B2.1: Regulations for academic integrity - appeals

Academic year 2024/25

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Introduction

Support

1. Students who are considering making an appeal will find it helpful to seek advice and support from the University of Surrey Students' Union, or its equivalent for the Associated and Accredited Institutions.

2. The University is committed to providing a fair, consistent and accessible service. The University believes that everyone who interacts with it has the right to be heard, understood and respected. The University believes that its staff have the same rights, and the University must provide a safe working environment for its staff. The University must also ensure the efficient and effective operation of its work, so that it can provide a good service to everyone. The *Procedure for managing behaviour in respect to Student Regulations and Procedures* applies to everyone who interacts or communicates with the University, including students and their supporters and describes types of actions and behaviour that may have a negative effect and what the University is expected to do in these circumstances.

Third party requests

3. Appeals are made by the student. Exceptionally, and only where a student is unable to do so on their own behalf, whether through illness or other unforeseen circumstances, an application can be made by a third party on behalf of the student. In such cases, the third party must show why the student is unable to make the appeal on their own behalf, and provide supporting evidence. The student must give their consent before the appeal can be processed. The evidence is submitted to the Office of Student Complaints, Appeals and Regulation (OSCAR) who will determine whether the appeal should be accepted. A decision will normally be made within five University working days of receiving the information.

Reasonable adjustments

4. Reasonable adjustments to the processes within these *Regulations*, including the extending of deadlines for student responses, will be made upon the production by the student of relevant third party evidence which demonstrates the need for those adjustments.

Exceptional circumstances

5. In exceptional circumstances it may be appropriate to amend the procedures set out in these *Regulations*, for example, where strict application of the *Regulations* would result in substantial unfairness to a student or a student is in some way at risk because of health or disability. Such cases will be rare and each will be treated on their own merits.

Burden of proof

6. When making an appeal it is for the student to show that one or more of the grounds listed in regulation 9 below apply.

Standard of proof

7. The standard of proof is that of the balance of probability; that it is more likely than not that something was or was not the case.

Confidentiality and General Data Protection Regulations

8. The University deals with appeals in confidence, to the extent that this is compatible with making enquiries and holding meetings to consider the matter. The University collects and processes a variety of personal data in order to fulfil relevant student Regulations (see the Regulations web page for a list of all Student Regulations). This

personal data may be provided by the student or collected from other departments within the University or taken from publicly available sources such as social media. The University processes personal data for this purpose in its legitimate interests. Some Regulations will require the sharing of sensitive personal data (defined as "special category" data by data protection legislation). The University processes and shares special category data in the substantial public interest and only where it is necessary to enable the University to fulfil its duties of care to the student, other students, or to safeguard third parties. More detail on the types of data collected and how it is used to meet this need can be found in the Student Regulations Privacy Notice, available at the above link.

Grounds for making an appeal

9. When making an appeal the student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:

    - that staff or bodies have failed to follow regulations and/or procedures or have failed to follow them with due care
    - that staff or bodies have shown bias or prejudice towards the student in the way they have made the relevant decision
    - that relevant new evidence has become available that should be considered and there are valid reasons why it was not provided earlier
    - that the decision was unreasonable and/or the penalty imposed was not proportionate in all of the circumstances

10. Where new evidence is raised, further investigations may need to be carried out which may require the appeal to be delayed pending the outcome of these investigations and to give the student an opportunity to consider any new information obtained.

Circumstances in which the University will not consider an appeal

11. An appeal against a decision where only the opinion of academic expert(s) will suffice is deemed to be a challenge to academic judgement and will not be considered.

12. The University will not consider an appeal where it can be shown, at any stage that the decision against which the appeal is directed has yet to be made or, if made, has yet to be confirmed. Nor will an appeal be considered where the substance of the appeal can be shown to relate to a matter that has already been the subject of an appeal by that student that is in progress or has been decided.

13. If at any stage of an appeal the evidence put forward to support the appeal can be shown to have been dishonestly acquired or is itself dishonest and/or can be shown to be an unreasonable demand or an unreasonable persistence (as detailed in the *Procedure for managing behaviour in respect to Student Regulations and Procedures*) the appeal will be closed and the evidence submitted to the University's disciplinary procedures as specified in the *Student disciplinary regulations*. The same approach will be taken if it can be shown that the student has tried to mislead the University about their case.

Status of students during an appeal

14. The decision against which a student is appealing remains in force until such time as the appeal is completed. When a student appeals against the termination of their registration, the University allows the student access to their University email account for the duration of the appeal.

