

Procedure for the Consideration of Appeals against Decisions of Boards of Examiners for Research Degrees

1. A candidate's decision to submit his/her thesis for examination is entirely his/her own and this procedure, therefore, applies only to the conduct of the examination itself. Candidates are reminded that problems arising during their course of study are matters for the appropriate internal process and are not grounds for appeal against the result of the examination.

2. The procedure applies to candidates for the following degrees for whom the result of the examination was that the degree was not awarded:

the degree of PhD

the degree of MPhil

3. Candidates may appeal on one or more of the following grounds:

3.1 that a candidate's performance at the oral examination was affected by circumstances such as illness of which the examiners were not aware when their decision was taken and that this had produced an unfair result;

3.2 that there is evidence of prejudice or of bias or of inadequate assessment on the part of one or more of the examiners such that the result of the examination should not be allowed to stand;

3.3 that there were procedural irregularities in the conduct of the examination (including any instance of administrative error) of such a nature as to cause reasonable doubt as to whether the result of the examination would have been the same if they had not occurred.

4. A submission under this procedure shall be made in writing by the appellant with supporting evidence (including medical certificate for paragraph 3.1 above) to the Academic Registrar and must be received within two months of the date of notification to the candidate of the result of the examination.

5. The Appellate Committee shall be constituted as follows:

Chair: A Professor from a University of London College, drawn from a different subject area

Member 1: An external member of the Institute's Research Degrees Committee

Member 2: A member of University of London academic staff, drawn from the Specialist Subject List

6. No person shall be appointed as a member of an Appellate Committee who is from the same College as the appellant, or who has been involved in the examination concerned.

7. Prior to meeting the appellant, the Appellate Committee shall meet to confirm or reject that there is a case to be heard. They may dismiss an application for appeal on the basis of the candidate's submission alone, without a hearing being held and without seeking further information, when the application does not in their judgement fall within the remit of this procedure or does not disclose arguable grounds. Where inadequate grounds for an appeal are provided or the documentation is deemed to be defective, the Academic Registrar will advise the appellant.

8. If the Committee determine that the appeal should proceed, the appellant shall have the right to appear before the Appellate Committee. The appellant may be accompanied to the hearing and/or represented by a person of his/her choice. A person who will be accompanied and/or represented must submit to the Academic Registrar not fewer than seven days before the date appointed for the meeting of the Committee the name, address and a description of the person accompanying/representing him/her and must state whether that person is a member of the University.

9. The examiners shall be invited to attend the meeting of the Appellate Committee.

10. The Committee shall normally conduct the proceedings in the presence of both the appellant and the examiners. The appellant and/or his/her representative have the right to be present throughout the meeting of the Appellate Committee, as have the examiners, until such time as the Committee retires to consider its findings.

11. The documentation with which the Committee is provided shall include:

11.1 the written submissions of the appellant and of the examiners (should they wish to make a written submission);

11.2 the final report(s) and the preliminary independent reports of the examiners;

11.3 any other documentation either the appellant or the examiners wish to submit.

12. In addition the Committee may request to see any other document it considers relevant to the appeal.

13. The procedure is for the appellant to address the Committee first and, during this part of the proceedings, he/she may call witnesses, if this has been agreed in advance. The examiners shall be invited to make any observations. Any questions by the appellant or the examiners shall be put through the Chair. The appellant may make any concluding remarks. The members of the Appellate Committee may put questions to any of those present at any time during the proceedings. The Chair has the discretion to vary the procedure in any case where s/he considers it just to do so.

14. The Appellate Committee shall take one of the following decisions:

14.1 to reject the appeal, in which case the result of the original examination stands;

14.2 to request the examiners to reconsider their decision. The examiners shall normally be expected to hold another oral examination before reaching a decision as to whether the result should be changed;

14.3 to determine that the original examination be cancelled and that a new examination be conducted. The new examination shall be conducted by examiners who did not take part in the original examination and were not involved in the appeal.

15. The decision of the Appellate Committee shall be final and shall be transmitted to the appellant in writing. The Committee shall provide reasons for its decision.

16. When a new examination is held in accordance with paragraph 14.3 above, new examiners shall be appointed in accordance with the procedure made by the Institute. Two examiners should normally be appointed, or three if it is deemed appropriate, to act jointly.

17. The examiners should be external to the Institute and at least one should be external to the University of London. Otherwise the new examination shall be conducted in accordance with the Regulations and Instructions to Examiners for the appropriate degree in force at the time the appellant originally entered the examination. The examiners may make any of the decisions open to the original examiners. The examiners will not be given any information about the previous examination except the single fact that they are conducting a new examination following appeal.

18. The result of the original examination having been cancelled, the result of the new examination shall be accepted.

19. The Procedure detailed above completes the University's consideration of the matter. Attention is, however, drawn to the Office of the Independent Adjudicator (OIA). The OIA provides an independent scheme for the review of student complaints about a final decision of a University's disciplinary or appeal body. Full details and how to make a complaint are available on the [Office of the Independent Adjudicator](#) website.

Guidelines for Candidates making Appeals under this Procedure

1. An appeal should be submitted within two months from the date of notification of the result of the examination by the Records and Assessment Supervisor at the Institute.

2. Problems arising during courses of study, including any problems with supervision, should be addressed through other appropriate internal procedures and are not grounds for appeal against the result of the examination. An appeal will not be accepted where the basis of the appeal is on such grounds alone.

