

**APPENDIX 8**

**4 Week Rule Procedures**

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**4 Week Rule Procedures**

**1. Scope of 4 week rule procedures**

**1.1 Definition**

- 1.1.1 The 4 week rule may be applied to any current student of the University, at one of its own campuses or sites or franchised to, or delivered under, a collaborative arrangement in another institution, or offered by distance learning, or work based learning, or by study overseas, whether or not the programme leads to an award, who:
- fails to attend and/or engage with formal University learning activities and associated procedures for 4 consecutive weeks;
  - fails to respond to communications from the University regarding this matter, or
  - are unable to give reasonable explanation for their absence and assurance of future appropriate engagement.

**2. Framework within which the 4 week rule procedures will operate**

- 2.1.1 A programme leader (or representative) will notify staff within the Student and Academic Administration Service (SAAS) when a student has failed to engage with formal University learning activities for a period of 4 consecutive weeks.
- 2.1.2 Staff within SAAS will then formally communicate to the student that they will be deregistered from their programme of study from a date 10 working days after the date of communication.
- 2.1.3 As part of this communication the student will be given a period of 10 working days to make an appeal against the decision to discontinue.
- 2.1.4 If no response is made by the student to the specified deadline the student will then be discontinued from the programme. Any validated exit award due, from previously passed credit, will be awarded as soon as is practicable.
- 2.1.5 If a student appeals the 4 week rule decision the discontinuation will be suspended until such time as the internal University appeal process has been exhausted.

**3. Appealing the 4 week rule**

- 3.1.1 An appeal may be made by any student who is enrolled on a programme of study offered by the University of Cumbria, at one of its own campuses or sites or franchised to, or delivered under, a collaborative arrangement in another institution, or offered by distance learning, or work based learning, or by study overseas, whether or not the programme leads to an award. Recent graduates may also appeal providing the case is made within the stipulated timescales.
- 3.1.2 An appeal by a third party on behalf of a student will not normally be accepted unless the student is seriously incapacitated. In instances where a student has nominated a third party to act on their behalf the University will require written confirmation of such representation. Third party involvement will usually only be permitted in cases of SPLD or where the student is seriously incapacitated.

- 3.1.3 A student wishing to appeal the 4 week rule decision should do so by writing formally to SAAS with reasonable explanation for their absence and assurance of future appropriate engagement.
- 3.1.4 Any appeal should be accompanied by independent documentary evidence supporting the explanation for non-attendance and/or non-engagement on the programme of study.
- 3.1.5 The appeal will be reviewed by a senior member of staff of the University.
- 3.1.6 If the appeal is upheld the student will be permitted to continue with study on programme. It may be necessary to put in place additional support, i.e. an assessment contract.

#### **4. Circumstances under which an appeal can be considered**

- 4.1 Consideration of an appeal of discontinuation through the 4 week rule will be restricted to the following grounds:
- i. that the University did not act in accordance with the relevant Regulations and/or Procedures in the provision and execution of the 4 week rule
  - ii. that the student has been affected by extenuating circumstances which prevented him or her from attending University and **for good reason** has not been dealt with via the University's Extenuating Circumstances Procedures. An appeal on this ground will be forwarded to the Extenuating Circumstances procedure for consideration.
  - iii. That the student has been affected by unfair treatment or bias which **for good reason** has not been dealt with via the formal student complaint procedure. An appeal on this ground will be forwarded to the student complaints procedure for consideration.
- 4.2 Appeals claims which will be ruled **invalid**:
- i. appeals submitted outside the specified deadlines-will be ruled invalid
  - ii. appeals by a third party will be ruled to be invalid unless the appellant is seriously incapacitated or there is a recognised SPLD that prevents the individual from engaging with the process appropriately
  - iii. vexatious, frivolous or fraudulent appeals will be dismissed immediately and may result in disciplinary action against the appellant. The appellant will be advised in writing as to why the application is an abuse of the appeal process.

#### **5. Framework within which appeals procedures will operate**

##### **5.1 Confidentiality**

All appeals will be dealt with confidentially, unless disclosure is necessary to progress the appeal. In this event the student will be notified in advance of the disclosure.

##### **5.2 Fair treatment**

Students will not be disadvantaged in any way as a result of making an appeal, whatever the outcome, if that appeal has been made in good faith.

