

# Request for the Review of a Progress Assessment Decision – Research Degree Candidates

UPR AS20 version 03.0

## Policies superseded by this document

This document replaces version 02.1 of UPR AS20, with effect from 1 September 2020.

## Summary of significant changes to the previous version

Minor amendments have been made for clarification purposes only.

## Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

## Table of contents

1	Scope of regulations.....	1
2	Confidentiality and Data Protection.....	2
3	General principles .....	2
4	Informal procedure .....	3
5	Formal procedure.....	3
5.10	Representations to the Vice-Chancellor .....	4
5.10.2	Guidance .....	5
5.10.8	Progress Assessment Appeal Panel.....	6
6	Letter of Decision .....	8
7	Academic Board.....	8
8	Vice-Chancellor.....	8
9	Further representations .....	9

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## 1 Scope of regulations

- 1.1 These procedures will be followed in cases where a candidate or a member of staff wishes to raise a query concerning a recommendation or decision relating to a Progress Assessment.

- 1.2 Whilst no restriction is placed on the range of queries, including requests for confirmation, clarification or elaboration of a recommendation or decision, the University may not be able to answer all possible questions, or be able to provide as full a response as may be desired by the candidate raising the query.

## 2 Confidentiality and Data Protection

The University will deal with any review under these procedures in accordance with the legal context for data protection.

## 3 General principles

- 3.1 Whilst candidates may raise queries about the outcome of a Progress Assessment, the University will not admit queries which consist solely of a challenge to the academic judgement of the Assessment Panel in assessing the merits of a candidate's work, or in reaching a decision or recommendation on progression, based on information relating to the candidate's performance.
- 3.2 Where queries relate to the correctness of a recommendation or decision (such as a request to be given the reasons or a request that it be reconsidered) the University will respond only to those that fall within the permitted grounds for a request for the review of a Progress Assessment decision which are set out in UPR AS10<sup>1</sup>.
- 3.3 At all stages of these procedures the powers of the Director of Research Degrees and the Vice-Chancellor are limited to the referral of a case to the Research Degrees Board for reconsideration, where they are satisfied that this is a justifiable course of action.
- 3.4 The Research Degrees Board acts under authority delegated to it by the Academic Board and the decision of the Research Degrees Board on a referred appeal is final other than in exceptional circumstances where the Academic Board may decide to exercise its powers.
- 3.5 With limited exceptions, all written materials considered by the Director of Research Degrees (or nominee) or the Vice-Chancellor in their respective deliberations under this policy will be provided to the candidate.

**(Note:**

The permitted grounds for a request for the review of a Progress Assessment decision are set out in UPR AS10<sup>2</sup>.)

- 3.6 Candidates should note that at no stage do the procedures set out in this document (UPR AS20) allow for external representation, for example, by a Trade Union representative or a lawyer.

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<sup>1</sup> UPR AS10 'Research Degrees - Generic Institutional Regulations'

- 3.7 At any meeting concerning the query, the candidate has the right to be accompanied by a Student's Adviser or to be represented by a member or nominee of the Students' Union Executive (see section 5.10.8, iii).

## 4 Informal procedure

Within the limits of the permitted grounds set out in UPR AS10<sup>2</sup>, a candidate may initially wish to raise queries informally with the Chair of the Assessment Panel. This should be done at the earliest opportunity, but in any case within five (5) working days of the date of the written notification of the outcome of the Progress Assessment. The candidate will receive an answer as quickly as possible. Some queries may take longer to address than others, depending on their nature.

## 5 Formal procedure

- 5.1 Irrespective of whether they have raised a query informally using the procedures set out in section 4 and regardless of whether they have received a response, candidates wishing to request a formal review of an Progress Assessment decision must do so using the procedures set out in this section (5) within ten (10) working days of the date of the written notification of the outcome of the Progress Assessment.

**(Note for guidance:**

It should be noted that the date referred to in section 5.1, relates to the date of the written notification and not to the date of its receipt.)

- 5.2 Any candidate wishing to request a formal review may seek guidance from the Doctoral College or the Students' Union.
- 5.3 Requests for a formal review must be made in the form of a written submission which must be lodged with the Director of Research Degrees (or nominee) within ten (10) working days of the date of the written notification of the outcome of the Progress Assessment.

**(Note for guidance:**

It should be noted that the date referred to in section 5.3, relates to the date of the written notification and not to the date of its receipt.)

- 5.4 The candidate's written submission will:
- a summarise the case and grounds for requesting the review;
  - b indicate the date of the written notification of the outcome of the Progress Assessment;
  - c include any relevant documentary evidence.

