



University of  
Chester

# Academic Appeals Procedure

SECTION

10

Quality and Standards Manual

## HANDBOOK F:

The Assessment of Students  
at Levels 2, 4, 5, 6, 7 and Taught  
Provision at Level 8

2014 – 2015

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## 1. Introduction

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- 1.1 These procedures describe how a student may submit an Academic Appeal and the grounds under which they may do so. A student submitting an Academic Appeal is referred to in these procedures as 'the appellant'.
- 1.2 Staff who recognise after an AAB that an administrative irregularity may have occurred, leading to an incorrect mark being approved by an Awards Assessment Board or a Progression Assessment Board, should in the first instance contact Registry Services.
- 1.3 All references to an Awards Assessment Board in these procedures shall also refer to a Progression Board or an Examination Committee, unless otherwise stated.
- 1.4 These procedures apply to students studying at the University of Chester (or at a partner organisation) for undergraduate and taught postgraduate awards made by this institution. Academic Appeals may only be made after a decision has been made by an Awards Assessment Board which are the bodies charged with making decisions on student progression and awards (or exceptionally, by the Chair of an Awards Assessment Board), and must be made within the specified time limit.
- 1.5 The purpose of these procedures is to safeguard the interests of all students. They may be used only when there are adequate grounds for doing so and may not be used simply because a student is dissatisfied with the outcome of his/her assessment or other decision concerning their academic position or progress or as an alternative to using the Mitigating Circumstances or complaints procedure at the proper time.
- 1.6 The University expects that students take responsibility for managing their learning, revision and assessment activities throughout the duration of their studies. However, the University acknowledges that exceptional or mitigating circumstances may at times affect a student's performance. Thus, the University has put in place a system of extensions and deferrals for which a student may apply when such difficulties arise. The University also provides extensive student support through the PAT system and SSG. A student in difficulties is expected to make use of support systems put in place by the University and to request an extension or deferral if appropriate.
- 1.7 Students should appreciate that Academic Appeals do not always produce the outcome preferred by an appellant.

## 2. Right to Appeal

2.1 An Academic Appeal is a request for a review of a decision of an Awards Assessment Board or Examination Committee. An Academic Appeal may only be made on one or more of the following grounds:

2.1.1	that the appellant’s performance in the assessment was adversely affected by personal illness or other exceptional personal circumstance(s) only if s/he was unable, or for valid and compelling reasons unwilling, to divulge such illness or circumstance(s) before the Awards Assessment Board or Examination Committee reached its decision. Such illness or circumstance(s) must have had a demonstrable and substantial negative impact on the resulting assessment outcome.
2.1.2	that the assessment was not conducted in accordance with the relevant assessment regulations, leading to a demonstrable and substantial negative impact on the resulting assessment outcome;
2.1.3	that there was administrative error, on the part of the University, which had a demonstrable and substantial negative impact on the resulting assessment outcome;
2.1.4	that some other material irregularity on the part of the University occurred in the conduct of the assessment which had a demonstrable and substantial negative impact on the resulting assessment outcome;
2.1.5	<p>that the appellant has been assessed as having a specific learning difficulty during the current academic session, subject to the following:</p> <ul style="list-style-type: none"> <li>i. The appellant has been diagnosed as having a specific learning difficulty, and was diagnosed, or had started the process of diagnosis by attending SSG for an initial screening, in the current academic session, and before the meeting of the relevant Awards Assessment Board</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>ii. the appellant had not been afforded all opportunities agreed in a full Inclusion Plan to support the assessment or examination in question</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>iii. the appellant is able to supply an educational psychologist’s report with a diagnosis of Specific Learning Difficulties and a full Inclusion plan.</li> </ul> <p>The Dean of Academic Quality and Enhancement is empowered to grant a deferral of assessment on receipt of satisfactory evidence of the diagnosis of a Specific Learning Difficulty, provided the conditions set out above apply, without the need to convene an Appeals Board. In cases of doubt, recourse shall be had to the full Appeals procedure. In no circumstances will deferral of assessment be granted in respect of assessment taken in a previous academic session. In the case of students on professional programmes, those academic appeals which have been upheld on this</p>

	ground shall normally be referred to the Assessment Review Board, in order that the Board may satisfy itself that reasonable adjustments to the undertaking of the professional components of the appellant's programme are considered.
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2.2 Academic Appeals on other grounds shall be deemed inadmissible.

2.3 Appeals against a decision of the Subgroup on Academic Malpractice Penalties or a recommendation of the University Academic Malpractice Panel may only be made on the following grounds:

2.3.1	that the academic malpractice procedures were not conducted in accordance with the relevant regulations;
2.3.2	that there was administrative error on the part of the University which had a demonstrable and substantial negative impact on the operation of the academic malpractice procedures;
2.3.3	that some other material irregularity on the part of the University occurred in the conduct of the academic malpractice procedures;
2.3.4	the penalty imposed unreasonably exceeded the penalty which would normally be applied for such an offence.

