

ACADEMIC APPEALS REGULATIONS

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Academic Appeals Regulations		
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Summary/Description:		
<p>This document details the criteria and procedures to be followed for appeals against the decision of an Examination Board.</p> <p>June 2010: Amendments to the document were made following revision of the OIA guidance on the issuing of Completion of Procedures Letters. A final stage of appeal was added for review on procedural grounds only.</p>		

ACADEMIC APPEALS REGULATIONS: TAUGHT PROGRAMMES OF STUDY

The University wishes to ensure that there is an effective, expeditious, fair and accessible system of appeals which is seen to be reasonable in its operation and which commands the confidence of all parties.

An academic appeal is defined as a request for the review of a decision of an academic body charged with decisions on student progression, assessment and awards. It is *not* a specific concern about the provision of a programme of study or a related academic service. (These are covered under the University's Complaints Procedures.)

In support of these principles the University undertakes:

- a) to ensure that the appeals procedure is operated in a fair manner;
- b) to ensure that the procedure in any given appeal is brought to completion as soon as is reasonably practicable;
- c) to ensure that the appeals procedure is accessible to all students.

1. APPEALS AGAINST THE DECISION OF AN EXAMINATION BOARD

- 1.1 A student may appeal against the decision of an Examination Board on progression within the programme or on the final award at the end of the programme.
- 1.2 The student will be advised (on the appeal form) to seek advice from Registry, the Programme or from the Student Union, before making an appeal.
- 1.3 The grounds for appeal are:
 - a) There exist circumstances affecting the candidate's performance of which the Examination Board was not aware when it took its decision and which the student was unable or unwilling to bring to the attention of the Examination Board in advance.
 - b) There is evidence of an administrative error of such a nature as to cause reasonable doubt as to whether the examiners would have reached the same conclusion if it had not been made;
 - c) There is evidence of prejudice or bias on the part of one or more of the examiners;
- 1.4 A student may *not* appeal on the grounds that:
 - a) S/he disagrees with the academic judgement of an Examination Board in confirming marks and grades for assessments. (For instance, a student may not appeal on the grounds that s/he considers the mark awarded to be too low.)
 - b) S/he did not understand, or was not aware of, programme or University regulations or procedures such as those for seeking an extension for submitting coursework (ie Concessions), or for a break in study.
- 1.5 The academic appeals procedure cannot be used to bring complaints related to teaching, supervision or services. These must be raised at the time such issues occur and through the appropriate channels e.g. programme leader, supervisor, or the University's Complaints Procedure.

2. SUBMISSION OF APPEALS

- 2.1 The student must:
 - a) set out the appeal on the appeal form provided for this purpose and available to download from the Portal or in hard copy from the Registry; no other document will be considered;
 - b) lodge the appeal in writing with the Director of Quality Management within twenty working days of the meeting of the Board of Examiners concerned, unless there is good cause for the appellant being unable to comply with this requirement. In order that all students are treated

equitably and to avoid undue delays students must submit sufficient and appropriate documentation to support their appeal within the specified time limit so that proper consideration can be given to their case

- 2.2 The date of the submission of the appeal is the date on which it is received by the Director of Quality Management.
- 2.3 The appeal must comprise a properly completed copy of the Appeal Form and a Statement of Appeal setting out, in writing and in full, the grounds for and the nature of the appeal; no additional grounds may be cited, nor substantive points made, at any later time in the consideration of the appeal.
- 2.4 If appropriate, the name and address of a 'friend' who will accompany the appellant to the meeting of the Panel must be included on the Appeal Form. The friend should normally be a member of the University's student body or a representative of the Student Union: the identity, status and relationship of the friend shall be clearly, correctly and fully stated on the Appeal Form.
- 2.5 In the case of an appeal based on 1.3(a) above, a student must submit with the Statement of Appeal written evidence corroborating the mitigating circumstances. The student must also give compelling reasons why they were unable or unwilling to bring the matter to the attention of the Exam Board in advance, via the Concessions procedures.
- 2.6 In the case of an appeal based on 1.1.2 (b – c) above, a student must submit with the Statement of Appeal any written and signed statements from witnesses. The identity, status and relationship of each witness providing a written statement shall be clearly, correctly and fully stated.
- 2.7 Students may approach one of the Senior Officers within Registry or the President or Vice-President of the Student Union for assistance with the preparation and submission of an appeal, but should remember that either the President or Vice-President will be a member of the Academic Appeals Panel.
- 2.8 The University recognises the importance of maintaining confidentiality when handling appeals and will only disclose the details of the appeal when it is necessary for the appeal to be progressed. Where this is the case, the Director of Quality Management will notify the appellant and check that they wish to proceed.

