

## **Student Academic Appeals Procedure**

### **1. Introduction**

For the purpose of this procedure, and in line with the Quality Assurance Agency's UK Quality Code for Higher Education, an academic appeal is defined as: 'a request for a review of a decision of an academic body charged with making decisions on student progression, assessment and awards.'

The School's Student Academic Appeals Procedure allows students to appeal against the decision of the Final Exam Board, if it is believed that an error occurred under the grounds outlined in Section 3 below. Non-academic appeals are covered separately under the School's Complaints Procedure.

### **2. Principles underlying the procedure**

- 2.1 The procedure is based on the principles of fairness and transparency. It aims to ensure:
- i. a timely resolution of academic appeals, with an emphasis on local resolution at the earliest opportunity;
  - ii. that the process is evidence-based;
  - iii. that the processes, decisions and the reasons behind them are clear and there is opportunity for independent review;
  - iv. that decisions made will be reasonable and, where required, provide appropriate redress;
  - v. that students are supported;
  - vi. that students will be notified early in the process if the remedy sought within the appeal is beyond what the School can reasonably provide or what is in its power to provide.
- 2.2 Any student making an academic appeal (herein after referred to as an appeal) has the right to be accompanied by a student representative, a current student of the School or a current member of School staff at any stage of this process. Neither the student nor the School shall normally be represented by a legal practitioner at meetings or hearings.

- 2.3 All information obtained within the process of the appeal will be held in accordance with Data Protection legislation and the [Student Privacy Notice](#).
- 2.4 In submitting an appeal, relevant information will only be shared with the staff members responsible for conducting the investigation into the matters raised. However, the content of the student's appeal may also need to be disclosed to other relevant staff in order for the appeal to be investigated and/or resolution sought. If there are elements of a student's appeal which are particularly sensitive and the student has concerns about his or her confidentiality, the student can raise this with Quality Assurance Manager or Registrar: who will discuss if / how disclosure can be minimised.
- 2.5 No student will suffer any disadvantage or recrimination as a result of making an appeal in good faith.
- 2.6 Outcomes of appeal hearings by the Appeals Committee will be recorded, anonymised and reported within the School to the Academic Standards Committee.
- 2.7 The School is mindful of its legal obligations including under the Equality Act 2010 and will make reasonable adjustments to this process where appropriate.

### **3. Grounds for appeal**

- 3.1 A student may only request an appeal on one or more of the following grounds:
- i. that there has been an administrative error materially affecting the assessment results of the student making the appeal;
  - ii. that there was bias or prejudice, or the perception of bias or prejudice, on the part of at least one of the markers or examiners;
  - iii. that the assessment has not been conducted in accordance with the published procedures in the course handbook;
  - iv. that the student missed or failed (an) assessment(s) because of a previously undisclosed illness or other factors which the student was unable or unwilling on reasonable or compelling grounds to inform the School before the relevant assessment board reached its decision. Claims lodged on this ground must be supported by independent and compelling documentary evidence, such as medical certificates, for example. Retrospective medical certification will not usually be accepted as valid. Any medical evidence will need to contain the signature of the relevant health care professional/s. Such evidence should be

submitted in English. If this not possible, then the student should provide an authorised transcript of the relevant documents.

3.2 The following matters **do not**, of themselves, form grounds for an academic appeal:

- disagreement with a mark or grade;
- challenges to academic judgements of examiners on assessment outcomes;
- claims that the academic performance was adversely affected by factors such as ill-health, where there is no independent, medical or other evidence to substantiate this;
- complaints against the delivery of teaching and methods of assessment (this should come under the separate Complaints Procedure).

3.2 If a student is dissatisfied with teaching, academic advice or other service provision during the course, s/he may submit a complain under the School's Student Complaints Procedure as noted above. Students must raise any such concerns as and when they occur, as these cannot be considered later as grounds for an academic appeal.

3.3 It is recognised that some cases can involve a combination of issues, where a number are related to an appeal and others are not, and the School will assess each case individually. In these circumstances, the student will be informed which issues will be considered under which procedure and s/he will be directed to the alternative procedure as appropriate to allow all issues to be considered. Students will be advised of the effects, if any, of following two procedures at once, particularly where one procedure may be suspended until the other is completed. Where there is significant overlap, the School may decide to consider matters together, if the student agrees to this. For example, if an appeal includes matters that could also be dealt with under other procedures, such as the Student Complaints Procedure, a joint investigation may be carried out. In such cases, the student will be informed where responsibility for the overall investigation lies and who will issue the final decision.

#### **4. Appeals Process**

4.1 At all stages of the appeal process a student should avoid disclosing **unnecessary** personal information (e.g. medical conditions etc.) **unless** s/he feels it is relevant to the issues raised, e.g. the student is appealing under the grounds listed in Section 3.1 (iv).