2.4 In addition to the grounds outlined in section 2.3, a student whose case was considered by the Subgroup on Academic Malpractice Penalties, but who made no response to the allegation put to them by the Chair of the relevant Module Assessment Board, or nominee, may also appeal on the following ground:

that they had personal illness or exceptional personal circumstances, which affected their ability to mount a defence of the allegation, only if they were unable, or for valid and compelling reasons unwilling, to either request a deferral of the meeting with the Chair of the relevant Module Assessment Board, or nominee or otherwise respond to the allegation in writing.

2.5 In addition to the grounds outlined in section 2.3, a student whose case was referred to a hearing of the University Academic Malpractice Panel may also appeal on the following ground:

that they had personal illness or exceptional personal circumstances which affected their ability to mount a defence of the allegation, only if they were unable, or for valid and compelling reasons unwilling, to either request a deferral of the hearing of the University Academic Malpractice Panel or divulge such illness or circumstance(s) to the University Academic Malpractice Panel, prior to or during the hearing.

2.6 Academic appeals against the decision of a Mitigating Circumstances Board may only be made on the following grounds:

- 2.6.1 additional evidence of illness or other exceptional circumstances, which could not have been known or presented to the Mitigating Circumstances Board at the appropriate time; or
- 2.6.2 evidence of some administrative irregularity in the operation of the Mitigating Circumstances procedures.
- 2.7 The decision of an academic malpractice panel is one of academic judgement, and thus a student may not appeal against the decision of an academic malpractice panel merely because they disagree with the decision.
- 2.8 The decision of a Mitigating Circumstances Board is final, and thus a student may not appeal against the decision of a Mitigating Circumstances Board merely because they disagree with the decision. They may however appeal should they believe they have grounds as described in section 2.4.1 and 2.4.2.
- 2.9 Students are assured that they will not be subject to discrimination for lodging an Academic Appeal in good faith, irrespective of the outcome of the Academic Appeal.
- 2.10 Students should note that the University's complaints procedure should be invoked in other areas of potential dispute. There may be appeals against academic decisions that refer to matters or allegations that are, or that become, the subject of a formal complaint. In cases where matters that are the substance of a complaint are linked to matters which are the substance of an Academic Appeal, the Dean of Academic Quality and Enhancement and the University Proctor shall decide whether the cases shall be considered concurrently or consecutively.
- 2.11 Students studying under a collaborative partnership agreement at another institution or overseas on taught programmes delivered by University of Chester shall be expected to comply with the Academic Appeals Procedures as detailed herein, and to submit full written evidence in support of any Academic Appeal to the Dean of Academic Quality and Enhancement, University of Chester.
- 2.12 Neither students, nor their representatives, nor members of staff may lobby the Chair or Members of an Appeals Board (or Committee) about an academic appeal which has been submitted, or is expected or proposed to be submitted. Doing so may lead to the Appeals Board (Committee) to either defer the hearing of the Academic Appeal until a new Appeals Board (Committee) with a different Chair and Members can be convened, or to the Appeals Board (or Committee) rejecting the Academic Appeal outright.

### 3. Exclusions from Academic Appeal

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- 3.1 The following are illustrations of claims that cannot be considered as the basis for an Academic Appeal:
- 3.1.1 disagreement with academic judgement of a Programme (or Subject) or an Awards Assessment Board in assessing the merits of an individual piece of work or in reaching any assessment decision based on the marks, grades and other information relating to a student's performance;
  - 3.1.2 disagreement with the judgement of the Chair of the relevant Module Assessment Board, or nominee, on the existence of academic malpractice in a case considered by the Subgroup on Academic Malpractice Penalties;
  - 3.1.3 disagreement with the outcome of a hearing of the University Academic Malpractice Panel;
  - 3.1.4 complaints related to teaching, supervision or services. These must be raised at the time when they occur and through the appropriate channels e.g. Personal Academic Tutor, Head of Subject, Staff-Student Liaison Committee, or the University's Complaints Procedure;
  - 3.1.5 any other complaint which can be properly dealt with, or has already been dealt with, under the University's Complaints Procedure, unless the agreed outcome of the complaint was that the matter be referred to the Academic Appeals Board (or Committee);
  - 3.1.6 circumstances which could have been considered, had notice been given prior to the meeting of the Mitigating Circumstances Board or Assessment Board, and where the student has no valid reason for having failed to give such notice;
  - 3.1.7 circumstances which do not fall within one of the permitted grounds, or are wholly without substance or merit, or are frivolous or vexatious, or are unsupported by evidence;
  - 3.1.8 claims that academic performance was adversely affected by factors such as ill health where there is no contemporaneous independent medical or other evidence that relates directly to the named appellant;
  - 3.1.9 claims that academic performance was adversely affected by factors such as ill health which are accompanied by medical evidence which does not contain opinion or diagnosis, but merely repeats what the student has *post hoc* reported to the doctor (or other medical practitioner);



- 3.1.10 claims that academic performance was adversely affected by factors such as ill health which are accompanied by medical evidence stating that the illness 'may have an impact' or which state "the patient informs me";
- 3.1.11 mitigating circumstances in cases where the student could reasonably have avoided the situation or acted to limit the impact of the circumstances. Examples of mitigating circumstances which would not be considered by an Appeals Board can be found in the accompanying guidance;
- 3.1.12 circumstances which might have fallen within one or more of the permitted grounds for Academic Appeal, but which were not the subject of an Academic Appeal at the relevant time;
- 3.1.13 Academic Appeals on the grounds of specific learning difficulties where the appellant began the process of diagnosis after the assessment in question;
- 3.1.14 Appeals against the decision of an Academic Malpractice Panel in cases which have already been considered by an Appeals Board or Committee.

