



University of
Chester

Academic Appeals Procedure

SECTION

10

Quality and Standards Manual

HANDBOOK F:

The Assessment of Students
at Levels 3, 4, 5, 6, 7 and Taught
Provision at Level 8

2018 – 2019

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During the 2018/19 academic year, the majority of responsibilities held by the Dean of Academic Quality & Enhancement will be discharged to the Head of Academic Quality and Standards, Ian Britton. For further information, please contact i.britton@chester.ac.uk

1. Introduction

- 1.1 The academic appeals procedure is intended to allow students of the University of Chester to raise concerns about their academic progress, where there is evidence to suggest that it is reasonable to do so. The procedure is designed to ensure that these concerns are fully considered and that, where appropriate, action is taken to deal with them.
- 1.2 It is in the student's interest to raise concerns informally with the department(s) concerned prior to submitting an academic appeal. This is especially true in cases where the student believes that there is clear evidence of an administrative error which could be corrected without the need to submit a formal appeal.
- 1.3 The academic appeals procedure does not allow students to challenge the marks that they have been awarded for a particular piece of assessment. The decisions made by the Examiners about the academic value of a piece of work are academic judgements and cannot be overturned.
- 1.4 The academic appeals procedure is designed to enable students to raise concerns relating to decisions of the Awards Assessment Board, the Progression Assessment Board, the Mitigating Circumstances Board and, in limited circumstances, the Academic Integrity Review Panel and its subgroup. Other matters that do not relate directly to these, such as alleged poor teaching, supervision or academic guidance, should be raised at the time through student representation arrangements or via the complaints procedure.
- 1.5 When a student or former student of the University submits an appeal they are referred to as 'the appellant'.
- 1.6 The academic appeals procedure is primarily evidence based. It is the appellant's responsibility alone to provide sufficient independent documentary evidence to substantiate the contents of their appeal. An appeal is highly unlikely to succeed if no suitable evidence is provided. The University will publish separate guidance on the type of evidence that appellants may wish to consider submitting.
- 1.7 Throughout these procedures, where reference is made to specific post-holders, the line manager of that post-holder may nominate another person to act instead.
- 1.8 Throughout these procedures, indicative timescales are given in calendar days. However, where a deadline (either for the appellant or the University) falls on a Saturday, Sunday, Bank Holiday or on any other day that the University is closed, the deadline is extended to 2pm the next weekday (i.e. Monday – Friday).

2. Rights and Responsibilities

- 2.1. Any decision that is the subject of an academic appeal remains in force while the appeal is being considered and the appellant must abide by that decision until the academic appeals procedure has been completed. Where an appellant has completed a programme of study, they must not attend any award ceremony until the academic appeal is completed. Attendance at a ceremony will invalidate the appeal and all decisions will stand.
- 2.2. The University undertakes that any student who submits an academic appeal under this procedure will not be academically disadvantaged for having done so. Any student who believes that they have been disadvantaged by submitting an academic appeal at any point should contact the Dean of Academic Quality & Enhancement immediately.
- 2.3. The University accepts that any student who submits an academic appeal under this procedure will do so in good faith and that any statements made in writing or verbally are truthful. However, it reserves the right to investigate the authenticity of any documents submitted in support of an academic appeal. Any student found to have deliberately attempted to deceive, manipulate or in any way interfere with the operation of this procedure will be subject to disciplinary action.
- 2.4. All members of staff who have been involved in the investigation, management or administration of an academic appeal will observe the requirements for confidentiality. The appellant has the right to restrict the extent to which any part of their appeal submission is disclosed outside of Academic Quality Support Services and to the Academic Appeals Board. However, appellants exercising this right must be aware that doing so may impair the full investigation of the case.
- 2.5. As long as the appellant has not had their studies at the University terminated or has otherwise completed their programme of study, they will retain the same rights of access to the resources and support of the University as any other student. Following submission of an appeal, communication which directly relates to the substance of that appeal must be channelled through the Student Affairs team in Academic Quality Support Services.
- 2.6. The University will use its best endeavours to ensure that academic appeals are dealt with in a timely way. If the appellant meets all of the deadlines outlined in these procedures, a decision by the Academic Appeals Board should normally be made within 60 days of the date of submission. Where any delay is caused by the University, the appellant will be kept informed and reasons will be provided.
- 2.7. To facilitate the swift handling of appeals, communication will be to the appellant's University of Chester email address and may be copied to one other alternate email address specified by the appellant. It is the appellant's responsibility to check their email regularly during the appeals process. The University will regard any email sent to an appellant by 4pm (Monday-Friday) as having been received on the same day.
- 2.8. If at any point in the conduct of an appeal under these procedures it appears that other students who may or may not have appealed have been affected by an alleged or identified irregularity, this will be reported to the Dean of Academic Quality &

Enhancement and the Deputy Registrar who jointly shall be empowered to instruct that appeals are considered on behalf of all students believed to have been affected.