3. CONSIDERATION OF THE APPEAL

- 3.1 On receipt of the appeal the Director of Quality Management will determine whether the appeal has been submitted within the time limit (regulation 2.1.(b) above) and whether the grounds for appeal conform with those defined in regulation 1.3.(a), 1.3.(b), 1.3.(c) above. If these criteria are not met, the Director of Quality Management will dismiss the appeal. Appeals submitted under 1.3(a) may also be dismissed if the reason(s) given for not following the Concessions procedures in advance of the Examination Boards is/are not deemed to be compelling.

If the appeal is rejected at this stage, the appellant will normally be notified, at the address given on the appeal form, within ten working days of submission of the appeal form. An appellant has the right to challenge this preliminary finding and should submit, in writing, the reasons for the challenge to the Director of Quality Management within ten working days of notification of the rejection. The Director of Quality Management will then refer the appeal to the Chair of Academic Standards Committee for further consideration. If, following further consideration, the decision to reject the appeal is confirmed, the appellant will be notified and will be informed that the internal process is at an end unless the appellant wishes to take the appeal forward to the final stage of the university's procedures by alleging a procedural irregularity in the making of the decision to reject the appeal.

If the appellant does not consider that s/he has grounds to proceed to the final stage, s/he may ask the University for a Completion of Procedures Letter if he/she wishes to take the appeal to the Office of the Independent Adjudicator (OIA). This request should be made within twenty working days of the issue of the decision letter.

- 3.2 If the Chair of Academic Standards Committee concludes that there is a *prima facie* case, the Director of Quality Management will inform the appellant in writing and the procedure outlined in 3.3 below will be followed.
- 3.3 If the Director of Quality Management concludes that there is a *prima facie* case for consideration, but that there is either insufficient supporting evidence or a failure to make a clear case for the appeal, s/he will refer the appeal back to the student with an explanation of why this has been done and a recommendation that the student should seek advice from the Student Union before resubmitting the appeal. S/he will also inform the student of the date by which a resubmitted appeal must be received.
- 3.4 If the appeal was submitted within the time limit and the stated grounds for appeal are within the categories defined in the regulations above and supported by relevant evidence, the Director of Quality Management shall investigate the appeal. Appeals that are not dismissed shall be referred for consideration as follows:
- (a) in the case of appeals based solely on 1.3.(a) above, the Director of Quality Management shall contact the Programme Leader/Head of Department or nominee and if it is agreed that there are valid concessions, the matter is referred back to the Chair of the Examination Board for review of the original decision taking into account the new circumstances.
 - (b) in the case of appeals based on 1.3.(b) and (c) above, the Director of Quality Management shall send a copy of the appeal to the Programme Leader/Head of Department or nominee, together with details of the specific information required to determine whether the appeal is firmly based. The Programme Leader/Head of Department or nominee will be asked to provide this information within ten working days;
 - (c) if the appeal relates to failure in a practice component of the programme (for students on health or initial teacher training programmes), the Director of Quality Management shall acquire relevant information from the placement co-ordinator and/or placement mentor regarding the student's achievements or professional conduct.
- 3.5 When the Director of Quality Management has obtained a response covering the issues raised in the appeal, s/he will decide, after discussion with colleagues where appropriate, whether there is a case for a sustainable appeal. If it is decided that there is no case the appeal will be rejected at this point and the student will be notified in writing that that internal appeal process is at an end unless the appellant wishes to take the appeal forward to the final stage of the university's procedures by alleging a procedural irregularity in the making of the decision to reject the appeal.
- If the appellant does not consider that s/he has grounds to proceed to the final stage, s/he may ask the University for a Completion of Procedures Letter if he/she wishes to take the appeal to the Office of the Independent Adjudicator (OIA). This request should be made within twenty working days of the issue of the decision letter.
- 3.6 Where an appeal is referred to an Academic Appeals Panel, the Director of Quality Management shall obtain written statements from members of the University staff and all other persons, as appropriate. Any additional substantive points not included in the written statements from University staff will not normally be considered by the Academic Appeals Panel.
- 3.7 The Director of Quality Management shall proceed to convene a meeting of the Academic Appeals Panel at the earliest possible opportunity, in consultation with the appellant and other relevant persons.
- 3.8 The appellant, members of the Academic Appeals Panel, any witnesses due to appear before the Panel, the Programme Leader /Head of Department or their nominee shall receive at least five working days written notice of the date, time and place of the meeting of the Panel (sent by first class post/airmail). The written notice shall be accompanied by:
- a) A copy of the appellant's Appeal Form, Statement of Appeal and supporting documentation.
 - b) A copy of written statements provided by members of University staff or other persons.