*The above list is not exhaustive.*

#### 4. Responsibilities of the student

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- 4.1 The University acknowledges that there may be exceptional or mitigating circumstances where a student cannot divulge such circumstances at the relevant time. However, if a student wishes to lodge an Academic Appeal, the Appeal should be lodged at the first available opportunity i.e. where the circumstances are long-standing an Academic Appeal based on such circumstances should be made at the failure of the first attempt at the assessment rather than waiting until failure at reassessment or third attempt. If a student has a long-term condition or problem which may affect her/his study and assessment, it is the responsibility of the student to seek advice as early as possible, to use the support services available through the University, and to utilise procedures such as extension, deferral or mitigating circumstances procedures where appropriate and permissible.
- 4.2 It is the responsibility of the student to:
  - 4.2.1 Ensure the submission of an Academic Appeal and supporting evidence is submitted within the published timescale;
  - 4.2.2 Ensure that the Dean of Academic Quality and Enhancement has an address for correspondence for the timescale of the Academic Appeal;



- 4.2.3 compile documentation in support of an Academic Appeal. The University does not contact medical practitioners or other professionals on behalf of an appellant for supporting evidence. Impartial guidance about the compilation of supporting evidence can be obtained from the Students' Union.

## 5. Procedure for Academic Appeal

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- 5.1 A student may ONLY appeal after the publication of results and MUST:
- 5.1.1 within fourteen calendar days of the publication of results, submit a completed Academic Appeal Form signed by the appellant and present a full case for Academic Appeal in writing, including appropriate documentary evidence;
  - 5.1.2 or, if appealing against a decision of the Subgroup on Academic Malpractice Penalties or a hearing of the University Academic Malpractice Panel, within fourteen calendar days of notification of the outcome, submit a completed Academic Appeal Form AM signed by the appellant and present a full case for Academic Appeal in writing, including appropriate documentary evidence;
  - 5.1.3 or, if appealing against the decision of a Mitigating Circumstances Board, within fourteen calendar days of notification of the outcome, submit a completed Academic Appeal Form MCB signed by the appellant and present a full case for Academic Appeal in writing, including appropriate documentary evidence;
  - 5.1.4 not proceed to any awards ceremony pending determination of the Academic Appeal. An Academic Appeal will not be considered once an award has been accepted either in person or in absentia at an awards ceremony.
- 5.2 An Academic Appeal signed by someone other than the appellant shall not be considered, unless prior permission is granted by the Dean of Academic Quality and Enhancement.
- 5.3 Where an appellant has submitted an academic appeal and takes the case to law before the University's procedures have been exhausted, consideration of the academic appeal will be stayed until the legal case is completed. Where a student takes a case to law and submits an academic appeal based on the same substantive issues, the academic appeal will not be considered until the legal case is completed.

### *Time Limits*

- 5.4 Failure by an appellant to comply with any of the time limits specified in these procedures will render an Academic Appeal inadmissible, with the consequence that it cannot be pursued further, unless the Dean of Academic Quality and Enhancement is satisfied that

circumstances exist which made it not feasible for the appellant to have complied within the time limit specified.

- 5.5 Where an appellant has a disability or specific learning difficulty, the appellant may apply to the Dean of Academic Quality and Enhancement for an extension to a specified time limit. The appellant must have either an Inclusion Plan which specifies that flexibility with deadlines should be applied upon application, or should be able to produce evidence of the disability or specific learning difficulty and how it has impacted on the appellant's ability to comply with the specified time limit.

