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Academic Regulations 9:

Academic Appeals Research Degrees

2024-2025

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Section 1

Definitions

For the purposes of these procedures:

Term	Definition
Academic appeal	Is defined as a request for a review of a decision taken by an assessment board
Complaint	Is defined as an issue/concern with services provided by the University; the delivery of a programme, teaching, or administration; misconduct by a member of staff or other students. The relevant procedures for dealing with complaints of this nature will either be the Student Complaints Procedure (General Regulations 2) or the Student Disciplinary Procedure (General Regulations 3)
Student	Is anyone on a programme of study or undertaking a research project who is registered for a University award. Separate Academic Appeals procedures exist for students on taught programmes, see Academic Regulations 8
Assessment board	Is the official body established by the Academic Council charged with decisions on student progress, assessment and award. The Assessment Boards for research degrees are the Faculty Research Degrees Committee and the University Research Degrees Committee (URDC)
University research degrees committee (urdc)	Is the assessment board for Research Degrees with delegated authority from the Academic Council to ratify examination recommendations and decisions made by Faculty Research Degrees Committees (FRDCs)
Faculty Research Degrees Committees (frdcs)	Are subsidiaries of the URDC with delegated authority to agree decisions regarding progression which are then ratified by the URDC
Academic council	Is the body in the University with the authority to deal with academic matters including the expulsion of students on academic grounds including failure or inadequate progress and the conferment of awards
Mitigating circumstances	Are defined for the purposes of assessment as circumstances of a serious nature, usually sudden or unforeseen, that occurred during or immediately before a specific item or period of assessment or annual progression point. These may be considered by a separate Mitigating Circumstances Panel. Students wishing to include mitigating circumstances in their appeal are advised to read the of Academic Regulations 5: Mitigating Circumstances and Student Assessment before submitting an appeal.

Stage 1	Is the initial stage of the appeal process. At Stage 1 academic appeals must be submitted within 15 University working days of the date that results are published to students
Stage 2	Is the review stage at which a student who is not satisfied with the Stage 1 decision, may submit a formal, written request for review by the Academic Registrar. Requests for a Stage 2 review must be submitted within 10 University working days of the date of the Stage 1 decision
Academic judgement	<p>Is a judgement that is made about a matter where only the opinion of an academic expert will suffice, for example a judgement about assessment, a degree classification, fitness to practise, research methodology or course content/outcomes.</p> <p>The fairness of procedures, the facts of the case, misrepresentation, the manner of communication, bias, an opinion expressed outside the area of competence, the way evidence is considered and maladministration in relation to these matters are all issues where academic judgement is not involved.</p>
Working days	When periods of days are referred to in this document, unless otherwise stated a 'day' is normally a University working day, which is any day except weekends, bank holidays and the period between Christmas and New Year when the University's administrative offices are closed. This applies even when some areas of the University, such as libraries and learning spaces, are open during these times

1. An Assessment Board derives its authority from Academic Council and is the only body that can:
 - agree results for students including any requirements for reassessment
 - agree the expulsion of a student for academic failure
 - consider the appropriate action to be taken where mitigating circumstances has been presented to the Board.
2. The decisions of an Assessment Board can only be set aside in exceptional circumstances. These are stated in paragraph 24.
3. Students must be informed of the dates by which any claims for mitigating circumstances must be submitted.
4. Stage 1 Academic Appeals should be submitted **within 15 University working days** of the publication of results on OSIS. Appeals received after this deadline should explain the reason for a late appeal submission e.g. the student was too incapacitated by illness to action the appeal within the stated timeframe. Stage 2 Academic Appeals should be submitted **within 10 University working days** of the Stage 1 outcome. If an appeal at either stage is submitted outside of the timeframe without an appropriate explanation as to why, it may be deemed out of time and no further consideration of the case undertaken.

