Academic Appeals Policy and Procedure

Registry Services

(Students' right of appeal against Assessment Board or Research Degrees Committee decisions and decisions relating to extenuating circumstances)

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1. Introduction

1.1. De Montfort University's Academic Appeals Policy and Procedure has been developed to reflect the framework of the Office of the Independent Adjudicator for Higher Education (OIA), the Higher Education Ombudsman. It is based on the Good Practice Framework and complements the advice and guidance on concerns, complaints and appeals published by the UK Quality Code for Higher Education. Information on the OIA scheme can be found at http://www.oiahe.org.uk.

1.2. An appeal is defined as: a request for a review of a decision related to decisions made by an assessment board or, in the case of a Research Student, a decision of the Research Degrees Committee or Examiners such as a decision relating to assessment, student progression and awards.

1.3. An appeal cannot be submitted before the results are fully approved by the assessment board and confirmed as the final result (ratified). Any appeals received prior to the ratification will not be accepted. Students should however, raise any concerns at the time they arise with an appropriate member of staff.

1.4. A student whose appeal is pending normally retains student status, all liability for fees, and is entitled to proceed with their studies, provided that their other results do not bar the student from doing so, until the appeal is resolved. Entitlement to proceed normally relates to theoretical work only and not to work-based learning e.g. placement or practise. Any delays because of the outcome of an appeal cannot normally be used as an extenuating circumstance.

2. Scope

2.1. If a student has a complaint about teaching, supervision or other circumstances that relate to the delivery of their programme before they are examined or assessed, these complaints should be raised at the earliest opportunity following the Student Complaint Policy and Procedure.

2.2. A student who has recently left the University, or has graduated, may appeal a result or decision normally within 15 working days of being notified of the result or decision.

2.3. A student may not submit an academic appeal because they disagree with the result they have received. This is considered to be a challenge of academic judgement. An appeal will only be accepted where it meets the grounds specified.

2.4. This policy and procedure applies to students studying at DMU Leicester and DMU London.

3. Glossary

3.1. The glossary for all terms referred to in student facing policies can be found on this page of the DMU website: Student regulations and policies

4. Responsibilities

Academic Board

4.1. The Academic Board is responsible for ensuring the Academic Appeals Policy is in line with the OIA's Good Practice Framework.

Education Committee

4.2. The University's Education Committee is responsible for overseeing the implementation of the University's Academic Appeals Policy and the outputs of its associated procedure.

Managers

4.3. PVC/Deans, Directors and Line Managers have a day-to-day responsibility for overseeing the implementation of the academic appeals procedure.

Student Casework Services

4.4. The University's Student Casework Services team are responsible for the development and maintenance of the Academic Appeals Policy and Procedure.

4.5. The University's Student Casework Services Team are responsible for the coordination of academic appeals that fall within the remit of the Academic Appeals Policy and Procedure.

Students

4.6. Students are responsible for familiarising themselves with this policy and submitting academic appeals through the appropriate routes and within the given timeframes.

5. General principles

5.1. We aim to operate an appeals process which is conducted fairly and reasonably, is evidence based and which reaches a clear conclusion without unnecessary delay.

5.2. Appeals will be treated seriously, and students will not suffer any disadvantage as a result of making an appeal in good faith.

5.3. Appeals which are considered by the University to be made frivolously, vexatiously or maliciously will not be investigated.

5.4. Students are encouraged to discuss their concerns with a member of their Programme Team before deciding to submit an appeal.

5.5. Students are also encouraged to seek advice from the Student Union Advice Team https://www.demontfortsu.com/support/advice/getintouch/ before submitting an appeal or at any stage of the appeal process.

5.6. Should a student wish to request any reasonable adjustments to the Academic Appeals Procedures due to a disability, which will enable the student to access the procedure effectively, they should contact the Student Casework Services team by emailing scs@dmu.ac.uk.

5.7. International Students must make themselves aware of immigration implications should consideration of their appeal extend beyond their permission to stay. A student would not typically be required to be present at the University for an appeal to be investigated.

6. When an appeal falls into one or more policy

6.1. If a student raises a complaint or appeal which does not fall neatly into the category of either a complaint or an appeal, or if the concern contains issues of complaint and an appeal, the Student Casework Services team will advise the student which issues will be looked at under which procedure. This will be irrespective of which procedure the student has used to formally raise their concern.

6.2. A student's concern may be managed under an alternative procedure if that is appropriate. The Head of Student Casework Services (or nominee) will determine which procedure(s) will be used. The University may decide to consider all matters together particularly if, for example, the findings of a complaint are likely to influence an appeal decision. The student will be advised of any implications of following two procedures at once, and one procedure may be suspended pending the outcome of the other. In

most cases the academic appeal elements will be considered as a priority due to the potential impact on a student's progression.