### *Evidence*

- 5.6 All Academic Appeals on the grounds of illness or other exceptional circumstances as described in section 2.1.1 or 2.3.1 must be accompanied by medical, professional or other sufficiently independent evidence which is contemporaneous with the period of the assessment concerned. Other than in exceptional cases, retrospective medical or other certification will not be accepted as valid.
- 5.7 Any medical or other certification submitted in support of an Academic Appeal must relate specifically to the dates, nature, onset and duration of the illness or circumstances. Additionally, in the case of illness, the certification must contain a clear medical diagnosis, opinion or description of symptoms and a statement on the severity of the impairment, and not merely report the student's claim that s/he felt unwell, nor report the student's claim that s/he had reason to believe s/he was ill.
- 5.8 Where the appellant is appealing because of illness or circumstances relating primarily to family or friends, medical or other evidence must be submitted demonstrating how the illness or circumstances have affected the appellant, and also must comply with the evidence requirements in 5.4. and 5.5.
- 5.9 Letters of support from family members or friends will not be considered as independent evidence.
- 5.10 All supporting evidence should be in English. Where original documentary evidence is in another language, it must be accompanied by a certified translation into English.
- 5.11 Where an appellant submits falsified evidence in support of an Academic Appeal, the University reserves the right to disallow the Appeal and to institute disciplinary or other appropriate procedures.
- 5.12 Personal information contained within the academic appeal will only be shared with members of staff who need to know the information, normally: members of the Appeals Board; members of the Assessment Review Board where the information is necessary to make an informed academic decision; the administrative staff dealing with the academic appeal, and where necessary other members of staff who may need to give information to

the Appeals Board about the case. However, in the case of a student studying on a professional programme as defined by the University's Professional Programmes Handbook, the Academic Appeals Board or the Assessment Review Board, after considering medical or other evidence submitted in support of the academic appeal may advise or require the initiation of Professional Suitability procedures.

### *Status of a student who has submitted an Academic Appeal*

- 5.13 The decision of an Awards Assessment Board, Academic Malpractice Panel or Mitigating Circumstances Board remains until and unless it is overturned by an Assessment Review Board. In the case of continuing students, the appellant should prepare for and submit any assessments or reassessments by the given deadline and sit any examinations on the scheduled dates. Where a student has not been permitted to progress to the next level, they may not attend lectures nor submit work for the next level unless a decision to that effect has been made by an Assessment Review Board, or in the case of an undisputed administrative error, by the Chair of an Awards Board. In the case of students whose studies have been terminated, the student may not recommence studies unless a decision to that effect has been made by an Assessment Review Board, or in the case of an uncontested administrative error, the Chair of an Awards Assessment Board has taken action.

## 6. Preliminary consideration of Academic Appeal

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- 6.1 The Dean of Academic Quality and Enhancement (or nominee) and a designated member of the senior staff of Academic Quality Support Services shall decide normally within 28 working days of receipt of an Academic Appeal submitted within 14 days of the publication of results whether the Academic Appeal merits further consideration by an Appeals Board (or Appeals Committee in the case of appeals against academic malpractice decisions or appeals against Mitigating Circumstances Boards which have not been ratified by the Awards Assessment Board). The Dean and senior member of Academic Quality Support Services may make one of the following decisions:
- 6.1.1 that the appellant's case does not have substance. This decision shall be based on the guidelines appended (Appendix 10D). The Dean of Academic Quality and Enhancement will notify the appellant by letter of the reasons for the decision;
  - 6.1.2 that the appellant's case wholly or partly warrants further consideration by an Appeals Board (or Committee);
  - 6.1.3 that the Academic Appeal should be dealt with under the process for students identified as having a specific learning difficulty during an academic session;
  - 6.1.4 that an Academic Appeal made on the grounds specified in sections 2.1.2, 2.1.3 and/or 2.1.4 is established and a letter is received from the Head of Department /

Head of Section or nominee confirming the error. In this case the Dean shall refer the case directly to the Chair of the relevant Awards Assessment Board.

- 6.2 Where an appellant is studying on, or having had their studies terminated, is seeking to return to a professional programme, at any stage in the procedure the Dean of Academic Quality and Enhancement, the Appeals Board (or Committee) or the Assessment Review Board may advise or require that professional suitability procedures are invoked, if the nature of the academic appeal, or the evidence supplied in support of the academic appeal occasions this course of action.

## 7. Request for a review of the decision at the preliminary stage

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- 7.1 Following the rejection of an Academic Appeal at the preliminary stage, the appellant may request a Dean of an academic Faculty (not the Chair of the Appeals Board) to review the decision. The request for a review must be made within 7 calendar days of the notification of the decision of the Dean of Academic Quality and Enhancement. This request should be sent to the Appeals Section of Academic Quality Support Services who will forward the request together with the relevant papers to the reviewing Dean.
- 7.2 A request may only be made on the grounds that the appeals procedure was not carried out correctly, or that new evidence had come to light which could not have been made known to the Dean of Academic Quality and Enhancement at the relevant time. The reviewing Dean may decide:
- 7.2.1 to confirm that the appeal is unsuccessful. A 'Completion of Procedures' letter will be issued (See Section 13.1 below); or
- 7.2.2 that the appeal should be forwarded for further consideration by the Appeals Board (or Committee).

## 8. Appeals Board

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- 8.1 The Appeals Board acts with the full delegated authority of Senate. It has the power to require staff and students of the University to make written submissions, attend, give evidence and answer questions.
- 8.2 Following the Awards Assessment Boards, the Appeals Board (Annex A) will meet normally within six weeks following the publication of results to consider all written submissions referred by the Dean of Academic Quality and Enhancement within the specified time limits, other than those rejected during the initial consideration and those on which the Dean has been able to take other action.