3. There is no set format for an appeal submission, but appellants should note the following:

3.1 the burden is on the appellant to prove his/her case, i.e. to satisfy the Committee on the balance of probabilities that the complaint should be upheld. The Committee also needs to be satisfied that the error or defect is such that the examiners' decision should not be allowed to stand. 'On the balance of probabilities' means that it is more likely than not that the appellant's account of events is true or correct;

3.2 the ground or grounds of the appeal must be set out. These must relate to the grounds set out in paragraph 3 of the Procedure. Each ground must be supported by evidence;

3.3 'evidence' for this purpose means the facts on which the appellant wishes to rely to support the ground in paragraphs 3.1, 3.2 or 3.3 of the Procedure. It may take the form of statements by the appellant of what was said, of documents, or of statements or comments by others. This supporting evidence must be sufficiently clear and precise so that, if its truth or accuracy is accepted by the Committee, it would offer a reasonable prospect of the appeal being allowed. An appeal application that does not set out the grounds or supporting evidence as described above will not be allowed to proceed to a hearing and will be dismissed.

Guidance as to the evidence which may be submitted

3.3.1 *Illness*: for example, a certificate or letter from a medical practitioner setting out the condition and its symptoms and effects, together with a statement from the appellant describing the condition and the difficulties he/she experienced. The Committee will be particularly concerned to establish that the illness affected the appellant's performance on the date of the oral examination.

3.3.2 *Prejudice, bias or inadequate assessment*: for example, a statement by the appellant, or comments emanating from a third party, recording comments or remarks made by the examiners, whether at the oral examination or otherwise, disclosing prejudice or bias or suggesting inadequate assessment. The comments, remarks or facts which in the appellant's view indicate prejudice, bias or inadequate assessment, must be set out fully and clearly.

3.3.3 *Procedural irregularities*: the appellant must set out clearly and fully what in his/her view are the irregularities or error, how and when they occurred and the person responsible, to the extent that this is known, and how it may have or did affect the outcome.

- the examiners' reports are automatically made available to the Appellate Committee, as is the abstract of the thesis. The latter is provided to give the Committee some idea of the subject matter of the thesis;
- the Committee is not charged with re-examining the thesis; the members will not have read the thesis: its sole purpose is to determine whether or not the examination was properly conducted;
- witnesses may be called only if permission has been sought in advance from the Chair.

Requests for permission should be addressed to the Academic Registrar.

4. An appeal not well made in the sense that evidence in support of the ground(s) of appeal is absent or inappropriate will not be considered by the Institute.

5. All those concerned with an appeal hearing, i.e. the members of the Appellate Committee, the appellant and the examiners, receive the same documentation. As members of the Appellate Committee are provided with copies of the examiners' independent preliminary reports, the appellant will receive copies also. The preliminary reports will be provided to the appellant when an indication is given that a submission will be made under the procedure.

6. Once the appeal submission has been received by the Academic Registrar, copies will be sent to the examiners, who will be asked whether they wish to make a written response to the submission. There is no requirement for them to do so. At the same time the examiners will be invited to attend the meeting of the Appellate Committee. Once the examiners have submitted their response (if any) and indicated whether they wish to attend the meeting of the Appellate Committee, the meeting itself will be arranged. If there are periods of time or any specific dates on which it is impossible for an appellant to attend a meeting, this information should be given to the Academic Registrar. An appellant living abroad at the time of making an appeal, who wishes to be present, will be asked if there are any particular periods when it would be more convenient to attend a hearing. If the appellant is unable to attend on the date fixed for the hearing - perhaps because his/her supervisor is unable to accompany him/her - a new date will be arranged on the understanding that no guarantee can be given as to when the re-arranged date might be. It is not easy to find dates mutually convenient for all members of the committee, the examiners and the appellant, but every endeavour will be made to arrange it as soon as possible after the cancelled date.

7. An appellant may be accompanied at the Appellate Committee hearing by a friend or representative, who is often the supervisor, and who may address the Committee. If an appellant is unable to attend the meeting of the Appellate Committee, he/she should ensure that any person representing him/her is appropriately briefed to speak for the appellant. The name of any such friend or representative must be submitted to the Academic Registrar at least a week before the meeting of the Appellate Committee.

8. The Appellate Committee will comprise three members. A Professor from a University of London College, drawn from a different subject area, an external member of the Institute's Research Degrees Committee, and a member of University of London academic staff, drawn from the Specialist Subject List. The latter may or may not have knowledge of the appellant's field of study, but will not be expected to have direct knowledge of the specific research.

The members of the Appellate Committee will not have read the appellant's thesis, apart from the abstract, and will not form a judgment on the academic merits or otherwise of the work.

9. The purpose of the hearing is to establish the facts in the light of all the evidence. The procedure is not therefore adversarial one and all questions by those present will be put through the Chair of the Committee. The appellant and the examiners will normally be present throughout the proceedings until such time as the Committee retires to determine its conclusions. The appellant and/or his/her representative may address the Committee and, during this part of the proceedings, may call witnesses if this has been agreed in advance. The examiners shall then be invited to make any observations. The Committee through its Chair will give both the appellant and the examiners an opportunity to respond to any points made orally by the other party. The appellant may make any concluding remarks. The members of the Appellate Committee may put questions to any of those present at any time during the proceedings.

10. The decision of the Appellate Committee will not normally be given to the appellant on the day of the meeting. The Appellate Committee will provide its decision in writing and this will be sent to the appellant as soon as possible, normally within 10 days.

11. The decision of the Appellate Committee is final. The Procedure detailed above completes the University's consideration of the matter. Attention is, however, drawn to the [Office of the Independent Adjudicator](#) (as per paragraph 19 above).