Review by an OSCAR Case Manager

15. A student wishing to appeal against the findings or outcome of an academic misconduct process, is required to do so within 10 University working days of being notified of the decision. Appeals should be submitted to OSCAR on-line and in accordance with published requirements as to the format, content and length of submission. Further details are available on the OSCAR web pages. If the appeal is received on time, it will be assigned to a Case Manager. If a student is unable to provide all supporting evidence by the appeal submission deadline (for example, if they are awaiting receipt of a medical letter), then they are still required to submit their appeal within the 10 University working day timeframe (including a complete supporting statement and any available evidence) but may request an extension in respect of the submission of any pending evidence. Such requests should explain the reason the extension is required and be made by email to OSCAR at the time of the appeal submission.

16. If an appeal is received after the 10 University working days deadline the student will be asked to provide reasons and accompanying independent supporting evidence as to why the appeal is late. The reasons and supporting evidence will be considered by an OSCAR Case Manager to determine whether the reasons are valid. Consultation may take place with other members of staff in complex or unusual cases, and this will be recorded. A decision on the validity of the reasons will normally be made within 20 University working days of receiving the final submission of information from the student. If the reasons are not deemed valid, the appeal will not be considered and the student will be offered a Completion of Procedures letter.[1] If there are valid reasons, the appeal will be accepted and assigned to a Case Manager.

17. In the event that the student is known to all OSCAR staff such that there would be a reasonable perception of bias in them dealing with the case and any subsequent appeal, the case would be assigned to another member of staff within the Student and Academic Administration team.

Appeal dossier

18. Once assigned an appeal, the OSCAR Case Manager compiles information from relevant parties including the Faculty, Department or School to create the dossier which contains the evidence base for the appeal. This is normally done within 20 University working days of receiving the full appeal submission from the student. The dossier contains the appeal lodged by the student, the supporting evidence for their appeal, the information provided by the person or body that made the decision that is the focus of the appeal, and any other relevant information gathered by OSCAR. In cases where, upon initial review of an academic appeal dossier by the OSCAR Case Manager, an appellant appears to have not submitted any or enough sufficiently compelling evidence, the OSCAR Case Manager advises the student to provide further evidence in order to prevent their appeal being closed. The student may choose to provide additional evidence or to request a review based on initially submitted information.

Timeliness

19. Students have a right to have their appeal dealt with fairly and in a timely manner. Where a Faculty, Department / School Office, like body or Board of Examiners, is unable to respond to a request from OSCAR for information on an appeal within 10

[1] A Completion of Procedures letter is a formal written statement issued by the University to a student to confirm that the student has exhausted the University's internal procedures. A Completion of Procedures statement is required before a student can refer a matter to the Office of the Independent Adjudicator.

University working days of receiving the request the responsible staff are required to inform OSCAR why they are unable to comply with its request for a prompt response, so that OSCAR can monitor the situation and keep the student informed.

20. Where OSCAR has requested the student to provide additional information and the student fails to do so within 10 University working days of the request being sent to the student's University email address, the student will be sent a further reminder and warned that their appeal will be closed if a response is not received within a further calendar month.

Review of decisions made by Academic Integrity Officers (AIO) or the Academic Administration team

21. When the Case Manager has compiled the dossier, they consult with a member of staff from the pool of trained Chair persons and a sabbatical officer or student member nominated by the Students' Union to review the evidence and decide whether the appeal should be upheld in full, partially upheld or dismissed. A majority decision is made if agreement cannot be reached.

Findings and outcomes

22. Those reviewing the appeal may come to one of six findings:

    (i) that the findings of the AIO or Academic Administration team should be confirmed and the appeal dismissed;

    (ii) that a penalty imposed by the AIO or Academic Administration team should be varied;

    (iii) that there has been a failure to follow the University's regulations and/or procedures or to follow them with due care;

    (iv) that there was bias or prejudice towards the student in the way the AIO or Academic Administration team reached their findings or in other aspects of the procedure;

    (v) that relevant new evidence that was not available to the AIO or Academic Administration team at the time for valid reasons should be taken into account;

    (vi) that the decision of the AIO or Academic Administration team was unreasonable and/or that the penalty was not proportionate with the evidence presented in all of the circumstances.

23. Where the finding is as in (iii), (iv), (v) and/or (vi) those reviewing the appeal may:

    - direct the matter be heard anew;
    - substitute the findings of the AIO or Academic Administration team with their own findings;
    - or, where the unfairness to the student is extreme, nullify the findings of the AIO or Academic Administration team, end the process and, if relevant, reinstate the student.