- 8.3 The Appeals Board may take advice from a member (or members) of staff with appropriate clinical expertise, or other persons with such expertise, about the interpretation of medical or other evidence supplied in support of an academic appeal.
- 8.4 After considering all the evidence, the Appeals Board may decide as follows:
- 8.4.1 that the Academic Appeal is unsuccessful, the original decision of the Awards Assessment Board or Examination Committee stands; or
- 8.4.2 that the Academic Appeal is successful: the Appeals Board shall request that AQSS convene the relevant Assessment Review Board.
- 8.5 Where an appellant is studying on, or having had their studies terminated, is seeking to return to a professional programme, at any stage in the procedure the Dean of Academic Quality and Enhancement, the Appeals Board or the Assessment Review Board may advise or require that professional suitability procedures are invoked, if the nature of the academic appeal, or the evidence supplied in support of the academic appeal occasions this course of action.
- 8.6 The Appeals Board may decide at any stage of its deliberations to adjourn for the purpose of obtaining further evidence in writing or in person.

### *Attendance at the Appeals Board by the Appellant and Staff of the University*

- 8.7 Normally the Appeals Board will only consider written submissions. However, if the Appeals Board decides to adjourn to receive further evidence, a further meeting of the Board shall be convened. The Appeals Board may request further evidence in writing or in person from either the appellant or staff of the University. If the Chair deems that oral evidence is appropriate, the Board may request that (an) appropriate member(s) of staff and the appellant attend the reconvened Board.
- 8.8 The appellant may be accompanied by a “friend” if s/he wishes. The “friend” shall be a member of the University of Chester, either a fellow student or an officer of Chester Students’ Union. If the “friend” is a student, they must bring proof of registered student status at the University of Chester. Exceptionally, the “friend” may be a member of SSG. The name and status of the “friend” shall be notified in advance to the Secretary of the Appeals Board. The role of the “friend” is to support the appellant, and not to act as a legal representative. At the discretion of the Chair, the “friend” accompanying the appellant may be invited to make a statement.
- 8.9 In cases of an oral hearing the appellant shall be sent one copy of all documents made available to the Appeals Board in advance of the hearing.

- 8.10 Where an appellant attends an Appeals Board at the request of the Board, travel expenses limited to the cost of a second class rail fare (mainland only) from the appellant's declared home address shall be permitted.
- 8.11 Where a decision has been ratified by the AAB, it shall be considered by the Appeals Board. Where a decision has not been ratified by the AAB, it shall be considered by an Appeals Committee.
- 8.12 Where a student is studying at a partner institution overseas, is a student whose studies are based in the UK, but is studying overseas as part of their programme, or who is an overseas student studying without attendance, the hearing may take place via a videoconference link.
- 8.13 A student who is overseas on holiday, or for personal reasons, will not normally be permitted to attend a hearing via a videoconference link.

## 9. Appeals Committee

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- 9.1 Where an academic malpractice decision or Mitigating Circumstances Board decision has been ratified by the AAB, an appeal shall be considered by the Appeals Board. Where such a decision has not been ratified by the AAB, an appeal shall be considered by an Appeals Committee.
- 9.2 The Appeals Committee acts with the full delegated authority of Senate. It has the power to require staff and students of the University to make written submissions, attend, give evidence and answer questions.
- 9.3 The Appeals Committee may take advice from a member (or members) of staff with appropriate clinical expertise, or other persons with such expertise, about the interpretation of medical or other evidence supplied in support of an academic appeal.
- 9.4 After considering all the evidence, the Appeals Committee may decide as follows:
- 9.4.1 that the Academic Appeal is unsuccessful, the original decision of the Standing Subcommittee on Academic Malpractice Penalties or the University Academic Malpractice Panel, as ratified by the relevant Assessment Board, stands.
  - 9.4.2 that the Academic Appeal is unsuccessful, the original decision of the Mitigating Circumstances Board, as ratified by the relevant Assessment Board, stands.
  - 9.4.3 that the Academic Appeal is successful: the Appeals Committee shall normally request either:



- 9.4.3.1 that a case originally considered by the Standing Subcommittee on Academic Malpractice Penalties be referred to the University Academic Malpractice Panel to hear the case; or
  - 9.4.3.2 that a new University Academic Malpractice Panel be convened to hear the case; or
  - 9.4.3.3 that the University Academic Malpractice Panel which originally heard the case be reconvened to reconsider its recommendation on penalty; or
  - 9.4.3.4 (in instances where the Academic Appeal against the decision of the Mitigating Circumstances Board is successful), that AQSS convene the relevant Assessment Review Board.
- 9.5 Where an appellant is studying on, or having had their studies terminated, is seeking to return to a professional programme, at any stage in the procedure the Dean of Academic Quality and Enhancement, or the Appeals Committee may advise or require that professional suitability procedures are invoked, if the nature of the academic appeal, or the evidence supplied in support of the academic appeal occasions this course of action.
- 9.6 The Appeals Committee may decide at any stage of its deliberations to adjourn for the purpose of obtaining further evidence in writing or in person.

