

# Academic Appeals Policy

**Student and Academic Services**

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# 1. Appeals against the decision of an examining board

## 1.1 Processes governing the consideration of appeals

The Academic Board shall establish procedures for the consideration of applications from students for the review of decisions of examining boards.

A student on a programme of study leading to an award of the University conducted in an affiliated institution may only make an appeal to the University after they have completed all the appropriate procedures which apply to the affiliated institution and have been approved by the University. In all cases the original outcome shall be final and not varied until and unless a successful appeal results in an alternative decision. For example, where a student is excluded due to academic failure, the student shall not be reinstated until the appeal process is complete and the outcome of the appeal results in an amendment of the original decision.

## 1.2 Independent Review

There are no other appeals procedures within the University beyond those detailed in this policy. Students who believe that their case has not been dealt with properly by the University or that the outcome is unreasonable may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) if the complaint is eligible under its rules and once all internal University procedures have been concluded.

## 1.3 Changes to examining board decisions

Changes made to decisions as a result of an appeal must be approved by the Chair of the relevant examining board and recorded as an addendum to the minutes.

## 1.4 Annual report

The Head of Complaints and Appeals shall be responsible for ensuring that a report on any appeals and their outcomes, and on any matters related to this procedure, is provided to the Academic Board annually in a form which maintains confidentiality.

## 2. Appeals from students registered with the University

### 2.1 Grounds for appeal

The only grounds for appeal shall be:

a. that there has been material and significant administrative error or other material irregularity such that the assessment process, and consideration of any mitigating circumstances were not conducted in accordance with the approved regulations.

All appeals shall be considered on their merit; however the following shall not be deemed legitimate grounds for appeal. Any appeals founded exclusively on one or more of these grounds shall be rejected automatically:

- appeals against the academic judgement of internal or external examiners;
- appeals based upon the informal assessment of a student's work by members of academic staff;
- the presentation of personal circumstances to explain how studies were adversely affected – these should be dealt with under the University's Personal Circumstances Procedure unless evidence is provided that a claim has been submitted via the Personal Circumstance Procedure but has not been considered in accordance with the regulations covering the process;
- dissatisfaction with teaching or service-related provision, including supervision – these should be dealt with under the University's Complaints Procedure;
- marginal failure to attain a higher classification of award;
- lack of awareness by a student of the relevant procedure or regulations.

Academic Board shall authorise arrangements for the receipt and consideration of appeals against a decision of an examining board.

### 2.2 Application submission requirements

The application shall:

- normally be submitted electronically using the form provided on the Student and Academic Services website. Third party applications must include a signed third party consent;
- be received no later than ten working days after the formal notification of the examining board's decision. The Complaints and Appeals Team may use discretion to consider and allow a late request where a student demonstrates good reason for delay;
- state clearly the grounds on which the application is based, identify the issue(s) about which remedy is sought and where appropriate identify the new decision sought;

- include all relevant documentary evidence on which the application relies (for example, medical or death certificates); the Complaints and Appeals Team may use discretion to allow late submission of evidence where a student demonstrates good reason for delay.

### **2.3 Stage One**

If an application meets the conditions listed above the Head of Complaints and Appeals (or nominee) shall undertake such enquiries as necessary to establish the facts of the examining board's decision and the evidence on which it was made in light of the relevant regulations.

In light of these enquiries, the Head of Complaints and Appeals shall either:

- a. determine that there is no basis on which the application can proceed using the grounds set out in sections 1.2 and 1.3 of this policy; or
- b. agree the action to be taken in relation to the appellant's academic profile in light of the appeal, or
- c. reject the appeal.

A student shall normally be notified of the outcome at stage one of their appeal application by email within six weeks from the receipt of the submission of supporting evidence (where relevant). Where a case is likely to take longer than six weeks, students shall be notified to this effect. The student shall be notified of their right to request a review of this decision.

### **2.4 Stage Two**

A student who believes that their appeal has not been dealt with properly and fairly has the right to request a review of the handling of their appeal by the University's Academic Appeal Panel.