- c) A list of the names and status of all witnesses to appear before the Panel.
 - d) A copy of the appropriate programme regulations, where relevant.
 - e) A copy of the Academic Appeals Regulations.
 - f) A copy of any other relevant documents.
- 3.9 The appellant may decline to attend and to have the appeal considered solely on the basis of the written submission.

4. THE ACADEMIC APPEALS PANEL

- 4.1 The Panel shall consist of:
- Chair: an experienced member of academic staff who has previously served on at least three appeals;
 - two experienced members of academic staff;
 - The Student Union President or nominee
 - Secretary (non-voting): Director of Quality Management or nominee
- 4.2 The members of the Panel shall not include any person who was a member of the Departmental Examination Board which made the recommendation against which an appeal has been made, or who has a close personal or academic connection with the appellant.
- 4.3 The Panel shall make every attempt to conclude its proceedings at the one meeting.
- 4.4 The membership of the Panel shall remain constant throughout the hearing of any particular case, and the Chair shall be present throughout. However, should the Panel find it necessary to adjourn its proceedings, no more than one of its members may be absent when it is reconvened; when such a member is absent from a meeting, that member may not subsequently rejoin the proceedings.

5. PROCEDURE AT THE MEETING

- 5.1 All meetings of the Academic Appeals Panel shall be minuted and a record of the minutes kept by the Director of Quality Management. Normally if the student is present then they will be informed of the Panel's decision at the conclusion of the meeting.
- 5.2 The procedures will be as follows and all questions should be asked through the Chair:
- 5.2.1 Before seeing any of the parties involved, the Panel shall review the documentation relating to the case.
 - 5.2.2 The appellant and/or friend and the Head of Department or nominee shall then appear together before the Panel.
 - 5.2.3 If the appellant and/or friend and/or witnesses do not attend the meeting, the Chair of the Academic Appeals Panel may, if he/she is satisfied that the person(s) in attendance received proper notice of the meeting, decide to proceed with the meeting and reach a decision in the absence of that person(s).
 - 5.2.4 The appellant or friend shall be invited to present the appellant's case and may call witnesses in support of representations made to the Panel; members of the Panel may ask questions for clarification.
 - 5.2.5 The Head of Department or nominee shall be invited to address the Panel and may call witnesses in support of representations made to the Panel; members of the Panel may ask questions for clarification.
 - 5.2.6 The Panel may invite representations, oral or in writing, from any person it thinks fit and may, if necessary, adjourn the meeting for this purpose.

- 5.2.7 At the conclusion of their evidence, witnesses should retire from the meeting.
- 5.2.8 The appellant and/or friend and the Head of Department or nominee shall be asked if they wish to make any final statement.
- 5.2.9 The evidence having been heard, the Panel shall then make its decision in private. The minutes of the meeting of the Panel are confidential to its members.
- 5.30 At the end of the private discussion, the appellant and/or friend will be invited to rejoin the Panel to be advised verbally of the outcome.