### *Attendance at the Appeals Committee by the Appellant and Staff of the University*

- 9.7 Normally the Appeals Committee will only consider written submissions. However, if the Appeals Committee decides to adjourn to receive further evidence, a further meeting of the Committee shall be convened. The Appeals Committee may request further evidence in writing or in person from either the appellant or staff of the University. If the Chair deems that oral evidence is appropriate, the Committee may request that (an) appropriate member(s) of staff and the appellant attend the reconvened Board.
- 9.8 The appellant may be accompanied by a “friend” if s/he wishes. The “friend” shall be a member of the University of Chester, either a fellow student or an officer of Chester Students’ Union. If the “friend” is a student, they must bring proof of registered student status at the University of Chester. Exceptionally, the “friend” may be a member of SSG. The name and status of the “friend” shall be notified in advance to the Secretary of the Appeals Board. The role of the “friend” is to support the appellant, and not to act as a legal representative. At the discretion of the Chair, the “friend” accompanying the appellant may be invited to make a statement.
- 9.9 In cases of an oral hearing the appellant shall be sent one copy of all documents made available to the Appeals Committee in advance of the hearing.



9.10 Where an appellant attends an Appeals Committee at the request of the Board, travel expenses limited to the cost of a second class rail fare (mainland only) from the appellant's declared home address shall be permitted.

## 10. Request for a review of decision after an Appeals Board (or Committee)

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10.1 If the Academic Appeal is unsuccessful, the appellant may submit a request in writing for a review of the decision. This request must be made within 14 calendar days of the Appeals Board's (or Appeals Committee's) decision and should be made to the Pro Vice-Chancellor (Academic) (or a nominated other Pro Vice-Chancellor). This request should be sent to the Appeals Section of Academic Quality Support Services who will forward the request together with the relevant papers to the Pro Vice-Chancellor.

10.2 Normally, there should be new grounds put forward to substantiate a request for review. These might constitute either:

10.2.1 evidence of some administrative irregularity in the operation of the Academic Appeals procedures; or

10.2.2 additional evidence of illness or other exceptional circumstances, which could not have been known or presented to the original Appeals Board (or Committee).

10.3 Where possible, the review should be completed within 21 calendar days of receipt of the request in writing from the appellant. The Pro Vice-Chancellor may decide one or more of the following:

10.3.1 no irregularity in procedure is found – Academic Appeal is unsuccessful and a 'Completion of Procedures' letter will be issued (see Section 13.1);

10.3.2 some irregularity in procedure – Academic Appeal is referred back to the Appeals Board (or Committee);

10.3.3 no new evidence supplied in mitigation – Academic Appeals is unsuccessful and a 'Completion of Procedures' letter will be issued (see Section 13.1);

10.3.4 valid new evidence of mitigating circumstances supplied – Academic Appeal is referred back to the Appeals Board (or Committee);

10.3.5 there is doubt that natural justice has been applied – Academic Appeal is referred back to the Appeals Board (or Committee).

- 10.4 Where the Pro Vice-Chancellor refers a case back to the Appeals Board (or Appeals Committee); in accordance with sections 9.3.2, 9.3.4 or 9.3.5, the Appeals Board shall meet to determine the Academic Appeal normally within 28 working days following the Pro Vice-Chancellor's decision. The decision of that Appeals Board shall be final and if the Academic Appeal is unsuccessful at this stage a 'Completion of Procedures' letter will therefore be issued (see Section 13.1).

## 11. Assessment Review Board

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- 11.1 If an Academic Appeal against the decision of an Awards Assessment Board is successful, an Assessment Review Board (Annex B) shall carry out a review of those decisions of the Awards Assessment Board that were the subject of the Academic Appeal.
- 11.2 The Deputy Registrar (or nominee) shall be notified of a decision by either the Academic Appeals Board or Academic Appeals Committee to uphold an appeal. Within five working days, the Deputy Registrar (or nominee) shall determine the level of discretion available to the Assessment Review Board to amend the original decision of the Awards Assessment Board or the Progression Assessment Board and decide whether:
- 11.2.1 the Assessment Review Board would have no discretion and the original decision of the Awards Assessment Board or the Progression Assessment Board must be amended according to the regulations and conventions of the University; or
- 11.2.2 the Assessment Review Board may have some discretion on matters relating to progression or for any other reason that the Deputy Registrar (or nominee) shall determine.
- 11.3 Where the Deputy Registrar (or nominee) determines that the provisions of 11.2.1 apply the Chair of the Awards Assessment Board or Progression Assessment Board shall be invited to act as the Chair of the Assessment Review Board and authorise an amendment to the original decision of the Awards Assessment Board or Progression Assessment Board according to advice from the Deputy Registrar (or nominee). Any such amendment shall be reported to the next meeting of the Awards Assessment Board.
- 11.4 Notwithstanding the advice of the Deputy Registrar (or nominee) the Chair of the Assessment Review Board may determine that there is sufficient reason for the matter to be considered at a full meeting of the Assessment Review Board.
- 11.5 Where the Deputy Registrar (or nominee) determines that the provisions of 11.2.2 apply the Dean of Academic Quality and Enhancement (or nominee) shall be invited to convene a meeting of the Assessment Review Board.