- 2.9. In most cases the outcome of a successful appeal will be to allow the appellant a further opportunity to be assessed. Therefore, the academic judgements made by the Examiners and the marks agreed by them will not be altered unless an administrative error has been identified which warrants such a course of action.
- 2.10. Appellants who are registered for or seeking to return to a professional programme may be referred to the Professional Suitability Procedure where their appeal submission or supporting evidence suggests that it would be prudent to do so. Such a decision may be made by the Dean of Academic Quality & Enhancement, the Academic Appeals Board or the Assessment Review Board.
- 2.11. The University will not be liable for any expenses an appellant might incur arising out of an Academic Appeal, irrespective of whether the appeal is successful or not.
- 2.12. The appellant is permitted to withdraw their appeal at any point until 5pm on the day prior to its hearing by the Academic Appeals Board. After this time, an appeal may not be withdrawn. In the event of the appeal being upheld, the appellant must abide by the decision of the Examiners which shall be determined by the Assessment Review Board.

3. Grounds for Appeal

- 3.1. A student may appeal against a decision of the **Awards Assessment Board** or the **Progression Assessment Board** on the following grounds only:
 - 3.1.1. That there were procedural or administrative irregularities in the conduct of the assessment process;
 - 3.1.2. That there were factors which materially affected the appellant's performance, provided that these circumstances were not known by the Examiners **and** there are compelling reasons why the appellant failed to follow the procedures for requesting an extension or deferral or for submitting an application to the Mitigating Circumstances Board;
 - 3.1.3. That the appellant had been assessed as having a specific learning difference during the current academic session, provided that the provisions of section 5 of this procedure has been adhered to.
- 3.2. A student may appeal against a decision of the **Mitigating Circumstances Board** on the following grounds only:
 - 3.2.1. That there is evidence of procedural or administrative irregularity in the conduct of the Mitigating Circumstances Board;

- 3.2.2. That there exists some new evidence which, for compelling reasons, could not be made available prior to the meeting of the Mitigating Circumstances Board.
- 3.3. A student may appeal against a decision of the **Academic Integrity Review Panel or its subgroup** on the following grounds only:
 - 3.3.1. That there is evidence of procedural or administrative irregularity in the conduct of the published procedure relating to breaches of the Academic Integrity Policy;
 - 3.3.2. That the appellant, for compelling reasons that can be substantiated, was unable to mount a defence of the allegation of a breach of the Academic Integrity Policy.

4. Submission of an Academic Appeal

- 4.1. A student may only submit an appeal after the formal publication of results by the Awards Assessment Board or the Progression Assessment Board, or after receiving final notification of the decision of the Mitigating Circumstances Board, the Academic Integrity Review Panel or its subgroup.
- 4.2. In all cases, appeal submissions must be made using the appropriate form and be received by the University no later than **10 days** after the date of publication of results or notification of outcome.
- 4.3. Academic Appeals may be submitted as email attachments to academicappeals@chester.ac.uk. Where an appellant chooses to submit an appeal by email, it must meet the following requirements:
 - 4.3.1. Documentary evidence provided in support of an appeal (e.g. medical certificates, letters etc.), must be attached to the email as **full colour scans** and preferably as PDF files.
 - 4.3.2. It is the appellant's responsibility to be able to produce the original documents submitted in support of an academic appeal if requested to do so by the University. Failure to produce such original documents will invalidate the appeal.
- 4.4. Academic Appeals may be submitted in hardcopy to one of the following authorised receiving departments:
 - 4.4.1. Academic Quality Support Services (by post only);
 - 4.4.2. Chester Students' Union (in person only);
 - 4.4.3. Student Welfare / Disability & Inclusion (located in Student Futures).
- 4.5. Irrespective of the method chosen to submit, it is the appellant's responsibility to ensure safe receipt of an appeal submission:

- 4.5.1. If emailed or submitted to the University in person, the appellant should expect to receive an acknowledgement from Student Affairs within 7 days.
- 4.5.2. Where the appellant chooses to post their appeal submission, they are strongly advised to use a suitable tracking service. The appellant should expect to receive an acknowledgement from Student Affairs within a reasonable amount of time depending upon where the documents were posted from and, in every case, should make contact if no acknowledgement is received within 14 days of posting.
- 4.5.3. Appellants submitting appeals from outside the UK are likely to find it more convenient to make their submission via email. However, if this is not possible, the appellant is advised to notify the Student Affairs team to ensure that the submission is not inadvertently considered late.
- 4.6. Where it is not possible to provide all of the supporting documentation with the appeal submission, the appellant must clearly indicate this and undertake to provide it separately, normally within no more than 10 days.
- 4.7. The Senior Assistant Registrar (Student Affairs) will receive appeal submissions.
- 4.8. If an appeal is submitted late it will not normally be considered unless the Senior Assistant Registrar (Student Affairs) determines that this would be unreasonable in the circumstances. An appellant who submits a late appeal must clearly explain why it was not possible to adhere to the relevant deadline.
- 4.9. The appellant may give consent for their appeal to be discussed with a nominated third party by indicating this on the Academic Appeal Form.
- 4.10. Where the appellant supplies supporting evidence that is not in English, it is their responsibility to arrange for translation by a qualified, certified translator with copies appropriately marked.

