Examination Board and Cardiff Metropolitan University's Director of Registry Services.
16. When an appeal falls within the provisions of paragraph 11 above, the Director of Registry Services must arrange for the decision and recommendations of the Appeal Board to be implemented. The Examination Board's decision must be reported to the Appeal Board and is to be final. On receipt of the decision the Director of Registry Services may, in exceptional cases, refer the case to the Chair of the Appeal Board for review of the procedures followed. If it transpires that a serious procedural irregularity has occurred, the case may be referred back to the relevant Examination Board for reconsideration.

17. If, as a consequence of a successful appeal, a candidate is regarded as having qualified for a degree the candidate shall be admitted to the degree at the next opportunity unless in a case where all other necessary conditions for admission have been met the Vice Chancellor deems such a candidate to have been admitted to the degree on a prior occasion.
18. The Appeal Board may make recommendations for consideration by the Research Degrees Committee or the Academic Board as appropriate on any matter arising from the consideration of appeals.

Section 2: Appeals Against Decisions of the Research Degrees Committee

19. A research degree candidate may appeal against a decision of the Research Degrees Committee where the Committee has:
 - (i) not accepted a research proposal for enrolment purposes or not accepted the proposal at the anticipated level;
 - (ii) recommended that enrolment should be terminated following receipt of an unsatisfactory monitoring report and/or repeated non-compliance with the requirements of monitoring;
 - (iii) in accordance with the provisions of the Research Degrees Committee rejected an application to transfer from MPhil/PhD by Research to PhD by Research.
20. The candidate may appeal against the decision to reject a research degree proposal if the decision is based on entrance requirements or project specification.
21. To appeal against a decision under paragraphs 19 (i) or 19 (iii) above the candidate must write to Cardiff Metropolitan University's Registry Services (Ref: Appeals) detailing the grounds of appeal in full. Such appeal is to be made within two months of notification by the Committee of the decision against which the candidate wishes to appeal. Registry Services is to arrange for written independent opinion external to Cardiff Metropolitan University which in the case of project specification will be an expert in the field from another higher education establishment. The results of such enquiry must be notified by Registry Services directly to the candidate and the Chair of the Research Degrees Committee and are to be final.
22. To appeal against the termination of enrolment under paragraph 19 (ii) above the candidate must write to Registry Services (Ref: Appeals) detailing the grounds of appeal in full. Such appeal is to be made within two weeks of notification by the Committee of the decision against which the candidate wishes to appeal. Upon receipt of the case for appeal, Registry Services must conduct an appropriate investigation and thereafter refer the case to a member of the Vice-Chancellor's Board for decision. The decision must be communicated by Registry Services to the candidate and to the Chair of the Research Degrees Committee and is to be final.
23. Appeals against decisions of Research Degrees Committee shall normally be determined within three months of receipt of the letter of appeal.