7. Grounds for Appeal

7.1. The grounds on which a student can appeal for reconsideration of an Assessment Board decision are limited to the following:

Procedural Irregularity

There were procedural irregularities in the conduct of an examination or assessment of such a nature as to create a reasonable possibility that the result may have been different if it had not occurred.

Prejudice or bias

There is evidence of prejudice or bias or lack of proper assessment on the part of one or more of the examiners.

To support this ground of appeal a student would need to clearly evidence that the examiner had awarded higher marks to others for an assessment of the same standard because other students were favoured (bias). Or provide evidence that the student was awarded a lower mark than other student(s) because of a preconceived negative opinion about that student (prejudice).

Significant extenuating circumstances

There are extenuating circumstances that affected a student's performance, and which the student could not have reasonably informed the University of before the Assessment Board made its decision. Students need to provide supporting evidence of the circumstances and explain why this could not have been provided earlier. Students are encouraged to raise extenuating circumstances at the time that they arise, in accordance with the Deadline Extensions and Deferral of Assessment Procedure.

8. The three stages

8.1. The Academic Appeals Policy and Procedure is intended to provide a streamlined process with a focus on local resolution. Students are expected to complete each stage in the process before escalating to the next, if they have grounds. The policy has three stages.

8.2. Early Resolution is the stage where most concerns should be resolved swiftly and effectively, at the point at which an issue arises, or as close to that point as possible.

Early Resolution can be used to seek feedback from academics, to understand why they came to the mark that they did. If something has gone wrong, this should be put right at this point where possible.

8.3. Formal Academic Appeals are investigated by Student Casework Services when a student wishes to escalate their appeal, at the point that marks and/or results have been ratified.

8.4. The final stage of the process is a Review by a senior member of University staff who has not previously been involved in the case, if the student is dissatisfied with the Formal Resolution outcome. A review is an analysis of the Formal Resolution decision not a re-hearing of the original academic appeal. The senior member of staff can review the academic appeal outcome under the grounds outlined in this policy.

9. Early Resolution

9.1. Students should raise concerns with their provisional marks at the point that they arise. Students are encouraged to discuss their marks with an academic as soon as possible and not wait for ratified marks.

9.2. Early Resolution is designed to address straightforward concerns informally, locally and expediently.

9.3. If an error is identified by a member of staff this can be remedied at this stage. The issue does not need to escalate to Formal Resolution to be resolved.

10. Formal Resolution

10.1. Within 15 working days of the ratified results being made known, a student should submit an appeal using the Academic Appeal Form.

10.2. The Academic Appeal Form can be found on this page of the DMU website: Appeals

10.3. The form must be submitted to Student Casework Services by email to scs@dmu.ac.uk.

10.4. The form must indicate the grounds on which the student is appealing.

Triage

10.5. Triage will take place by Student Casework Services to identify if the appeal is eligible for consideration. If it is not eligible the student will normally be informed of this decision within 10 working days of receipt of the appeal, and no further investigation will take place at the Formal Resolution stage. The student will have the opportunity to

request that that decision is considered at the Review stage of the Academic Appeals process.

10.6. The appeal can be dismissed as not eligible for the following reasons:

- The form does not include all the required information;
- No evidence, or evidence that is not relevant, has been submitted;
- The grounds of appeal have not been met;
- The appeal has been submitted outside the given timescales;
- The University has previously considered an appeal relating to the same assessment and on the same grounds;
- The result being appealed has not been ratified;
- The appeal is against Academic judgement.

10.7. If the appeal is dismissed at the Triage stage, the student will be provided with the reasons and given the opportunity to request for their appeal to be considered at the Review stage of the process. This request should normally be submitted to Student Casework Services by emailing scs@dmu.ac.uk within 10 working days of the date they were notified of the appeal outcome.

10.8. If an academic appeal is received at the Formal Resolution stage which could be addressed by early resolution, it is reasonable for Student Casework Services to refer this back to the Faculty to address outside of the Formal Resolution stage.

Investigation at the Formal Resolution Stage

10.9. The appeal should normally be accompanied by supporting evidence. This could be independent medical evidence, reports from relevant professionals, financial information and/or supporting statements. This list is not exhaustive.

10.10. For an appeal submitted on the grounds of extenuating circumstances it is essential that an explanation is provided and evidenced where possible, as to why this information was not available at the time of assessment.

10.11. If it appears to Student Casework Services that the academic appeal should be upheld, in full or in part, an offer of a resolution will be made that puts the student back as closely as possible to the position they would have been in had the error not occurred. This will be considered and agreed with the Faculty/Doctoral College.