A student **must** also avoid disclosing personal data of another person/s in the appeal unless they have been given written permission by the person/s to do so.

- 4.2 A student shall have the right to appeal **once** against a single decision of an Assessment or Exam Board.
- 4.3 The Appeals Process itself consists of three stages, an informal discussion, a formal appeal, and a Review.

### **Stage One - Informal Discussion**

- 4.4 A student who has concerns about his or her results should first raise the concern/s with the Head of Department responsible for the course. This should normally take place no more than five working days after the publication of the student's assessment results. A brief record of the discussion should be made by the Head of Department and shared with the student. This initial informal resolution should normally be completed within five working days of the concern/s being raised.
- 4.5 If a student's concern/s are not satisfactorily resolved through the initial informal discussion with the Head of Department, the student may then choose to lodge a formal academic appeal.

### **Stage Two - Formal Appeal**

- 4.6 If the concern/s still remain the student may, within 10 working days of notification of their results, submit a formal academic appeal against the decision of the Final Exam Board. The appeal must set out in full the grounds for appeal and must be submitted in writing, electronically to the Registrar.

The student will need to:

- make clear which of the four grounds for appeal under Section 3.1 s/he wishes to appeal under and provide evidence to substantiate the appeal;
  - make clear the remedy sought;
  - confirm his or her contact details.
- 4.7 A student submitting a request for an appeal more than 10 working days after notification of his or her results must provide a satisfactory explanation as to why s/he was unable, for good reason, to submit a request in writing, electronically, within the required timescale.

- 4.8 On receipt of the appeal, the Registrar will undertake an eligibility check which will determine one of the following:
- i. that the appeal falls under the scope of this procedure and sets out grounds as outlined in section 3 above, and in which case the appeal shall be out forward for further consideration;
  - ii. that the appeal is ineligible since it does not fall under the scope of this procedure;
  - iii. that the appeal does not set out valid grounds as set out in section 3 above, in which case the appeal will be dismissed;
  - iv. that the student has failed to comply with the deadline for the submission of an appeal and failed to demonstrate good reason for not having met this deadline, in which case the appeal will be dismissed.
- 4.9 In all cases, the student will be informed in writing (normally within 10 working days) of the outcome of the eligibility check. A Completion of Procedures letter will be issued to students whose case has been dismissed.
- 4.10. Once accepted, the Quality Assurance Manager will investigate the appeal and will ask the student's Head of Department to comment on it. S/he may also meet with the student to discuss the case.
- 4.11 On completion of the investigation, the Quality Assurance Manager will refer the case to a meeting of the Academic Appeals Committee for a decision, or exceptionally recommend an appeal hearing.
- 4.12 All written information to be used in reaching a decision will be made available to the student before the meeting, and s/he will have the opportunity to provide a further statement if s/he so wishes but should not provide further evidence.
- 4.13 Having completed its consideration of the appeal, the Committee shall determine one of the following outcomes:
- i. to uphold the appeal (in whole or part) and require the decision of the Final Exam Board to be reconsidered;
  - ii. to dismiss the appeal

- 4.14 The student will be notified of the outcome within 5 working days of the decision being made. The student should also be informed of any next steps s/he may need or want to take and of the right to request a review of his or her concerns (see Section 5 below);

### **Appeal Hearings**

- 4.15 When an appeal is to be decided by an appeal hearing (for example, in cases of substantial complexity) the Registrar will ask the student's Head of Department to present the case in support of the decision of the Final Exam Board.
- 4.16 The Chair of the Appeals Committee will then:
- convene within 10 working days a meeting of the Appeals Committee (herein after referred to as an appeals hearing or hearing). If the hearing cannot be held within 10 working days, it must be held within 28 working days upon receipt of the formal appeal;
  - appoint members to the appeals hearing panel (see Section 6);
  - invite the student's Head of Department to speak to the panel as the person responsible for monitoring the academic and pastoral progress of the student;
  - appoint a member of the Assessment or Exam Board to speak to the School's case at the panel;
  - invite the student to attend the appeals hearing to present his or her case;
  - provide the student no later than five working days before the hearing with information about the composition of the appeals hearing panel and a copy of the information relevant to his or her case that will be considered.
- 4.17 The School reserves the right to carry out the appeals hearing without the student present.
- 4.18 If the student demonstrates a very good reason for being unable to attend the hearing in person, s/he may, at the discretion of the Chair of the Appeals Committee, attend via telephone or Skype.
- 4.19 The student and the panel members shall receive a copy of the appeal file in advance of the meeting. This shall normally contain the following:
- the student's formal appeal;

- any evidence submitted by the student in support of his or her appeal;
- a copy of all relevant documents considered by the assessment board or exam board when it made the decision the student is appealing against;
- other documents may also be included where appropriate.