5. Appeals relating to Specific Learning Differences

- 5.1. If a student wishes to appeal a decision of the **Awards Assessment Board** or the **Progression Assessment Board** on ground 3.1.3 (diagnosis of a Specific Learning Difference in the current academic session *and* not being in receipt of the reasonable adjustments for assessment indicated on the student's Inclusion Plan), the student must contact the Disability & Inclusion team as possible.
- 5.2. The Disability & Inclusion will notify Academic Quality Support Services of any student wishing to submit an appeal on ground 3.1.3 and the deadline for receipt of the appeal shall automatically be extended to **21 days**.

- 5.3. The Disability & Inclusion will, in consultation with the appellant, determine whether **all** of the following hold:
 - 5.3.1. The student had been diagnosed in the current academic session, and before the meeting of the relevant Awards Assessment Board or Progression Assessment Board; **and**
 - 5.3.2. The Disability & Inclusion is in receipt of a report compiled by an Educational Psychologist or other person qualified to diagnose Specific Learning Differences; **and**
 - 5.3.3. The student had not been afforded all opportunities agreed in a full Inclusion Plan to support the assessment or examination in question.
- 5.4. If the Disability & Inclusion is unable to verify that all of the provisions of 5.3 hold, the appellant will be notified and advised of their right to submit an appeal on any of the other grounds listed at 3.1.
- 5.5. If the Disability & Inclusion verifies that all of the provisions of 5.3 hold, the Academic Appeals Form should be completed in consultation with the appellant and sent to Academic Quality Support Services with the following:
 - 5.5.1. Confirmation that the appellant had been diagnosed in accordance with the requirement of 5.3.1. in the current academic session;
 - 5.5.2. A copy of the report compiled by an Education Psychologist or other person qualified to diagnose Specific Learning Differences;
 - 5.5.3. A copy of the appellant's full Inclusion Plan; and
 - 5.5.4. Confirmation that the appellant had not been afforded all opportunities agreed in a full Inclusion Plan in accordance with the requirement of 5.3.2.
- 5.6. On receipt of the Academic Appeals Form and other documentation outlined in 5.5, the Dean of Academic Quality & Enhancement is empowered to grant a deferral of assessment without the need to convene a meeting of the Academic Appeals Board.
- 5.7. In no circumstances will a deferral of assessment be granted in respect of assessments taken in a previous academic session.
- 5.8. Where the Dean of Academic Quality & Enhancement determines that there is doubt about whether the requirements of 5.3. or 5.5. have been fulfilled, the matter shall be sent to the Academic Appeals Board for resolution. Where this happens, both the appellant and the Disability & Inclusion will be notified.

6. Preliminary Stage

- 6.1. The Senior Assistant Registrar (Student Affairs) will nominate an Officer to initially consider appeal submissions. The Officer will review the submission and may make some limited investigations, only to the extent of verifying information contained in the appeal.
- 6.2. The Officer will make a recommendation to the Senior Assistant Registrar (Student Affairs) that either:
 - 6.2.1. There are sufficient reasons to accept the submission for further investigation; or
 - 6.2.2. The appeal should be rejected.
- 6.3. A decision to reject the appeal at this stage may be based on any of the following:
 - 6.3.1. The appeal has been submitted outside of the stipulated deadline, the appellant has not given a sufficient explanation for the delay and nothing in the submission gives cause to suspect that it would be unreasonable to declare it ineligible;
 - 6.3.2. The appeal is based wholly on disagreement with academic judgement;
 - 6.3.3. The appeal is not accompanied by appropriate or relevant independent documentary evidence, the appellant has not indicated that this is to follow and/or the appellant has failed to provide documentary evidence requested by the Officer by the stipulated deadline;
 - 6.3.4. The appeal is based wholly on factors which were outside of the University's control and which the appellant might reasonably have been expected to foresee and/or taken reasonable steps to avoid.
- 6.4. If the appellant has indicated that further documentary evidence is to follow, it will normally be expected within **10 days** of the appeal submission deadline. Where the appellant cannot meet this deadline, it is their responsibility to notify Academic Quality Support Services (Student Affairs) and suggest a reasonable deadline.
- 6.5. The appellant alone is responsible for the content of their appeal submission and any accompanying documentary evidence. However, where it is reasonable to do so based on the full submission received, the Officer or the Senior Assistant Registrar (Student Affairs) may delay the decision and invite the appellant to provide further documentary evidence. Where this happens the appellant will normally be invited to supply evidence within a reasonable amount of time (normally no less than 10 and no more than 28 days).
- 6.6. The decision of the Senior Assistant Registrar (Student Affairs) will be communicated to the appellant by the Officer, normally within **7 days** of the deadline for the appeal

submission. If the appeal had been submitted late, or if the appellant was asked to provide further evidence, the decision will be communicated within **14 days** of the date of the submission or receipt of evidence.