Section 2

Scope and Purpose

5. The University's policies on the assessment of students, the role of external examiners and other related matters are published separately.
6. The Regulations do not cover complaints or appeals against matters which have already or are currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), a court, or a tribunal.
7. Students studying and/or researching at partner institutions who are enrolled on Kingston University courses will have access to Kingston University's Appeals Regulations for all assessment and progression decisions related to their degree.
8. The University wishes to ensure that the assessment process is carried out in accordance with the agreed procedures and that Assessment Boards have full and accurate information on which to base their judgements. The appeals process is designed to identify and rectify any failure of this process while ensuring fairness for all parties. All parties are required to act with impartiality and identify any actual or potential conflict of interest.
9. However, the University reserves the right to terminate the appeals process at any time if it judges that the appeal is vexatious or frivolous. This decision will be made by the Pro Vice-Chancellor (Education) on the advice of the Academic Registrar.
10. The University will make reasonable adjustments to the proceedings where necessary, including contact by email. Where a student is unable for any justifiable reason to use the online system to submit an appeal, the University will accept submissions made on forms available from the Academic Registry.
11. The appeals process excludes the following, for which separate Student Complaints Procedure (GR2) or the Student Conduct and Behaviour Procedure (GR3) exist:
 - complaints against services provided by the University
 - complaints about the delivery of a programme, supervision, or administration
 - complaints about misconduct by a member of staff or other students.
12. Students should ensure that the issues being raised are pursued in accordance with the relevant University procedure and should seek advice from the Union of Kingston Students' Advice Centre if there is any uncertainty.
13. Academic Appeal case investigators will be independent, i.e. they will not be directly associated with the student's teaching, learning or research and will not have had previous involvement with the particular case under review. Staff who were members or chairs of assessment boards that considered

the student's results will not normally be considered to have been previously involved in the case.

14. Student expenses for making an appeal or attending an appeal hearing will not be reimbursed by the University regardless of the subsequent outcome.

Accompaniment and representation

15. A student may wish to seek advice from the Kingston Student's Union when making an academic appeal. However, this is an internal procedure and it is appropriate for students to represent themselves with any necessary support that is permitted as follows:

Accompaniment

16. Students invited to attend a hearing may be accompanied by one friend, family member, officer or staff member from the Kingston Students' Union Advice Centre, or a Trade Union or professional association staff member, if applicable. The individual accompanying is not permitted to make representations, or answer questions on behalf of the student.

Representation

17. Representation by any third party will only be permitted where there is a compelling reason, for example, ill health and/or disability and if considered necessary by the Academic Registrar (whose decision is final). In such circumstances, the student must provide signed written consent for the representation. Representation at any other stage of the procedure may be permitted if the student submits a completed 'Nomination of third-party representative (academic appeal)' form which must accompany the relevant appeal submission.

Confidentiality

18. The University is committed to comply fully with the **Data Protection Act 2018** in its handling of personal data and will treat all appeals with confidentiality. Disclosure of evidence will be restricted to those parties involved in the investigation and review process. If a student wishes to make a request for a specific element of his/her appeal to remain confidential, this should be indicated on the academic appeals submission along with a brief rationale so that this can be considered further by the stage 1 and/or stage 2 investigator. It is not possible for the University to consider appeals which are made anonymously, nor will it consider requests made by appellants for appeals to be considered anonymously by case investigators.

Evidence

19. The University cannot verify every piece of evidence submitted and it has to trust the honesty and integrity of its students. However, it reserves the right to audit such claims and to treat any fraudulent or misleading submissions under General Regulations 3; Student Conduct and Behaviour

Procedure. This may result in the termination of registration with no opportunity to complete the programme at the University.

20. Students are normally required to provide evidence from an independent third party to support claims. Students will be asked to authorise the University to seek verification of the evidence under the Data Protection Act. Without this authorisation the appeal cannot be considered.
21. Evidence provided in a language other than English must be accompanied by an independent professional translation.

Section 3

Grounds for an Appeal

22. Research students have the right to appeal the outcome of progression decisions made by the Faculty Research Degrees Committee (FRDC) (including decisions on upgrade from MPhil to PhD and on Annual Monitoring) and the outcome of award decisions made by the University Research Degrees Committee (URDC).
23. A student will need to demonstrate that there is evidence of one or more of the following:
 - i) there has been a significant irregularity in the assessment process
 - ii) there is evidence of bias or a perception of bias in the assessment process
 - iii) FRDC/URDC was not aware of a significant factor relating to the assessment of one or more students. This includes mitigating circumstances that could not be presented to FRDC/URDC when it made its original decision. *

*Student's wishing to appeal using ground iii (noted above) are advised to read [Academic Regulations 5: Mitigating Circumstances](#) and Student Assessment prior to submitting an appeal.