### **Conduct of Panel Hearings**

4.20 Panel hearings are normally conducted as follows (in exceptional cases the panel may decide to vary the following procedures according to the circumstances of the particular case):

- i. The members of the panel hold a preliminary discussion amongst themselves in private.
- ii. All parties are invited into the hearing. The Panel Chair introduces the panel members, explains the role of the hearing and the way in which the hearing will be conducted.
- iii. The Head of Department presents the case in support of the Board's decision.
- iv. The student is invited to present his or her case, with whatever supporting evidence s/he wishes to offer. At this point the student may seek confirmation of points raised by the Board Representative.
- v. Any person/s accompanying the student are invited to speak.
- vi. When all the evidence has been presented, the panel members may ask questions of the student and/or the Board Representative.
- vii. The Chair will invite anyone present to ask questions or to provide further information.
- viii. The student is invited to make a brief final statement.
- ix. All parties in attendance, except the panel members and the Secretary (and Clerk, if one is appointed), are asked to leave the room while the panel deliberates and reaches a decision.

### Outcome following the Panel Hearing

- 4.21 After due consideration of the arguments of the student concerned and any other person who has appeared before the panel, the panel shall determine one of the following outcomes as described in 4.13 above.
- 4.22 The student will be notified of the outcome within 5 working days of the decision being made. The student should also be informed of any next steps s/he may need or want to take and of the right to request a review of his or her concerns (see Section 5 below).
- 4.23 In exceptional circumstances where the Board is unable to make a decision on the performance of a student following the consideration of an appeal, it may use its discretion to seek additional evidence of the student's performance, by some means that seem appropriate in the circumstances of the student and the course.

### Stage Three: Review

- 5.1 A student who considers that his or her academic appeal has not been given full and proper consideration can request a review of their concerns. This is **not** an opportunity to submit new evidence but for an independent review of all the **previously submitted** documentation by the School's Director. Any request for a review should be made within 10 working days of receiving the outcome of the appeal.
- 5.2 A student may request a review on one or more of the following grounds only, that:
- i. there has been a procedural irregularity;
  - ii. there was prejudice or bias on the part of the Academic Appeals Committee;
  - iii. the decision was unreasonable.

The student will need to:

- make a formal request for a review in writing to the School's Director;
  - make clear which of the three grounds for a review under Section 5.2 s/he wishes the review to be held under and provide evidence that a review is justified;
  - make clear the remedy sought.
- 5.3 Upon receipt of a request for a review from a student, the School's Director should:



- write to the student to acknowledge receipt of the request for a review;
- inform the student when s/he might expect to hear the outcome of the review, which should normally be within 10 working days;
- undertake a review of all the evidence and documents supplied by the student and by the Appeals Committee.

The Director reserves the right to ask one or more members of School staff to assist in the review.

5.4 Having completed the review, the Director will decide:

- that the student's request for a review was justified and that the decision of the Assessment or Exam Board be reconsidered either by the original Board or a fresh Board
- or**
- that the appeal be dismissed and the original decision of the Assessment or Exam Board be upheld.

The decision of Director and any subsequent academic consideration will be final.

5.5 The Director should then write to the student informing him or her of the outcome of the review, of the right to submit a complaint to the Office of the Independent Adjudicator for Higher Education, if the complaint is eligible under its scheme, and offer the student the opportunity to receive a formal Completion of Procedures Letter.

## **5. The Office of the Independent Adjudicator for Higher Education**

5.1 Decisions taken under this procedure may be eligible for review by the Office of the Independent Adjudicator for Higher Education (OIA), which is an independent body set up to review student complaints. More information about the OIA can be accessed at <http://www.oiahe.org.uk>. The OIA can be contacted at 0118 959 9813 or [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). Where applicable, students will be provided with a Completion of Procedures Letter and information about how to apply to the OIA for a review of a decision taken under this procedure.

## **6. Academic Appeals Committee / Appeals Hearing Panel Members**

6.1 The Academic Appeals Committee is a sub-committee of the Academic Standards Committee and is comprised as follows:

- Chair – An independent Head of Department appointed by the Academic Standards Committee
- External Assessor – as necessary, from a different specialisation
- At least two other independent Heads of Department from different specialisations
- The Quality Assurance Manager, who will act as a non-voting Secretary to the Panel.

The Panel may seek procedural advice from other members of staff as appropriate and may also invite them to the Panel Hearing.

***Approved by the Academic Standards Committee in September 2017***