- 11.6 The Assessment Review Board shall meet normally within five working days of the relevant Academic Appeals Board to consider the evidence and any recommendations from the Appeals Board in as much these pertain to a decision the Assessment Review Board makes on the new recommendation for assessment. The Assessment Review Board may not overturn the decision of the Appeals Board.
- 11.7 The options available for recommendation are as follows:
- 11.7.1 the original decision of the Awards Assessment Board or Progression Assessment Board is overturned and a new recommendation for the relevant assessment(s) is made; or
  - 11.7.2 exceptionally, the original decision of the Awards Assessment Board is upheld and the original recommendation confirmed.
- 11.8 In the case of an Academic Appeal being successful on the grounds specific in sections 2.12, 2.13 or 2.14 the Deputy Registrar or Chair of the Assessment Review Board may consider the effects of the error or other irregularity on other students who may or may not have appealed and be empowered to review the decisions made by an Awards Assessment Board in respect of those students also.
- 11.9 The decision of the Assessment Review Board is final, and there is no right to request a review of this decision. A 'Completion of Procedures' letter will therefore be issued (see Section 13.1) at this point. In cases of appeals against decisions of academic malpractice panels, which have been returned to the original academic malpractice panel or to a new academic malpractice panel, there is no right to request a review of the decision of the second academic malpractice panel. A 'Completion of Procedures' letter will therefore be issued (see Section 13.1).
- 11.10 If, exceptionally, the Assessment Review Board confirms the original decision of the Awards Assessment Board, the Chair of the Assessment Review Board shall write to the appellant, giving reasons for the decision. The Chair shall also write to the Chair of the Academic Appeals Board, giving reasons for the decision.
- 11.11 The decision will be reported to the next meeting of the relevant Awards Assessment Board.

## 12. Timescale for the process

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- 12.1 An appellant's academic appeal will normally be resolved (to the point of exhausting the University's procedures) within 4 months of the date of the appellant submitting an academic appeal. Where this is not possible, the appellant will be informed of, and given a reason for, the delay.

### 13. Office of the Independent Adjudicator

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13.1 Where an appellant has exhausted internal procedure, and a Completion of Procedures letter has been issued, there exists a right to take the case to the Office of the Independent Adjudicator for Higher Education (OIA). If the appellant wishes to take his/her complaint to the OIA, s/he must send a Scheme Application Form within three months of the date of the Completion of Procedures letter. A Scheme Application Form can be obtained from the Institutional Compliance Officer, from Chester Students' Union or downloaded from the OIA website [www.oiahe.org.uk](http://www.oiahe.org.uk).

Where an appellant does not have grounds for requesting either a review of a preliminary decision, or a review of a the decision of an academic appeals board, but is nonetheless dissatisfied with the outcome of the academic appeal, they may request a Completion of Procedures letter from the Dean of Academic Quality and Enhancement.

### 14. Internal Monitoring of Process

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14.1 Academic Quality Support Services will maintain a record of:

- The nature of the Academic Appeal;
- How the matter was dealt with and the time taken for each stage;
- The outcome of the Academic Appeal;
- Equal opportunities information gathered, which will be held separately and anonymously.

14.2 A report will be submitted annually to Quality and Enhancement Committee detailing numbers of Academic Appeals in the previous academic year, the outcomes of those Academic Appeals, the spread across level and subject, comparison with previous years, and an analysis of any trends. The report shall also highlight any issues which impact upon regulatory matters, managerial issues, matters of interest to students and any other aspects of the life and work of the University.

### 15. Submission of mark amendments following an Awards Assessment Board

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15.1 Mark amendments will be made using the form Nii submitted to Registry Services.

15.2 Where the nature or reasons for the amendment indicate in the view of Registry Services a serious breach of process, or would change an overall AAB/PAB outcome to the detriment of the student, then Registry Services will require the department to resubmit the request to the Dean of Academic Quality and Enhancement on Form 10E.

- 15.3 The Dean of Academic Quality and Enhancement shall determine the nature and extent of the circumstances which led to the request for the amendment and shall authorise any such action deemed necessary to avoid a reoccurrence.
- 15.4 If the Dean of Academic Quality and Enhancement authorises the amendment, Registry Services will invite the Chair of the Awards Assesment Board or Progression Assessment Board to confirm the amended outcome. The student(s) affected will be advised of the amended outcome and will have a further 14 days in which to submit an appeal.