24. The following are not considered to be legitimate grounds for an appeal:
 - complaints about the academic judgement of FRDC/URDC,
 - complaints about the way in which mitigating circumstances were considered unless there is clear evidence that the defined procedures were not followed by the mitigating circumstances panel.
 - information such as evidence of mitigating circumstances when there is no evidence to show why it could not have been presented at the correct time.
25. If an appeal is submitted that does not contain permissible grounds as detailed in paragraph 24, the Faculty or the chair of URDC at Stage 1, or the Academic Registrar at Stage 2, will write to inform the student that the appeal cannot be accepted for lack of relevant grounds.

Appeals and Student Complaints

26. If an academic appeal includes issues that fall within the remit of other procedures, such as the Student Complaints Procedure, students will normally be informed of this **within 5 University working days** of receipt of the appeal and directed to the relevant procedure, although in all cases it remains the student's responsibility to ensure that the correct procedures are followed.
27. Where a student has submitted both a complaint and appeal at Stage 1, the Faculty will liaise with the Academic Registry and other relevant

departments as appropriate to determine the best way forward for the issues raised. This will normally be done **within the 20 University working days** provided for the consideration of the appeal from receipt.

28. Where a student has submitted both a complaint and appeal at Stage 2, the Academic Registry will liaise with the Faculty and/or the Compliance Team and other relevant departments as appropriate to determine the best way forward for the issues raised. This will normally be done **within the 20 University working days** provided for the consideration of the appeal from receipt.

Stage 1 - Formal Investigation

29. Students who believe that they have evidence on which to base an academic appeal should seek advice from the appropriate member of staff and from the Kingston Student's Union Advice Centre. Further details about the Kingston Student's Union Advice Centre are available from <http://www.kusu.co.uk/advice> and they can be contacted by email to support@kingston.ac.uk.
30. If a student believes there are grounds for appeal as set out in paragraph 23, the matter can be raised initially with the member of staff responsible for the research programme (this may be a member of their supervisory team, Head of School, Faculty Research Administrator, or the Head of the Graduate Research School). Where appropriate and proportionate, the member of staff will provide the student with a written outcome. If the member of staff is unable to resolve the student's concerns, the student should submit a formal request for a stage one appeal using the online system **within 15 university working days** of the publication of results in OSIS
31. All academic appeals should be made using the online appeals system which can found under my course, in OSIS. Instructions in how to enter this system are provided on the AR8/AR9 [Academic Appeals landing page](#).
32. All evidence should be provided at the time the appeal is submitted. Where a student is awaiting evidence from a third party, they should submit their appeal and indicate that further evidence will be submitted at a later date using the relevant option in the online system.
33. The student should provide a statement that explains why they believe there is grounds for appeal and references the evidence to support the claim.
34. A Stage 1 appeal request will be acknowledged immediately via an automated email response. A member of staff designated within the Faculty to investigate appeals will undertake a review of the information provided.
35. For appeals relating to progression decisions, the Faculty will investigate the matter. For students in the Faculty of Health, Social Care and Education the investigation will be referred to the Dean of the Faculty or the Associate Dean for Research.

36. In the case of appeals relating to a final award decision, the Director of Graduate Research Programmes will investigate the matter.
37. If it is found that there is grounds for appeal, and the case investigator considers that the Board might have reached a different decision, the matter will be referred back to the FRDC/URDC to enable it to reconsider its decision. The Chair of the FRDC/URDC, will take the required action to rectify the error as soon as possible and will confirm the outcome to the student in writing, normally within 10 University working days of the date of the stage 1 decision letter. In cases where the appeal relates to the final examination of the submitted thesis, this will be done in consultation with the internal and external examiners and the independent chairperson.
38. The student will be informed in writing where the investigation shows that no mistake or irregularity occurred.
39. Written confirmation of the Stage 1 decision should be provided to the student **within 20 University working days** of receipt of the appeal.
40. Where the case investigator concludes that grounds for appeal have not been established, the student should be advised to follow Stage 2 of the process. If they wish to pursue the matter, students should submit a Stage 2 appeal **within 10 University working days** of the Stage 1 decision. Stage 2 of the process is outlined in the section below.
41. The University will consider the case closed, if the student does not submit a request for review of the stage 1 decision. No further action will be taken.

