

The Courtauld

The Courtauld Institute of Art

Procedure for Appeals Against Decisions of Boards of Examiners for Research Degrees

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1.1 Introduction

A candidate's decision to submit their thesis for examination is entirely their own and this procedure 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.

1.2 Scope and Purpose

This 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

A student may appeal on one or more of the following grounds:

1. Where there is evidence that a candidate's performance at the oral examination was adversely affected by mitigating circumstances which the student was unable, or for valid reasons unwilling, to make known before the original decision was made.
2. Where 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. Where there is clear evidence that the examination may have been adversely affected by a significant administrative error on the part of The Courtauld or where there is concern that the examination may not have been conducted in accordance with the relevant Instructions and/or Regulations.

1.2 Duty to Make Reasonable Adjustments

In accordance with the Equality Act 2010 The Courtauld will consider any reasonable adjustment to these regulations to take into account the needs of individual students.

1.3 Collaborative Provision

Where a student from another institution takes an examination with The Courtauld as the host institution, The Courtauld will manage the appeal process under these regulations.

2.1 Representation to the Academic Registrar

Any representation shall be made within **one month** of notification to the candidate of the result of the examination, unless, having regard to the circumstances of a particular case, the Academic Registrar determines that a representation made outside this period be allowed.

Representations must be made in writing using the Academic Appeal Form and sent to the Academic Registrar and will state the grounds on which the representation is made and provide evidence to support it. If the Academic Registrar determines that there is sufficient evidence to form the basis of an appeal the representation will be referred to the Research Appeal Panel.

An appeal may be rejected before forwarding to the Research Appeal Panel for consideration in the following circumstances:

1. Where the appeal is not made on the correct form or the form is incomplete.
2. Where the appeal has been submitted late.
3. Where, if appealing on grounds of reasonable adjustment there is no independent third-party evidence of the mitigating circumstances; or the evidence provided is not a certified translation.
4. Where the appeal contains no evidence that grounds for review have been met.
5. Where the appeal is frivolous or vexatious.
6. Where the appeal does not fall within the scope of this regulation and should be considered under an alternative regulation.

2.2 Research Appeal Panel

The Research Appeal Panel will meet to consider the outcomes of cases where an appeal has been accepted for consideration. The Research Appeal Panel will consist of:

1. The Chair will be the Head of Research Degrees or nominee, who shall act as Chair.
2. An external member of The Courtauld's Research Degrees Committee.
3. A senior internal member of staff drawn from a pool of approved staff.

No member of the Panel will have any prior knowledge of the student or personal involvement in the case. At the discretion of the Chair, the Panel may be supplemented with additional members with expertise in the academic area of the appeal. The Secretary of the Panel will be the Research Degrees Programme Officer.

The quorum for the Panel shall be the Chair and two other members. The decision of the Panel shall be reached by a majority vote of the members. The Chair shall have an additional casting vote where necessary.

The student will be informed of the date of the meeting of the Research Appeal Panel not less than 10 working days in advance. The student may choose to appear before the Panel but the Panel may also hear a case, by mutual agreement, in the absence of the student. The student should be informed that they have the right to bring a family member or friend for support or a Students' Union representative to the meeting. Disabled students may also be accompanied by a support worker e.g. sign language interpreter or mental health worker/disability adviser as appropriate to their needs. Any reasonable adjustments should also be considered. Proxies for students shall not normally be allowed.

The examiners shall be invited to attend the meeting of the Research Appeal Panel.

The Research Appeal Panel will normally conduct the proceedings in the presence of both the student and the examiners. The student and/or their representative have the right to be present throughout the meeting of the Research Appeal Panel, as have the examiners, until such time as the Panel retires to consider its findings.

Documentation in support of the request for review will be circulated to the Research Appeal Panel, the student and the examiners not less than 5 working days before the meeting. The documentation with which the Panel is provided will include:

1. The written submissions of the student, the viva Chair and of the examiners (should they wish to make a written submission).
2. The final report(s) and the preliminary independent reports of the examiners.
3. Any other documentation either the student or the examiners wish to submit.
4. In addition, the Panel may request to see any other document it considers relevant to the appeal.