- 5.5 Upon receipt of a written request for a review, the Director of Research Degrees (or nominee) will consult colleagues to determine whether there are sufficient grounds to justify a review and may at his or her absolute discretion, meet with the candidate to discuss the matter. Having completed his or her consultations and having reviewed all the evidence, the Director of Research Degrees (or nominee) will within **15** working days of the receipt of the request or as soon as possible thereafter:
- i dismiss the request, or
  - ii refer the matter to the Research Degrees Board.
- 5.6 In either case (see section 5.5, i or 5.5.ii), the Director of Research Degrees (or nominee) will inform the candidate of his or her decision in writing by means of a **Letter of Decision** in the format set out in section 6 and will provide a copy of the **Letter of Decision** to the Academic Registrar.
- 5.7 Where a request has been referred to the Research Degrees Board, the Research Degrees Board will review the outcome of the Progress Assessment in the light of the candidate's submission, and will take the appropriate action.
- 5.8 The Research Degrees Board may confirm the outcome of the Progress Assessment; invite the Assessment Panel to reconsider the outcome; invite the candidate to re-submit for his or her Progress Assessment under such conditions as the Research Degrees Board may determine at its absolute discretion, either with the original Assessment Panel or with an Assessment Panel newly appointed by the Research Degrees Board; and/or take such other action(s) as the Research Degrees Board at its absolute discretion sees fit having regard to the circumstances.
- 5.9 Where a request has been referred to the Research Degrees Board, the Director of Research Degrees (or nominee) will subsequently notify the candidate, in writing, of the decision of the Board by means of a **Letter of Decision** in the format prescribed in section 6.
- 5.10 Representations to the Vice-Chancellor**
- 5.10.1 In the event that either:
- i a candidate has had their request dismissed by the Director of Research Degrees (or nominee) or
  - ii the outcome of the Progress Assessment remains unchanged after the request has been referred to the Research Degrees Board by the Director of Research Degrees (or nominee),

then a candidate may, in limited circumstances, make representations to the Vice-Chancellor, in their capacity as Chair of the Academic Board. These representations can be made **only** on the grounds that exceptional circumstances apply but it must be emphasised that any submission to the Vice-Chancellor should not be regarded as merely another opportunity to present the same arguments as those submitted to the Director of Research Degrees (or nominee) and should be made only if the candidate believes that the correct procedure has not been followed and/or that all the relevant circumstances have not been considered and/or there is new evidence not previously considered by the Director of Research Degrees.

#### 5.10.2 **Guidance**

Before making such a submission to the Vice-Chancellor, the candidate is strongly advised to seek guidance from the Dean of School (or nominee) concerned, who may further consult appropriate colleagues within the School. The candidate may also wish to seek advice from the Students' Union.

5.10.3 If, having obtained appropriate guidance, the candidate wishes to pursue the matter, they must make a written request to the Vice-Chancellor, within ten (**10**) working days of, as appropriate,

- i the date of the **Letter of Decision** notifying the candidate that their request has been dismissed (see section 6);
- ii the date of the written notification from the Research Degrees Board of its decision that the outcome of the Progress Assessment is unchanged;

that they wish the outcome of the Progress Assessment to be reviewed.

**(Note for guidance:**

It should be noted that the dates referred to in section 5.10.3, i and ii, relate to the date of the correspondence referred to in the relevant section and not to the date of its receipt.)

5.10.4 The written request must be supported by a statement detailing the grounds upon which the review is being sought, together with any relevant documentary evidence.

5.10.5 The Vice-Chancellor may decide that an investigation should be conducted into the request for review and may seek further information.

5.10.6 The Investigating Officer (normally the Dean of Students) will inform the Academic Registrar (or nominee) that an appeal is pending and of the outcome when the final decision is reached.

- 5.10.7 Upon receipt of the candidate's written submission and the results of any further investigation, the Vice-Chancellor will consider all the evidence and determine whether there is sufficient justification to merit a review. Their decision will be based on an assessment of whether any of the exceptional circumstances referred to in section 5.10.1 apply, and not on any consideration which questions the academic judgement of the Assessment Panel or the Research Degrees Board. Within **20** working days of the receipt of the appeal or as soon as possible thereafter, they will:
- i dismiss the request, and advise the candidate accordingly by means of a **Letter of Decision** in the format prescribed in section 6, or
  - ii determine that there is sufficient justification to require the Research Degrees Board to reconsider the case, and advise the candidate accordingly by means of a **Letter of Decision** in the format prescribed in section 6, or
  - iii determine that a more detailed review should be made, involving, possibly, the gathering of additional evidence and/or the seeking of further guidance and/or the establishment of a Progress Assessment Appeal Panel, and advise the candidate accordingly in writing.

Where the decision of the Vice-Chancellor is to dismiss the request, the **Letter of Decision** will be accompanied by a **Completion of Procedures Letter**, issued by the Office of the Dean of Students, which may be used in relation to any future dealings with the Office of the Independent Adjudicator.

#### 5.10.8 **Progress Assessment Appeal Panel**

The Vice-Chancellor at their absolute discretion, may require the Secretary and Registrar, as Secretary to the Academic Board, to establish a Progress Assessment Appeal Panel.