6. DECISION OF THE PANEL

Following consideration of the evidence the panel will:

Either uphold the appeal and revise the decision,
or reject the appeal.

The decisions of the Appeals Panel will be final.

- 6.1 The Director of Quality Management will inform the student in writing of the outcome of the appeal within one week of the meeting of the panel. If the appeal is rejected the student will be informed of the grounds on which this decision was made and that the internal process is at an end unless the appellant wishes to take the appeal forward to the final stage of the university's procedures by alleging a procedural irregularity in the making of the decision to reject the appeal.

If the appellant does not consider that he/she has grounds to proceed to the final stage, he/she may ask the university for a Completion of Procedures Letter if he/she wishes to take the appeal to the Office of the Independent Adjudicator (OIA). This request should be made within ten working days of the issue of the decision letter.

- 6.2 If the appeal is successful the student will be informed of the revised decision and advised to see his/her Programme Leader to discuss the implications of the decision for the student's future study where appropriate.

7. FINAL STAGE OF APPEAL TO THE UNIVERSITY

- 7.1 If an appeal is rejected, an appellant may take the appeal to the Pro Vice Chancellor (Academic) on the grounds of procedural irregularity only.
- 7.2 The appellant must submit the appeal to the Pro Vice Chancellor (Academic) within twenty working days of the issue of the decision letter.
- 7.3 The appellant must clearly identify the procedure against which they are alleging an irregularity and must provide evidence of this irregularity.
- 7.4 If the Pro Vice Chancellor (Academic) concludes that there has been a breach in the University's procedures, s/he will inform the appellant in writing and refer the matter back to the Director of Quality Management to review the University's decision.
- 7.5 If the Pro Vice Chancellor (Academic) does not uphold the appeal, the appellant will be informed in writing and a Completion of Procedures Letter will be issued.

8. COMPLETION OF PROCEDURES LETTER

- 8.1 A university is required to issue a Completion of Procedures Letter after any of its internal procedures have been completed. The issue of a Completion of Procedures letter serves four main purposes:
 - a) It establishes the date when the university's internal appeals procedures are complete;
 - b) It clarifies the issues considered by the University under those procedures;

- c) It establishes the timescale for a student to take a complaint to the OIA.
- d) It advises the student of the possibility of taking a complaint to the OIA.

8.2 The Completion of Procedures Letter will contain:

- a) A summary of the appeal the student has made to the University;
- b) The title of the regulations which were applied;
- c) A summary of the issues considered at the final stage of the internal complaints procedures;
- d) The final decision taken by the University and the reason for that decision;
- e) Information about the role of the OIA.

8.3 A Completion of Procedures Letter will be issued automatically after the completion of the University's internal processes in cases where the appeal has not been upheld.

8.4 If a student does not consider that s/he has grounds to proceed to the final stage of the University's procedures (i.e. an allegation of a procedural irregularity in the making of the substantive decision), then s/he can ask the Director of Quality Management for a Completion of Procedures Letter if s/he wishes to take the appeal to the OIA. The request for a Completion of Procedures Letter must be made within twenty working days of the decision letter.

9. OFFICE OF THE INDEPENDENT ADJUDICATOR

9.1 A student who is dissatisfied with the University's internal processes or its conduct has the right to submit an application to the OIA, an independent review body, that their dissatisfaction be reviewed independently of the University.

9.2 This right may only be exercised once the internal processes have been exhausted.

9.3 The University will issue a 'Completion of Procedures' letter to indicate that the internal process is at an end in cases where the appeal has not been upheld. The Letter will include details of the application process to the OIA.

9.4 A Scheme Application Form must be completed in order to make a submission to the OIA and this must be received within 3 months of the date of the 'Completion of Procedures' letter.

9.5 The OIA will not review a complaint where:

- it relates to a matter of academic performance;
- the matter is or has been the subject of court proceedings;
- it concerns a student employment matter;
- it relates to an institution which is not a Higher Education Institution

Further information on the OIA and its services is available on <http://www.oiahe.org.uk>