Stage 2 - Review of a Stage 1 Academic Appeal

42. Where the student is not satisfied that the matter has been resolved through Stage 1 of the process, s/he may submit a formal, written request to the Academic Registrar to undertake a Stage 2 – Review of a Stage 1 Academic Appeal. In doing so the student must state the grounds for the review and complete the Stage 2 application and provide all supporting evidence **within 10 University working days** of the Stage 1 decision using the online system in OSIS. Instructions on how to enter this system are provided on the AR8/AR9 [Academic Appeals landing page](#).
43. A student has the right to request a review of a Stage 1 appeal if there is evidence of one or more of the following:
 - i) there was an irregularity in the application of the Academic Appeals Regulations at Stage 1
 - ii) there is evidence that the outcome of the Stage 1 appeal was unreasonable in one or more circumstances
 - iii) here is new evidence available which the student was unable, for valid reasons, to provide earlier in the process
44. Stage 2 appeals will not be considered if the student has not completed Stage 1 of the process.

45. Students should seek advice from the Union of Kingston Students Advice Centre, before submitting an appeal. Further details about the Kingston Student's Union Advice Centre are available from <http://www.kusu.co.uk/advice> and they can be contacted by email to support@kingston.ac.uk.
46. A request for a Stage 2 review will be acknowledged immediately via an automated response. The Academic Registrar's office will reject the request for a review of the Assessment Board decision if the submission does not include relevant grounds or evidence.
47. The Stage 2 process can take up to **20 University working days** to complete. During this time, the original decision of the FRDC/URDC must be assumed to be the final decision.
48. The evidence submitted by the student together with any background information such as results, Assessment Board minutes and the reports from the Stage 1 investigation will be presented to the Academic Registrar who will decide to:
 - reject the appeal on the grounds of a lack of relevant evidence
 - hear the appeal (see Section 5)
 - Uphold the request for review and refer the case back to a new Stage 1 investigation
 - Uphold the appeal and refer to the Chair of the Assessment Board for reconsideration of results
49. The student will normally be informed in writing of the outcome of Stage 2 consideration **within 20 University working days** of the Stage 2 appeal request. If the appeal request is rejected, there will be no further opportunity for an appeal unless the student provides evidence to show that due process was not followed.
50. If the decision is to refer the case back to stage 1, the outcome of the subsequent investigation can be challenged at a new stage 2 review.
51. If the decision is to reject or uphold the appeal, the appeal procedures are considered completed (see Section 6)

Section 4

The Appeal Hearing

52. The Appeal Hearing will be conducted by a panel of the Senate and its composition will be as follows:

Role	Title
Chair	Pro Vice-Chancellor (Education) (or nominee)
Members	Two staff members of Academic Council and a Union of Kingston Students nominee
Clerk	The Academic Registrar (or nominee)

The panel is quorate when three members including the Chair and the Clerk are present.

53. The criteria for the selection of the staff members of the panel should ensure that they:
- have experience of serving on an Assessment Board
 - are unconnected with the original decision against which the review is being sought
 - are unconnected with the teaching or assessment of the student's programme of study.

Equal opportunities issues will be considered in the establishment of the panel.

54. If advice has been sought from Senate members at an earlier stage these members may not serve on the panel.
55. The panel will meet as soon as reasonably practicable after the student is notified that a hearing is required, normally **within one calendar month**. Where possible the date set will be at the student's convenience. The student's expenses for attending an appeal hearing will not normally be reimbursed by the University.

Procedures for conducting an appeal hearing

56. At least **10 University working days** in advance of the hearing the University will write to the student and ask that **within five University working days** the student:
- Confirm their attendance at the hearing
 - Confirm the name and relationship of the person who will be accompanying them to the hearing (see paragraphs 15-17)
 - Confirm the name and relationship of any witnesses that the student wishes to call during the hearing
 - Provide any additional evidence that they wish the appeal panel to consider that has not previously been submitted at stage one or stage two of the appeals process

- Provide an indication of the outcome they are seeking within the scope of the regulations.

