STANDING ORDERS ON ACADEMIC REVIEW PROCEDURE

1. There shall be a Senate Academic Review Committee (SARC), which shall consist of up to 12 academic members of staff (4 from each Faculty) appointed by the Senate for such period, not exceeding four years, as the Senate shall determine.

2. For the purpose of discharging its functions the Committee shall operate through a panel or panels of three, comprising a Chair and two other members. Any member of the Committee may be asked to chair a Panel dealing with a particular case. All academic members of Senate are eligible to act as Chairs and members of a Panel.

3. The function of the Committee shall be that of reviewing, on behalf of the Senate, cases where:
   3.1 students have been required by their Faculty to withdraw from the University on academic grounds;
   3.2 students have been refused admittance by their Faculty to examination on the grounds that they have not complied with the requirements for the examination in that they have not diligently pursued the course of study prescribed by the Board of the Faculty concerned;
   3.3 an appeal is rejected either by a Review Panel or Dean or by the Faculties Support Officer following its submission in accordance with Annexes 10 or 13 of the Credit Framework for Taught Programmes of Study or the Standing Orders Governing Research Appeals where:
      3.3.1 the Faculties Support Officer determines that the appeal has failed to meet the technical conditions for appeals outlined in section 4.2 of Annex 13: Appeals against Recommendations of Boards of Examiners of the Credit Framework/section 4 of the Standing Orders Governing Research Appeals; or
      3.3.2 the Dean determines, on the basis of evidence presented by the student and obtained by the Faculties Support Officer, that there are no grounds for review; or
      3.3.3 the Dean determines that there is not good reason for the late submission of evidence relating to illness, misfortune or other relevant circumstance, or that the evidence is not of sufficient substance to constitute a case for review; or
      3.3.4 the Dean determines that there is no evidence of prejudice or bias or the perception of prejudice or bias against the student; or
      3.3.5 where the outcome of the student's appeal to the Faculty does not correspond to the remedial action sought by the student as outlined in section 6.2.6 of Annex 13: Appeals against Recommendations of Boards of Examiners of the Credit Framework/section 10 of the Standing Orders Governing Research Appeals; or
      3.3.6 the Faculty Review Panel elects not to vary the original decision against which the student is appealing;
   3.4 In all cases arising under 3.1-3.3 the Senate Academic Review Committee will consider only whether the original appeal was considered properly and fairly.
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4  Procedures

In all cases arising under sections 3.1-3.3 the following procedures will apply provided that a representation (including all relevant evidence and supporting documentation) is received by the Secretary of the Committee not later than 21 days after the notification of the decision prompting the appeal.

4.1  Initial Assessment

The Secretary shall determine, on the basis of the student’s representation, whether the appeal is appropriate to the remit of the Committee, i.e. is made on the grounds (supported by objective evidence) that there was procedural fault in the conduct of the appeal by the Faculty and/or that the outcome was unfair.

4.1.1  Where the appeal is judged as not submitted on grounds appropriate to the remit of the Committee, the Secretary shall inform the student that there is no basis to proceed with the appeal;

4.1.2  Where the appeal is judged as submitted on grounds appropriate to the remit of the Committee, the Secretary shall request that the Faculties Support Officer provides an account of the conduct of the appeal and produces all relevant papers. Where the student is appealing against the decision of a Board of Examiners, the documentation should include the relevant minute(s)/record of the Board of Examiners’ and Concessions Committee meetings.

4.2  New Evidence

Where the student’s representation presents new evidence, the Secretary shall determine if there is good reason why this evidence was not made available to the Faculty at the time of the consideration of the original appeal, and shall proceed as follows:

4.2.1  if good reason for the late submission of new evidence is found, the case will be remitted to the Faculty for reconsideration;

4.2.2  if good reason is not found for the late submission of new evidence, the Secretary shall recommend to the Chair that it be discounted when undertaking his/her assessment of the case;

4.3  Assessment of the Case by Chair

The Chair shall undertake an initial assessment of the case based on the student’s representation to the Committee and the evidence provided by the Faculties Support Officer and shall determine whether there are reasonable grounds to believe that the original appeal was not considered properly and fairly. The Chair may, if he/she considers it necessary, consult with other SARC members during his/her assessment of the appeal submission.

4.3.1  Where the Chair determines, after assessment of the allowable evidence, that there are not reasonable grounds to believe that the original appeal may have been considered improperly and/or unfairly, he/she shall dismiss the case and ask the Secretary to so inform the student of the outcome and the reason or reasons why the case has been dismissed.

4.3.2  Where the Chair determines, after assessment of the allowable evidence, that there are reasonable grounds to believe that the original appeal may have been considered improperly and/or unfairly, the Chair shall instruct the Secretary to:
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- remit the case for re-consideration to the appropriate Board of Examiners or the Faculty;

or

- convene a Panel of the Committee to review the evidence.

5 Procedures for Review

The Committee/Panel shall have the power to regulate its own procedure, to rule on the relevance of evidence and to call for the attendance of any member of the University or the production of any relevant documents.