- 6.7. If the decision is to **reject** the appeal at this stage, the Officer will:
- 6.7.1. Write to the appellant giving reasons for the decision to reject the appeal;
 - 6.7.2. Explain any additional information that was requested of the department/service which was the subject of the appeal at the preliminary stage;
 - 6.7.3. Explain whether there might be a different procedure that the appellant can use to pursue the case (for example, the Complaints Procedure);
 - 6.7.4. Explain the review procedure and the grounds upon which an appellant whose appeal has been rejected at the preliminary stage can request a review of that decision;
 - 6.7.5. Explain the procedure for requesting a Completion of Procedures Statement if the appellant does not believe that they have grounds to request a review; and
 - 6.7.6. Offer the opportunity of a telephone conversation or, in some circumstances, a meeting with the appellant within **28 days**. Any such conversation or meeting will be to clarify the reasons why the appeal was rejected and is not an opportunity to have the decision reviewed or overturned.
- 6.8. If the decision is to **accept the appeal for further investigation**, the Officer will:
- 6.8.1. Write to the appellant to explain that the appeal is to be investigated further and give an estimated date when the case might be heard by the Academic Appeals Board (however appellants should note that this date is subject to change to accommodate the prioritisation of cases according to 10.3.);
 - 6.8.2. Explain the possible outcomes if the Academic Appeals Board was to uphold the appeal, where it seems that the appellant's expectations go beyond what the Academic Appeals Board might reasonably be expected to do.
- 6.9. If in the opinion of the Senior Assistant Registrar (Student Affairs) there is clear evidence of an administrative error, the department(s) concerned will be invited to correct the error in accordance with the procedure outlined in section 9.

7. Review of the Preliminary Stage

- 7.1. If an appeal is dismissed at the preliminary stage, the appellant may request a review of that decision by the Dean of Academic Quality & Enhancement.

- 7.2. A request for a review of the decision at the preliminary stage may only be made on the following grounds:
- 7.2.1. That the preliminary stage was not conducted in accordance with the procedures outlined in section 6; and/or
 - 7.2.2. That new evidence has come to light which could not have been disclosed in time to be considered at the preliminary stage.
- 7.3. An appellant wishing to request a review of the decision at the preliminary stage must do so in writing to the Dean of Academic Quality & Enhancement within **10 days** of receiving the letter outlining the reasons why the appeal was dismissed.
- 7.4. If, on receipt of the request for review, the Dean of Academic Quality & Enhancement identifies any potential conflict of interest, the Pro-Vice-Chancellor (Academic) or a Dean of an Academic Faculty will be asked to undertake the review.
- 7.5. The Dean of Academic Quality & Enhancement will consider the request and determine either:
- 7.5.1. The decision to reject the appeal at the preliminary stage should stand and that a Completion of Procedures Statement should be issued; or
 - 7.5.2. The decision to reject the appeal at the preliminary stage should be overturned and that the case should be accepted for further investigation.
- 7.6. When considering the request, the Dean of Academic Quality & Enhancement will have due regard to whether the decision to dismiss the appeal at the preliminary stage was reasonable in all of the circumstances.
- 7.7. The decision of the Dean of Academic Quality & Enhancement will be communicated to the appellant, normally within **21 days** of the date that the request was received.

8. Investigatory Stage

- 8.1. The Senior Assistant Registrar (Student Affairs) will nominate an Investigating Officer to handle an appeal that has been accepted for investigation. The appellant will receive the name and contact details of the Investigating Officer.
- 8.2. Where necessary, the Investigating Officer will contact the appellant to clarify any aspect of the appeal submission at any point during the investigatory stage.
- 8.3. Where the appeal relates to a decision of the Mitigating Circumstances Board, the Academic Integrity Review Panel or its subgroup, the Investigating Officer will normally request information from the Secretary of the relevant Board or Panel.

