



### Tips for student advisers on appeal hearings

Time and time again, students tell us of their disappointment with student union advisers who accompanied them to the hearing: *“she just sat next to me and said nothing. It was pointless.”* This experience, when shared with the student’s friends and relatives, risks damaging the reputation of the Student Union team.

Some institutions do not allow student advisers to say anything during the hearing but for those with no such prohibition, the following tips may be helpful.

#### **1. Know the facts of the case inside out**

Time permitting, know the case better than anyone else. Know the key events, their dates, and the main actors in the case. Writing a timeline of events will assist you with this. In the right hand column, specify where information about the event can be found in the documents. This is important in case the Panel asks you for evidence. For example:

<b>Date</b>	<b>Event</b>	<b>Reference</b>
1 <sup>st</sup> October 2016	Starts BA course	Tab 1, p. 3
1 <sup>st</sup> November 2016	Gets physically assaulted on way back to student residence	Tab 2, p.9
3 <sup>rd</sup> November 2016	Tries to arrange appointment to see counsellor, Mr Albert Bennett, but Mr Bennett is on compassionate leave.	Tab 3, p.16
18 <sup>th</sup> November 2016	Sits exam (first attempt)	Tab 4, p. 19

Etc.		
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If you don't know the case, then you are not in a position to challenge the Panel if they make an incorrect assumption.

- "But the student did not see a counsellor until after sitting the exam?" *That's right, but not for want of trying. On 3<sup>rd</sup> November, she called the counselling service to arrange an appointment but the counsellor was away on compassionate leave. There was no slot available until after the exam.*
- "Where's the evidence for this?" *On p.16 of the documents.*

## **2. Know the procedure for the appeal hearing**

You should find out as much as possible about the format of the hearing before it happens. This will usually be set out in the rules and regulations.

If the format deviates from the rules then, unless the deviation benefits the student, point this out to the Panel:

"I'm so sorry to interrupt, Professor Jones, but my understanding of the rules is that the student now has an opportunity to ask questions of the Department's representative. We do have some questions to ask and request your permission to put those to Dr Smith."

If this request is refused, then that would later constitute a ground for appeal on procedural grounds in the event of an adverse outcome.

## **3. Know about natural justice**

This can be a little trickier for non-lawyers. If there is any apparent unfairness, such as the production of new evidence at the hearing itself or Panel members acting beyond their powers under the regulations, then you should be prepared to step in and raise this as a serious concern.

#### 4. Know how to ask questions

If possible, prepare two sets of questions before you accompany a student in a hearing. The first is potential questions to ask the department's witnesses or representatives. If there is a fundamental dispute of fact between the student and the witness, then the goal of your questioning is to make the student's account more credible than the witness's.

If you want to highlight a breach of procedure, then ask your questions in such a way as to bring out that breach:

- "Dr Smith, I wonder if you could help me with the regulations on PhD examiners?" *Sure.*
- "Are you familiar with Regulation 19?" *Yes*
- "Am I right in thinking that this regulation applied to this student's case?" *It did.*
- "You agree, don't you, that it's important for students and staff to respect the regulations?" *Of course*
- "They are an important part of a fair assessment of the thesis?" *Right.*
- "If you turn to paragraph 12.1, it says examiners should write their reports independently, doesn't it?" *Yes*
- "In this case, however, the e-mails suggest they conferred before writing their reports, don't they?" *It would appear so.*
- "And, if that is right, that would constitute a breach of the regulations?" *Yes*
- "Regulations that, a moment ago, you confirmed are an "important part of a fair assessment of the thesis?" *OK*

Stop there since you got what you wanted. If you go for more, Dr Smith will try to extricate himself from the hole you skilfully dug for him. When it comes to your closing comments, you can then use this concession to the student's advantage.

The second set of questions is for the student if the Panel don't ask the right questions. Imagine, for example, that it's important to let the Panel know what the

student would have done if informed in writing of the possibility of withdrawal from the course. It's important because your argument is that, had this been done, the student probably would not be in this situation. To your surprise, no one asks that question. You should then ask the Panel if you could ask the student an additional question:

- "Professor Jones, would the Panel mind if I asked the student a question? *OK*
- [turning to student] Jeremy, it's a hypothetical question but one that is important and that I'm sure the Panel will want to know your answer?" *Sure.*
- "Everyone agrees that you didn't receive a letter. But if you had received such a letter from the Senior Tutor telling you that unless your performance improves you may be withdrawn permanently from the course, what would you have done?"

Of course, you would have discussed this in advance with the student. Otherwise, you risk getting an answer that you do not want.

### **5. Be scrupulously polite**

Remember: you catch more bees with honey than vinegar.

Always be disarmingly courteous and polite.

You are the voice of reason. You are calm. You are there to try to help the Panel make the right decision.

Getting angry, aggressive or impatient is unlikely to make you more persuasive.

### **6. Keep control**

If you know the facts, the procedure, the rules of natural justice, and can speak politely, confidently, and articulately, you will achieve significant control of the hearing.

Total control, however, is impossible as the student will almost always be questioned. Everything the student says is potentially harmful to his or her case. So, if at all possible, have a chat with the student before the hearing to discuss how to behave in the appeal and the likely areas of questioning.

The advice should *always* be “tell the truth” but that does not mean you cannot impart helpful advice that will reduce the risk of unhelpful comments. It can be as simple as ‘avoid talking about your extracurricular activities unless you’re asked about them.’

Following those tips will increase the prospects of success. Even if unsuccessful, the student will be grateful for your efforts. You will have done everything to help him or her.

Note also that following the tips does not always require much talking. If everything is going swimmingly for the student, there may be little to say.

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