Requests for review, with reasons given, should be submitted in writing to the Chair of the Academic Appeal Panel within 10 working days of receipt of the email from the Complaints and Appeals Team informing them of the outcome at stage one of this procedure. The Complaints and Appeals Team may use discretion to consider and allow a late request where a student demonstrates good reason for delay.

### **2.5 The Appeals Panel**

The Academic Appeal Panel shall have as its membership:

Vice-Chancellor's nominee (Chair);

- a. one senior member of academic staff from each faculty, with considerable experience of examining board business;
- b. one senior member of academic staff from the associate faculty, with considerable experience of examining board business;
- c. nominee of the Director of Student and Academic Services.

The officer to the Academic Appeal Panel shall be a nominee of the Director of Student and Academic Services.

No member of the Academic Appeal Panel shall consider an appeal in which he or she has a direct interest. The quorum shall be two-thirds of the members eligible to attend including the Chair.

The Appeal Panel will review the documents relating to the case in order to determine whether the case has been handled properly and the decision is reasonable in the light of the available evidence.

The Academic Appeal Panel may:

- a. confirm the action that has been taken at stage one of this procedure has been appropriate;
- b. agree a different course of action to be taken in relation to the appellant's academic profile in light of the appeal.

The student shall be advised in writing of the Academic Appeal Panel's decision, normally within six weeks of the Request for Review having been received. The student will be given reasons for the decision. The decision of the Appeal Panel will be final in the University and the student will be issued with a Completion of Procedures Letter.

## 3. Appeals from students at affiliated institutions

### 3.1 Grounds for appeal

The only ground on which a student may appeal to the University is that the approved procedures were not followed by the affiliated institution.

### 3.2 Application submission requirements

To appeal, the student shall write to the Head of Complaints and Appeals marking the envelope 'Appeal', and identifying her/himself, the affiliated institution, the programme (and award where appropriate) and year, the decision of the affiliated institution's review group, the facts on which the ground(s) for the appeal are based, and the remedy (ies) sought. The letter must be signed by the student and give the full name, date of birth and student number (where applicable). The letter must be received by the Head of Complaints and Appeals not later than ten working days after the date of notification conveying the final outcome of the affiliated institution's procedures for considering appeals against decisions of examining boards.

### **3.3 Process of investigation**

The Head of Complaints and Appeals shall undertake enquiries to determine whether the appeal meets the conditions set out in section 1.2 of this policy. The student shall be notified in writing of the outcome.

If the appeal meets the conditions the Head of Complaints and Appeals shall:

- a. refer the appeal to the Appeals Panel of the Academic Board; or
- b. refer the appeal back to the affiliated institution, in which case he or she shall identify where the affiliated institution has not followed the approved procedures and shall specify the grounds on which the affiliated institution shall reconsider the original application for review from the student;
- c. determine that there is no basis on which the appeal can proceed.

The student shall be informed in writing of the decision.

If the application for review is referred to the Appeals Panel of the Academic Board, the application shall thereafter follow the procedure set out above except that:

- a. the Chair of the affiliated institution's review group, not the examining board, shall have the right to appear before the panel, to speak and to amplify any written statement; and
- b. the only decisions open to the review panel shall be:
  - i. that the matter be referred back to the affiliated institution's review group for reconsideration in the light of grounds which the review panel shall specify; or
  - ii. that the appeal be rejected.

The Head of Complaints and Appeals shall inform the student in writing of the decision of the Academic Board Appeals Panel as soon as possible.

There shall be no further appeal against the decision of the Appeals Panel.

If the affiliated institution is required to reconsider an appeal, it shall do so using the approved procedures and shall (so far as is practical) involve the same officers. Any meeting of an affiliated institution's review group shall (so far as is practicable) comprise the same members and meet within seven working days of the date of the instruction to do so.

The reconvened review group of the affiliated institution shall have regard to the grounds specified by the Appeals Panel of the Academic Board but shall determine its own procedure and shall be free to decide whether it requires to see the student again. In all other respects, the group's procedure shall follow that determined for the earlier meeting and the general procedures approved by the University.