- 8.4. In all other cases the Investigating Officer will, subject to the provisions of 2.4, forward the submission to the department(s) referred to in the appeal with a request to:
 - 8.4.1. Provide a response addressing the central issues of the appeal, including the reasons and justifications that the appellant advances;
 - 8.4.2. Provide details of any additional factors which might have a bearing on the case;
 - 8.4.3. Provide details of any actions undertaken in relation to the appellant and the case;
 - 8.4.4. Provide details of any constraints imposed by any Professional or Statutory Regulatory Body;
 - 8.4.5. Respond to any specific questions which the Investigating Officer feels are pertinent to the appeal.
- 8.5. If the appellant has indicated that some part of their appeal submission or supporting evidence should not be disclosed to the department(s) referred to in the appeal, they may opt to provide a summary instead. The Investigating Officer may consult with the appellant to determine what may be disclosed.
- 8.6. The department(s) referred to in the appeal will be asked to respond within a reasonable amount of time which shall not normally exceed **28 days**. Where additional time is requested, reasons for this will be communicated to the appellant.
 - 8.6.1. If a department fails to respond within a reasonable amount of time, the Academic Appeals Board will be notified. The Board may draw whatever conclusions it wishes from a failure to respond or it may compel the department to respond under powers delegated to it by Senate.
- 8.7. On receipt of the responses from the department(s), the Investigating Officer will review and decide one of the following:
 - 8.7.1. The department(s) have accepted that the appeal submission is with merit **and** there would be no detriment to the appellant or other students by seeking a resolution to the case prior to its hearing by the Academic Appeals Board; or
 - 8.7.2. The case should be heard by the Academic Appeals Board.
- 8.8. Appeals which relate to decisions of the Mitigating Circumstances Board, the Academic Integrity Review Panel or its subgroup will normally only be resolved by a hearing of the Academic Appeals Board.
- 8.9. Where the Investigating Officer decides in accordance with 8.7.1., the decision must be ratified by the Senior Assistant Registrar (Student Affairs) and the procedure at Section 9 must be followed.

- 8.10. Where the Investigating Officer decides in accordance with 8.7.2., the response(s) received will be summarised and forwarded to the appellant. The appellant will also be advised of the date that the Academic Appeals Board will hear the case.
- 8.11. Appellants who wish to exercise their right to see the full case file before it is presented to the Academic Appeals Board will be notified that this may cause a delay to the hearing. This is to allow additional time for the file to be checked in order that the confidentiality of others is not inadvertently breached.
- 8.12. If they wish, the appellant may comment in writing on the response received from the department(s) and this will be presented to the Academic Appeals Board. However, the appellant may not introduce new evidence which, in the opinion of the Academic Appeals Board, could have been disclosed with the original submission.

9. Resolution Prior to the Academic Appeals Board

- 9.1. During the course of the investigation, if it becomes clear that the department(s) referred to in the appeal accept that the case is with merit, it might be possible to resolve the matter without it being heard by the Appeals Board. Normally, this will only happen where an administrative error is clearly identified (for example, an incorrect mark having been entered).
- 9.2. The Investigating Officer will present the case to the Dean of Academic Quality & Enhancement who will decide whether or not to permit an attempt at resolution. A decision to allow such an attempt may only be made where the Dean of Academic Quality & Enhancement is satisfied that there would be no detriment to the appellant or other students by concluding the case without it being heard by the Academic Appeals Board.
- 9.3. On behalf of the Dean of Academic Quality & Enhancement, the Investigating Officer will liaise with the department(s) concerned to determine how the error might be corrected. This will normally entail the department(s) following another procedure, for example, the mark amendment process. A reasonable deadline for resolving the error will be agreed.
- 9.4. The Investigating Officer will write to the appellant to explain the proposed course of action and confirm that the appeal will be suspended while the matter is dealt with.
- 9.5. In very exceptional circumstances, the appellant may challenge the proposed course of action. Where this happens, the appellant must give their reasons in writing. The case will be referred to the Academic Appeals Board and the appellant advised of the date that the case will be heard.
- 9.6. The department(s) concerned will confirm to the Investigating Officer when the agreed course of action has been completed. The Investigating Officer will write to the appellant with details of the outcome.

- 9.7. If any procedure that is initiated does not result in a new assessment outcome, or if the department(s) concerned refuse the suggested resolution, the appeal will be recommenced.
- 9.8. The appellant will have **10 days** in which to reject the outcome and request that the case is heard by the Academic Appeals Board. If the appellant fails to respond within this time, it will be assumed that the resolution has been accepted.

10. Hearings of the Academic Appeals Board

- 10.1. The Academic Appeals Board operates with the full delegated authority of Senate. This means that it has the power to require staff and students of the University to make written submissions, give evidence and answer any questions.
- 10.2. The Academic Appeals Board will meet as frequently as necessary to deal with cases referred to it in a timely way. Normally, it will meet not less than once per calendar month.
- 10.3. Cases will be referred to the Academic Appeals Board according to the following order of priority:
 - 10.3.1. Appeals against decisions which have led to the appellant's programme of study being terminated;
 - 10.3.2. Appeals against decisions which have led to the appellant being prevented from progressing to the next level of study;
 - 10.3.3. Appeals against decisions which have resulted in the appellant's ability to commence (or continue) employment is affected, where this can be confirmed independently by the employer concerned in writing;
 - 10.3.4. Appeals against decisions not covered by 10.3.1., 10.3.2. or 10.3.3., but where the appellant has not yet completed their programme of study;
 - 10.3.5. Appeals where the effect of a decision to uphold would result in the appellant needing to undertake further assessment;
 - 10.3.6. Appeals which do not fall into one of the previous categories;
 - 10.3.7. Appeals received late, but which were accepted for investigation.
- 10.4. The members of the Academic Appeals Board will be appointed by Senate for a two year term. Retiring members may be re-nominated.
- 10.5. Each Academic Appeals Board will be composed as follows:

- 10.5.1. A Chair, who will normally be a Dean or an Associate Dean; and
- 10.5.2. Normally two members of academic staff.
- 10.6. Wherever possible no member of the Academic Appeals Board should work in the department(s) within which the appellant's programme of study resides. Any member from the appellant's department(s) will be asked to declare any perceived interest which could give rise to conflict at the beginning of the meeting and this will be recorded. If deemed appropriate by the Chair, the member will absent themselves from any relevant areas of discussion.
- 10.7. The Senior Assistant Registrar (Student Affairs), or other nominee of the Dean of Academic Quality & Enhancement will attend the Academic Appeals Board to give regulatory advice and make a record of the hearing, but will not be a member of the Board.
- 10.8. The appellant is not permitted to attend the hearing.
- 10.9. Other than through the presentation of their case via the means explained in this procedure, appellants must not seek to influence the Chair or members of the Academic Appeals Board or in any other way seek to sway the operation of the Academic Appeals Procedure.
- 10.10. For each case, the relevant Investigating Officer will be present to answer any questions about the investigatory stage and will hear the full deliberations and decisions of the Board in order to communicate them to the appellant. The Investigating Officer will not offer an opinion on the validity or otherwise of the appeal submission and the academic members of the Board alone will make the decision on whether to uphold or reject the appeal.
- 10.11. Neither the University nor the appellant may be legally represented at meetings of the Academic Appeals Board. However, the Academic Appeals Board may take advice from a member (or members) of staff of the University with appropriate clinical expertise or from others with such expertise relating solely to the interpretation of medical or other evidence supplied in support of an academic appeal. Any such advice is to be requested and received in writing and made available to the appellant.
- 10.12. The Academic Appeals Board will consider each case individually and on its own merits.
- 10.13. The Academic Appeals Board will not be bound by legal rules of evidence nor by previous decisions and in all cases will have due regard to whether a decision that is the subject of an appeal was reasonable in all the circumstances.
- 10.14. For each case, the Academic Appeals Board will receive a file containing the following:
 - 10.14.1. A copy of the appellant's original submission with all supporting evidence provided;
 - 10.14.2. A copy of any report or response received during the investigatory stage;

10.14.3. A copy of any further comments made in writing by the appellant following receipt of the responses received during the investigatory stage;

10.14.4. A copy of the appellant's most recent academic results transcript.

11. Outcomes of the Academic Appeals Board

11.1. For each case, the Academic Appeals Board will decide either:

11.1.1. The appeal should be upheld in part or in full or;

11.1.2. The appeal should be dismissed and the original decision should stand.

11.2. Where the Academic Appeals Board decides in accordance with 11.1.1. it will determine a remedy using the procedure at section 12. The appellant will receive a letter from the Investigating Officer within **14 days** of the decision containing the following:

11.2.1. Where necessary, the reasons for the decision in relation to each part of the appeal submission; and

11.2.2. Details of the remedy decided upon by the Academic Appeals Board.

11.3. Where the Academic Appeals Board decides in accordance with 11.1.2. it will give full reasons for the decision. The appellant will receive a letter from the Investigating Officer within **14 days** of the decision containing the following:

11.3.1. The reasons for the decision in relation to each part of the appeal submission;

11.3.2. Advice on whether there might be a different procedure that the appellant can use to pursue the case (for example, the Complaints Procedure);

11.3.3. An explanation of the review procedure and the grounds upon which an appellant whose appeal has been dismissed can request a review of that decision;

11.3.4. An explanation of the procedure for requesting a Completion of Procedures Statement if the appellant does not believe that they have grounds to request a review; and

11.3.5. An offer of a telephone conversation or, in some circumstances, a meeting with the appellant within **28 days**. Any such conversation or meeting will be to clarify the reasons why the appeal was rejected and is not an opportunity to have the decision reviewed or overturned.