Accompaniment

57. Students invited to attend a hearing may be accompanied by one friend, officer or staff member from the Kingston Student's Union Advice Centre, or a Trade Union or professional association staff member, if applicable. It is not normally expected that the individual accompanying the student makes representations or answer questions on behalf of the student, or attends in a legal capacity. The Appeal hearing is a matter of considering the accuracy of an assessment outcome, it is not constituted to consider any consequences of these outcomes.
58. The members of the appeal panel, the student, the person accompanying the student and the Dean of the relevant Faculty (or nominee) will receive the same documentation prior to the hearing including:
 - the student's submission and supporting evidence
 - the minuted discussion relating to the candidate at the Assessment Board
 - the evidence on which the original decision was based such as the assessment results
 - the relevant assessment regulations
 - information on how to access further advice and support
 - information about the composition of the panel, and
 - other documents which may be considered relevant.
59. Submission of additional evidence will not be permitted except orally during the hearing. Tabled evidence will not be permitted.
60. The panel will interview:
 - the student (who may be accompanied)
 - any witnesses that the student wishes to call
 - the Chair of the appropriate Assessment Board
 - any witnesses that the Faculty wish to call, who should include the Field Leader and any other appropriate members of the Assessment Board.
60. The student will be invited to hear the evidence of the programme team and the Dean of the relevant Faculty (or nominee) will be invited to hear the evidence of the student. Any witnesses for either the student or the Faculty are only permitted to attend the hearing during the period in which they are giving evidence.
61. It is a requirement that academic staff from the Faculty attend the meeting. An appeals panel has the power to call upon independent external expert(s) or adviser(s) as it deems fit.
62. The student is expected to attend the hearing in person. In the event of a student's non-attendance the appeal hearing will proceed. A representative will not be allowed to attend on the student's behalf. Exceptionally, this

condition may be waived by the Chair of the appeals panel where there is evidence to show that a student is unable to comply, e.g where a student is too incapacitated by illness to attend. Legal representation is not allowed.

63. Students have the right to call any witnesses that they choose who will be able to provide information pertinent to the issues under consideration at the appeal hearing. The Faculty also have the right to call any witnesses that they choose who will be able to provide information pertinent to the issues under consideration at the appeal hearing. Witnesses will not be able to ask questions on behalf of the student and are only permitted to be present whilst giving evidence.
64. The appeals panel will consider the evidence and agree on the balance of probabilities either that:
 - the Assessment Board should be asked to reconsider its original decision; or
 - the Assessment Board decision should stand.
65. In the event that the panel does not reach a consensus, the Chair will have the casting vote. No vote will be counted for absent panel members.
66. The appeals panel may also recommend to Academic Council changes to assessment procedures or highlight examples of good practice as a result of the appeals process.
67. After all evidence has been heard, the appeals panel will retire to a private meeting to consider their decision. Therefore, the student and the Faculty will be informed, in writing, of the outcome of the appeal hearing **within five University working days** and provided with a copy of the report.
68. The decision of the appeals panel is final and cannot be the subject of any further appeal unless there is evidence of significant procedural irregularity. In this case, a complaint would have to be made through the University's complaint process.
69. Where the appeals panel decide that the original Assessment Board decision should stand the student will be provided with a completion of procedures letter as stipulated below in paragraph 74.

Reconsideration by the Assessment Board

70. If the appeals panel decide that the Assessment Board is required to reconsider its decision, this must be done at the earliest opportunity and normally **within 20 University working days**. The student must be informed of the outcome **within five University working days** of the Assessment Board meeting and the minutes of the meeting sent to the Academic Registrar who will inform the members of the appeals panel.

Section 5

Completion of Procedures

71. At the completion of the University's internal processes relating to appeals, the Academic Registrar will issue a letter informing a student that the University's procedures are complete. If a student remains dissatisfied with the outcome it may be possible to make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Information and eligibility rules are available on their website.
72. If a student requests a Completion of Procedures Letter from the University following completion of Stage 1 and prior to the completion of Stage 2, the Faculty should provide a letter confirming that the student has not yet completed the University's internal processes.

Section 6

Managing Unacceptable Behaviours in the Academic Appeals Process

73. The University is committed to providing a fair, consistent and accessible service and believes that everyone who approaches us has the right to be heard, understood and respected. However, the University has a responsibility to protect its staff and will consider adapting its processes if an appellant's behaviour becomes unacceptable. This will be assessed on a case-by-case basis. However, some examples of unacceptable behaviour or actions are provided here:
 - Aggressive, offensive or abusive actions or behaviour, including threats, physical violence, personal verbal abuse, derogatory remarks and rudeness
 - Unreasonable demands or persistence, including continual phone-calls, emails or letters, insisting on speaking to particular members of staff, requesting responses within unreasonable timescales, continuing to pursue once a case has been closed.