- i The Panel will consist of three (**3**) independent senior academics with experience of supervising and examining research degrees, who are not members of the Research Degrees Board, and who have had no previous involvement with the candidate's research programme. The Panel may interview the appellant, may obtain further information, if necessary, and may consider other appropriate representations.
- ii At any meetings to discuss the process of the query, the candidate will be entitled:
  - a to present any evidence or documentation that is relevant to the representations being made and
  - b either to be accompanied by a Student's Adviser (see section 5.10.8, iii) or
  - c where they wish to exercise the right to representation, to be accompanied by a member or nominee of the Students' Union Executive (see section 5.10.8, iii).

- iii Student's Adviser
  - a A candidate may invite another person to accompany them to, and to act as their Adviser, at any meeting (formal or informal) at which the matter is to be discussed.
  - b Although the candidate might, for example, invite a lawyer or a Trade Union representative to act as their Adviser, it should be noted that the person attends the meeting purely in an advisory capacity and does not, therefore, act as the student's representative. However, the student may elect to be represented at the meeting by a member or nominee of the Students' Union Executive.
  - c Where a candidate wishes to be accompanied by an Adviser at a meeting, they should advise the University, five (5) working days beforehand.
- iv Having concluded its deliberations, the Panel will advise the Vice-Chancellor either to dismiss the appeal or to refer the matter back to the Research Degrees Board for review. In the latter case the Panel may, but is not obliged to, offer an opinion on how the Research Degrees Board might best address the matter. The Vice-Chancellor has discretion to accept or reject the advice of the Panel and, in the case of referral, to transmit the opinion of the Panel to the Research Degrees Board, in whole, in part, or not at all.

5.10.9 It should be noted that the Vice-Chancellor does not possess the power to alter decisions. They may confirm the view of the Research Degrees Board or require the Research Degrees Board to review the case.

5.10.10 The Vice-Chancellor's decision is final and will be communicated, by the Secretary and Registrar, to the appellant by means of a **Letter of Decision** in the format prescribed in section 6. Where the decision of the Vice-Chancellor is to dismiss the request, the **Letter of Decision** will be accompanied by a **Completion of Procedures Letter**, issued by the Office of the Dean of Students, which may be used in relation to any future dealings with the Office of the Independent Adjudicator.

5.10.11 At all times it has to be appreciated that the powers of the Vice-Chancellor are limited to the referral of a case back to the Research Degrees Board for reconsideration, if they are satisfied that this is a justifiable course of action. The Research Degrees Board acts under authority delegated to it by the Academic Board and the decision of the Research Degrees Board on a referred appeal is final, other than in exceptional circumstances where the Academic Board may decide to exercise its powers in accordance with the provisions of section B5, UPR AS14<sup>2</sup>.

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<sup>2</sup> UPR AS14 'Structure and Assessment Regulations – Undergraduate and Taught Postgraduate Programmes'

## 6 Letter of Decision

Decisions reached under the terms of these procedures (UPR AS20) will be communicated to the candidate in writing. Such letters (**Letters of Decision**) will:

- a inform the candidate of the decision;
- b give the reasons why the decision was taken;
- c where the matter has been referred to the Research Degrees Board, advise the candidate that such proceedings of the Research Degrees Board are confidential, that its decisions are a matter of academic judgement, cannot be influenced and are final;
- d explain any further rights of appeal that the student might have.

**(Note for guidance:**

Letters of Decision will be sent to the email address the student has provided to the University for all correspondence and, where possible, by recorded mail.)

## 7 Academic Board

- 7.1 In very exceptional circumstances, for example, where it believes that the Research Degrees Board has misused or otherwise contravened its authority or there are procedural irregularities, the Academic Board has the power to consider and, if appropriate, change the decision of the Research Degrees Board. In such exceptional circumstances, the delegation of authority made to the Research Degrees Board by the Academic Board would be revoked temporarily<sup>3</sup>.
- 7.2 Candidates should note that the procedures set out elsewhere in this document (UPR AS20), which have been approved by the Academic Board, provide the mechanism whereby they may progress queries about recommendations or decisions on progression.

## 8 Vice-Chancellor

The Vice-Chancellor has discretion to draw to the attention of the Research Degrees Board any relevant matter and to request that the Research Degrees Board reconsiders its decisions in light of the information provided to it by the Vice-Chancellor. However, the Vice-Chancellor does not possess the power to alter the decisions of the Research Degrees Board.

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<sup>3</sup>

See **Academic Board Minute**: 725.3, 15 March 2000.



## 9 Further representations

Having exhausted the University's internal procedures and subject to the provisions of legislation, the student has the right to request the Office of the Independent Adjudicator to review their case.

Sharon Harrison-Barker  
Secretary and Registrar  
Signed: **1 August 2020**

### **Alternative format**

If you need this document in an alternative format, please email us at [governanceservices@herts.ac.uk](mailto:governanceservices@herts.ac.uk) or telephone us on +44 (0)1707 28 6006.