12. Powers of the Academic Appeals Board

- 12.1. The Academic Appeals Board operates with the full delegated authority of Senate. Therefore, when it decides to uphold an appeal, it can impose whatever remedy it deems is reasonable to resolve the matter, **except it can never:**
- 12.1.1. Increase (or decrease) the marks awarded by the Examiners;
 - 12.1.2. Alter a degree classification determined by the Awards Assessment Board; or
 - 12.1.3. Quash a decision that the student has submitted work which breaches the Academic Integrity Policy.
- 12.2. Where the Academic Appeals Board decides to uphold an appeal against a decision of the **Awards Assessment Board** or the **Progression Assessment Board** it may normally:
- 12.2.1. In the case of mitigating circumstances being established and the Academic Appeals Board being satisfied that there are justifiable reasons for the appellant having not used one of the other procedures available, make a recommendation to the Assessment Review Board that the relevant assessment attempt(s) be set aside or that any late penalty be revoked.
 - 12.2.2. In the case of procedural or administrative error, instruct the department(s) concerned to correct the matter using one of the University's established procedures.
 - 12.2.3. In the case of a Specific Learning Difference diagnosis not resolved under section 5, to grant a deferral of the affected assessments.
- 12.3. Where the Academic Appeals Board decides to uphold an appeal against a decision of the **Mitigating Circumstances Board**, a recommendation will be made to the Assessment Review Board that the relevant assessment attempt(s) be set aside or that any late penalty be revoked.
- 12.4. Where the Academic Appeals Board decides to uphold an appeal against a decision of the **Academic Integrity Review Panel or its subgroup**, it will decide the stage that the case should be referred back to (i.e. department, Panel or subgroup and whether the whole case should be heard again or a review of the penalty decision undertaken). The Board may also specify if the previous Panel which heard the case should be involved or whether a new Panel should be convened.
- 12.5. In very exceptional circumstances, where the Academic Appeals Board does not believe that any of the normal remedies outlined at 12.2., 12.3., or 12.4., are sufficient to resolve the matter, it may decide on another remedy. Where it does this, the Chair of the Academic Appeals Board must provide a report to Academic Quality & Enhancement Committee.

- 12.6. Where the Academic Appeals Board decides on a remedy that does not involve the Assessment Review Board, the Officer who investigated the case will monitor compliance with the Academic Appeals Board's decision.

13. Assessment Review Board

- 13.1. Where the Academic Appeals Board instructs the Assessment Review Board to reconsider an assessment decision, it will normally provide reasons which must be taken into consideration when determining any amended outcome.
- 13.2. The Deputy Registrar (or nominee) will receive the Academic Appeal Board's decision and, normally within **10 days**, will determine the level of discretion available to the Assessment Review Board to amend the original assessment decision. The Deputy Registrar (or nominee) will then decide either:
 - 13.2.1. 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
 - 13.2.2. The Assessment Review Board may have some discretion on matters relating to progression or for any other reasons deemed relevant.
- 13.3. Where the Deputy Registrar (or nominee) decides in accordance with 13.2.1., the Chair of the Assessment Review Board will be invited to authorise an amendment to the original decision of the Awards Assessment Board or the Progression Assessment Board according to advice from the Deputy Registrar (or nominee). Any such amendment will be reported to the next meeting of the Awards Assessment Board.
- 13.4. 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.
- 13.5. Where the Deputy Registrar (or nominee) decides in accordance with 13.2.2., the Dean of Academic Quality & Enhancement (or nominee) will be invited to convene a meeting of the Assessment Review Board.
- 13.6. The Assessment Review Board will be composed as follows:
 - 13.6.1. A Chair who shall normally also be the Chair of the Awards Assessment Board or Progression Assessment Board; and
 - 13.6.2. Normally two, but no fewer than one, members of academic staff, at least one of whom has some knowledge of the appellant's programme of study.

- 13.7. The Assessment Review Board will be advised by the Deputy Registrar (or nominee).
- 13.8. The Investigating Officer will normally be present to take a record of proceedings.
- 13.9. Where a full meeting of the Assessment Review Board is convened it must meet within a reasonable amount of time to consider the cases referred to it, taking into consideration the reasons advanced by the Academic Appeals Board. The Assessment Review Board must act in a way that is compatible with the decision of the Academic Appeals Board and it is not empowered to overturn any decision of the Academic Appeals Board.
- 13.10. The Assessment Review Board may decide as follows:
- 13.10.1. The original decision of the Awards Assessment Board or Progression Assessment Board shall be overturned and a new recommendation for the relevant assessment(s) is made; or
 - 13.10.2. Exceptionally, the original decision of the Awards Assessment Board shall be upheld and the original recommendation confirmed.
- 13.11. Where the Assessment Review Board decides in accordance with 13.10.1., the Deputy Registrar (or nominee) will write to the appellant and the Investigating Officer to confirm the new outcome. The decision of the Assessment Review Board will be final. If the appellant remains dissatisfied with the outcome, they may request a Completion of Procedures Statement and refer the matter to the Office of the Independent Adjudicator for Higher Education.
- 13.12. Where the Assessment Review Board decides in accordance with 13.10.2., the Chair of the Assessment Review Board will write to the Chair of the Academic Appeals Board giving reasons for the decision. On receipt of this, the Chair of the Academic Appeals Board may decide to refer the matter to the review stage. The Investigating Officer will write to the appellant with further information.

