

## Final Formal Review Procedure

Version	Update and Reason	Author and Title	Date of Academic Board Approval	Effective Date	Review date
May 2015	Committee Version post Research Degrees Committee	Julie Clark (Academic Registrar)	Not stated	2015	Unknown
January 2017	Revised	Julie Clark (Academic Registrar)	Not stated	Unknown	Unknown
January 2022	Contact information and design format revised	Siobhan Baker (Student Appeals Complaints and Conduct Officer)	Not required	7 <sup>th</sup> February 2022	Unknown

## 1. Context and Formal Procedures

Following a hearing by the Professional Requirements Committee, Appeals Panel, Academic Misconduct Panel or the outcome of a formal Complaint, an appeal submitted by the student against the formal decision may be allowed, subject to the discretion of the College Secretary as specified below.

## 2. Right of Review and Allowable Grounds for Review

- 2.1. A review must be requested in writing and lodged with the College Secretary ([governance@rvc.ac.uk](mailto:governance@rvc.ac.uk)), within **28 calendar days** of the announcement of the decision which is to be the subject of the review. The grounds for the review must be clearly stated as part of the request and appropriate documentation supplied.
- 2.2. The College Secretary will allow a review to be heard if he is satisfied that any of the following criteria apply:
  - 2.2.1. That there is **new evidence** that could not have been, or for good reason was not, made available at the time of the hearing;
  - 2.2.2. That evidence can be produced of significant **procedural error** made before or during the hearing.
  - 2.2.3. Any remedy or outcome proposed by the previous decision is **manifestly unreasonable**.

## 3. Direction of Proceedings and Timings

- 3.1. The College Secretary will check that the procedures of the previous stage have been followed correctly. If they have not, then a Review will automatically proceed.
- 3.2. If the College Secretary decides to allow a review to be heard, s/he will appoint a Review Group. The College Secretary will also appoint a Secretary (“the Secretary”) to the Committee independent of previous proceedings.
- 3.3. The Final Formal Review should take no longer than 30 days in total without good reason being provided to the student.
- 3.4. In cases arising from the Complaints Procedure, and especially those involving supervision, student complaints against other students, or tutor support, the College Secretary may encourage the parties involved to engage in a mediation process. If mediation is accepted, then the current Review will be complete.
- 3.5. If the College Secretary does not allow a review, the decision will represent a Completion of the College’s Procedures and the student will have recourse to the [Office of the Independent Adjudicator](#) (OIA) if they remain dissatisfied. Accordingly, the student will receive a Completion of Procedures letter outlining the reason for the decision.

#### **4. Review Group**

##### **4.1. Terms of reference of the Review Group**

To consider cases referred to it by the College Secretary and determine whether the evidence is of sufficient significance to cast doubt upon the reliability of the decision arrived at by the original committee.

##### **4.2. Composition of the Review Group**

4.2.1. The Review Group will be comprised as follows:

- a) Chair, appointed by the College Secretary
- b) One member with acknowledged expertise in the area in question (e.g., student support, supervision of research students, research area)
- c) The President of the Student Union or his/her nominee
- d) One member experienced in the dealing with the preceding procedure (Appeal, Complaint, Academic Misconduct, Fitness to Practise).

4.2.2. The Group may not include any person previously associated with the case, or who has any other significant connection with the case or the student, including involvement as an adviser to any party.

4.2.3. One or more members of the Group may be external to the RVC.

4.2.4. The quorum for the Group will be three. The Chair shall have a casting vote in the event of a tie.

##### **4.3. Review Group procedure**

4.3.1. For the purpose of the hearing, a decision by the Chair on any point of procedure will be binding.

4.3.2. The Secretary will supply the members of the Group and the appellant, in advance of the hearing, with the grounds for review with supporting documentation and the papers presented at the hearing from which the review arises.

4.3.3. If on receipt of the papers a member of the Group discovers they have a connection with the appellant or the case they must inform the Secretary immediately. The Chair and the College Secretary will determine if the connection represents a significant conflict of interest requiring replacement or absence of the member of the Group.

4.3.4. After consulting with the Group the Chair will determine whether or not to hold a hearing.

#### **5. Procedure if a hearing is to be held**

5.2. At least 14 days' notice of the date, time and venue of the Review Group hearing will be given to all parties.

5.3. The appellant has the right to be accompanied by a supporter. The name of the

supporter must be supplied to the Secretary at least two working days in advance of the meeting.

- 5.4. The appellant will have the right to be present during the hearing except for instances specified below.
- 5.5. The hearing in the presence of the appellant will be voice recorded under the supervision of the Secretary. Private sessions of the Group will not be recorded but summary notes will be taken by the Secretary.
- 5.5. The student making the review will present her/his case against the decisions.
- 5.6. The Review Group will consider the documents outlined above and may call persons connected with the proceedings from which the review arises to address the Group.
- 5.7. The Review Group, at its discretion, at any time during the hearing of a review order the room to be vacated, or may itself move to another room for private discussion. Only the Review Group and the Secretary to the hearing will be entitled to be present at such times.
- 5.8. At the conclusion of the presentations and the questions, the student may address the Group and the Chair may make a statement.
- 5.9. The Chair will inform the student how and when the decision will be communicated to them.
- 5.10. The Review Group will normally reach its decision without adjournment but may adjourn for a period not exceeding seven days to finalise their decision.
- 5.11. The decision of the Review Group will be made in private. The decision will be reached by a majority vote of the members of the Group and will be announced as the decision of the Group. The votes of individual Group members will be treated as confidential.

## **6. Review Group outcome**

- 6.1. The Review Group may reject or uphold the appeal made by the student as a result of the Review
- 6.2. Where the Review Group upholds the review, the Group may order one of the following measures:
  - a) that the previous decision be set aside and that the case be reconsidered by the appropriate formal stage
  - b) that the previous decision, conditions or remedy be modified or reversed as specified by the Review Group. In this circumstance, the Review Group should direct whether or not the record of events should be removed from the student's record.
- 6.3. The decision and order of the Review Group, together with its reasons, will be announced by the Chair and will be sent in writing by email to the RVC address of the appellant, and to the Chair of the prior formal stage from which the review arose. In communicating the decision of the Review Group, the Chair will indicate the reasons for the decision.

- 6.4. A decision of the Review Group will be final and will represent Completion of the College's Procedures. Students who are dissatisfied with the outcome of a Final Formal Review can apply to the OIA for an independent review. Requests for OIA review must be made no later than 12 months after the Final Formal Review decision. The OIA has published an *Introduction to the OIA for Students* which can be downloaded from <https://www.oiahe.org.uk/media/2264/intrototheoia-students-jan-2019.pdf>. Further guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website: <https://www.oiahe.org.uk/students/can-you-complain-to-us/>

## 7. **Suspension of Proceedings**

If at any stage the Secretary, the Chair of the Review Panel or the student judge that the student is too unwell to continue with the process then the proceedings shall be suspended until the student is considered well enough to continue. In the case of a partially completed hearing the Chair may determine that the hearing be completed in absentia.

## 8. **Records**

- 8.1 The voice recording of hearings will form part of the record.
- 8.2 A detailed formal report of the outcome and the reasons for the outcome will be made by the Secretary.
- 8.3 The record of hearings will be kept for 7 years or 2 years after the student completes their study, whichever is the longer.
- 8.4 The outcome of any hearing will form part of the student's record unless the Review Group directs otherwise.