

## Chapter 8 Students' right of appeal against Assessment Board or Research Degrees Committee decisions

Students subject to this procedure may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case but only after the University's procedure has been exhausted. Information on the OIA scheme can be found at <http://www.oiahe.org.uk>.

### 1 Definitions

- 1.1 A student has the right to appeal for reconsideration of a decision by an assessment board or, in the case of a research student, a decision of the Research Degrees Committee or Examiners:
  - 1.1.1 Concerning an assessment outcome in a module or modules or constituent parts of a non-modular programme.
  - 1.1.2 Concerning the determination of progression or non-progression, or determination of an intermediate or final award, or a decision not to make an award or additionally, in the case of a research student, a decision to terminate his/her registration or to decline an application for transfer of registration from MPhil to PhD.
- 1.2 A student whose appeal is pending retains student status and is entitled to proceed (provided that his/her other results do not bar the student from doing so) until the appeal is resolved. Entitlement to proceed relates to theoretical work only and not to work-based learning (e.g. placement or practice).
- 1.3 The grounds on which a student can appeal for reconsideration of a decision are limited to one or more of the grounds set out below:
  - 1.3.1 During the examination or assessment

There were demonstrable errors in the conduct of the assessment or decision-making processes which are of such a nature as to cause reasonable doubt as to whether the result would have been different had they not occurred. Examples of this may include irregularities in a formal examination, irregularities in the setting or conduct of some other form of assessment, defective communications about an assessment or non-compliance with published documentation. Where possible, students should provide evidence to substantiate any claims of demonstrable errors by the University during the assessment process.
  - 1.3.2 During the marking and decision-making process

There are alleged errors in the process of marking and/or consequent decision-making. The outcome of the assessment differs so markedly from the candidate's reasonable expectations as to raise reasonable doubt as to whether the process has been properly conducted.

In considering whether the circumstances put forward by the student fulfil this ground for appeal the Student Appeals & Conduct Officer will expect the student to provide evidence that their expectations of the outcome of the assessment were based on, for example:

    - Their performance in a module which was a prerequisite for the module in question.

- Their performance in all other components of the module in question.
- Their performance in all other modules within the same diet/programme as the module in question.

These are examples of acceptable circumstances in relation to this ground for appeal but they do not represent an exhaustive definition of such circumstances.

Students on externally verified Further Education programmes may have an additional avenue of appeal. If an appeal is not resolved to the candidate's satisfaction, the matter may be referred to the External Verifier. In certain circumstances, a further appeal may be made to the head of the awarding body, whose decision will be final.

- 1.4 Students should note that simply questioning the academic judgement of their assessors does not constitute grounds for an academic appeal; in such cases the Student Appeals & Conduct Officer reserves the right to dismiss the appeal as being without substance (see paragraph 2.3).
- 1.5 Given the existence of procedures for complaint and redress during the study period (which should be dealt with as and when they arise) alleged inadequacy of tuition or supervision or any other arrangements during the period of study will not constitute grounds of appeal unless there are exceptional reasons for the matter not having come to light until after the assessment.
- 1.6 Students should note that extenuating circumstances are not grounds for an academic appeal and will not usually be considered by the University once a student's marks (and/or award) have been verified by an Assessment Board or Research Degrees Committee.

In exceptional circumstances where a student receives a retrospective diagnosis of a health condition or learning difficulty which he/she could not reasonably have known about (at the time of their assessments) the Student Appeals & Conduct Officer will consider such cases taking in to account the individual circumstances of the student and the medical and/or professional evidence supplied.

The Student Appeals & Conduct Officer's decision in such cases shall be final and not subject to review by any other University body.

## **2 Process for conducting an appeal for reconsideration of a decision by an Assessment Board or the Research Degrees Committee**

- 2.1 Any student wishing to appeal for reconsideration of the decision of an Assessment Board or the Research Degrees Committee shall give notice of the appeal in writing, using the standard University appeal form. The appeal form is available from Faculty Advice Centres, Student & Academic Services and the Graduate School Office (in addition, the form can be downloaded from the University website) and must be submitted to the Student Appeals & Conduct Officer and personally signed by the student. The form must indicate the grounds on which the student is appealing, as listed in 1.3 above, and be accompanied by any available documentary evidence. The student is required also to state at this stage whether s/he wishes the appeal to be referred directly to the Academic Appeals Panel, or whether s/he wishes first to attempt to resolve the issue(s) through the mediation process.
- 2.2 The appeal form, together with all the necessary documentation, should reach the Student Appeals & Conduct Officer within 21 days of the published date for issuing results from the assessment board concerned or the date of notification of a Research Degrees Committee decision.
- 2.3 The Student Appeals & Conduct Officer is empowered to dismiss an appeal at this stage if it should appear in his/her absolute opinion that the grounds of appeal are so lacking in substance that further consideration would not be justified.