    Those reviewing the appeal will also consider whether there has been any adverse impact on the student and whether the University should provide a remedy.

24. If the appeal is dismissed, the responsible Case Manager will write to the student explaining the grounds for the dismissal.

25. If the appeal is upheld in full or in part, the responsible Case Manager will direct the body or person that took the original decision to amend it in the light of the evidence provided and within 10 University working days of notification. If the decision to be amended is that of a Board of Examiners relating to an award, the amended decision

will be reported to the Senate Progression and Conferment Executive (SPACE). Depending on the nature of the decision to be amended, SPACE may take action directly. Decisions relating to postgraduate research students will be referred to the relevant Committee. In the interests of fairness to the student, to expedite matters it may be necessary to take Chair's action.

26. Those considering appeals should not have a close relationship with the student (or students) and should not have been involved in previously proven misconduct allegations against the student.

27. The student will not attend when the appeal is considered but those considering the case have the option to invite the student to attend a meeting if they feel that they need additional information from the student in person.

28. The Case Manager informs the student of the outcome within five University working days of the decision. The letter also states that it constitutes a completion of the University's procedures and that the student can request a review of the University's decision by the *Office of the Independent Adjudicator*.

Review of decisions made by Academic Misconduct Panels (AMP)

29. Academic Misconduct Appeal Panels are convened by OSCAR and conduct their business in accordance with the *Procedure for hearings by Panels* which detail how Panels work including, where relevant, the right of a student to attend a hearing and to be accompanied. It is expected that those asked to attend a hearing will acquaint themselves with the Regulations.

Membership of Academic Misconduct Appeal Panels

30. The membership of an Academic Misconduct Appeal Panel comprises two members of staff from the pool of trained Panel members, one of whom must be from the pool of trained Chair persons, who will chair the hearing. It also includes a sabbatical officer or a student member nominated by the Students' Union. A member of OSCAR attends as Secretary to the Appeal Panel.

31. Those considering appeals should not have a close relationship with the student (or students) and should not have been involved in previously proven misconduct allegations against the student.

Findings and outcomes of an Academic Misconduct Appeal Panel

32. An Academic Misconduct Appeal Panel may come to one of six findings:

    (i) that the findings of the AMP should be confirmed and the appeal dismissed;

    (ii) that a penalty imposed by the AMP should be varied;

    (iii) that there has been a failure to follow the University's regulations and/or procedures or to follow them with due care such as to deny the student a fair hearing;

    (iv) that there was bias or prejudice towards the student in the way the AMP reached its findings or in other aspects of the procedure;

    (v) that relevant new evidence that was not available to the AMP at the time for valid reasons should be taken into account;

    (vi) that the decision of the AMP was unreasonable and/or that the penalty was not proportionate with the evidence presented in all of the circumstances.

33. Where the finding is as in (iii), (iv), (v) and/or (vi) the Academic Misconduct Appeal Panel may:

    - direct the matter be heard anew by a differently constituted AMP;

- substitute the findings of the AMP with its own findings;
- or, where the unfairness to the student is extreme, nullify the findings of the AMP, end the process and, if relevant, reinstate the student.

The Academic Misconduct Appeal Panel will also consider whether there has been any adverse impact on the student and whether the University should provide a remedy.

34. Following a hearing by an Academic Misconduct Appeal Panel the Secretary conveys the findings of the Panel to the student and all relevant parties in writing. The Secretary's letter also states that it constitutes the completion of the University's procedures and that the student can request a review of the University's decision by the Office of the Independent Adjudicator.

Follow up to the findings and outcomes of appeals

35. In cases where an appeal has been partly or fully upheld and a decision made by a body or person has been directed to be amended in the light of the evidence provided, OSCAR contacts the relevant body or person 10 University working days after the findings were communicated to them to enquire what action has been taken to respond to the direction and/or findings. Where OSCAR does not receive a satisfactory response to its enquiry within a reasonable period (usually, 10 University working days) the matter is referred to the Chair of SPACE or the Chair of the relevant committee in the case of postgraduate research degrees.

36. Where, having looked into the matter, the Chair of SPACE or the Chair of the relevant postgraduate committee considers it necessary in the interests of fairness to the student to take action, they may convene a special meeting of SPACE or the relevant postgraduate committee which, having taken the advice of the relevant external examiners or assessors, if appropriate, may nullify the original academic decision of the body or person who took the decision and substitute its own decision which it reports to Senate.

37. Consideration should be given to referring a student's case under the *Regulations for support to study* where concerns exist about their health and wellbeing.