### 5.3 **Progress of appeal**

The receipt of an appeal will be logged and acknowledged. The progress of the appeal will be recorded and monitored and the appellant notified at each stage of the outcome and of the reason for the outcome.

### 5.4 **Timescales**

- 5.4.1 Timescales will be adhered to by the University, as indicated in the procedures. Should delays occur, students will be notified of the reasons, and kept informed.
- 5.4.2 Students must adhere to the timescales laid down in the procedures or notify the University of the reasons for any delay.
- 5.4.3 In instances where the procedure runs into a vacation period or in cases where the University needs to clarify the grounds for the appeal with a student, timescales for consideration of the appeal by the University may be extended to ensure full and appropriate consideration.
- 5.4.4 Where the University fails to adhere at any stage to the timescales set out, the student will have the right to proceed to the next stage of the appeal. If this is at the last stage, the student will have the right to refer the appeal to the Director of the Student and Academic Administration Service who will ensure action is taken as a priority.

### 5.5 **Access to information and documents**

- 5.5.1 The student will have access to information and documents relevant to the appeal, as appropriate under the Data Protection Act and any subsequent relevant legislation.

### 5.6 **Students with Disabilities and/or Specific Learning Disabilities**

Students who need to access documents in different formats, or who need particular facilities or support in the process will be given appropriate help and assistance.

## **6. Procedures for appeal**

- 6.1 The student must make an appeal in writing and must provide relevant independent documentary evidence, to the SDSM team, Student and Academic Administration Service (SAAS) within **TEN** working days of the date they were communicated with regarding the discontinuation.
- 6.2 Should the grounds for appeal not be clearly stated the University reserves the right to contact the student for further clarification on the exact grounds under which the appeal is being sought.
- 6.3 The University Appeals process is an evidence based procedure that requires students to submit independent documentary evidence in support of their claim.

## **7 Independent External Review**

If the appeal is not upheld and the student is discontinued they will be provided with a Completion of Procedures letter advising that they may pursue the matter further by submitting a Scheme Application form to the Office of the Independent Adjudicator (OIA) ([www.oiahe.org.uk](http://www.oiahe.org.uk)). This must be submitted within twelve months of the date of the Completion of Procedures letter.

## 8 Research Students

Appeals in respect of research students will be dealt with under Lancaster University procedures for research degrees for any students registered on a Lancaster University award. Advice on making an appeal (or a complaint) will be available from the Graduate School.

## 9 Sources of Advice and Guidance

9.1 Students may seek impartial support and guidance from

- i. Student and Academic Administration Service (on how to appeal the 4 week rule)
  - ii. Student Services
  - iii. Students' Union
  - iv. Personal Tutor
  - v. Professional associations or trade unions
- } for guidance and support with making the appeal

9.2 Access to sources of help may be in person, by telephone or by email. Contacts are published on the University website ([www.cumbria.ac.uk](http://www.cumbria.ac.uk)).

## **10 Relationship with other procedures**

- 10.1 There is the formal Student Progress Review procedure that enables a student to review their progress on their programme of study and provides a framework to assist a student in achieving their academic goals. A Personal Tutor or student can arrange for a progress review to be instigated. Where continuous non-attendance occurs a Personal Tutor will call a Progress Review to discuss this issue.
- 10.2 Any information submitted as part of an academic appeal which subsequently is identified as fraudulent will be disregarded for the purpose of the appeal. In such cases, the student may be referred for consideration under the Academic Malpractice Procedure (see Appendix 3 or the Disciplinary Procedure or Fitness to Practise Policy (also see Appendix 3)).

## **11 Financial consequences of action under the application of these procedures for appeal**

The University will meet reasonable and proportionate incidental expenses necessarily incurred by an appellant in those cases where an appeal is upheld. Students may submit claims for agreed expenses to the SDSM team on notification of the outcome of the appeal being upheld. These will be processed as soon as possible.

## **12 Monitoring and review process**

All 4-week rule appeals will be monitored and reviewed through the University's Student Success and Quality Assurance Committee (SSQAC) and Academic Board.

## **13 Status of a Student during an Appeal**

A student whose case is under consideration via an internal appeal shall have the right to continue with their programme, where they have sufficient academic credit to progress and provided that they are not in debt to the University or subject to Fitness to Practise procedures, until such time as a decision has been reached. This right is designed solely to ensure that a student whose appeal is upheld is not academically disadvantaged and it should not be interpreted as acceptance of a failed student on a subsequent stage of the programme.