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## Annex A: Terms of Reference and Composition of Appeals Board

### *Terms of Reference*

1. To decide appeals which are eligible for consideration by an Appeals Board having taken into account all the relevant evidence relating to such Appeals. In doing so the Appeals Board acts with the full delegated authority of Senate. It has the power to require staff and students to make written submissions, attend the Appeals Board, give evidence and answer questions.
2. To communicate in writing to an unsuccessful appellant the reason(s) why the Academic Appeal was unsuccessful.
3. To report its decisions to the Assessment Review Board, and if it thinks fit make a recommendation to the Assessment Review Board on the result of the assessment in question or the further assessment opportunity to be granted.
4. To note any matters arising from the Academic Appeals considered, and where appropriate, bring matters to the attention of a subject or support department, Faculty, or relevant committee.

### *Composition*

There shall be an Appeals Board consisting of **three** members. Members of the Appeals Board shall be approved by Senate, for a term of two years. Retiring members may be re-nominated.

*Chair:* A Dean, or an Associate Dean of a Faculty nominated by Senate, who has not been directly involved in the assessment of any module(s) under consideration;

*Members:* Dean of Academic Quality and Enhancement (or nominee approved by Senate); and  
A senior member of staff from a department other than the department(s) within which the modules in question are delivered and assessed.

*A minuting secretary will be in attendance.*

Before proceeding to decide an Academic Appeal a member of the Appeals Board should consider whether s/he has an interest which conflicts or appears to conflict with the duty to be impartial. Where any member of the Appeals Board believes that s/he may have such a conflict of interest, s/he must declare this to the Chair or Secretary as appropriate, and not take part in any decision making about that case. In such an event, the case may be referred to the next Appeals Board or a new Appeals Board will be convened.

The Appeals Board may permit such observers of its proceedings as is appropriate from time to time.

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## Annex B: Terms of Reference and Composition of Assessment Review Boards

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### *Terms of Reference*

1. To make decisions on the assessment of individual components/ modules which have been the subject of a successful Academic Appeal.
2. To make decisions on progression and awards where necessary.

### *Composition*

There shall be an Assessment Review Board.

*Chair:* A Dean of Faculty (or in exceptional circumstances a suitable nominee may be appointed to act in this capacity);

*Members:* One member of the Awards Assessment Board who will normally be a representative of the relevant department (where there may otherwise be unreasonable delay, the department may give their advice to the Chair by email).

*A minuting secretary, a senior officer of AQSS and a senior offer of Registry Services will be in attendance.*

The Assessment Review Board may determine such observer members as is appropriate from time to time.

In cases where an Assessment Review Board outcome has immediate effect on the status of an award previously confirmed by the Awards Assessment Board, the Chief External Examiner shall be consulted over the review proceedings and confirm the decision of the Assessment Review Board.

The decision of the Assessment Review Board shall be reported to the next meeting of the Awards Assessment Board.

## Annex C: Terms of Reference and Composition of Appeals Committees

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### *Terms of Reference*

1. To decide appeals which are eligible for consideration by an Appeals Committees having taken into account all the relevant evidence relating to such Appeals. Necessarily, these appeals will be related to assessment outcomes where the Examiners' decision(s) have NOT been ratified by an Awards Assessment Board. In doing so the Academic Appeals Committee acts with the full delegated authority of Senate. It has the power to require staff and students to make written submissions, attend the Appeals Committee, give evidence and answer questions.
2. To communicate in writing to an unsuccessful appellant the reason(s) why the appeal was unsuccessful.
3. When deciding that an appeal should succeed, determine whether:
  - a. A case originally considered by the Standing Subcommittee on Academic Malpractice Penalties should be referred to a hearing of the University Academic Malpractice Panel;
  - b. A new University Academic Malpractice Panel should be convened to hear the case;
  - c. The case should be referred back to the University Academic Malpractice Panel for the reconsideration of penalty; or
  - d. (in cases of appeal against a decision of the Mitigating Circumstances Board) to require AQSS to convene a meeting of the relevant Assessment Review Board.
4. To note any matters arising from the Academic Appeals considered, and where appropriate, bring matters to the attention of a subject or support department, faculty, relevant committee or the pool of members of academic malpractice panel members.

### *Composition*

There shall be an Appeals Committee consisting of two members and a Secretary. Members of the Appeals Committee shall be approved by Senate, for a term of two years. Retiring members may be re-nominated.

*Chair:* A Dean or Associate Dean of a Faculty, nominated by Senate, who has not been directly involved in the assessment of any module(s) under consideration;

- Member:* A senior member of staff from a department other than the department(s) within which the modules in question are delivered and assessed.
- Secretary:* Dean of Academic Quality and Enhancement (or nominee approved by Senate)

*A minuting secretary will be in attendance.*

Before proceeding to decide an Academic Appeal a member of the Appeals Committee should consider whether s/he has an interest which conflicts or appears to conflict with the duty to be impartial. Where any member of the Appeals Committee believes that s/he may have such a conflict of interest, s/he must declare this to the Chair or Secretary as appropriate, and not take part in any decision making about that case. In such an event, the case may be referred to the next Appeals Committee or a new Appeals Committee will be convened.

The Appeals Committee may permit such observers of its proceedings as is appropriate from time to time.

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