The meeting will commence with private discussions within the Research Appeal Panel to clarify matters of process and to consider the documentary evidence. The student, and any accompanying person, will be called address the Panel first and, during this part of the proceedings, the student may call witnesses, if this has been agreed in advance. The examiners will then be invited to make any observations. Any questions by the student or the examiners will be put through the Chair. The student may make any concluding remarks. The members of the Panel 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 they consider it just to do so and may call other persons connected with the proceedings from which the appeal arises to address the Panel.

The Research Appeal Panel will meet privately to reach its decision. Having considered the evidence, the Panel may uphold or reject the appeal, such a decision being final and exhausting The Courtauld's Procedure for Appeals Against Decisions of Boards of Examiners for Research Degrees.

The absence of the student or the examiners will not prevent the Research Appeal Panel from taking place nor invalidate the proceedings. In the event that the student has indicated they will attend but then cannot do so for good reason, an adjournment would generally be considered.

The Research Appeal Panel will minute its deliberations and decisions. The Panel may take one of the following decisions:

1. To reject the appeal, in which case the result of the original examination stands.
2. Where there is clear evidence that the examination has been adversely affected by a significant administrative error, to request the examiners to reconsider their decision. The examiners will normally be expected to hold another oral examination before reaching a decision as to whether the result should be changed.
3. To determine that the original examination be cancelled and that a new examination be conducted. The new examination will be conducted by examiners who did not take part in the original examination and were not involved in the appeal.

4. To determine where there is disagreement between examiners, in which the Panel either rejects one examination report and bases the decision on the other report, or retains the one positive report and commissions a second examination report, but without an additional viva, upon which the decision will be made.

The student will be informed of the outcome in writing by the Chair and the letter will provide clear reasoning for the outcome within 5 working days of the meeting of the Research Appeals Panel together with a Completion of Procedures (COP) letter. Supply of a COP letter is a requirement of our membership of the Office for the Independent Adjudicator for Higher Education (OIA). The decision of the Research Appeals Panel is final and will conclude The Courtauld's consideration of the matter.

The Research Appeal Panel will normally reach a decision on the appeal within 30 working days of receipt by the Academic registrar, subject to the need to compile required documentation and to meet as appropriate.

Students have no automatic right to continue with their studies or to progress to the next stage of their programme pending the outcome of an appeal. The Courtauld may exercise its discretion to allow this attendance, if applicable and permitted by the programme regulations.

When a new examination is held in accordance with the outcome of the Research Appeal Panel, new examiners shall be appointed in accordance with the procedure made by The Courtauld. Two examiners should normally be appointed, or three if it is deemed appropriate, to act jointly.

The examiners will be external to The Courtauld. Otherwise, the new examination will be conducted in accordance with the Regulations and Instructions to Examiners for the appropriate degree in force at the time the student 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.

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

When a new examiner is appointed to provide a second examination report without an additional viva, the new examiner will be appointed in accordance with the procedure made by The Courtauld. The examiner will be external to The Courtauld and the examination report will be completed in accordance with the appropriate Regulations and Instructions to Examiners.

3.1 The Office of the Independent Adjudicator for Higher Education (OIA)

If the student has exhausted all the internal process at The Courtauld regarding the appeal and is still dissatisfied with the outcome, the student can contact the Office for the Independent Adjudicator for Higher Education (OIA).

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The Courtauld Institute of Art is a member of this scheme.

If the student is unhappy with the outcome the student may be able to ask the OIA to review the case. Further information can be found here: <https://www.oiahe.org.uk/students>.

Normally the final stage of the procedure must be completed before a complaint can be made to the OIA. When there are no further steps that can be taken internally The Courtauld will issue a student with a Completion of Procedures Letter automatically. More information about Completion of Procedures Letters and when a student should expect to receive one are here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

4.1 Procedure for Appeals Against Decisions of Boards of Examiners for Research Degrees Timeline

Ref	Stage	Action	Working Days
2.1	Representation to the Academic Registrar	Representations made in writing to the Academic Registrar, stating the grounds on which the representation is made and providing evidence to support it.	1 month from the date of notification to the student of the decision by Board of Examiners.
3.1	Research Appeal Panel	An Appeal Panel will be convened to consider the representation. The Panel will review the case, make a decision and notify the student in writing of the outcome. The student will also receive a Completion of Procedures Letter.	30
4.1	Referral to Office for the Independent Adjudicator for Higher Education (OIA)	If the student does not accept the outcome of the Appeal Panel, referral may be made to the OIA.	(12 months from receipt of Completion of Procedures Letter)

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