If necessary, the Student Appeals & Conduct Officer shall seek an initial response to the appeal from the student's Faculty. The Student Appeals & Conduct Officer's decision in such cases shall be final and not subject to review by any other University body.

A student whose appeal has been dismissed by the Student Appeals & Conduct Officer at this stage may not seek reconsideration of this decision through the University's Student Complaints Procedure.

- 2.4 Where it appears to the Student Appeals & Conduct Officer that further consideration of the appeal is justified, s/he shall note whether the student has stated a wish to resolve the matter by mediation. If so, the Student Appeals & Conduct Officer shall select an independent mediator to deal with the case. The mediator will be selected from a list of trained personnel. The appointed mediator will arrange a meeting between the mediator, the student and, if they so wish, their representative (as defined in the Glossary to these Regulations) and a representative of the relevant Department, nominated by the Head of Department. This first meeting should take place within three weeks of the receipt of the appeal form, whenever possible, allowing for the availability of the persons involved.
- 2.5 The meeting is chaired by the mediator, and involves firstly a discussion between the mediator and the student with representative, then the mediator and the Departmental representative, and finally the mediator with the student and Departmental representative together. The aim is to reach a position to which both parties sign to agree. The student is permitted time to consult and consider the agreed position before accepting it. Once the parties have agreed and signed a statement confirming that agreement, there can be no subsequent recourse to an Academic Appeals Panel.

- 2.6 Where a student has elected not to attempt to resolve an appeal through the mediation process, or where the outcome of mediation has been a failure to agree, the Student Appeals & Conduct Officer shall refer the appeal to a **Stage 1 Academic Appeals Panel**.

The Stage 1 Academic Appeals Panel shall comprise:

- Chair: the Vice-Chancellor, a Pro Vice-Chancellor/Dean or a Deputy Dean
- The President of the Students' Union or his/her nominee who shall be a member of the Students' Union Executive Committee
- In the case of students on taught courses, a member of the Academic Board
- In the case of a research student, a member of the Research Degrees Committee
- The Director of Student & Academic Services or nominee

No panel members shall have been connected with the case.

- 2.7 The Stage 1 Academic Appeals Panel is empowered to examine appeals made to it under the grounds cited in sections 1.3.

The Stage 1 Academic Appeals Panel will meet within four weeks of the mediation stage wherever possible, taking into account staff availability.

The student will be given notice of the hearing and the members of the Stage 1 Academic Appeals Panel in writing. Due notice will be considered to have been given on posting the notice and supporting information to the student's last recorded address no less than 10 working days before the date of the hearing. If the student does not attend the hearing, the hearing will go ahead in their absence.

The student is entitled to be accompanied by a representative (as defined in the Glossary to these Regulations).

The procedure adopted by the Stage 1 Academic Appeals Panel shall be as follows:

- 2.7.1 The Panel has access to all necessary and appropriate documentation. These papers shall be considered before any of the participants are seen.
- 2.7.2 Both the student and the Department may state their case, without any questioning by each other or the Panel.
- 2.7.3 Once both positions have been aired, all participants are entitled to ask questions which consist of clarification rather than cross-examination. All such questions should be addressed through the Panel Chair.

- 2.7.4 The Panel retires to consider its decision in private. Once a decision has been reached the student (and their representative if present) and the Departmental representative(s) return to the meeting room. The Panel Chair reads the decision from a draft 'Minute'. The decision is confirmed formally in writing thereafter.
- 2.7.5 The Chair has general discretion to seek expert advice where it is thought that the appeal is straying into technical areas of knowledge, and after such advice is received is entitled to reconvene the meeting. The Panel will share any further information, evidence or advice it has obtained with the appellant and the Department. The Panel will give both the appellant and the Department an opportunity to question any further information, evidence or advice for the clarification of matters of fact.
- 2.8 The Stage 1 Academic Appeals Panel is empowered to reach one of the following decisions:
- 2.8.1 That there are no grounds for the appeal and the original decision of the Assessment Board or Research Degrees Committee should stand.
- 2.8.2 That the appeal is upheld and the decision giving rise to the appeal is set aside. The Stage 1 Academic Appeals Panel requires any assessed work concerned to be newly examined, either by the original examiners or by new examiners as determined by the Stage 1 Academic Appeals Panel. The Stage 1 Academic Appeals Panel shall also determine the conditions of this examination, consulting the assessment board or Research Degrees Committee if necessary.
- 2.8.3 The appeal is upheld and the decision giving rise to the appeal is set aside. The Stage 1 Academic Appeals Panel grants the student the opportunity to submit work for assessment as if for the first time, in the assessment concerned. The Stage 1 Academic Appeals Panel shall determine the conditions for this replacement assessment, consulting the assessment board or Research Degrees Committee as necessary.
- The Stage 1 Academic Appeals Panel is also empowered to make recommendations to an assessment board and/or Research Degrees Committee regarding the conduct of business.
- 2.9 The decision of the Stage 1 Academic Appeals Panel is final, except that a student has the right of appeal on the following grounds only:
- 2.9.1 That there is new and relevant evidence which the student was demonstrably and for the most exceptional reason unable to present to the Stage 1 Academic Appeals Panel hearing. Such new evidence must be submitted with the student's written statement of appeal.
- 2.9.2 That the Stage 1 Academic Appeals Panel did not comply with its procedures as set out in section 2.7 above, or in some other material way conducted itself in an unfair manner, so that it might cause reasonable doubt as to whether the result would have been different had the Stage 1 Academic Appeals Panel complied.