14. Review of the decision of the Academic Appeals Board

- 14.1. At the conclusion of the process, the appellant may request a review of the academic appeal under the following circumstances:
- 14.1.1. If the Academic Appeals Board decided to dismiss the appeal. Where the appeal was upheld in part, a review may be requested only of those parts which were not upheld; or
 - 14.1.2. If the Academic Appeals Board decided to uphold the appeal (either in full or in part), but the Assessment Review Board declined to amend the relevant assessment outcome, provided that the Chair of the Academic Appeals Board has not already referred the case for review.

- 14.2. In order to request a review of the academic appeal, the appellant must be able to demonstrate one or both of the following:
 - 14.2.1. There is evidence of some procedural or administrative irregularity in the operation of the Academic Appeals Procedure;
 - 14.2.2. New evidence has come to light which could not have been disclosed in time to be considered by the Academic Appeals Board.
- 14.3. An appellant wishing to request a review of an academic appeal must do so in writing to the Dean of Academic Quality & Enhancement within **10 days** of receiving the full outcome of the Academic Appeals Board.
- 14.4. If, on receipt of the request for review, the Dean of Academic Quality & Enhancement identifies any potential conflict of interest, a Pro-Vice Chancellor will be asked to undertake the review.
- 14.5. On receipt of the request for a review of an academic appeal, the Dean of Academic Quality & Enhancement will consider only the conduct of the Academic Appeals Procedure and/or the evidence submitted. The review is not an opportunity for the case to be re-heard and consequently the circumstances which lead to the decision that was subject to appeal will not normally be considered.
- 14.6. The Dean of Academic Quality & Enhancement will consider the request and determine either:
 - 14.6.1. The decision of the Academic Appeals Board to dismiss the appeal should stand and that a Completion of Procedures Statement should be issued; or
 - 14.6.2. The case shall be reconsidered by the Academic Appeals Board;
- 14.7. When considering the request, the Dean of Academic Quality & Enhancement will have due regard to whether the decision to dismiss the appeal in full or in part was reasonable in all of the circumstances.
- 14.8. Where a request for review has been made because the Assessment Review Board has declined to amend the original decision of the Awards Assessment Board despite the recommendation of the Academic Appeals Board, the Dean of Academic Quality & Enhancement will present the case to the Pro-Vice Chancellor (Academic) whose decision will be final.
- 14.9. The decision of the Dean of Academic Quality & Enhancement will be communicated to the appellant, normally within **21 days** of the date that the request was received.
- 14.10. Where the Dean of Academic Quality & Enhancement decides in accordance with 14.5.2., the case will be referred to the next meeting of the Academic Appeals Board.

15. Mark amendments

- 15.1. If at any point during the conduct of an appeal, a department agrees to or is required to submit an amendment to a mark previously agreed by the Awards Assessment Board or the Progression Assessment Board, the procedures outlined in this section will be used.
- 15.2. The Chair of the relevant Module Assessment Board, or nominee, will complete a mark amendment form supplied by Registry Services for this purpose. The form will outline the reasons for the amendment, where appropriate, referring to a decision made during the conduct of an appeal.
- 15.3. Where, in the view of the Deputy Registrar, or nominee, the nature and reasons given for the amendment indicate a serious breach of process, or would change an assessment outcome decision to the detriment of a student, the request will be referred to the Dean of Academic Quality & Enhancement.
- 15.4. Where a request for a mark amendment is referred to the Dean of Academic Quality & Enhancement, the nature and extent of the circumstances which led to the request will be determined. The Dean of Academic Quality & Enhancement will authorise any action deemed necessary to avoid a reoccurrence.

16. Office of the Independent Adjudicator for Higher Education

- 16.1. If an appellant remains dissatisfied with the outcome of their appeal, they may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case. In order to do this, the appellant must normally have been issued with a Completion of Procedures Statement.
- 16.2. The University will automatically issue a Completion of Procedures Statement when an appellant has exhausted all of the University's internal procedures. Normally, this will only be following a review either of the preliminary stage or following a review of the decision of the Academic Appeals Board.
- 16.3. An appellant is entitled to request a Completion of Procedures Statement at an earlier point provided that they confirm their understanding that they do not have grounds to request a review according to these procedures.
- 16.4. Further and specific details about the OIA can be obtained from its website: www.oiahe.org.uk.

17. Enhancement Opportunities

- 17.1. The University will use information gathered throughout the conduct of appeals to determine areas of its practice that might be enhanced.
- 17.2. The outcome of each academic appeal will be communicated to the relevant Head of Department and to the Deputy Registrar (or nominee).
- 17.3. Where the need arises, the Academic Appeals Board will write to the Dean of Academic Quality & Enhancement and, where appropriate, other office holders to draw attention to any specific matters that may require attention or to general issues of policy that the University may wish to reflect on.
- 17.4. Academic Quality Support Services (Student Affairs) will record details of each appeal received, its nature and the outcome. Statistical data will be compiled on an annual basis in order to provide reports to Senate, via Academic Quality & Enhancement Committee. Such reports will not include any personally identifiable information.

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