5.1 Once the Chair has determined that there are sufficient grounds for a SARC Panel review of an appeal decision, the Secretary will inform the appellant, Faculty and the School concerned that the case is to be reviewed by the Committee. The Secretary will invite relevant members of the Faculty (e.g. Dean and/or Faculties Support Officer) and the School (e.g. Chair of the Board of Examiners) to attend the Review Panel hearing. The appellant, Faculty and School representatives will be informed that they may submit evidence to the Review Panel in writing and in person and except where the Chair rules that evidence provided by either party should remain confidential to the Review Panel, they will each be provided with copies of the written evidence submitted by the other and they will both be permitted to hear the other’s verbal evidence. In cases where an appellant has made an allegation about the conduct of an individual staff member, the individual staff member should be informed of the allegation and invited to comment on it in cases where the accuracy of the fact is relevant to the findings of the SARC Panel. Having heard all the evidence at the hearing, the Panel shall meet privately to reach its decision.

5.2 The appeal shall be heard by a Panel of three SARC members (the Chair and two other SARC members). The Panel members should not have had any previous involvement with the original decision/recommendation or have any particular interest in the appellant (e.g. the appellant is a relative).

5.3 The appellant, Faculty and School staff members concerned shall all be given adequate notice of the date of the hearing.

5.4 The appellant, Faculty and School staff members concerned shall be advised of the following in writing in advance of the hearing:

- Date, time, location and purpose of the hearing.
- Composition of the SARC Panel.
- Other persons who will be attending the hearing and their roles within the process.
- The process the hearing will follow and their role within this process.
- Documentation to be considered by the SARC Panel.

5.5 The appellant shall be advised of his/her right to be accompanied to the hearing of the SARC Panel by a member of staff or a student of the University of a member of staff from the Students’ Union (e.g. Sabbatical Officer or Student Adviser) or a relative. SARC Panels are not legal proceedings and a student may not be accompanied by a legal representative even if the legal representative is a member of staff or student of the University, a member of staff from the Students’ Union or a relative. Individual members of academic staff may accompany an appellant to a hearing, but, they should
not take on a formal role of representing or advocating the interests of the appellant. Where the appellant wishes to be represented, representation should be conducted by the Students’ Union or other non-legal body.

5.6 Where a student attends a SARC Panel Review that attendance will normally be in person. The student may alternatively attend the Review meeting via video link where the student makes the request in good time before the hearing and where the student cannot reasonably be expected to attend the hearing in person. The student shall make his or her own arrangements for attendance and at his/her own expense, whether attendance is in person or via video link.

5.7 The Secretary shall be responsible for organising the hearing, producing a written record of the hearing and communicating the outcome of the hearing to the student.

6. **Recommendations arising from Review**

   A Review Panel may on occasion consider it necessary to make recommendations to a School or department on the basis of findings arising from the review. Where such recommendations are made the secretary of SARC will forward them to the Faculty Support Office and the School/department concerned. The School/department is required to report on how it has responded to those recommendations. This should be within the timeframe specified in the SARC hearing report. The School/department’s report should be sent to the secretary of SARC who will include the information in the annual report to Senate.

7. **Powers**

   7.1 In the exercise of its functions the Committee/Panel shall have the following powers:

   7.1.1 the power to remit the case for re-consideration to the appropriate Board of Examiners or the Faculty;

   7.1.2 in the case of appeals arising from taught programmes the power to confirm, vary or reverse the decision on behalf of the Senate, including the power to so act in a case which has earlier been remitted under section 6.1 above;

   7.1.3 in the case of appeals arising from research programmes, the power to confirm vary or reverse the decision according to the decisions which would have been available to a Faculty Review Panel considering the case as outlined in sections 12-14 of the Standing Orders Governing Research Appeals;

   7.1.4 the power to made general recommendations to the Board of Examiners or the Faculty, and to the Senate as to procedure in future cases.

   7.2 The Committee/Panel shall only vary or reverse the decision of the Board of Examiners or the Faculty in cases where the procedures followed have been irregular or unfairly operated, or where it is satisfied that in the light of the evidence (whether originally available or newly tendered) the decision is in the view of the Committee unreasonable or unduly harsh and therefore unfair.

   7.3 If having determined that an appeal case should be upheld, the Committee should, wherever possible, refer matters of academic judgement back to the School for reconsideration. The Committee will need to determine whether the remedial action proposed involves an element of academic judgement.
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7.4 A written record of the hearing shall be prepared and this will be approved by the Chair of the Committee. The written record of the hearing should include an explicit finding of the facts on which the SARC Panel’s decisions rest.

8 Falsified Evidence

Where there are grounds to consider that documentary evidence submitted in support of an appeal has been falsified, the Chair of the Committee will disregard such evidence and the appeal will thereafter be considered on the basis of the remaining evidence. The submission of falsified evidence will be referred for consideration by the Master of the student’s College under the Regulations on Student Discipline in Relation to Non-Academic Matters. The referral will include a recommendation as to whether the matter should be regarded as a ‘minor’ or ‘major’ offence.

9 Next Stage

Where an appeal to the Senate Academic Review Committee is unsuccessful, appellants have the right to submit a grievance to the University’s Council. Appellants who wish to take up that right must write to the Secretary of the Council to request a review by the Council, not later than three months after the date of the letter from SARC providing the outcome of the appeal. Appellants should note that “the Council would not normally intervene to change decisions by University Officers or formal bodies which has been properly exercised or determined unless procedural fault, bias, irregularity or other inadequacy was found.” (Extract from the University Complaints Procedure).

1 See https://www.kent.ac.uk/teaching/qa/guidance/appeals.html