### **3 Process for conducting an appeal against a decision of the Stage 1 Academic Appeals Panel**

- 3.1 In the event of an appeal, the decision of the Stage 1 Academic Appeals Panel will not be carried out until the further appeals process is concluded.
- 3.2 Any student wishing to appeal against a decision of the Stage 1 Academic Appeals Panel shall give notice in writing, stating clearly the specific grounds on which the appeal is based as listed in section 2.9 above, and providing appropriate documentary evidence. This notice of appeal must be submitted to the Student Appeals & Conduct Officer in writing within 10 working days of the Stage 1 Academic Appeals Panel hearing.
- 3.3 Notwithstanding the above, the Vice-Chancellor (or his nominee) may dismiss an appeal at this stage if in his/her absolute opinion it should appear that the grounds of appeal are so lacking in substance that further consideration would not be justified.

The Vice-Chancellor's decision in such cases shall be final and not subject to review by any other University body.

- 3.4 On receipt of such a notice the Student Appeals & Conduct Officer shall convene a Stage 2 Academic Appeals Panel and arrange for the further appeal to be heard. The Stage 2 Academic Offences Appeals Panel shall comprise:
- Chair: the Vice-Chancellor, a Pro Vice-Chancellor/Dean or a Deputy Dean
  - The President of the Students' Union or his/her nominee who shall be a member of the Students' Union Executive Committee
  - In the case of students on taught courses, a member of the Academic Board
  - In the case of a research student, a member of the Research Degrees Committee
  - The Director of Student & Academic Services or nominee

No person who has been consulted or involved in the particular case at any previous stage shall act as a member of the Stage 2 Academic Appeals Panel.

- 3.5 The appellant and department will be given notice in writing of the hearing and the members of the Stage 2 Academic Appeals Panel. Due notice of the hearing will be considered to have been given on posting the notice and supporting information to the student's last recorded address, not less than 10 working days before the date of the hearing. If the student does not attend the hearing, the appeal shall be considered to have lapsed.
- 3.6 If the student, on good grounds, wishes to object to any member of the Stage 2 Academic Appeals Panel, the student shall submit his/her objections in writing to be received by the Student Appeals & Conduct Officer at least 7 days before the hearing. If the grounds are upheld, an alternative member of the Panel will be identified with due care to ensure that there are no good grounds for the appellant student to object to the substitute member.
- 3.7 The procedure adopted by the Stage 2 Academic Appeals Panel shall be determined by the Panel and shall provide for the following:

- 3.7.1 The appellant has the right to appear and be heard and to be accompanied by a representative (as defined in the glossary prefixed to the General Regulations and Procedures Affecting Students).
- 3.7.2 The Stage 2 Academic Appeals Panel has the right to call witnesses and to examine any documentation it considers necessary.
- 3.7.3 The Stage 2 Academic Appeals Panel is empowered to reach one of the following decisions:
- That there are no grounds for this further appeal and the original decision of the Stage 1 Academic Appeals Panel should stand.
  - That the appeal is upheld and that the decision giving rise to the appeal is set aside. In which case the Stage 2 Academic Appeals Panel will either require the assessed work concerned to be newly examined or grant the student the opportunity to submit work for the assessment concerned as if for the first time, in accordance with the decisions available to the Stage 1 Academic Appeals Panel as explained in paragraph 2.8 above.

The Stage 2 Academic Appeals Panel is empowered to make recommendations to an assessment board and/or Research Degrees Committee regarding the conduct of business.

- 3.8 The Stage 2 Academic Appeals Panel's decision in such cases shall be final and not subject to review by any other University body.

#### **4 Records of academic appeals**

The Student Appeals & Conduct Officer shall keep appeal files for a minimum of two years, together with any mediator notes, allowing Chairs of Panels to consult them as an archive resource if so required.

#### **5 Deans' power to institute proceedings**

Where a Faculty or Department is aware of discrimination against a student, but the student does not wish to make a formal appeal over that discrimination, the relevant PVC/Dean is empowered to institute appeal proceedings on the student's behalf.