10.12. An upheld appeal does not guarantee that a result will change, or that the outcome of the Assessment Board will be different. It is not University policy to change results

where an appeal is upheld, but to give the student a chance to perform to the best of their ability.

10.13. If a student is not satisfied with the resolution offered at the Formal Resolution stage, either for upheld or not upheld appeals, they may request that their appeal is referred to the Review stage to a senior member of staff. This request should normally be submitted to Student Casework Services by emailing scs@dmu.ac.uk within 10 working days of the date they were notified of the appeal outcome.

10.14. The Formal Investigation stage aims to take no longer than one calendar month. There will be occassions where this is not possible, and the student will be updated accordingly.

11. Review Stage

11.1. A student can escalate the academic appeal outcome for Review if they believe that:

- The Formal Academic Appeals process has not been followed correctly, or
- There is evidence now available that was not reasonably available previously

11.2. The Review request must normally be received by Student Casework Services within 10 University working days of the date of the Formal Resolution outcome. Students must identify the ground(s) on which they are making the complaint (as set out above). In addition, Students should provide evidence in support of their case where possible. Where evidence was not provided in support of their Formal Stage academic appeal, students must explain why this evidence was not available previously.

11.3. On receipt of a request for a Review, Student Casework Services will undertake an initial assessment to check that the academic appeal is submitted within the appropriate deadlines, meets the grounds for a Review and is in the required format with supporting evidence.

11.4. A Request for a Review without adequate grounds and evidence will normally be dismissed within 10 university working days of it being received. The student will be issued with a Completion of Procedures letter which provides the reasons for the decision and signposts the student to the Office of the Independent Adjudicator for Higher Education.

11.5. If the Review Request is accepted, it will be referred to a Senior member of University Staff who has not had any previous involvement in the matter being raised. The Review Stage does not allow for additional issues to be added for review that have not previously been raised at the Formal Stage.

11.6. The Review Stage will not usually consider matters afresh or involve further investigation, but if new evidence is submitted and accepted, additional investigation may be required.

11.7. If the Review is successful and the Formal Stage decision amended, the student will normally receive a written explanation of the decision within 15 university working days of the Review request being received. The student will be offered a Completion of Procedures letter at this point and has one calendar month to request this.

11.8. If the Review is unsuccessful the student will receive a Completion of Procedures letter, which provides the reasons for the decision and signposts the student to the Office of the Independent Adjudicator for Higher Education, within 15 university working days of the Review request being received.

12. Independent External Review

12.1. A Completion of Procedures letter is confirmation that the student has exhausted the university's internal procedure which is required to enable the student to refer their case to the OIA.

12.2. The complaint must be received by the OIA within twelve months of the Completion of Procedures Letter being issued by the University. It typically takes a number of months for the OIA to consider a complaint and issue an outcome. Further information about escalating a complaint to the OIA is available on the OIA website.

13. Records of Academic Appeals

13.1. Student Casework Services shall keep appeal files for a minimum of two years from the time the student completes their studies.

14. Behaviour

14.1. If at any time during the appeals process the student's behaviour is considered to be vexatious or malicious, the University may decline to continue consideration of the appeal and/or refer the student for investigation under the Student Misconduct and Disciplinary Policy.

14.2. If the University has any concerns that the evidence the student has provided may be fraudulent, steps may be taken to verify that evidence and, if found not to be genuine, the student may be referred under the Student Misconduct and Disciplinary Procedures.

15. Monitoring and review

15.1. This policy and its application will be monitored by the University's Education Committee and Student Casework Services team. A full review of the policy will take place every three years with policy revisions considered and approved by the University's Academic Board. Procedural updates will take place annually and will be approved by Education Committee.

16. Equality, diversity and inclusion

16.1. This policy is underpinned by DMU's commitment to empower students to appeal decisions of the University where they meet the grounds to do so, for their voice to be heard and for the University to put things right.

17. Related policies

The following policies should be read in conjunction with this policy as many relate to student and staff conduct:

The General Regulations and Procedures Affecting Students contains all general rules and regulations that apply to DMU students.

The Glossary sets out definitions and terms used in DMU policies and regulations.

The Student Misconduct and Disciplinary Policy explains what action will be taken if a student behaves in an unacceptable manner.

The Dignity and Respect Policy sets out expectations of student behaviour.

The Fitness to Practise Policy explains the University's framework for dealing with student welfare and discipline when students are enrolled on programmes leading directly to a professional qualification or the right to practise a particular profession or calling.

The Student Complaints Policy and Procedure sets out the procedures to be followed when a student is dissatisfied with something the University has or has not done.

All Student facing policies can be found here:

Student regulations and policies (dmu.ac.uk)

Feedback on this policy is welcome and can be sent to scs@dmu.ac.uk

18. Document and version control information:

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